

screenrights

Copyright Amendment Bill 2025: Submission to the Senate Legal and Constitutional Affairs Legislation Committee

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Executive Summary

Screenrights appreciates the opportunity to make a submission to the Committee on this important Bill. We are a non-profit organisation appointed by the Attorney-General to administer statutory licences on behalf of copyright owners, and are very familiar with the issues in the Bill. The Bill arose from an exhaustive consultation process and represents a finely balanced solution to issues where reform has previously failed to progress.

Screenrights supports the Bill and respectfully submits that the Committee should recommend to the Senate that it be passed without amendment.

About Us

Screenrights is a copyright society representing rights holders in film, television and radio. We are a not-for profit organisation with over 5,200 members in 73 countries around the world. Screenrights is appointed by the Attorney-General to administer the statutory licences for educational copying and communication of broadcasts and retransmission of broadcasts, and appointed by the Copyright Tribunal to administer the statutory licence for government copying of audiovisual material. In addition, we offer voluntary educational licences in New Zealand and a range of other services for our members.

Copyright Reform

We have administered the educational statutory licence in Australia since 1990 and have very extensive experience in the operation of the licence and the use of broadcast content for teaching purposes. Since our formation we have worked with Government to ensure that the Parliament's intention in creating the licence is met, namely that teachers and students have the critical learning resources they need and that copyright owners are compensated for the use of their creative works.

During that time we have consulted with stakeholders to identify gaps in the statutory licence and opportunities to improve the licence for the benefit of all parties. For example, in 2000 working with the education sector and our members, we jointly proposed an expansion of the licence to include the communication of copies made. We have also worked together with these stakeholders to amend the licence over time to cover more internet based material, and in 2017 to simplify the operation of the licences by removing overly proscriptive administrative provisions.

In our experience, reform to copyright law has most reliably been achieved through careful and extensive consultation designed to ensure the maximum reasonable support for the provisions proposed. This requires that the balance between copyright owner and user interests is not disrupted by unintended consequences. This is not always simple, and many longstanding reform objectives have floundered where proposals have not been subject to adequate consultation.

The key reforms in the Bill address two such longstanding matters. Previous attempts to clarify the scope of s28 to include online classrooms and address the question of orphan works have not progressed because consultation was inadequate, or one party's views were overly reflected in drafting leading to a withdrawal of support from another.

The Consultation on this Bill

The 2023 Copyright Roundtables chaired by the then Attorney-General sought to address this issue by convening stakeholders to seek broad consensus on the issues to be addressed and then by conducting an extensive process of consultation. The Roundtables identified four areas to progress, including the two issues covered in the Bill. The drafting of the legislation also involved consultation with all relevant stakeholders.

Together, this has ensured that the resulting Bill has the support of all the key parties.

As the Committee will appreciate, the issues are technical in nature and the policy implications are nuanced. Balancing the rights of copyright owners with users, especially when, as in this case, the reform relates to free exceptions to the normal application of copyright, is extremely difficult. This Bill as drafted achieves that difficult task.

Screenrights congratulates the Government on a well-run consultation and drafting process to date, and notes that the Bill represents the conclusion of the efforts of the previous Government in relation to these issues.

Screenrights acknowledges and respects the critical role of the Senate and this Committee in reviewing legislation. In doing so, we would like to encourage the Committee to consider the careful and balanced process of consultation and consensus-building that led to the Bill as drafted, and urge caution when considering changes that seek to advance policy goals unrelated to the intention of the Bill. We are concerned that if these matters were picked up and incorporated into the Bill, consensus may be lost and progress again stymied.

Submission

Accordingly, we respectfully submit that the Committee should recommend to the Senate that the Bill be passed unamended.

We thank you again for the opportunity to make this submission. If the Committee has any questions, or would like any more information, we would be most willing to appear before the Committee or to make a supplementary submission, if that was of assistance.