

Senate Standing Legislation Committee on Environment and Communications

Answers to Senate Committee Questions on Notice

Copyright Amendment (Service Providers) Bill 2017

Communications Portfolio

Department of Communications and the Arts

Question No: 1

Department of Communications and the Arts

Hansard Ref: Page 37, 6/03/2018

Topic: Department Consultation on Safe Harbour Extension

Senator Jordon STEELE-JOHN asked:

Senator STEELE-JOHN: I'm here in my most genuinely inclined effort to understand the thinking here. I hear that, basically, where the department has landed is a balanced approach. It's a balanced approach born of consultation that you've been through with relevant stakeholders. Would you be able to provide us with a list of the stakeholders with whom you've consulted?

Ms Haipola: Yes.

Answer:

As part of the Department's safe harbour consultations in mid-2017, we consulted with, and/or received representations from, the following stakeholders:

1	99Designs
2	APRA AMCOS
3	Association of Artist Managers
4	Attorney-General's Department
5	Australia Council for the Arts
6	Australian Communications and Media Authority
7	Australian Competition and Consumer Commission
8	Australian Copyright Council
9	Australian Digital Alliance
10	Australian Directors Guild
11	Australian Football League

12	Australian Home Entertainment Distributors Association
13	Australian Independent Distributors Association
14	Australian Independent Record Labels Association
15	Australian Information Industry Association
16	Australian Libraries Copyright Committee
17	Australian Library and Information Association
18	Australian Publishers Association
19	Australian Recording Industry Association
20	Australian Screen Association
21	Australasian Music Publishers Association
22	COAG Education Council / Policy Australia
23	Coalitions of Major Professional and Participation Sports
24	Communications Alliance
25	Copyright Agency Limited
26	Council of Australian University Librarians
27	Denali Venture Partners
28	Department of Education and Training
29	Department of Finance
30	Department of Foreign Affairs and Trade
31	Department of Industry, Innovation and Science
32	Department of the Prime Minister and Cabinet
33	Department of the Treasury
34	Digital Industry Group Incorporated
35	Digital Rights Watch
36	European Commission's Directorate General for Communications, Networks, Content and Technology
37	Facebook
38	Foxtel
39	Free TV Australia
40	Google

41	Independent Cinema Association of Australia
42	Interactive Games and Entertainment Association
43	Motion Picture Distributors Association of Australia
44	Music Rights Australia
45	National and State Libraries Australasia
46	National Association of Cinema Operators
47	New Zealand Ministry of Business, Innovation & Employment
48	News Corp Australia
49	Office of Innovation and Science Australia
50	Optus
51	Phonographic Performance Company of Australia
52	Performing Right Society for Music (UK)
53	Redbubble
54	Screen Producers Australia
55	Screenrights
56	StartupAus
57	State Library of Western Australia
58	Telstra
59	Twitter
60	United Kingdom Intellectual Property Office
61	United States Copyright Office
62	Universities Australia
63	Village Roadshow
64	Vodafone

Department of Communications and the Arts

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Topic: Department Consultation on Safe Harbour Extension

Senator Anne URQUHART asked:

Senator STEELE-JOHN: Would you be able to provide us with where they landed in terms of expansion or—

Dr Patteson: I wouldn't be able to do that, because the consultations that we conducted were done in confidence. What I can say is that, broadly, the views that have been put forward in their submissions and in some of the evidence that you have heard today is broadly consistent with the views they expressed to us during the consultation.

Senator STEELE-JOHN: Would a list of those organisations be possible?

Dr Patteson: Yes.

Senator URQUHART: Why were the stakeholder consultations done in confidence in?

Dr Patteson: Part of the aim of the consultations was, obviously, to try and understand and unpick all of the issues around such a complex issue. We wanted a full and frank discussion from all parties to the discussion. It became very clear early on that people were more likely to contribute if they felt that the conversation was being held on a confidential basis and that the department would then draw on that advice; whilst it was broadly consistent with things that they have said in public, they felt freer to talk given the confidentiality.

Senator URQUHART: Given the request that Senator Steele-John has made—you said it was in confidence—are you able to provide that information to the committee in confidence?

Dr Patteson: I would have to take that on notice. I think the consultations were very strictly confidential.

Answer:

As part of the Department's safe harbour reform consultations in mid-2017, the Department consulted with and/or received representations from a wide range of stakeholders including copyright owners and associated representative bodies, online service providers and associated representative bodies, the education and cultural sectors, Australian Government Agencies and Regulators and Foreign Government representatives.

During consultations, stakeholders presented a wide range of evidence either supporting the extension of safe harbour to all service providers or outlining why the scheme should not be expanded beyond what is contemplated in the Copyright Amendment (Service Providers) Bill. The Department thoroughly reviewed and analysed all evidence and claims presented in order to provide a pathway for safe harbour reform to Government.

As many of the consultations were conducted in-confidence, we are unable to disclose the specific views of stakeholders or the Department's analysis of consultations. However out of

the stakeholders who expressed views or provided evidence about whether or not the safe harbour scheme should be extended, 53% provided evidence which did not support the full extension of the scheme. This does not include the views of Australian Government Agencies and Regulators or Foreign Government representatives.