



**SUBMISSION TO THE SENATE ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE
INQUIRY INTO THE *COPYRIGHT AMENDMENT (SERVICE PROVIDERS) BILL 2017***

30 JANUARY 2018

News Corp Australia appreciates the opportunity to make a submission to the Senate Environment and Communications Legislation Committee inquiry into the *Copyright Amendment (Service Providers) Bill 2017* (the Bill).

We support the Bill and are thankful for the Government's commitment to ensuring a sound policy-based approach to this matter which has resulted in this legislative amendment that is reflective of such.

As some will be aware, News Corp Australia has previously expressed serious concerns regarding the application of copyright safe harbour as proposed in previous discussion papers and exposure draft legislation. Those issues are recorded in previous submissions and will not be revisited here.

The Bill presents a safe harbour scheme that is aligned with the intention of copyright safe harbour schemes globally – with particular attention paid to confining the scope and application of scheme to entities that have a passive, automatic and technical relationship with the content on their networks. Those entities, to which the Bill applies the safe harbour, do not benefit financially from the content on their networks. This reflects a fit-for-purpose safe harbour scheme.

To that end we note the Bill defines a new class of service provider (at s.116ABA(1)) that appropriately has obligations to meet to be able to claim the benefits of the safe harbour. We also note that s.116ABA(2) limits the operation of the safe harbour to the relevant activities of the service providers that are defined in the preceding s.116ABA(1).

The Bill therefore delivers a scheme that should not distort the commercial market for content and distribution of that content.

Given the appropriate landing point on this legislation we recommend that the Bill be passed without amendment. Given also the fit-for-purpose scheme that the Bill delivers we also suggest that further consideration of this matter is unnecessary and the Committee could therefore recommend that this is an appropriate point of closure for this matter.

Again, we thank the Committee for the opportunity to make this submission.