

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Additional Estimates February 2017

Communications Portfolio

Department of Communications and the Arts

Question No: 7

Program 1.1

Hansard Ref: Page 24, 28/02/2017

Topic: Safe harbour – Exposure draft consultation

Senator Hanson-Young, Sarah asked:

Senator HANSON-YOUNG: It has been put to me that you have consulted with some but not all, and I guess this is an opportunity for you to either refute that or accept that that is the case. Perhaps you will need to take this on notice. I understand the idea that you are in constant conversation. I guess that is different to running a specific consultation around the impact of safe harbour, particularly on artists here in Australia.

Dr Patteson: In relation to consultation, obviously the recent Productivity Commission report into intellectual property arrangements ran a broad range of consultations. The government response to the report will be tabled in due course, but there has been a further round of specific consultation on the draft report, and safe harbour provisions are absolutely one of the recommendations within that report. So there has been specific consultation in response to that report that the government has undertaken, and at the moment it is looking at the results of those.

Mr Eccles: And I believe the exposure draft of the legislation has been circulated widely, and people have been able to comment on that.

Senator HANSON-YOUNG: Yes—although it was released quite late in the year, just before the Christmas holidays, was it not?

Dr Patteson: The Productivity Commission report came out on 20 December last year; you are quite correct; it was quite close to Christmas. But the consultation period was open until St Valentine's Day—so, 14 February.

Senator HANSON-YOUNG: What was the time frame for the release of and consultation on the draft exposure legislation?

Mr Eccles: I would need to take that on notice.

Senator HANSON-YOUNG: Can you take that on notice.

Mr Eccles: I will.

Senator HANSON-YOUNG: Can you take on notice the time frame. I would like to know when the consultations were held and who was consulted with. If you could give us a list of the various bodies and organisations you consulted with, that would be appreciated—just so that we can put to bed any suggestion that some people have not had consultation, if that is your view...

Answer:

On 23 December 2015 the Department commenced a comprehensive consultation program on the exposure draft of the Copyright Amendment (Disability Access and Other Measures) Bill 2016 (Bill). This provided a deadline of 12 February 2016 for submission of comments on the Bill. Important submissions, including from News Limited, were received during the period up to 18 February 2016. The consultation program involved release of a consultation package via the Department's website, which comprised the exposure draft of the Bill and guiding questions.

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Additional Estimates February 2017

Communications Portfolio

Department of Communications and the Arts

The Department received 89 submissions on the exposure draft from the following stakeholders which are now available at the Departments website (www.communications.gov.au/have-your-say/updating-australias-copyright-laws):

1. Private Submission
2. Private Submission
3. Private Submission
4. Wantima - State Library of Queensland
5. Telstra Corporation Limited
6. Australian Association for Teaching of English
7. Suzanne Sushi
8. Libraries Section - Tablelands Regional Council
9. Private Submission
10. State Library of NSW
11. Australian Institute of Aboriginal and Torres Strait Islander Studies
12. Business Council of Australia
13. Australian Law Reform Commission
14. Private Submission
15. Dimitrios Eliades
16. Thomson Reuters
17. Australian Society of Authors
18. Australian Information Industry Association
19. Law Council of Australia
20. BSA The Software Alliance
21. International Confederation of Music Publishers
22. Private Submission
23. Interactive Games and Entertainment Association
24. Society of University Lawyers Limited
25. Google Australia
26. Nicolas Suzor (QUT School of Law)
27. Australian Screen Directors Authorship Collecting Society / Australian Directors Guild
28. Australian Literary Educator's Association
29. Digital Industry Group Inc.
30. Australian War Memorial
31. Australian Communications Consumer Action Network
32. APRA / AMCOS
33. Vision Australia
34. Australian Writer's Guild
35. State Library of South Australia
36. Private Submission
37. Australasian Music Publishers' Association
38. ACT Transport Canberra and City Services (Territory and Municipal Services)
39. Australian Subscription Television and Radio Association
40. Australian Digital Alliance / Australian Libraries Copyright Committee
41. Australian Society of Archivists
42. Australian Film and TV Bodies (Joint Submission by: The Australian Screen Association, the Australian Home Entertainment Distributors Association, the Motion Picture

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Additional Estimates February 2017

Communications Portfolio

Department of Communications and the Arts

Distributors Association of Australia, the National Association of Cinema Operators, the Australian Independent Distributors Association and the Independent Cinemas Association of Australia)

43. Music Rights Australia
44. National Archives of Australia
45. RPH Radio Reading Australia
46. Universities Australia
47. Private Submission
48. Australian Copyright Council
49. Special Broadcasting Services
50. Weatherall, Bowrey, Handler and Alexander Short
51. FreeTV Australia
52. Round Table on Information Access for People with Print Disabilities
53. Australian Digital Access to Collections (supported by the Australian Institute of Aboriginal and Torres Strait Islander Studies). This is an initiative of the GLAM peak bodies which include: Australian Library and Information Association (ALIA), Australian Society of Archives (ASA), Council of Australasian Archives and Records Authorities (CAARA), Council of Australasian Museum Directors (CAMD), Council of Australian Art Museum Directors (CAAMD), Council of Australian University Librarians (CAUL), Federation of Australian Historical Societies (FAHS), International Council of Museums (ICOM), Museums Australia (MA), National Research Collections Australia (NRCA), National and State Libraries Australasia (NSLA) and University Art Museums Australia (UAMA).
54. Private Submission
55. Parliamentary Education Office (WA)
56. Association of Parliamentary Libraries of Australasia
57. Envato Pty Ltd
58. Australian Blindness Forum
59. Electronic Frontiers Australia
60. Foxtel
61. Private Submission
62. Private Submission
63. Screenrights
64. Council of Australasian Museum of Directors
65. Council of Australasian Archives and Record Authorities
66. National Film and Sound Archive of Australia
67. Australian Broadcasting Corporation
68. Copyright in Cultural Institutions
69. Private Submission
70. Private Submission
71. Copyright Agency
72. Phonographic Performance Company of Australia Ltd
73. Private Submission
74. Private Submission
75. Council of Australian University Librarians
76. Australian Industry Group

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Additional Estimates February 2017

Communications Portfolio

Department of Communications and the Arts

77. Private Submission
78. Private Submission
79. Australian Council for the Arts
80. National and State Libraries Australasia
81. Copyright Advisory Group to the COAG Education Council
82. John Wiley & Sons
83. National Library of Australia
84. CEO, State Librarian - State Library of Queensland
85. News Corp
86. State Library of Victoria
87. Joint Submission by Copyright Agency, Copyright Advisory Group to the COAG Education Council, Screenrights, Universities Australia
88. Library Board of Western Australia
89. Australian Publishers Association

The Department also conducted numerous face-to-face, telephone and correspondence-based consultations with various copyright stakeholders.

Prior to commencement of this formal consultation program the Department consulted with a number of departments on the proposed Bill, including:

1. Attorney-General's Department (Human Right Policy Branch)
2. Department of Foreign Affairs and Trade (Intellectual Property, Aid for Trade and Other Issues Branch)
3. Department of Communications and the Arts (Media Branch)
4. Department of Social Services (Commercial, Housing, Disability and Information Law Branch).

The Department also informally consulted with various non-government stakeholders in relation to selected measures included in the Bill, including:

1. Phonographic Performance Company of Australia Ltd
2. Music Rights Australia
3. 21st Century Fox
4. News
5. Australian Home Entertainment Distributors Association
6. Google
7. Copyright Advisory Group to the COAG Education Council
8. Australian Digital Alliance
9. National Library of Australia
10. Western Australian Department of the Attorney General (included comments from the Disability Services Commission WA, School Curriculum and Standards Authority and the State Library of WA) (email only)
11. Motion Picture Association
12. TimeWarner (Belinda Lui)
13. Australian Screen Association
14. NSW Department of Justice
15. Screenrights

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Additional Estimates February 2017

Communications Portfolio

Department of Communications and the Arts

16. Australian Publishers Association
17. NSW, Vic, Qld, WA, SA Government Senior Copyright Officers
18. Universities Australia