

20 November 2018

Screen Producers Australia's submission to the Senate Environment and Communications Legislative Committee – Inquiry into the Copyright Amendment (Online Infringement) Bill 2018

Screen Producers Australia (SPA) was formed by the screen industry to represent large and small enterprises across a diverse production slate of feature film, television and interactive content.

As the peak industry and trade body, we consult with a membership of over 500 production businesses in the preparation of our submissions. This consultation is augmented by ongoing discussions with our elected Council and appointed Policy Working Group representatives. Our members employ over 21,000 Australians and drive more than \$1.2 billion worth of annual production activity from the independent sector.

On behalf of these businesses we are focused on delivering a healthy commercial environment through ongoing engagement with elements of the labour force, including directors, writers, actors and crew, as well as with broadcasters, distributors and government in all its various forms. This coordinated dialogue ensures that our industry is successful, employment levels are strong and the community's expectations of access to high quality Australian content have been met.

SPA welcomes the opportunity to provide a submission on the Senate Environment and Communications Legislative Committee – Inquiry into the Copyright Amendment (Online Infringement) Bill 2018.

For further information about this submission please contact Elle Curran, Director, Business and Legal Affairs (elle.curran@screenproducers.org.au).

SPA refers to the Joint Submission prepared by the Australian Screen Association, the Australian Home Entertainment Distributors Association, the Motion Picture Distributors Association of Australia, the National Association of Cinema Operators-Australia, the Australian Independent Distributors Association and Independent Cinemas Australia (the “Joint Submission”). SPA supports the comments and recommendations made in the Joint Submission and provides the following additional comments in relation to the *Copyright Online Infringement Bill 2018* (the “Bill”):

- The amendment of s 115A(1) to extend the application of the provision to online locations outside Australia that have the “primary purpose or primary effect” of infringing, or facilitating an infringement of copyright is an important extension of the legislation which will allow copyright owners to take action against cyberlockers who are specifically and predominately used to facilitate copyright infringement.
- The expansion to online service providers under the Bill is a narrow and proportionate measure which will have a meaningful impact on the volume of traffic to pirate sites. Further, it is clear that the online search engines in the Australian market (i.e. Google and Bing) have the existing capability to modify their search engine results to implement orders under the Bill.
- The introduction of new provision in s 115A(2B) which permits the Federal Court to issue blocking orders that require a CSP or online search engine provider to block domain names, URLs and IP addresses is a reasonable addition that is likely to inhibit online locations from quickly establishing new domain names, IP addresses and URLs which circumvent blocking orders. SPA notes that such extension only applies to online locations which are already subject to an injunction.

Recommendation

SPA supports the Bill in its current form for the reasons outlined in the Joint Submission and above.