



Media Release

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Copyright notice scheme must respect consumer protections

The Australian Communications Consumer Action Network (ACCAN) has been concerned for some time that a copyright notice scheme under an Industry Code will impact consumer access to the internet through sanctions and increased cost. Any notice scheme introduced must respect consumer protections. ACCAN has been participating in the draft Code development process to ensure these concerns are heard.

Consumers rely on internet access for jobs, education and a range of other activities. Measures which limit access, such as speed throttling or disconnection would directly impact a consumer's ability to engage fully in society. While express sanctions against consumers have been kept out of the draft Code, we remain concerned that the evidence gathered through this Code will enable rights holders to disconnect consumers through court based action.

"Disconnection from the internet or speed throttling are not proportionate methods to tackle the problem of online copyright infringement," said ACCAN CEO, Teresa Corbin. "Negotiations are still underway on key aspects of the Code and ACCAN will continue to engage to get a fair result for consumers."

"Evidence from overseas strongly indicates that markets that have access to affordable legitimate content do not have the same problem with online copyright infringement. For example in the US the relative volume of torrenting reduced five-fold after Netflix and others gained a foothold," added Ms. Corbin. "We believe that if the Australian streaming market is allowed to mature it would reduce the need for costly regulation."

ACCAN recommends the scheme is subject to a cost benefit analysis with the Office of Best Practice Regulation. The cost of implementing the scheme is still unclear as this information has not been released as part of the public consultation.

"Our concern is that the cost of implementing this scheme will ultimately be worn by consumers. The rate of households without internet is currently 17 per cent, with access falling to just 57per cent for households with income less than \$40,000, according to the [Australian Bureau of Statistics](#). Rises in internet cost, even slight, are likely to further exacerbate this digital divide," added Ms. Corbin.

A review of a similar scheme in New Zealand found that each notice cost ISPs between \$30 and \$104 to properly process. These costs could potentially be catastrophic for internet affordability if they are passed on to consumers.

In addition we are concerned that the draft Code does not adequately balance industry representation with consumers as there is only a single consumer representative among four industry representatives on The Copyright

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Information Panel. We are concerned that this risks undermining the independence of the scheme and does not ensure appropriate safeguards for consumers are met.

There is also a proposal that consumers are charged a \$25 fee in order to challenge an allegation of copyright infringement. This is a fine-by-stealth which will limit access to justice and contravenes the Ministerial letter which outlined cost should be fairly apportioned between ISPs and rights holders only.

The draft Code is now available online for public comment and feedback. We encourage consumers to give feedback on the scheme via the [Communications Alliance](#) website.

For more information, please contact Luke Sutton on 0409 966 931 or luke.sutton@accan.org.au.

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