

screenrights

Senate Standing Committee on Environment,
Communications and the Arts Inquiry into
Provisions of the Broadcasting Legislation
Amendment (Digital Television Bill) 2010

Supplementary submission

20 April 2010

INTRODUCTION

Screenrights made a previous submission to the Committee on this inquiry dated 6 April 2010.

This supplementary submission is in response to a submission made on behalf of National Indigenous TV Limited ("NITV") in Committee hearings on 16 April 2010.

OUR SUBMISSION

Screenrights' submission of 6 April 2010 noted that it may be open for a section 38C satellite broadcast licensee's signal to be retransmitted under Part VC of the Copyright Act. Screenrights submitted that this would have the effect of greatly widening the reach of the 38C satellite broadcast signals. Screenrights understands that the 38C satellite broadcast signal reach was intended to be limited as mandated via the conditional access scheme in the Bill. Expanding the reach through retransmission would be detrimental to existing regional broadcasters and contrary to the intent of the Bill.¹

At the hearing Mr McGarrity expressed concern on behalf of NITV that Screenrights' submissions on the retransmission of a 38C satellite broadcast licensee's signal would limit the ability of community organisations to retransmit NITV were NITV to become part of the package of channels broadcast by the 38C satellite broadcaster.²

With respect, Screenrights disagrees with Mr McGarrity's submission. It is correct that the community organizations would not be able to retransmit NITV's signal in reliance on Part VC, if Screenrights' submission was adopted in the enacted legislation. However, this would not limit the community organisations' ability to retransmit because they do not rely on Part VC for that retransmission.

Screenrights has not received a single Remuneration Notice from such a community organisation for this retransmission under Part VC. Screenrights does not know on what basis they are retransmitting at present, but we assume that they are doing so under the self help provisions in the Broadcasting Services Act. These self help provisions would be unaffected by Screenrights' proposed change to Part VC.

¹ Screenrights submission, 6 April 2010, paras 6-9.

² Committee hearings, 16 April 2010, proof copy, page 11.