

NEW AUSTRALIAN COPYRIGHT LAWS

OFFENCES FOR UNAUTHORISED PAY-TV ACCESS

New offences target people who access or help others to access pay-TV and other encoded broadcasts without paying.

What is an encoded broadcast?

There are two types of encoded broadcasts, subscription broadcasts (eg pay-TV) and encoded free-to-air broadcasts.

What are the new offences for unauthorised access to, and use of, subscription broadcasts?

There are two new offences for unauthorised access to, and use of, subscription broadcasts. These are:

Unauthorised access to a subscription broadcast

It is now an offence to access a subscription broadcast without authorisation. Previously, it was only an offence if there was commercial use of the broadcast.

The offence will apply to people who have deliberately installed a set-top box or computer software that makes it possible to receive a pay-TV service without paying a subscription to a pay-TV provider, even in the home.

Unauthorised use of a subscription broadcast

It is also an offence for a pay-TV subscriber to distribute a subscription broadcast to others or use it for commercial purposes without the broadcaster's authorisation (eg sharing your pay-TV service with a neighbour's house).

What penalties will apply?

In the case of civil actions, similar remedies apply as for copyright infringement actions.

For criminal actions, the maximum penalty for unauthorised access to a subscription broadcast is 60 (\$6,600) penalty units. The maximum penalty for unauthorised use of a subscription broadcast is 550 (\$60,500) penalty units and/or five years imprisonment.

Application of the provisions

Most of the new provisions continue to apply to both types of encoded broadcasts (subscription broadcasts and encrypted broadcasts delivered by commercial or national broadcasting services) but some new provisions only apply to subscription broadcasts. Where this is the case the provision specifically refers to a 'subscription broadcast'.

What is the relationship between the encoded broadcast provisions and the new technological protection measures (TPM) scheme?

The new TPM provisions clarify that the TPM scheme does not apply to encoded broadcasts. Encoded broadcasts continue to be covered by a separate scheme.

This fact sheet provides general information only and is not a substitute for professional legal advice.



Australian Government

Attorney-General's Department