

House of Representatives

Supplementary Order Paper

Tuesday, 8 November 2016

Trans-Pacific Partnership Agreement Amendment Bill

Proposed amendments

Barry Coates, in Committee, to move the following amendments:

Clause 28

In *clause 28, new section 174C(2)(d)*, insert after “owner of the recording” (page 21, line 33), “or a member of the owner’s family”.

In *clause 28, new section 174C(2)(f)*, replace “or both” (page 22, line 3) with “or the personal use of the owner’s family, or any of these”.

Explanatory note

This Supplementary Order Paper amends *clause 28* by expanding the exceptions in *new section 174C(2)* for copying of sound recordings to prevent the criminalisation of forms of inadvertent personal use of copyright material.

Clause 38 proposes an amendment to *section 198(4)*, which imposes high levels of penalty for breaches of copyright of \$10,000 for each recording, up to \$150,000 for infringements related to the same transaction, or imprisonment for up to 5 years.

Members of the public whose family take a copy of a recording should not be criminalised and subject to high fines. They could be subject to such penalties if they do not live “in the household in which the owner lives”.

New Zealand citizens who are not knowingly breaking the law, and not gaining financial benefit from doing so should not be subject to these penalties.