



Internet Industry Association

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Policy Priorities for the Digital Economy

THIS PAPER, AS RATIFIED BY THE IIA BOARD, WAS PREPARED FOR THE DIGITAL ECONOMY FORUM HELD IN MELBOURNE ON 10 SEPTEMBER 2008, CHAIRED BY THE MINISTER FOR BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY, SENATOR STEPHEN CONROY. UNDER THE TERMS OF ENGAGEMENT BROADBAND POLICY WAS EXPRESSLY EXCLUDED FROM THE DISCUSSIONS ON THE BASIS THAT IT IS CURRENTLY UNDER SEPARATE REVIEW BY THE NBN REVIEW COMMITTEE. ITS OMISSION HERE IS THEREFORE INTENTIONAL.

1. Regulatory Review

- current policies acting as a deterrent to innovation and investment (eg hosting of content); suggest a regulatory impact statement for relevant laws impacting on the digital economy
- reform of Copyright legislation to expand safe harbours for non ISP service providers, eg. hosts, search, universities and corporate networks
- introduce a new right of transformative use within the Copyright Act to provide a more flexible range of permitted uses to encourage creative content innovation
- coalesce the Broadcasting Services Act and Telco Act into a new Convergent Communications Act which is simplified and relevant to changing technology environment
- review Trade Practices Act to ensure it can address emerging issues
- ensure intermediary liability is limited *generally* with immunities from civil and criminal action arising from the acts of users where there is no knowledge by intermediary or notice of offending conduct
- ensure Privacy Act amendments stemming from ALRC review maintain the appropriate balance of protecting personal information and supporting innovation; location based services require particular attention

2. Create a new Ombudsman for Digital Economy

- Trusted clearing house for complaints along the lines of the TIO; empowered to administer co-regulatory codes for the digital economy, to perform a dispute resolution role and publish reports on complaints statistics and their resolution (including case notes and advisories)

- This will provide a clear pathway for the resolution of e-commerce issues and help position Australia as a trusted destination for online transactions.

3. Expedited tax concession – processing of claims

- evidence that processing of concessions and rebates is slow
- current systems need streamlining to remove the adverse effect on cash flow for startups

4. Tax incentives – for foreign workers and IT investments

- introduce concessional tax rates for foreign skilled migrants in high demand categories
- phase in competitive tax rates for global IT companies to encourage on-shoring of services (ie. remove the incentive for expatriation of profits into lower taxing jurisdictions)

5. A national disaster recovery plan for internet continuity

- currently no comprehensive plan for prevention and remediation
- this leaves internet based services, particularly those depending on foreign transit, vulnerable
- we need an executable national management plan to comprise the following elements: vulnerability analysis, remediation and hardening, monitoring, testing, auditing and reporting of critical facilities' disaster preparedness and recovery

6. Teleworking and online delivery of services

- increase proportion of government sites that permit online delivery of standard services to 80% by 2010
- government to act as role model for teleworking (target program)
- address OH&S shortcomings relevant to teleworking with regulatory review; apply liability exemptions (or caps) for eligible businesses who comply with minimum standards
- tax concessions for SMEs who adopt teleworking practices

7. Environmental campaign

- Government to conduct public campaign to promote the environmental benefits of the Net (including telecommuting, online service delivery etc)

8. A national digital literacy strategy

- incorporate *mandatory* trust and cybersafety modules into the national curriculum from age 8 (by agreement with States and Territories for commencement in 2010)
- this will reduce the need for further regulation by empowerment based preventative strategies