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## **Malcolm Stayner - Submission on the draft copyright Code of Practice for S92A**

This proposed law is ridiculous!

Where else is a service (or goods) provider required to terminate supply for law infringement on the part of the receiver. The situation is exacerbated by the fact that many consumers, if not all use their Internet connection for purposes other than the download of material that may be subject to Copyright.

That a law breaker is subject to penalty is without question. However, if I were to be deprived of my right to receive or send postal mail without a Court Order that would seriously compromise my ability to defend myself against false allegations .The same principle applies to Internet Service Providers (ISPs) suspending a connection based on an unproved allegation. No code of practice is going to guard against the impossible situation that ISPs will find themselves in if they are required to arbitrate and be judge and jury.

It must first be shown in a court of law that the offending is so serious as to necessitate the deprivation (or consideration thereof) of service.

If, as has been reported today the “three strikes and you’re out policy” is a breach of human rights then surely s92a falls into the same category. A revised approach, not just a Code of Practice, is required.

Yours sincerely

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