

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
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Canberra ACT 2600

**SUBMISSION BY AMPAL TO THE LEGAL AND CONSTITUTIONAL AFFAIRS  
LEGISLATION COMMITTEE REGARDING THE COPYRIGHT AMENDMENT  
(ONLINE INFRINGEMENT) BILL 2015**

**Introduction**

The Australasian Music Publishers Association Limited (AMPAL) welcomes the opportunity to make a submission to the Legal and Constitutional Affairs Legislation Committee in support of the Copyright Amendment (Online Infringement) Bill 2015 (the Bill).

AMPAL is the trade association for music publishers in Australia and New Zealand. Our members include large multi-national companies as well as many small to medium enterprises. AMPAL's members represent the overwhelming majority of economically significant musical works enjoyed by Australians. We are an affiliate of the International Confederation of Music Publishers (ICMP) and work closely with APRA AMCOS, Music Rights Australia and the Australian Copyright Council.

Music publishers invest in songwriters across all genres of music. They play a critical role in nurturing and commercially exploiting their writers' musical works. AMPAL and our members also recognise the immense cultural and artistic significance of the works that music publishers represent.

AMPAL members are also members of APRA and AMCOS and we endorse their submission.

AMPAL is affiliated with the Australian Copyright Council and Music Rights Australia, and we also endorse their submissions.

**Comments**

AMPAL congratulates the Australian Government for recognising the need to tackle online copyright infringement and we support the principle of the Bill. Copyright infringement has a corrosive influence on the creative community.

Our members' ability to invest in songwriters and composers depends on a coherent legislative foundation where those who create and invest in new musical works can share in the rewards.

We note that regulating online copyright infringement is very difficult. Internationally we have seen a number of important initiatives wilt in the face of concerted action from those who wish to continue to consume cultural products for free. The irony is that more money than ever before is being spent on accessing content - but the money is not going to those who create the content that drives the business.

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While we support the Government's initiative, we note the concerns regarding the Bill raised by the Copyright Council, APRA AMCOS and Music Rights Australia in their respective submissions - particularly as many of our members are SMEs. In addition, we refer to the Music Rights Australia submission outlining the effectiveness internationally of website-blocking legislation, and note that the proposals in the Bill are potentially more onerous on rights holders in comparison to other jurisdictions.

However despite these concerns the Bill is an important step for Australia to combat the well recognised and widespread harmful effects of online copyright infringement. We recognise that there is no "silver bullet" to eliminate online copyright infringement but it is incumbent on government to have a legislative framework that establishes clearly the rights and protections of copyright owners in the online environment.

Legislation needs to be accompanied by education, and in this respect, we congratulate the Government for its requirement for industry leaders to develop an industry code that includes an education and warning notice scheme. We note that previous educational efforts have not been highly successful per se, and in this regard we anticipate that a robust educational strategy under the proposed industry code coupled with the proposals under the Bill will create a more effective regime. We risk additional generations believing that popular music miraculously appears out of the ether and therefore should be free. Compelling creative content comes from not only the talent, imagination and dedication of creators, but also from the investment, production and marketing of those who invest in them in recognition of the immense value of music.

It is sometimes argued that the problem is price and availability: but the music industry has comprehensively demonstrated that even when music is available immediately, globally and at a variety of price points - including (ad-supported) free - many consumers are locked into a pattern of using sites where there are no restrictions at all (though there may well be other dangers from malware etc).

Music copyright owners have been very flexible in entering licensing schemes to allow a broad range of legal services. But it is very difficult to build sustainable businesses when you are competing with completely free. The Digital Content Guide (<http://www.digitalcontentguide.com.au>) shows the variety of legal services available to Australian consumers.

## **Conclusion**

AMPAL welcomes the Government's introduction of the Bill into Parliament. We acknowledge that the Bill is not a silver bullet that will solve all the problems which the music industry faces from online unlicensed use but it will help to solve the significant problem of overseas websites infringing copyright. We recommend that the Bill be agreed to as soon as possible.

Please contact us if we can be of any further assistance.

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**16 April 2015**