



**APRA
AMCOS**

30 January 2018

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Sir/Madam

COPYRIGHT AMENDMENT (SERVICE PROVIDERS) BILL 2017

APRA AMCOS is grateful for the opportunity to make a submission to the Environment and Communications Legislation Committee (**Committee**) in relation to the Copyright Amendment (Service Providers) Bill 2017 (**Bill**).

APRA is the copyright collecting society in respect of the public performance and communication rights of composers and music publishers in Australia. AMCOS is the collecting society in Australia in respect of reproduction of music in certain formats, including on CD, DVD, online, for use as production music and for radio/TV programs.

Together, APRA and AMCOS control the copyright for such purposes in almost all commercially available musical works, by virtue of assignments from their local members and affiliations with similar overseas societies. Since 1997, the two organisations have been administered in tandem, and these submissions represent the united view of both.

APRA AMCOS represents over 90,000 Australian and New Zealand songwriters and music publishers, with a diverse membership, ranging from unpublished writers to major music publishers. We administer licences to more than 100,000 Australian businesses to play, perform, copy, record or make available our members' music, and we distribute the licence fees we collect to our members.

APRA AMCOS thanks the Government and Department of Communications and the Arts for their efforts to facilitate a robust policy discussion regarding Australia's safe harbour legislation, including the Department's most recent consultation over the course of 2017.



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APRA AMCOS considers that the Bill as currently drafted has benefited from those discussions and constitutes a sensible amendment to the scope of Australia's existing safe harbour scheme. The proposed extension is consistent with the underlying principles justifying safe harbour protection and reflective of current international trends. APRA AMCOS also notes with approval that the nature of the liability covered by the safe harbour scheme remains unaltered.

For these reasons, and reasons expressed by Music Rights Australia in its submission to the Committee, APRA AMCOS supports the passage of the Bill in its current form.

APRA AMCOS agrees with the Government's observations in the Explanatory Memorandum to the Bill, as well as in its Second Reading Speech, that the institutions and organisations to be covered by the extended safe harbour are "responsible players in the copyright space" who "generally take a very risk averse approach to protecting and managing the copyright of others". APRA AMCOS is looking forward to working collaboratively with these organisations to address online copyright infringement in a constructive and pragmatic manner in their respective sectors.

However, APRA AMCOS is concerned by the reference to the current amendments in the Government's Second Reading Speech as the first step in an "incremental expansion of the safe harbour scheme, so that it can continue to consult on how best to reform the scheme to apply to other online service providers in the future." APRA AMCOS cautions strongly against the further expansion of Australia's safe harbour scheme to online intermediaries, particularly those which derive a profit from the commercial exploitation of music by way of their services. To do so would be counter to the Government's stated objective in the Second Reading Speech of preserving "rights holders' ability to realise returns on their creative and financial investments" and to again use the Government's own words would be "at the expense of a vibrant cultural and arts sector and the thousands of Australians it employs".

After considerable policy debate and multiple reviews, APRA AMCOS urges the Committee to recommend that this significant proposed expansion of Australia's safe harbour legislation conclude the Government's reform agenda in this area.

If we can be of any further assistance in regard to this inquiry please do not hesitate to contact me directly by email at .

Yours sincerely,

Jonathan Carter
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APRA AMCOS