



20 November 2018

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

Dear Ms McDonald,

The Australian Publishers Association (APA) is pleased to provide a response to the Senate Standing Committees on Environment and Communications Inquiry on Copyright Amendment (Service Providers) Bill 2018.

The APA is the peak national body for Australian book, journal and electronic publishers. Established in 1948, the Association is an advocate for all Australian publishers - large and small; commercial and non-profit; academic and popular; locally and overseas owned. The Association has approximately 210 members and, based on turnover, represents over 90% of the industry. Our members include publishers from all sectors of the publishing industry - trade and children's, schools and academic publishing.

Site-blocking legislation has proven to be an effective mechanism in curbing online copyright infringement. We, therefore, support the current amendment to extend the application of the current site-blocking provision from sites that have as their "primary purpose" to disseminate infringing material to include sites that have as their "primary effect" the facilitation of copyright infringement material.

The amendment improves the efficiency and efficacy of the injunction process for rights holders by bringing the threshold of proof for seeking a site blocking injunction more in line with the realities of online piracy. The amendment is a proportionate extension that captures many sites that may not have been captured under "primary purpose" whilst balancing the concerns of search engines. The amendment does not add complexity to the legislation.

Finally, we commend the Department of Communications and the Arts on the review

process of Section 115A. The amendment addresses the findings and recommendations of the Department.

We support the views expressed by other creative industries and look forward to the passing of this Bill.

Yours sincerely,

Michael Gordon-Smith
Chief Executive