



**Submission in response to the Environment and Communications
Legislation Committee's Inquiry into the *Copyright Amendment (Service
Providers) Bill 2017***

Submitted by Juliet Rogers on behalf of the Australian Society of Authors

Background

The Australian Society of Authors (ASA) is the peak body representing the interests of around 2,500 author and illustrator members throughout Australia. We appreciate having the opportunity to comment on the *Copyright Amendment (Service Providers) Bill 2017* (the “**Bill**”).

The Bill proposes to expand the current safe harbour scheme to apply to organisations assisting persons with a disability; public or parliamentary libraries; bodies administering archives; key cultural institutions and educational institutions.

Submission

The ASA has no objection to the expansion of the safe harbour scheme as contemplated by this Bill. In fact, we welcome opportunities for copyright owners to seek the efficient removal of infringing material from a service provider's network.

The ASA is pleased that the Bill does not extend safe harbour to other kinds of service providers such as content aggregators, search engines and social media platforms. As you would know, the creative sector has vigorously opposed the extension of safe harbour to commercial platforms.

We note that online copyright infringement is an issue which concerns our members; we regularly hear from authors and illustrators who have found infringing copies of their work freely available online. However, in our experience, our members do not generally complain about libraries, educational institutions, cultural institutions or organisations assisting persons with a disability, facilitating or authorising, or profiting from, copyright infringement.

We have had the opportunity of reading the Submission made by the Arts Law Centre of Australia in relation to this Bill and wish to endorse and support their comments. The ASA particularly supports the call for an information campaign to educate the new entities taking shelter in safe harbour to ensure they can work cooperatively with creators and meet their obligations under the notice and takedown procedure.

As you would know, safe harbour was originally intended to be offered to carriage service providers supported by an industry code of conduct. Given that



the code of conduct was abandoned, it is particularly important the government take steps to ensure the burden of monitoring and objecting to copyright infringement does not fall so heavily on creators that infringements go unchecked or are endlessly repeated. The ASA supports the proposal that an obligation be placed on service providers that, once infringing material has been removed, the service provider actively guard against it being reposted on its network.

The ASA would be pleased to participate in further discussions about this Bill or provide any further information we can.

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