



**Australian Government**

**Department of Communications and the Arts**

Mr Chris Toyne  
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**Regulation Impact Statement – Final Assessment Second Pass – Copyright Website Blocking Scheme  
(Ref: 23940)**

Dear Mr Toyne

I am writing in relation to the attached Regulation Impact Statement (RIS) and one page summary prepared for the Government's proposals to extend the Copyright Website Blocking Scheme in section 115A of the *Copyright Act 1968*.

I am satisfied that the RIS addresses the concerns raised in your first pass final assessment letter of 8 October 2018. Specifically, the RIS has been revised to address the following issues:

- Clarification of the scope of works protected by copyright in Australia and explanation of how the current arrangements seek to balance the interests of Australian copyright owners and users.
- Identification of the cost to Australian consumers of obtaining access to copyright protected material in Australia and how that influences their behaviour.
- More detail on the outcome of the review of section 115A in February and March 2018, including the key findings of the review and resulting judgments made by the Department.
- More discussion about the scale of online copyright infringement in Australia, its broader implications, and those industries which suffer the greatest impact.
- More detail on voluntary industry approaches to website blocking.
- More detail and analysis on the impact of the options on Australian consumers and Australian copyright owners.
- More detail on the operation of the 'primary effect' test.
- More information on the regulatory costs for the parties relating to each option.

- Further detail of the views of online search engine providers in the 'consultation' section.
- More detail about how views raised during consultation were addressed.
- Inclusion of a commitment to modify the Department's annual survey of online copyright infringement in Australia to monitor how the price of digital copyright content influences the behaviour of Australian consumers.
- Greater consistency of language throughout the narrative, particularly to describe online search engine providers.

Accordingly, I am satisfied that the RIS now meets best practice consistent with the Australian Government Guide to Regulation.

I submit the RIS to the Office of Best Practice Regulation for format final assessment.

Yours sincerely



Richard Eccles  
Deputy Secretary  
Department of Communications and the Arts  
9 October 2018