



Australian Government

Department of the Prime Minister and Cabinet
Office of Best Practice Regulation

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Mr Richard Eccles
Deputy Secretary
Department of Communications and the Arts

Sent by email

Dear Mr Eccles

Regulation Impact Statement – Second-Pass Final Assessment – Copyright Website Blocking Scheme

Thank you for submitting a Regulation Impact Statement (RIS) to the Office of Best Practice Regulation (OBPR) examining how to address the problem of online copyright infringement for second-pass final assessment on 10 October 2018.

While the RIS would have benefited from greater analysis of the market and the impact on Australian copyright holders, the OBPR's final assessment is that the Department of Communications and the Arts is compliant with the Government's requirements. The level of analysis in the RIS is commensurate with the problem, in line with best practice. The RIS may now be provided to the decision maker to inform a final decision.

The OBPR notes effective enforcement of copyright is consistent with Australia's international obligations and, while some stakeholders hold different views, the option demonstrates a commitment to this obligation. We note the RIS has been developed against the backdrop of challenges faced by the Government in regulating environments that extend beyond its own jurisdiction. Given this, and the related assumptions underpinning the proposed scheme, ongoing monitoring and assessment of the scheme's effectiveness will be required to ensure it is operating as intended and not generating unintended consequences. In particular, the Department should monitor impacts on the market, including any changes in prices for end users, to ensure strengthened protections do not result in unreasonable prices charged by rights holders.

We would appreciate you advising us when a final decision on this proposal has been announced and forwarding us a copy of the RIS in a form meeting the Government's accessibility requirements. The OBPR's reference number for this matter is 23940. If you have any further queries, please do not hesitate to contact me.

Yours sincerely

Rob Reilly
A/g Executive Director
11 October 2018