

14 March 2018

Copyright Code Review  
Director, Emerging Policy Issues  
Bureau of Communications and Arts Research  
Department of Communications and the Arts  
GPO Box 2154  
Canberra ACT 2600  
[codereview@communications.gov.au](mailto:codereview@communications.gov.au)

Dear Ms Holloway,

The Australian Publishers Association (APA) is pleased to provide a response to the Review into the efficacy of the Code of Conduct for Australian Copyright Collecting Societies.

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, tertiary and academic publishing.

We congratulate the Bureau on producing a draft report of findings and recommendations that are responsible and practical.

The APA supports the three principles of best-practice regulation:

- Transparency
- Accountability
- Good governance.

It is our view that the Code of Conduct does achieve appropriate levels of accountability, transparency and good governance, however, we agree that there are some areas in which better communication would benefit all parties. We agree that better communication will have a positive impact on confidence in the current system.

We want to draw the Review's attention to an important issue that remains unaddressed. The Code of Conduct applies to collecting societies, but the same requirements of transparency, accountability and good governance do not apply licensees and the organisations that represent them at the negotiation table. Data has been weaponised in the highly political debate around competing commercial interests and a lack of transparency from licensees has had a negative impact on the confidence of creators in the system. This ultimately does not serve the interests of content creators or students as the end users of content.

As the Review has rightly identified, it is important that there be confidence in the system. However we do not think that confidence in the system will be served by an additional advisory body, as proposed in attached to the triennial review of the Code. Given the highly politicised environment of licence negotiations, it is unlikely that the triennial review would be served in any way by providing a forum to be politically leveraged by licensee interests whilst standards of conduct are not applied to licensees.

We would welcome the opportunity for further dialogue about standards of transparency, accountability and good governance of both collecting societies and bodies representing licensees.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Gordon-Smith' with a stylized flourish at the end.

Michael Gordon-Smith  
Chief Executive