

**Copyright Advisory Group submission on the
Exposure Draft of the *Copyright Amendment (Service Providers) Regulations 2018***

The Copyright Advisory Group to the COAG Education Council (CAG) advises government and non-government schools on copyright issues.

CAG appreciates the opportunity to comment on the draft *Copyright Amendment (Service Providers) Regulations 2018*. CAG wishes to comment on one draft issue with the proposed regulations, regarding the application of the Regulations to service providers that are not carriage service providers.

As the Consultation Paper accompanying the draft Regulations notes, there may be circumstances where it might be appropriate for entities operated by the one administering body to separately list designated representatives. For example, where an administering body administers multiple schools (who each may maintain a website), there may be circumstances where the administering body wishes to list more than one designated representative. Other administering bodies may manage a similar situation with one designated representative. There is unlikely to be a “one size fits all” approach to this for every jurisdiction in Australia.

This issue does not arise with carriage service providers. As such, CAG submits that the regulations for service providers who are educational institutions must be flexible enough to accommodate this practical reality. CAG imagines a similar situation may arise for libraries and archives.

CAG submits that this difference could be accommodated by amending section 19 of the Regulations to read as follows:

19 Designated representative

(1) A service provider that is a carriage service provider must designate a person to be the representative of the service provider to receive for the service provider notifications, notices and counter- notices given for the purposes of a condition in subsection 116AH(1) of the Act.

(2) A service provider that is not a carriage service provider must:

- (a) designate a person to be the representative of the service provider to receive for the service provider notifications, notices and counter- notices given for the purposes of a condition in subsection 116AH(1) of the Act; or
- (b) ensure that each entity operating under the administering body that is the service provider designates a person to be a representative of the service provider to receive for the service provider notifications, notices and counter- notices given for the purposes of a condition in subsection 116AH(1) of the Act.

(3) The service provider must publish a notice in a reasonably prominent location on its website setting out the following information:

- (a) the title of the position of the designated representative or representatives;
- (b) sufficient information to allow a person to contact the designated representative or representatives.

Thank you for your consideration of this suggestion.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Delia Browne', with a long horizontal flourish extending to the right.

Delia Browne
NATIONAL COPYRIGHT DIRECTOR