



Copyright Amendment (Service Providers) Act 2018

No. 71, 2018

An Act to amend the *Copyright Act 1968*, and for related purposes

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)

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Copyright Amendment (Service Providers) Act 2018

No. 71, 2018

An Act to amend the *Copyright Act 1968*, and for related purposes

[Assented to 29 June 2018]

The Parliament of Australia enacts:

1 Short title

This Act is the *Copyright Amendment (Service Providers) Act 2018*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after the end of the period of 6 months beginning on the day this Act receives the Royal Assent.	29 December 2018

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Copyright Act 1968

1 Division 2AA of Part V (heading)

Repeal the heading, substitute:

Division 2AA—Limitation on remedies available against service providers

2 Subsection 116AA(1)

Omit “carriage” (wherever occurring).

3 Subsection 116AA(1) (before note 1)

Insert:

Note 1A: For the meaning of *service provider*, see section 116ABA.

4 Section 116AB (definition of *catching*)

Omit “carriage”.

5 Section 116AB

Insert:

service provider has the meaning given by section 116ABA.

6 At the end of Subdivision A of Division 2AA of Part V

Add:

116ABA Definition of *service provider*

- (1) Each of the following is a *service provider*:
- (a) a carriage service provider;
 - (b) an organisation assisting persons with a disability;
 - (c) the body administering a library, if:
 - (i) all or part of the collection comprising the library is accessible to members of the public directly or through interlibrary loans; or

- (ii) the principal purpose of the library is to provide library services for members of a Parliament;
 - (d) the body administering an archives;
 - (e) the body administering a key cultural institution;
 - (f) the body administering an educational institution.
- (2) If a service provider is not:
- (a) a carriage service provider; or
 - (b) an organisation assisting persons with a disability; or
 - (c) the body administering an educational institution, being an educational institution that is a body corporate;
- this Division only applies to activities that the service provider carries out because of its relationship to the relevant library, archives, key cultural institution or educational institution mentioned in subsection (1).

7 Sections 116AC to 116AJ

Omit “carriage” (wherever occurring).

*[Minister’s second reading speech made in—
Senate on 6 December 2017
House of Representatives on 25 June 2018]*

(282/17)
