



3 July 2015

**Mr Greg Byrne**  
Special Counsel  
Department of Justice & Regulation  
Level 24/121 Exhibition Street  
Melbourne Victoria 3000

Dear Greg,

**RE: Draft Crimes Amendment (Child Pornography and Other Matters) Bill 2015**

Communications Alliance and The Australian Mobile Telecommunications Association (the Associations) welcome the opportunity to comment on the draft *Crimes Amendment (Child Pornography and Other Matters) Bill 2015*.

The Associations support the existing Commonwealth legislation and regulatory framework in relation to child pornography offences. Industry cooperates closely, through the use of s313 of the *Telecommunications Act 1997*, with the relevant authorities and agencies to take down websites, including those relating to child pornography.

The Associations do not oppose the intent of the proposed legislation. However, the Associations contend that an amendment of any relevant Commonwealth legislation would appear to be more efficient and less confusing to address any actual or perceived gaps in existing Commonwealth legislation. The proposed amendment, if necessary, would appear to be of national benefit rather than being beneficial at a state level alone. In any case, the Associations urge the Department of Justice & Regulation to consult with the Attorney-General's Department (Criminal Justice Division) to ensure there are no unintended consequences for Internet Service Providers (ISPs) at a national level.

The Associations also wish to ensure that ISPs are not captured in the definition of "administer" which includes the maintenance of a website. The Associations are keen to understand which activities would fall under "maintaining the website" and if, for example, website hosting or any other typical ISP activities could be considered as website maintenance.

We look forward to engaging with you further on this matter.

Yours sincerely,

A handwritten signature in black ink that reads 'John Stanton'.

John Stanton  
Communications Alliance CEO

A handwritten signature in black ink that reads 'Chris Althaus'.

Chris Althaus  
AMTA CEO