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Mr Margus Karilaid
Secretary
House of Representatives
Standing Committee on Legal and Constitutional Affairs
Parliament House
Canberra ACT 2600

Dear Margus Karilaid,

Re: Copyright Amendment (Digital Agenda) Bill 1999

First, may I thank you and the Committee for the extension you provided to the ASA enabling us to deliver this submission to you today.

The Australian Society of Authors directly represents almost 3,000 members across Australia who write and illustrate in all genres and for all available markets. We speak on behalf of the more than 10,000 authors and illustrators (according to Public Lending Right figures) who are working in Australia at the moment.

These copyright creators underpin the creation of wealth by publishers, booksellers and libraries in the current print environment. In the information economy of the future, authors will also be the source of all subsequent wealth — without copyright creators there would be nothing to argue over or protect. Despite this, creators remain the worst remunerated sector of the industry.

The usual argument raised by copyright exploiters as sufficient justification for their use of our work is that it is for 'the public good' — the general assumption being that authors should be happy to see their work exploited by others because it means people are reading and using our work. We do not subscribe to these one-sided, restricted notions and find the assumptions untenable, especially when copyright exploiters use authors' work for their own gain while authors receive little, if any, payment at all. Surely the 'public good'

cannot be conceived of as excluding equitable remuneration for the primary producers of the intellectual property in question.

The proposed extension of the library provisions to allow digital copying tip the balance even further in favour of users of copyright materials to the detriment of copyright owners and creators and at the expense of developing viable on-line content industries. As one of the primary sources of content in these new industries, Australian authors are understandably concerned that the correct balance has yet to be struck in the proposed legislation.

The ASA supports the Government's intention, as stated in the Explanatory Memorandum to the Copyright Amendment (Digital Agenda) Bill 1999, to reform the Copyright Act 'to ensure that copyright law continues to promote creative endeavour whilst allowing reasonable access to copyright material on the Internet and through new communications technologies.'

The ASA welcomes the opportunity to contribute to the Committee's deliberations. While broadly welcoming the changes to the Exposure Draft of the Bill, we believe that changes still need to be made in significant areas, including the following:

Fair Dealing
Reasonable Portion
Library Provisions
Circumvention devices
Authorisation provisions
Liability of ISPs

The ASA looks forward to meeting with the Committee to discuss these issues. We would hope to do so with our colleagues from the Australian Copyright Council upon whom, by necessity, we rely for advice.

With all best wishes,

José Borghino
Executive Director

1. INTRODUCTION

Every day that a copyright creator does not get fair and equitable remuneration for the use of their work is a bad day, not just for the author concerned but for the future of content creation in Australia.

The Australian Society of Authors supports a fair balance between the rights of copyright owners and the rights of users.

The ASA welcomes the Government's stated intention 'to ensure that copyright law continues to promote creative endeavour whilst allowing reasonable access to copyright material on the Internet and through new communications technologies'. However, we still need to be reassured that our expectations of legitimate remuneration for authors' work will be possible and that appropriate protection for that work is enabled by these legislative reforms.

The Australian Society of Authors has a primary relationship with the Australian community (readers of all ages, from all walks of life, in all geographic locations; students, lecturers, researchers, and other users of our work). We also have a longstanding relationship with the Australian libraries network which provides access to our work for users. These are relationships that are valued and important. Any representations we make through the course of this submission and before the Committee are to ensure that these relationships are strengthened for mutual benefit.

We do, of course, have certain critical differences with libraries on key legislative matters as outlined below. Our consultations with various representatives of the library network and other interests represented by the 'Digital Alliance' have generally been positive and amicable. However, their response on areas of concern to us in this Bill has amounted to 'trust us, we wouldn't do that.' This is not sufficient to allay our concerns. Accordingly, on issues where we have been assured by libraries that 'they wouldn't do that' we reasonably seek to secure such a commitment through precise and workable legislation.

In the debate leading up to the tabling of these proposed amendments to the Copyright Act, the libraries and other copyright users have assumed that the full weight of any arguments about the 'public good' falls on their side. The ASA re-states its position that restricted notions of the 'public good' should not be used as a means to favour one sector of the industry which exploits, disseminates and uses intellectual property, against that sector which has created that intellectual property in the first place.

To be truly 'public' or universal, arguments about the 'public good' must encompass the notion that Australian authors and copyright creators receive fair and equitable remuneration for their work, or else they merely become arguments for a restricted, 'sectoral' good. To allow unfettered and unremunerated use of the work of Australian authors is like allowing the clear-

felling of old growth forests without any provision for re-seeding and re-growth. And the results will be the same — a short-term gain for the exploiters and the long-term loss of the vitality and sustainability of the resource in question.

The Bill includes an important package of exceptions to the new right of communication to the public, and the creation of new exceptions in relation to existing rights. The ASA appreciates that, as far as possible, the exceptions attempt to replicate the balance struck between the rights of owners and the rights of users that has hitherto applied in the print environment. But the nature of the digital environment and its differences to the print environment are not adequately reflected in the provisions for copyright protection and remuneration for copyright owners and creators.

In a recent legal case in NSW, the judge observed as part of his judgement that, 'It is reasonably plain, I think, that once published on the Internet, material is transmitted anywhere in the world that has an Internet connection. It may be received by anybody, anywhere, having the appropriate facilities. Once published, material can be received anywhere, and it does not lie within the competence of the publisher to restrict the reach of the publication.' What this judgement makes clear is that to digitise material and/or to disseminate or make available digitised material is not the equivalent of publishing, disseminating or making it available in a print environment. The consequences of these actions in a digital environment are very different in both qualitative and quantitative terms.

Legislators must recognise the essential differences between the print and the electronic environments, namely: the perfect nature of electronic copies and the global nature and ease of transmission, combined with the fact that digital technologies naturally lend themselves to the generation of multiple-user copies and multiple-user transmissions.

We would like to take this opportunity to acknowledge the consultative work of the Government through to this next Committee stage. We are particularly pleased to see that some of our earlier concerns with the Exposure Draft have been addressed in the Digital Agenda Bill as introduced into Parliament on 2 September 1999.

However, many key concerns still remain outstanding and we hope to briefly address them in the following document.

This is a unique period in our history and we have the opportunity to get the balance right, not just for our current activities but for the new and emerging industries and lifestyles enabled by digital technologies.

Anything that works against the interests of Australian authors and their ability to contribute to the community through the appropriate exploitation of their work with proper remuneration works against the interests of Australia's

evolving information economy. If creative endeavours are stifled by this legislation, there will be less content to exploit in the future and we will all be the poorer, both culturally and economically.

2. ABOUT THE ASA

The Australian Society of Authors directly represents about 3,000 members across Australia who write and illustrate in all genres and for all available markets; and we speak on behalf of the more than 10,000 authors and illustrators (according to Public Lending Right figures) working in Australia today.

Despite underpinning the entire system of wealth-creation by publishers, booksellers and libraries in both the print and digital environments, authors remain the worst remunerated sector of the industry. The latest available figures indicate that the median income derived by writers from their writing is only $2,000 per annum (*But What Do You Do For A Living?* Throsby and Thompson, 1994; pp. 24-5). Writers and book illustrators are usually paid last and least in a chain of transmission that stretches from initial idea to published text, to distributor, to bookseller or librarian, and finally to the reader.

The ASA supports the Government's stated intention for revising the Copyright Act, taking into account the new digital environment. The ASA, however, is very concerned that some of the proposed amendments will have a detrimental effect on the ability of Australian copyright creators to make a reasonable living and so will, in fact, dampen creative endeavour rather than promote it.

3. THE DIGITAL ENVIRONMENT

The digital environment potentially offers copyright creators a valuable, new source of income and positive exposure. The ASA, as the professional organisation protecting and promoting the interests of Australian copyright creators, has been actively encouraging its members and the creative community in general to do more to explore and exploit the opportunities that this new field has to offer. However, those provisions in the Digital Agenda Bill that would allow copyright users unfettered and, more importantly, free access to the work of copyright creators would not only have the effect of making the on-line environment less attractive for copyright creators, these provisions would also have a major negative impact on income currently made by authors in the print environment — effectively undermining both markets.

The ASA acknowledges that a shift to a digital paradigm is inevitable, and we welcome the debate initiated by the Government's proposed legislation. The negative repercussions of a Bill that effectively asks already lowly paid primary creators to subsidise the expanded activity and wealth creation of the rest of the industry, however, is frightening to contemplate. The implementation of a new, improved Copyright Act should be used by the Government as a way to

enhance and encourage the work of Australian copyright creators, not as a way to compound the precarious predicament creators currently find themselves in.

At the moment, Australia is a net importer of information — in both print and digital form. We see the amending of the Copyright Act as an opportunity for the Government to encourage more Australian authors to create more copyright material so that the industries built upon their work can further expand and thrive. Only by encouraging more Australian authors to create more intellectual property can the Government create the basis for a truly independent and flourishing on-line culture into the future — an indigenous culture based on the creation of wealth through information rather than an impoverished, derivative culture based on the exchange of other people's information and creativity.

The Australian Libraries Copyright Committee (ALCC) itself, in its 'Additional Comments on Exposure Draft Copyright Amendment (Digital Agenda) Bill 1999', points to the frightening consequences of the current situation where 'approximately 6 of every 7 dollars collected in royalty or license fees flows out of [Australia], and 3 of 4 dollars for purchased copyright material goes to copyright owners overseas'. The best way to redress this 'copyright deficit' is to create an environment where more Australians create more copyright material *which is secure and which earns the creator a fair and recoverable fee.* Only then will the new digital environment provide a way of re-channelling the flow of royalties and license fees back into the Australian economy. To offer unfettered access to Australian copyright material without an equitable fee to the creator for their investment of time and expertise will, in fact, increase the 'copyright deficit' dramatically.

4. THE THREE-STEP TEST

Australia's international treaty obligations, as set out in Article 9(2) of the Berne Convention (as well as the relevant articles of the TRIPS Agreement and WIPO Copyright Treaty), mean that any exceptions or limitations to a copyright owner's exclusive rights must comply with the so-called 'three-step test'. The test states that exceptions must:

- Only apply in certain special cases;
- Not conflict with a normal exploitation of a work; and
- Must not unreasonably prejudice the legitimate interests of the rights owner.

The ASA opposes any amendments to the Copyright Act that would create further exceptions or would further extend the exceptions that already exist without adequate and fair remuneration to the copyright owners. Where the ASA has specific objections to proposed amendments, it is because we believe that these amendments will contravene the Three-Step Test and therefore be detrimental to the legitimate interests of authors and copyright owners.

5. FAIR DEALING: s40

The existing fair dealing provisions now apply to the new right of communication to the public.

The ASA notes that the United States Digital Millennium Copyright Act of 1998 allows only very limited digitisation by libraries. It does not allow libraries to digitise material for clients' research or study and make that available on-line, there is no equivalent to the inter-library supply provisions of the proposed Digital Agenda Bill, and the US Act does not entitle libraries to override technological protection measures.

Similarly, the proposed European Directive *Copyright and Related Rights in the Information Society* does not allow for digital copying by libraries. It states that there is a 'significant' difference between lending actual copies of books and making available perfect copies of a work on-line to a large number of users, and that library exceptions would put at risk the development of a 'normal' on-line market for the work of copyright creators.

It should not be forgotten that the fair dealing and library copying provisions do not currently guarantee access to copyright material. A book must first be purchased by someone before the provisions can be relied upon. A person cannot simply go into a bookstore, photocopy a chapter and return it. They must go to a library which has purchased the book in order to avail themselves of the fair dealing or library copying provisions. The ASA welcomes the amendments to the Exposure Draft which now specify that a work must be held in a library's collection before it can be reproduced for a client (under s49) or another library (under s50).

6. REASONABLE PORTION: s10(2), s10(2A), s10(2B) and s10(2C)

The concept of a 'reasonable portion' of a work, defined in section 10(2) of the Copyright Act, is relevant to the fair dealing, the library and the educational provisions of the Act. The current provisions assume that copying an article from a periodical, or 10% of the pages or a chapter of a work, is consistent with the 'three-step test' — that is, such copying is not a 'normal use' of a work and does not unreasonably prejudice the legitimate interests of the rights owner.

The ASA appreciates that the new amendments attempt to overcome a number of objections to the wording of this section in the Exposure Draft. For example, the new s10(2C) now makes it clear that a person legitimately reproducing a reasonable portion of a work does not have the right to reproduce a further reasonable portion from the same work. The ASA supports this amendment.

However, new sections 10(2A) and (2B), which modify the quantitative test for determining a reasonable portion of a work available in electronic form, still do

not take into account the fact that licensing chapters and parts of works is now a 'normal use' of digitised works. To deem, for the purposes of fair dealing, a reasonable portion of a work to be 10% of the number of words in or up to one chapter of that work (as these sections do), would therefore not pass the 'three-step test' because it would unreasonably prejudice the legitimate interests of the rights owner.

Similarly, we submit that articles in periodicals are now increasingly sold separately in electronic form, and that reproduction of articles from periodicals in such a form should only be allowed under the fair dealing and any other provisions of the Act if the articles are not otherwise available for purchase.

We note that the Copyright Law Review Committee agreed that a 'quantitative' definition of a 'reasonable portion' of a work in electronic form was unworkable.

7. LIBRARIES AND ARCHIVES

The ASA maintains that all current provisions which allow a library to make copies of material for a library collection (except for preservation purposes) should require permission from and fair payment to copyright owners. Copyright law exists to proscribe unfettered reproduction and transmission of copyright material without the permission of and remuneration to the creators or owners of that material. We oppose any extension of library provisions that do not require payment to copyright owners, especially when those provisions are tantamount to allowing libraries to engage in activities so similar to on-line publishing that they compete with the 'normal uses' of copyright material.

7.1 Definition of 'library': s10 (1)

The ASA welcomes the new definition of a library in the Act which excludes libraries owned by corporations and other concerns conducted 'for profit'.

We reject any arguments that all libraries (including 'for-profit' enterprises) be treated equally as providers of information to the Australia community. The mission of a profit-driven corporation with its own libraries differs dramatically from that of a non-profit library serving its local (non-commercial) community. More and more companies are creating databases of materials for access by both staff and customers and are relying on the library provisions of the Copyright Act to obtain articles and copyright materials from other libraries to go into their collection without permission from, or payment to, copyright owners as previously allowed by section 50. There is no justification for this.

Even libraries who are seen as primarily educational or cultural institutions are increasingly running business units, using terms like 'cost recovery' to justify the generation of income through transactions. This is presented as a cost-neutral activity, although it ensures a cash flow that enables these organisations to undertake their day-to-day business. 'Cost recovery,' however, rarely if ever

stretches to include a return to the copyright owner. The ASA maintains that in all such activities there can and should be provisions made for the remuneration of copyright creators in each of these exchanges. There could be differing rates of payments to reflect the differing categories of libraries — enabling a zero-rating or shifting scale of remuneration for those transactions deemed to be for the social good, or fundamental to core principles of access and equity.

The ASA, therefore, submits that the new definition of library under the Act should not include any library whose operations are conducted for profit, even if that library is located within or is part of an educational institution. The purpose of the library should be the only relevant factor not who owns it.

The ASA supports the Australian Copyright Council's suggested amendment in this case.

7.2 Copying by a library for its clients: s49

The ASA supports the proposed amendments to sections 49(1)(a) and 49(2A)(a) which limit the application of s49 to material held in the library's collection. We oppose any extension of s49, and in particular its extension to allow the making and communication of electronic reproductions.

We submit that s49 should not allow a library to make or supply an electronic reproduction of a work to a client if the client is able to access to an electronic version of the work within a reasonable time at an ordinary commercial price (for example, on-line access to works on a pay-per-view basis). This normal form of exploitation of a work would be prejudiced if a library were able to supply free copies of the works.

7.3 Material acquired in electronic form: making available on-line on library premises: s49(5A) and s110B(2A)

The ASA opposes the proposed new s49(5A) and s110B(2A). We submit that a library's making available of material on-line should require the permission of the copyright owner because making available on-line is a normal use of the work. The ASA submits that the conversion of a literary or artistic work to digital form should not be the province of an unremunerated exception and should be permitted only in return for equitable remuneration.

At the very least, the proposed provisions should be limited to material purchased by the library and not include works deposited in the National Library as required under s201 of the Copyright Act or in certain State libraries under State Acts, some of which require deposit of material in electronic form.

The ASA is concerned that these provisions may also apply to material 'acquired' by one library from another library as a result of copying under s50, or if a library made an electronic reproduction of a non-electronic work to

replace a lost, stolen or damaged reproduction of the work. In these cases, it appears that the library could make this 'acquired' material and / or the replacement reproduction available on-line.

In each instance the legitimate interests of the copyright creators in further exploiting their works would be severely undermined by the free availability of those works through a library.

7.4 Copying by a library for another library: s50

The ASA supports the proposed amendments to s50(1) and notes that the Australian Copyright Council submits that the proposed amendment to s49(1)(a) also requires the repeal of s50(1)(b).

We repeat the ASA's general position that the supply by a library of a copy of a work to a client (whether an individual or another library for inclusion in its collection) should be subject to payment of equitable remuneration to the copyright creator and / or owner.

7.5 Declaration re commercial availability: s50(7A)

The making or communication of an electronic reproduction should be subject to payment of equitable remuneration to the copyright owner even when it is a library making or communicating that electronic reproduction at the request of another library. Therefore, the ASA submits that new s50(7A) should be omitted from the Bill because it would allow a library to create and supply to another library, a digitised version of an entire work which is out-of-print, but which is otherwise available in electronic form within a reasonable time and at an ordinary commercial price. Furthermore, as in s49, a library should be required to destroy an electronic reproduction supplied to a client.

7.6 Unpublished works: s51

In the same way that s49 is being amended to require a library to destroy an electronic reproduction supplied to a client, then new s51 and s51A should not be used by libraries to, in effect, increase their collections by making electronic copies of materials held in their collections.

7.7 Preservation and other purposes: s51A

The ASA welcomes the amendment to the preservation provisions which limits the reproduction of any work in a library's collection for 'administrative purposes' rather than for any purpose as previously provided for in the Exposure Draft. However, the ASA remains concerned that there is no hard and fast definition of 'administrative purposes' and we believe such open-endedness could lead to this provision being exploited against the intent of the new amendment.

8. AUTHORISATION PROVISIONS: s36(1A) and s101(1A)

The ASA notes that the Exposure Draft of the Bill proposed a codification of the 'Moorhouse principles' for determining if a person has infringed copyright by 'doing acts comprised in the works' by listing the following matters that must be taken into account:
(a) the extent (if any) of the person's power to prevent the doing of the act concerned;
(b) the nature of any relationship existing between the person and the person who did the act concerned;
(c) whether the person took any reasonable steps to prevent or avoid the doing of the act. (Exposure Draft, Item 31)

However, the Bill, as introduced on 2 September 1999, introduces the following words at the conclusion of matter (c): 'including whether the person complied with any relevant industry codes of practice'.

An industry code of practice in an industry of copyright users (for example, the education sector) may contain self-serving articles which facilitate authorisations of infringement, and be created without the agreement of copyright owners. Such industry codes may not adequately recognise the need to ensure that copyright is not infringed.

A peak industry body which formulated the code of practice could be liable, under Moorhouse principles, for authorising infringement. But under the Bill's revised formulation, the code itself forms the basis for deciding what amounts to 'reasonable steps'. This is unjust to copyright owners.

The Australian Society of Authors recommends that the words 'including whether the person complied with any relevant industry codes of practice' should be removed from s36(1A) and s101(1A) of the Bill.

9. CARRIERS AND CARRIAGE SERVICE PROVIDERS: s39B

Excepted from the authorisation provisions are carriers (such as telecommunications service providers) and carriage service providers (such as internet service providers or 'ISPs'). New s39B provides that, 'A carrier or carriage service provider is not taken to have authorised any infringement of copyright in a work merely because the carrier or carriage service provider provides facilities used by a person to do something the right to do which is included in the copyright.'

The ASA submits that the operation of this specific exception would apply to activities such as the hosting of copyright infringing material by a carriage service provider. This specific exception would apply in that situation, rather than the general authorisation codification. This would clearly serve to hamper copyright owners' efforts to effectively enforce their rights in seeking the removal of copyright infringements from servers.

The ASA recommends that this problem be overcome by the inclusion of a proviso that the specific exception (new s39B) applies, except where the carrier or carriage service provider is on notice from a copyright owner or licensee that it may be hosting infringing material. Receipt of such notice should trigger the operation of the general Moorhouse authorisation provisions.

10. EDUCATIONAL INSTITUTIONS

10.1 Reproducing and communicating works etc. by educational and other institutions Part VB

The ASA opposes any extension of the Part VB statutory licence that conflicts with the right of copyright owners to deal with their works commercially and does not comply with the three-step test.

10.2 Insubstantial Copying: s135ZG

The ASA submits that s135ZG unreasonably gives an educational institution the automatic right to copy two pages of a work regardless of its availability for purchase and regardless of the length of the work. The provision does not comply with the three-step test and its negative effects will be further compounded if libraries are allowed to digitise 'insubstantial portions' in the future. The section should be repealed.

10.3 Multiple Reproduction of Printed Periodical Articles: s135ZJ

The ASA submits that educational institutions should not have the right to reproduce periodical articles when those articles may be purchased separately because this contravenes the three-step test. We support the Australian Copyright Council's argument that this provision is based on the mistaken assumption that articles are not sold separately and therefore the copying of an entire article will not harm any market, as the relevant market is the market for the periodical publication. This assumption may have been correct when Part VB was introduced in 1980, but it now no longer holds. Articles should be treated in the same way as other separately published works, such as books, that can only be reproduced if they are not commercially available.

10.4 Multiple Reproduction of Works Published in printed Anthologies: s135ZK

Similarly, the ASA submits that educational institutions should not have the right to reproduce works in anthologies when those works are available for purchase. This right should be subject to a commercial availability test.

10.5 Multiple reproduction of works that are in hard copy form by educational institutions: s135ZL

Similarly, the ASA submits that educational institutions should not have the right to reproduce portions of works (ie. 10% or one chapter) where those portions are available for separate purchase. We submit that this right should be subject to a commercial availability test and that if a work, or a portion of the work, is available in digital form, on the Internet, for example, to be downloaded, printed or accessed on a pay per view basis, it should be deemed to be commercially available and therefore not able to be copied.

10.6 Application of Division to certain illustrations that are in hard copy form: s135ZM

The ASA includes a large number members who are picture book illustrators and children's writers. We therefore oppose the extension of s135ZM to allow educational institutions to digitise artistic works that accompany literary, dramatic and musical works and submit that this section should be repealed. Again, the copying of artistic works should be done under a commercial availability test.

10.7 Multiple reproduction and communication of insubstantial portions of works that are in electronic form: s135ZMB

See the ASA's objections as stated above in relation to section 135ZG.

10.8 Multiple reproduction and communication of periodical articles that are in electronic form Section: 135ZMC

See the ASA's objections as stated above in relation to section 135ZJ.

10.9 Multiple reproduction and communication of works that are in electronic form: s135ZMD

See the ASA's objections as stated above in relation to section 135ZL.

10.10 Application of Division to certain illustrations in electronic form: s135ZME

See the ASA's objections as stated above in relation to section 135ZM.

11 REPRODUCTION AND COMMUNICATION OF WORKS BY INSTITUTIONS ASSISTING PERSONS WITH A PRINT DISABILITY: s135ZN, s135ZP(3), s135ZS(2)(d)

The ASA supports the Australian Copyright Council's submission on these proposed sections of the Bill.

12. SUBSEQUENT USE OF REPRODUCTIONS MADE UNDER EXCEPTIONS

The ASA submits that if any reproduction made as a fair dealing for research or study, or under the library provisions, is subsequently sold or used for another purpose, it should be deemed to be an infringing reproduction from the time it was made.

13. TECHNOLOGICAL MEASURES AND CIRCUMVENTION DEVICES

The ASA supports the Australian Copyright Council's submissions relating to use of circumvention devices, the permitted purposes and subsequent use of such devices, and the communication or reproduction of work obtained by circumvention devices.

If, as a consequence of the Bill, a library, educational institution or government is able to remove the technological protection measures from a digitised work and distribute 'unprotected' versions of the work, we submit that this will severely prejudice the copyright owner.

Copyright owners do not want to stifle legitimate research or study. However, it has been recognised internationally that the on-line trading of copyright material cannot take place without technological protection devices.

We acknowledge that the new definition of 'effective technological protection measure' which has been included in the Bill overcomes some, but not all of the problems of circularity with the definition found in the Exposure Draft. However, if the use of a circumvention device to access material is not prohibited and the copying of that material is not prohibited, then the copyright owner cannot prevent a library from accessing and copying material in this way. There should be no provision for libraries or others to be allowed to circumvent protections that copyright owners have put into place in order to reproduce and make available materials under the library provisions.

Even if material has been purchased by a library, the ASA submits that the library should not be able to circumvent technological protection measures that the owner has put in place. The issue of access and copying of that material should be dealt with by contract between the library and the copyright owners, as is currently the case with products such as CD ROMs.

14. CONCLUSION

The Australian Society of Authors would like to thank Committee members and staff for the opportunity to make this submission and we look forward to presenting our arguments directly to the Committee.

The ASA is willing to assist the Committee in any way during its deliberations.