



Australian Libraries Copyright Committee

Committee Secretary
House of Representatives
Standing Committee on
Legal and Constitutional Affairs
Parliament House
Canberra ACT

Fax: 02 6277 4773

Friday 29 October 1999

Dear Sir/Madam

Australian Libraries Copyright Committee: Final Response to the LACA Round Table Forums on the Copyright Amendment (Digital Agenda) Bill 1999

The Australian Libraries Copyright Committee (ALCC) would like to submit this final response, as invited by the Chair of the House of Representatives Legal and Constitutional Affairs Committee, to the recent Round Table Forums discussions on the Copyright Amendment (Digital Agenda) Bill 1999 (the Bill).

The ALCC is the main consultative body and policy forum for the discussion of copyright issues affecting Australian libraries and archives. The ALCC is a cross-sectoral committee with representatives from the following organisations:

- Australian Council of Archives
- Australian Library and Information Association
- Australian School Libraries Association
- Council of Australian State Libraries
- Council of Australian University Librarians
- Federal Libraries Information Network
- National Library of Australia

If you require any further information on any aspect of this response, please do not hesitate to contact me on (02) 6262 1273 or email kbeard@nla.gov.au.

Yours sincerely

Katherine Beard
ALCC Copyright Adviser (Law and Policy)

Australian Libraries Copyright Committee

House of Representatives
Standing Committee on Legal and Constitutional Affairs

Inquiry into the Copyright Amendment (Digital Agenda) Bill 1999

Final Submission: A response to the Round Table Forum

October 28 1999

- **The Australian Libraries Copyright Committee (ALCC)**
- The Australian library community strongly affirms its support for the Government's expressed intention of providing access to copyright material for research and study purposes to the general community, without imposing additional cost burdens.
- The ALCC would like to submit this final statement as a response to the LACA Round Table Forums of October 21 and 22 1999.

- **Recent developments regarding proposed changes to section 49 of the Copyright Act 1968**
- The Hon. Duncan Kerr MP requested further information as to the impact upon users of the regulation of the reproduction and communication of material by libraries through statutory licensing arrangements at the Round Table Forum on 14 October 1999. The Hon Mr Kerr also noted that it was desirable that libraries did not pass on to their clients the costs of supply of material under the library provisions.
- A joint submission was made on Friday 22 October 1999 by the Australian Copyright Council, Australian Publishers Association, Australian Society of Authors, Copyright Agency Limited and Screenrights addressing The Hon Mr Kerr's comments.
- In response to the joint submission outlined above and with the Government's stated policy objective regarding section 49 in mind, the ALCC would like to respectfully submit the following for consideration by the Committee.

- **ALCC Submission**
- Any statutory licensing of activity which has previously been undertaken within the provisions of section 49 of the Act is an imposition of costs –

and would put an end to the Government's stated policy objective in extending the exception in section 49.

- Additional cost burdens for the library sector are not sustainable within normal library budgets. Any new costs across the library sector become an additional cost to the wider sector – such as schools, local government or universities – or are passed on to users. Because of the tradition of library service, involving a commitment to the local community and to groups that do not possess a capacity to pay, such as students, passing on of costs is not usually contemplated.
- Libraries are fully extended in providing the currently available range of services to users. The concept of the library as publisher is a furphy – and is asserted without any attempt at proof.
- Any concept of licensing the activity which has taken place under section 49 would – of course – be welcomed by the copyright owner lobby, as indeed would any change to the legislation which ensures the diversification and further expansion of income streams, particularly to collecting societies.
- The ALCC refers the Committee to the recommendations of the Copyright Law Reform Committee on the Simplification of the Copyright Act 1968. At point 2.37 on page 13 of Part One of the CLRC Report, there is a recommendation that section 49 of the Act be repealed, allowing for the governance of library and archival copying through the proposed fair dealing provision and proposed quantitative test. The ALCC respectfully submits that it is appropriate that the amending Bill be consistent with the CLRC Report.

- **Summary**

- The ALCC affirms its opposition to the imposition of licensing arrangements under section 49 of the Act. The library community further draws the Committee's attention to the stated policy objectives of the Government "that libraries and archives should be able to utilise new technologies to provide access to copyright material for research and study purposes to the general community without imposing additional cost burdens on the library sector" (Round Table Forum Discussion Paper Friday 22 October 1999 p 29).
- Accepting a proposal such as the joint submission tabled by the copyright owners lobby will only disadvantage the library community and in turn, the general community which relies upon the libraries for access to information.
- The costs of a licensing arrangement must ultimately be borne by either the users or the library itself. If users bear the costs, the long and valued tradition of libraries as providers of information to all breaks down and increases the already major risk of worsening the information divide.
- The ALCC submits that the Government's original intention in seeking to extend principles as they currently apply, to the new digital environment, should pass into law.