

Architects
Construction &
Consulting
Engineers
Specialist
Services



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Committee Secretary
Standing Committee on Legal and Constitutional Affairs
Parliament House
CANBERRA ACT 2600

INQUIRY INTO COPYRIGHT AMENDMENT (DIGITAL AGENDA) BILL 1999

Dear Sir/Madam,

ACCESS (Architects, Construction & Consulting Engineers Specialist Services) was founded in 1971 as a liaison group for librarians working in the corporate libraries of architects, planners, engineers and related professions in the North Sydney area. Following the successful establishment of the Sydney group, similar communities of interest have been established in Brisbane and Melbourne.

The ACCESS – Queensland group consists of Queensland librarians and information professionals who specialise in architecture, business and engineering information. The group meets on a bi-monthly basis at various locations in Brisbane, and utilises an electronic discussion list to further professional development and resource sharing. Further details on the group, including a list of members is available on the ACCESS – Queensland web site – <http://avel.library.uq.edu.au/directory.html>

The information services provided by the various Corporate Libraries within the ACCESS – Queensland group not only provide information for the strategic and business requirements of their parent organisation, but also contribute to the educational and economic requirements of our society. The libraries provide material for the professional development and research needs of individuals within their parent organisation. Members of the group cited providing documents required for staff undertaking further study, such as MBA or other graduate education. Other members of the group have cited the provision of research papers to tertiary education libraries or information packs to school groups as part of their role. Furthermore, many libraries receive direct requests to copy material required under the well-developed interlibrary lending system.

We believe that the proposed amendments to the Copyright Act will significantly undermine the ability of corporate libraries to deliver information services to our clients, in addition to hampering access for all Australians to the information resources held within corporate libraries across the nation.

Amendment to the Definition of Library

The Digital Agenda Bill amends the definition to prevent a library in a for profit organisation from relying on the library exceptions in the Copyright Act. This proposed amendment will have important consequences for all libraries and will disrupt the resource sharing relationships between non-profit and corporate libraries and will prevent any library from gaining access without a licence.

Not for profit libraries will no longer be able to request documents from corporate libraries under *section 50* of the Copyright Act. This will not only restrict access to information for corporate libraries and their clients, but also for the clients of non-profit libraries who may seek access to information held only in a corporate library. We are aware of many rare and specialist journals and monographs

currently held within various ACCESS – Queensland libraries that would not be available from any source in Australia.

ACCESS – Queensland libraries that would be affected by the proposed amendments have significant collections in the following disciplines:

- environmental engineering
- planning – urban & regional
- surveying
- construction
- chemical engineering
- cement technology

The definition will impose serious administrative burdens on library staff in for profit organisations and will cause delays to the way in which information is delivered to the research and scientific community.

The amendments also prevent corporate libraries from copying material for preservation purposes. This is of particular concern for libraries in specialist fields of knowledge. The changed definition of “library” will result in the loss of rare material that may not be preserved due to physical degradation.

Voluntary Licence from CAL

In addition, the Digital Agenda Bill provides corporate libraries with no adequate means to clear rights as a voluntary licence from CAL does not provide blanket coverage for all rights holders and CAL does not generally indemnify licensees for copying of works not included in its repertoire.

There appear to be no provisions available for corporate libraries to copy material in instances where locating and/or identifying the copyright owner is difficult. Where material is not explicitly covered under a CAL voluntary licence, it would be impossible to provide material to clients to meet their research needs.

Recommendation

The ACCESS – Queensland group urge the Committee to ensure that *section 18* of the current *Copyright Act* remains. The proposed new definition of “library” in *subsection 10 (1)* would restrict access for all Australians to the significant collections held in corporate libraries.

Regards,



Kevin Jones
President
ACCESS – Queensland