

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

1 November 1999

**Re: Copyright Law, Digital Agenda Bill - Submission from University of
Canberra**

Thank you for permitting us to make this brief but late submission. Our University Intellectual Property Committee has been meeting on this issue and feel it important to add our views to the submissions which have already been made.

In general terms, we support the views of the AVCC Committee. We applaud the Government's efforts to introduce legislation which deals with the important issue of copyright in digital materials. We also applaud the review of the Bill by the House of Representatives Committee, which we consider is enormously important. We also agree that the proposed legislation must strike the appropriate balance between creators of copyright material and users or consumers of that material. Copyright is not a one-way street. There has always been a recognition of the rights of users to do protected acts in relation to more than a substantial part of a copyright work, without permission and without remuneration to copyright owners.

Access to knowledge, ideas and information is critical if Australia is to become a 'clever country' and if we are able to compete in an Information Age. Parliament must, under the digital legislation, ensure that universities, and indeed all educational institutions, will be able to use new technologies to deliver teaching material to students under Statutory Licences. Students and researchers need to be able to rely on exemptions to the 'right of communication' to the public which will enable fair dealing in the digital environment. Temporary reproductions made in the course of communication and browsing should be excluded from the limiting scope of the reproduction right.

In particular, we are of the view that any proposed regulation of copyright in relation to digital materials must continue to give Universities and libraries a right of fair dealing for legitimate research, study or preservation purposes.

The failure to extend the fair dealing principles of paper-based material to digital forms, would result in significantly increased costs to universities. These costs would either have to be passed on to students, many of whom are already under great stress to meet current outlays for HECS and other expenses; or, universities would be forced to reduce access significantly, thereby resulting in a significant decline in the quality of education scholarship and research in Australia.

As a country with a small population, Australia will never be a major manufacturer. Instead, it must rely on a highly productive and educated workforce who can compete in a knowledge economy. To achieve this, it is imperative that our students and universities have access to the best materials for their study and research. Digital copyright reforms which would lead inexorably to a pay per view policy, would significantly retard students and universities in their ability to carry out such study and research and lead to categorisation of members into the 'information rich' or information deprived.

Higher Education is also a major export earner for Australia. The removal or restriction of the present fair dealing policies when applied to a digital environment and the increased costs, would damage this market, by forcing universities either to raise their prices or cut library size and suffer a reduction in quality. As a net importer of copyright material we should adopt a solution which is going to receive wide acceptance across the international community of nations. Our copyright law should reflect our national interests and the aspirations of the world.

From a democratic viewpoint, too, making students pay for digital, on screen views will place a significant barrier to access to knowledge for those unable to pay for it. The present rules of fair dealing achieve the correct balance between creator's and users' interests. It would be a retrograde step to take any step which would result in a diminution of the right of the public to information.

Should it prove possible representatives of the UC Intellectual Property Committee would be welcome any opportunity to attend the public deliberations of the Committee and to make a presentation in person supporting the above points, and to be available to answer any questions which Committee members might have.

Sincerely

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