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NEWSLETTER OF THE AUSTRALIAN LIBRARY AND INFORMATION ASSOCIATION

Copyright update

The Copyright Amendment Bill, which has just passed through Parliament, is important for educational libraries and may have some implications for other libraries.

The amendments cover a range of matters. For libraries, the most important change is that educational institutions, including their libraries, will be able to record TV and radio broadcasts legally under a statutory licence. A collecting society to represent audio-visual copyright owners will be established. This will have the exclusive right to negotiate with educational interests about payments to be made for copying under the statutory licence. Educational institutions will be able to either keep records and pay for copying at rates agreed with the collecting society, or agree to a per capita student rate with the society.

The Universities and Colleges had made representations to include audio-visual items that had not been broadcast in the amendments. These representations were unsuccessful.

A change that may well have implications for a wider range of libraries is the introduction of fair dealing for purposes of research or study in relation to audio-visual items. Formerly there was no such provision for audio-visual items corresponding to that applying to works — that is, literary, dramatic, musical and artistic works. Moreover, unlike the educational copying provision, the fair-dealing clause is not confined to material that has been broadcast. The situation is now the same for both works and other than works (i.e. audio-visual) items.

ALIA has made representations in the past for *all* libraries to have similar entitlement to copy audio-visual material, but without success. There is still no provision permitting libraries to copy audio-visual items for library users or for interlibrary loan, as can be done in the case of works. Nor is there a provision permitting copies to be made of published audio-visual items for preservation provided that the originals are

destroyed, as there is for copying printed materials onto microform.

The amendments alter the previous situation regarding multiple copying by educational institutions. An approved collecting society (probably Copyright Agency Limited) is now to be recognised by the Attorney-General's Department. Payment, as with broadcasts, can be either by record keeping and payment of royalties or on a per capita student basis. A major change is that institutions are required to forward records to the collecting society, thus making scanning of records on behalf of copyright owners much less expensive.

The original draft of the Copyright Amendment Bill removed the exemption from royalties of copies made for external students, if not included in lecture notes. This provision was reinstated by amendment in the Senate, but now appears under fair dealing and not under the statutory licence for educational institutions. It is not clear to me whether this has implications for other than educational libraries, since the permission is no longer confined to the latter.

Presumably the new provisions regarding educational copying will not become operational until the Attorney-General's Department has set up the structure raised for the administration of the statutory licences.

Finally, the Copyright Law Review Committee is reviewing copyright in relation to computer software including programs, works made by or with the assistance of computer programs, and works stored in computer memory. Although the date for submissions has closed, it is probable that late submissions would be entertained. They should be sent to Ms Veronique Ingram, Secretary, Copyright Law Review Committee, Robert Garran Offices, Barton, ACT 2600.

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