



Australian Libraries Copyright Committee

Kay Collins
Director
Intellectual Property & Competition Review Committee Secretariat
Attorney-Generals Department
Robert Garran Offices
BARTON ACT 2600

Monday 15 November 1999

Dear Madam

Australian Libraries Copyright Committee: Intellectual Property & Competition Review Submission

The Australian Libraries Copyright Committee (ALCC) would like to submit this comment to the Intellectual Property & Competition Review Committee for its consideration.

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

<p>Submission to the Intellectual Property & Competition Review Committee</p>
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The Australian Libraries Copyright Committee

15 November 1999

The Australian Libraries Copyright Committee (ALCC) respectfully submits that it supports the Australian Digital Alliance (ADA) Submission to the IPCR Committee.

In addition to this statement of support, the ALCC would like make a brief comment on licensing and collecting societies, with regard to the *Copyright Act 1968*.

In their task of lawfully providing information services to users, libraries have been hamstrung in recent years by the lack of competitive options in negotiating licences for the provision of copyright material in a digital environment.

For example, there were protracted negotiations which were escalated to the level of the Australian Vice Chancellors Committee (AVCC), concerning the basis upon which the nation's students might have access to appropriately licensed digital forms of needed readings.

As the only practical negotiating entity exercised a monopoly, there was no ability to derive a market value for the unit cost of the new services.

If there had been one or more competitors to the Copyright Agency Limited (CAL) in the negotiation of licences, the chance of finding a solution would have been greatly enhanced.

Failure to find a solution depressed services that were technically possible in our universities, colleges and schools, as well as libraries in other sectors. Efficiencies and effectiveness measures that might have been achieved were held back at the same time as many institutions grappled with significant cost pressures in the provision of conventional services.



Australian Libraries Copyright Committee

The ALCC would like to see the IPCR Committee give consideration to the monopoly mandate of the larger collecting societies and their relationship with libraries in Australia, within the framework of competition policy and the wider public interest. CAL's position as both a collecting society with a statutory licence and a monopoly, has challenged the competitive development of our libraries in the information age.