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More on the digital agenda reforms...

The *Copyright Amendment (Digital Agenda) Bill* currently being considered by the House of Representatives Standing Committee on Legal and Constitutional Affairs (LACA) is overall a reasonable outcome for libraries and information services. There are though some significant implications for our sector and Jamie Wodetzki provides a good summary of these in his article 'The Digital Agenda hits the house' in this issue [see also http://www.alia.org.au/copyright/news/ for details on the Bill].

LACA has received a number of submissions from libraries, library representative organisations and industry representatives such as law societies. The Association's submission [found at http://www.alia.org.au/submissions/] supports the position taken by the Australian Libraries Copyright Committee, of which we are a member.

All of these submissions have addressed the likely impact on library services resulting from the definition of 'library' in the Bill. This excludes libraries in for profit organisations from relying on the library exceptions in the Act. This came as somewhat of a surprise as this definition had not been foreshadowed in what has claimed to be 'fine-tuning' of the exposure draft.

In public policy terms, our interests are in gaining the best outcome for the sector as a whole. It is about ensuring the best possible access to information for all users, and maximising opportunities for resource sharing across the sector. It is a much wider issue than licencing arrangements with copyright owners and collecting agencies.

In preliminary hearings on the Bill there was some general concern by committee members about declining access to published information resources in Australian libraries, and particularly public libraries. There also appeared to be a general view that it was reasonable for corporate libraries to pay for copies under the library document supply provisions. The challenge for the committee is to find a way through, which retains equitable access to information for those in for-profit and not-for-profit libraries, and appropriately compensates copyright owners.

The library and information services sector is party to a range of licencing arrangements with copyright owners which provide royalties to copyright rights holders. For example the educational copying statutory licences administered by the Copyright Agency Ltd and Screenrights, and the government copying statutory licence covering federal, state and territory governments. In relation to this Bill the point remains though that voluntary licences do not cover all creators and rightsholders and these are the licences which corporate libraries would be required to be a party to. These licence agreements are seperate from the Public Lending Right which in the 1998–99 program provided around $5.2 million in payments to creators and publishers.

LACA held a public-hearing roundtable of all parties to the debate on 14 October and proposes to hold further roundtables on 21 and 22 October. Again, at the 14 October roundtable committee members were concerned about their constituents having affordable access to information. There was some interest in exploring further the statutory licence model in relation to libraries.

The broad concensus within the library and information sector is that the best outcome is removal of the definition and the adoption of the standing recommendation of the Copyright Law Review Committee in its Simplication Report Part 1 — that corporate libraries should be able to rely on the library exceptions; and that libraries conducted for profit should be treated as libraries for the purposes of the *Copyright Act*.

The Association will continue to monitor developments. ■