

Copyright Code Review
Director, Emerging Policy Issues
Bureau of Communications and Arts Research
Department of Communications and the Arts
GPO Box 2154
CANBERRA ACT 2601

3 October 2017

Review of Code of Conduct for Copyright Collecting Societies

The Council of Australian University Librarians (CAUL) is the peak leadership organisation for university libraries in Australia. Our mission is to advocate for and influence information policies and practices in Australian higher education that promote fair, affordable and open access to knowledge, and to support and enhance the value of university libraries. The management and compliance of the education sector copyright licenses is the responsibility of the University Librarians in most Australian universities.

CAUL thanks the Bureau of Communications and Arts Research for the opportunity to submit to the review of the voluntary Code of Conduct for Copyright Collecting Societies (the Code).

CAUL strongly supports the Productivity Commission's recommendation that there is a need to strengthen the transparency, accountability and governance arrangements that apply to the collecting societies.

In particular, CAUL:

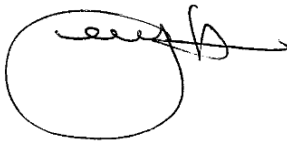
- Reflects the view of Universities Australia that the level of transparency in the distribution of funds collected by the agencies is limited (unacceptably so). It is not currently transparent how funds collected from the education sector are used when those funds cannot be distributed to rights holders.
- Is disturbed by the 'Future Fund' that has been set up by the Copyright Agency to advocate against flexible copyright exceptions that would benefit universities and schools. The use of statutory funds for this advocacy is considered untenable by CAUL given that no rights holders would be harmed if these reforms were to be implemented.
- Notes that the Code suggests one of the factors which societies may take into account in setting fees is the value of the copyright material in question. CAUL questions whether this factor has been considered in recent license negotiations when the changing landscape, since the code came into effect in 2002 is considered, as per the Review Discussion Paper. University libraries are acutely aware of this changing landscape and this is evidenced in the dramatic increase in costs paid direct to publishers for commercially licensed materials. Australian university libraries paid over \$261M direct to publishers for journal subscriptions

in 2016, a 40% increase since 2009 and more than double the 2002 count of \$125M. In addition to this, universities are increasingly relying on open education resources for content, resulting in less reliance on licensed materials.

For these reasons, CAUL strongly supports the Universities Australia submission to the Code of Conduct for Copyright Collecting Societies.

Please do not hesitate to contact Catherine Clark or myself if you have any questions of CAUL or seek further information on any aspect of this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Margie Jantti', is written over a large, empty oval shape that serves as a placeholder for a stamp or seal.

Margie Jantti
CAUL President

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