**Australian Law Reform Commission Review – Copyright and the Digital Economy – Discussion Paper & responding to claims by the Australian Society of Authors**

**What is the ALRC review?**

The Australian Law Reform Commission (ALRC) is currently reviewing Australia’s copyright exceptions to make sure they are suitable for the digital environment.

This review is critical for Australian teachers and students. Delivering world class education requires copyright laws that are fit for purpose in a digital age.

Teachers, parents and schools all expect to be able to use the most modern and effective teaching methods for the benefits of Australian students. However, Australia’s current copyright laws are stuck in the age of the photocopier.

Australian teachers currently face a complex copyright environment, which sets different rules for different types and different uses of copyright materials. These rules also apply differently to different technologies and formats. This just does not make sense in a digital age.

The ALRC has proposed two reforms that will ensure Australia’s copyright system is appropriate for teachers in the 21st century:

* Introducing a fair use provision. This will future proof Australia’s copyright laws and ensure that fair uses of copyright materials are permitted in Australian schools.
* Repealing the current statutory licences and replacing them with more modern and efficient voluntary collective licences. This will allow Australia’s educational licences to be modernised to make sure that teachers can continue to use copyright materials in their teaching, and copyright owners will continue to receive fair remuneration.

The Australian school sector supports these reforms.

**Responding to claims by the Australian Society of Authors**

The ASA has written to schools in Australia encouraging teachers to oppose the ALRC’s proposals. The ASA is encouraging teachers to write to the ALRC criticising the proposals.

The schools sector does not share the ASA’s views. We believe the ASA information misrepresents the ALRC’s recommendations and the impact of reform on teachers.

The Australian education sector would never support a law reform proposal that would make things worse for teachers.

The Schools’ submissions to the ALRC were made after careful consideration by all State and Territory Departments of Education, the Independent Schools Council of Australia and the National Catholic Education Commission. They are also supported by the universities, TAFE and VET sectors.

**Assessing the claims by the Australian Society of Authors**

Here are some of the claims made by the ASA and why the schools sector disagrees with them:

***The Educational Statutory Licence makes a teacher’s job easier***

There will be very few differences in the way teachers can use copyright materials in class. What will be different is that schools will no longer be penalised financially for using digital technologies.

For example:

* writing a quote from a book on a blackboard is currently covered by an exception. Writing the same quote from the same book on an interactive whiteboard is not – and must be paid for out of education budgets.
* the default provisions of the statutory licence mean that schools pay millions of dollars of public funds each year just to use materials that are freely available on the internet, such as free tourism maps of Australia.

***It is reassuring to know that people who create educational content receive payment for their skill, time and effort***

The system proposed by the ALRC will continue to support the production of educational content in Australia – and will ensure that creators will continue to receive fair remuneration for their efforts.

Most uses that are currently paid for under the statutory licences will continue to be paid for in the proposed new system, under voluntary licence arrangements (similar to those currently in place and operate successfully with the music collecting societies).

The ALRC’s suggested changes will fix the current situation, which creates financial disincentives to use new technologies in teaching. For example, currently showing material on an interactive whiteboard may result in up to four times as many remunerable activities than printing a copy for each student.

***I oppose changes that will create a further burden on my time***

The ALRC’s proposals will not create any additional burden for teachers. Teachers will not become the “copyright police”. Nor will they have to change their current copying practices.

Teachers will not be required to make copyright decisions each time they want to use materials in class. As is currently the case, uses will either be clearly understood to be covered by an exception – or they will be permitted under the terms of a collective voluntary licence that will set out the rules for teachers.

Voluntary licensing arrangements may in fact make teachers’ lives easier in practice – as the licences could be updated to take account of changing practices and teaching tools.

***Change to the current system will create uncertainty about what I can and cannot share with my students***

At present, there are different rules as to what content a teacher can copy, depending on whether the material is an image, text, TV broadcast, film or music recording.

The ALRC’s proposals will simplify the rules significantly.

As is currently the case, the National Copyright Unit will provide clear and simple guidance on what uses are allowed in schools.

***I oppose changes that take fair remuneration away from the people who create high quality educational resources, many of whom are teachers***

Contrary to the ASA’s claims, fair use will not mean that all educational uses of copyright materials will be free. Schools have a long track record of paying for educational use of music under voluntary licensing arrangements with AMCOS/APRA/ARIA and under a licence with Roadshow for films.

As stated above, many uses that are currently paid for under statutory licences with Copyright Agency and Screenrights will continue to be paid for under similar voluntary licensing arrangements. The Copyright Agency and Screenrights licences will continue to exist – but in a more flexible way that is more suited to the digital learning environment.

Some activities that are identified as fair uses will no longer be remunerable, which may have some impact on licence fees. Alternatively, the licences may be negotiated to allow a greater range of teaching activities with appropriate remuneration for creators.

Schools are not asking for a free ride – simply a fair ride.

**More information**

If you would like to read more about why Australian schools support the ALRC’s proposed reforms, please read the Copyright Advisory Group – Schools’ submissions to the ALRC’s issues paper, available [here](http://www.alrc.gov.au/sites/default/files/subs/cag_schools_submission_-_ip_42_-_corrected.pdf) and supplementary submission [here.](http://www.alrc.gov.au/sites/default/files/subs/290._org_supcopyrightadvisorygroupschools.pdf)

You can also contact the National Copyright Unit on (02) 7814 3855 or email at [smartcopying@det.nsw.edu.au](mailto:smartcopying@det.nsw.edu.au).

The National Copyright Unit provides – and will continue to provide – clear and straightforward guidance to teachers about how copyright materials can be used in Australia’s classrooms.