



1/134-136 Cambridge Street
Collingwood VIC 3066
president@vate.org.au

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Submission to Australian Law Reform Commission (ALRC) via email: info@alrc.gov.au

RE: Proposed Changes to Copyright Law

From: The Victorian Association for the Teaching of English

To the Executive Director,

We are writing to you on behalf of our members. The Victorian Association for the Teaching of English (VATE) is an independent, not-for-profit organisation, governed by an elected Council, which aims to foster the highest quality teaching of English in Victoria. VATE proactively nurtures a community of English educators and the advancement of the wider profession. VATE's membership represents some 3,694 individuals across over 404 schools and tertiary institutions throughout the state of Victoria.

VATE makes this submission in response to the ALRC Discussion Paper on Copyright and the Digital Economy. Education environments and outcomes would be significantly impacted by these proposed ALRC changes. There are two areas of particular concern: 1. The administrative burden on teachers and schools focused on literacy objectives, English teachers and classroom practitioners; and 2. As a not-for-profit developer of teacher classroom resources and texts.

1. English teachers seek to access and use a diverse array of texts to ensure the breadth and efficacy of their teaching. Victoria has long been a world-leader in the extensive use of current media texts, including the digital media, within the English classroom. Under these proposed changes, instead of the extant periodic survey system of schools, we have been advised that the onus will fall on schools and teachers to oversee the use and recording of the copying of such copyright material. This would be both cumbersome and unworkable and mitigate against the usage of such contemporary teaching materials. As a result of such onerous and time-consuming changes, the calibre of English teaching would clearly suffer as teachers and schools

would be obliged to desist from accessing such resources due to the demands that such an administrative role would create. In the current environment, with increased emphasis on literacy improvement and creating digital competencies, a fair and simple process that encourages the use of digital materials in the classroom is what students and teachers need to respond to these challenges.

One of the fundamental differences of this legislation is the proposed removal of Statutory Licenses with the replacement of Fair Use. The shift from what has been a straightforward and accessible option for educators and creators through Statutory Licenses is now a legal process with vague and indiscriminate conditions. This incorporates unnecessary confusion and apprehension into the process that will serve only to hinder educational outcomes for students and create an environment of uncertainty and litigiousness between educators and creators.

2. VATE, along with comparable associations for the teaching of English in other jurisdictions, has also for many years developed an array of teaching resources and texts for use within the English classroom. The foreshadowed repeal of statutory licences would create great uncertainty and deny our organisation the funds currently distributed to creators of such materials, as well as preventing VATE from being able to access funds derived from the creation of original texts. These funds are essential in helping to support the running of a volunteer-based organisation such as VATE. Further, the proposed changes will potentially reduce VATE's ability to continue to produce high quality professional resources for use by teachers and teacher educators, as well as adversely impact our ability to share resources which arise out of our many conferences and presentations; such sharing of ideas and inspiration is central to fostering a knowledge community.

With a view to establishing a legal framework that supports both classroom teachers in their pursuit of excellence in teaching, along with an organisation such as VATE, which exists to uphold teachers in this pursuit, we urge the ALRC not to implement the proposed changes to the current copyright system which is just, clear, equitable and manageable for all concerned. Such changes would only result in confusion and effectively inhibit the capacity of educators to share knowledge - both with each other and their students.

We look forward to hearing the outcome of your inquiry.

Yours sincerely



Monika Wagner

President



Ross Huggard

Vice-President