



THE EDITORS

Registered for posting as a publication. Category "B"

P.O. Box 567.

Neutral Bay Junction - 2089

SEPTEMBER, 1981

NEXT MEETING...NEXT MEETING...NEXT MEETING...NEXT MEETING...

The next meeting will be held on Wednesday 16 September.
7.00pm Kirribilli Neighbourhood Centre, Fitzroy Street, Kirribilli.
PLEASE RSVP TO NARELLE KONTE, 888.2733 BY MONDAY 14TH SEPTEMBER.
'The Good(?) Old Days of Publishing'

Our guest is Sam Ure Smith, founder of Ure Smith Publishers, and currently publisher of the journal Art and Australia.

REPORT OF LAST MEETING

Held at the Kirribilli Neighbourhood Centre on Wednesday 5 August 1981.

Because of the recent changes in the copyright law, we decided to hold a meeting clarifying the issues. Our guests were Sandra Forbes, Director of the Australian Book Publishers' Association, Peter Banki of the Australian Copyright Council and Bob Winder from the Legal Section of the Education Department. The meeting was chaired by Jim Robins.

The speakers divided the subject matter into their own areas of expertise. Peter Banki gave a summary of the Act and its purpose, commenting on its implications, particularly for editors; Bob Winder presented the educators' point of view, relating particularly to schools and Sandra Forbes gave the publishers' and copyright owners' viewpoint.

After a ten-year debate, changes to the Copyright Act came into force on 1 August 1981. Its provisions included an increase in penalties for 'piracy' (this applied to reproductions of sheet music and paintings as well as books), allowances for handicapped readers (who can have access to photocopied material in certain cases without payment of fee to a copyright owner) and revision of regulations covering photocopying.

The most relevant section of the Act for editors is Section 40, which relates to individual single copies. The phrase 'reasonable portion of the work' has previously been used in the Act but has not been clearly defined until now. Under the revisions to the Act, it is regarded as 10 per cent or a chapter of a work, which in the case of periodical publications equates with a single article. In specific cases more can be copied.

Valid reasons for making single copies are research and study, criticism and review.

Another category is library photocopying, which is divided into three parts - photocopying for library users, for other libraries (inter-library loan) and for preservation purposes.

The third category is multiple copying under statutory licence which applies to educational institutions and resource centres. If an institution qualifies under this classification, it is permitted to make multiple copies of works provided a record of material copied is made. The owner of copyright must be paid a fee upon request. If there is disagreement about the fee, either party can go to the Copyright Tribunal, which adjudicates.

The records of material copied must be made in a particular way (probably alphabetical by author or by title of the work). Fines will be levied for misrepresentation; the copyright owner must be able to refer easily to the records kept.

The limits to copying are not absolute. Generally, they are the 'reasonable portion' mentioned earlier, unless the work is unavailable. Under such circumstances, the whole of the work may be photocopied.

Bob Winder was the next speaker. He pointed out that the Education Department has problems with the complexity of the Act and the ability of teachers and ancillary staff in understanding it and carrying out its provisions. At the same time, the Department recognises the need for some control over copyright, for the mutual benefit of authors and students. If authors stop writing, students will suffer.

The new Act goes some way towards clarifying the regulations, and the recording scheme is a worthwhile development.

Now for the first time it is legal for educational institutions to make multiple copies. All that is needed is for teachers and ancillary staff to be made aware of the limits imposed by the Act and the regulations about recording details of copies made.

At present, there is a danger that schools will be inhibited by not fully understanding the new Act, but current in-service courses should overcome this within the next twelve months.

The new Act applies most particularly to tertiary institutions, where the bulk of multiple photocopying is likely to take place.

The other major problem confronting the schools is how to budget: nobody is sure just how much copyright owners should charge. A corollary of this is that, until educational institutions know how many copyright owners are likely to claim a fee, they will not be able to determine how many additional staff are required to administer the Act.

Sandra Forbes emphasised that the problems involved with the new Act apply not only to copyright users, but to copyright owners. Publishers and authors should band together to devise a simple method of collecting fees. The Copyright Agency Ltd. has been formed in an attempt to serve these needs. Board members include representatives from the Australian Society of Authors, the Australian Book Publishers' Association, and representatives involved with sheet music and art.

None of the provisions for collecting fees can be determined until a test case is brought before the Copyright Tribunal, which is unlikely within the next six months.

The Copyright Agency Ltd. is a non-profit organisation, funded by the organisations that stand to benefit from its services. The aim is to raise \$200,000 to set up the machinery for collecting fees.

As far as editors are concerned, the new Act stresses even more strongly the need to charge a fee - however nominal - for any copyright permission. (If a user requests permission to reproduce written material and in the process makes a photocopy, there is no need for that to be recorded.) It is unlikely that the fee that will be agreed by the Copyright Agency will be variable, but it's a start.

Editors and publishers must also protect their authors by making clear that contracts are very clear about subsidiary rights. All publishers and Editors should obtain a copy of the Act and read it carefully.

A.J.A. Editors' Award

It's being discussed between editors and publishers now. If you want to know more about it, or would like to help with the negotiations, ring Sue Butler on 88-3022.

Situations Vacant

Cassell Australia are looking for an experienced editor to work on both trade and educational titles. You must be able to carry out all editorial processes, including copy editing and proof reading, and supervise projects from manuscript to finished book. Salary will be paid according to the A.J.A. Award.

Please reply in writing to: Lisa Berryman, Senior, Editor, Cassell Australia, 44 Waterloo Road, North Ryde. 2113. (Telephone 888-7422).