Submission in response to the Productivity Commission’s “Fair Use” proposal

AATE believes that Australia’s current statutory licence system is efficient and fair for both educators and for content creators, promoting an incentive for innovation and investment. We believe it is highly effective in protecting the interests of both the creators and the consumers of copyright material in the education sector. The Australian Association for the Teaching of English (AATE) is the peak national professional association for English educators in Australia. The Association was established and is supported by state and territory English teaching associations. Through its affiliated state and territory bodies AATE has almost 5,000 direct members and, via our corporate/institutional members, represents upwards of a further 12,000 English teachers and teacher educators.

AATE objects to the “Fair Use” scheme for the following reasons:

AATE AS A PUBLISHER

- A substantial number of Australian teachers produce resources that are used in schools over lengthy periods of time. They should be fairly remunerated for their efforts throughout the currency and lifespan of the resources so produced.

- Many of our members are also content creators in their own right, with the current system providing an incentive for them to share their knowledge, research findings and expertise with their peers: a practice which we have found to be one of the most effective ways of enhancing the professional capacity of teachers.

- A significant part of AATE’s operations involves the production and publication of content through our professional journal, books and online teaching units.
• Utilising the expertise of our members, AATE invests a large amount of available resources into making our content readily accessible to all teachers in printed and electronic format.

• AATE works closely with teachers and researchers around the country, providing them with the opportunity to disseminate their research and pedagogical practices to a wide audience both within Australia and overseas.

• As a creator of resources by teachers for teachers, AATE strongly supports maintaining the current Educational Statutory Licence system, which ensures remuneration for those who create high quality and highly valued Australian educational resources.

• It is important that a value is placed on the content produced and used in an educational context. The current system does this in a fair, reasonable and easily managed and monitored way.

AATE MEMBERS AS CONSUMERS OF COPYRIGHT MATERIALS

• AATE members find that the current system maintains costs at an affordable level and it is simple to manage.

• Schools already have excellent resource management systems set up through their libraries that have efficient monitoring processes for the distribution and circulation of educational content.

• The current Educational Statutory Licence system supports AATE’s commitment to making professional resources available to teachers, researchers and teacher educators.

• For a minimal cost and without the burden of having to worry about copyright permissions, presenters and delegates at conferences and professional learning events, and teachers in classrooms at a school and tertiary level, are able to share resources in ways that enhance professional educational practice.

• As a result, Australian teachers and students have unparalleled access to high quality educational resources, the creators of which earn income, which in turn helps to drive the creation and publication of further innovative and high quality educational content.

• AATE is concerned that any change to the current system may impose a cost and time burden on schools and create confusion for teachers around what resources can and cannot be shared.

• There is also a concern that there may be a disincentive for professional associations like AATE to generate content produced by Australian teachers and writers for the unique Australian context, reducing access to highly valued local and national resources which educators in school and tertiary contexts rely upon.

GENERAL REASONS FOR THE REJECTION OF THE “FAIR USE” PROPOSAL

• The teaching of English in Australian schools is reliant on the past and present production of quality literary and cultural works. We believe that the proposed scheme will negatively affect the production of high quality Australian texts suitable for use in English classrooms.

• State and national curriculum documents provide evidence of the very substantial number of Australian texts produced over the last fifty years that are used in English courses. These texts are necessary for maintaining high quality Australian content in Australian courses.
• The use of Australian texts in pedagogical contexts provides valuable income to Australian writers and film makers.

• Creators of Australian educational content are producing works primarily for the Australian educational context. It would be educationally and culturally inappropriate for that content to be substituted with works from overseas.

IN SUMMARY

Australian created content remains central to our identity as Australians. Its creation, use and enjoyment throughout Australian society, and in particular in Australian educational contexts, but indeed anywhere, need to be preserved. It should not be subsumed by the demonstrably flawed illusion of supposed consumer benefit and the stark reality of greater international corporate profit.

Sincerely

Monika Wagner
President