

Professor James Lahore  
Chairman  
Copyright Law review Committee

Dear Professor Lahore:

Thank you for the opportunity to attend the consultation forum on Crown Copyright in Sydney on July 27, 2004.

The concerns of the Australian Society of Authors are to do with access to and use of Crown Copyright material.

The ASA does not take issue with the right of the Crown to hold copyright and to exercise its rights over this material for purposes it deems appropriate. However, there are some areas where the control of Crown copyright disadvantages our members and where we feel the Crown, in its various manifestations, needs to agree on clear guidelines for public access and use.

One area that has been raised by our members is the high fees being charged by various State Boards of Studies with regard to use of essential curriculum material in writing and publications that are to be used in schools and TAFEs. In particular, the NSW Board of Studies has been mentioned as an agency that charges commercial fees for the reproduction and republishing of its curriculum documents. Writers are required to refer to these documents-- to republish them-- in order to write textbooks that address the concerns and issues within the curriculum documents. It is disadvantageous to these writers when government agencies treat these documents as if they were commercial publications.

In the higher education sector, another area of concern is the control of accounting standards by the Accounting Standards Review Board. The original standards were at one time Crown copyright, though copyright now appears to have been ceded to the AARB, which I do not believe is a part of the Crown. The Board treats the Standards as a commercial property and charges high fees for reproduction and republication, even though the standards must be referred to and quoted in any accounting textbook. This considerably disadvantages the writers of such books.

There are other aspects of Crown copyright that also concern our members. It has been drawn to my attention that writers can be commissioned to write a work for a Crown agency and, for political or other reasons, the work may never be published, yet there is no mechanism in place for the rights in the work to revert to the

author, as would be the case in a commercial contract where a work was not published or went out of print.

Yours sincerely  
Jeremy Fisher

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Australian Society of Authors: Principal advocate for the professional and artistic interests of Australian authors. Protecting basic rights to freedom of expression, working to improve income and conditions, promoting Australian writing and literary culture.

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28 July 2004 by email

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