



Australian Libraries' Copyright Committee

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Australian Libraries' Copyright Committee Submission to the Digital Agenda Review Libraries, Archives and Educational Copying Issues Paper September 2003

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The Australian Libraries' Copyright Committee (ALCC) welcomes the opportunity to make this written submission to the Digital Agenda Review. ALCC is the main consultative body and policy forum for the discussion of copyright issues affecting Australian libraries and archives. It seeks to have the interests of users of libraries and archives recognised and reflected in copyright legislation, and in so doing, help build and sustain a copyright regime which promotes learning, culture and the free flow of information and ideas in the interests of all Australians.

The ALCC is a cross-sectoral committee with representatives from the following organisations:

- [National Archives of Australia](#)
- [Australian Library and Information Association](#)
- [Council of Australian State Libraries](#)
- [Council of Australian University Librarians](#)
- [Federal Libraries Information Network](#)
- [National Library of Australia](#)

As such, it covers services provided to millions of Australians in their library usage for educational, recreational, research and study purposes.

The ALCC has commissioned some research to better understand the effects that the Digital Agenda Amendments has had. The work was conducted by the National Library Australia in 2003. Entitled *Library survey: impact of the Copyright Amendment (Digital Agenda) Act* [Attachment 1], the study sought to understand trends significant to the issues raised in the review. In summary it shows for the surveyed cross section:

- interlibrary loans of books are in decline
- a small number of electronic copies supplied to users relied on provisions introduced by the Act
- a small number of libraries supplied electronic copies to other libraries under provisions of the Act

The ALCC would be happy to discuss any matters relating to the study.

The ALCC limits its submission to issues specifically relating to library and archives provisions.

However, on other matters addressed in the review, the ALCC's views are allied to those indicated in the submission from the Australian Digital Alliance.

Issue 1

The Review seeks your views (together with any supporting data, including economic data) on the issues raised in this section. In particular:

- 1.1: Does the difference between a library carried on for a profit and libraries operated by a “for profit” organisation adequately maintain an appropriate balance between the interests of owners and those of libraries, users and the community in the digital environment?
- 1.2: Does a distinction between a library carried on for a profit and libraries operated by a “for profit” organisation need to be maintained? If not, would the balance be better addressed by repealing section 18 or section 49(9)?
- 1.3: Is any restriction on copying by for profit libraries to make a copy available to another library, similar to that in section 49(9), required under section 50?
- 1.4: Has the legislature’s intention to exclude private commercial galleries and similar repositories from the definition of “archives” been achieved?

It is not clear what is meant by the phrase “corporate libraries”. With the exception of national, state and public (ie rate payer supported) libraries and cultural institutions, “corporate libraries” may on a literal interpretation be taken to cover all other libraries. For the purpose of this submission it is assumed that “corporate” is intended to mean libraries within organizations that are designed to make a “profit” in business terms.

Likewise it is not clear what is intended by the phrase “public” libraries and whether the phrase is used in reference to funding source or description of function. Within the relevant professional literature, public libraries are those established under local government arrangements.

The definition of libraries as provided for in section 18 facilitates the ability of libraries to work in an efficient network . The provision enables a diverse range of information and resources to be accessed by all sectors of the Australian community. The purposes and desirability of maintaining a network between libraries within for-profit organizations and non-profit libraries remains unchanged in the digital environment. The ALCC submits that the role of libraries within for-profit organisations in ensuring a continuing flow of information spans issues that are beyond that of the Digital Agenda. Structural changes to the information network, such as preventing libraries in for profit organisations from participating in the network, would result in a fundamental shift in the way the national interlending network operates.

Australia has been well served by the interlending network in providing, under the library exceptions, material on interlibrary loan. The importance of this in the context of overall library provision has been acknowledged by the Intellectual Property and Competition Review Committee (IPCRC) in its report *Review of intellectual property legislation under the Competition Principles Agreement (2000)*. The IPCRC noted that:

“it has long been the case that no library could aspire to an all-embracing collection and acquire all relevant material for users. If anything, new technologies, and the continued rapid growth in the knowledge base make it even more unlikely that such an aspiration could be fulfilled.” (p90)

Libraries that are run as part of a for-profit organization typically contain specialist resources catering for a particular sector such as the health, legal and pharmaceutical industries. Advice from specialist libraries indicates that these libraries will always need to subscribe to publications that are from medium to high demand to satisfy their direct users' needs. It is in the nature of their service that such libraries cannot afford to and do not rely on library to library loans to supplement their core demand. We are not aware of any convincing evidence that would support the assertion in 6.1.9.

The assertion made in 6.1.10 that public libraries rely too heavily on materials from private libraries misunderstands the amount and nature of traffic in document supply. The evidence for this assertion should be checked comprehensively before any legislative change is contemplated.

The evidence of the study commissioned by the ALCC shows that with the development of electronic subscriptions, interlibrary loan traffic is in fact in decline rather than growth. This fact should be seminal in the Government's consideration of this issue as it entirely contradicts the view that the trade in digital material under the library exceptions is on the rise.

As noted above the ALCC queries the use of the word "corporate". If it is intended to mean a library with a substantially private funding source rather than a government funding source it should be noted that there is much ambiguity in attempting such a differentiation. Boundaries between public and private resources are a matter of considerable complexity in a range of contexts. Consider for example the changes in resource inputs to university activities over the last twenty years, a trend which current government policy will build on; or the longstanding issue of access to public support for private schooling; or the desirability of close connection between business, industry and the nation's intellectual and research resources in our research institutions and universities.

As noted in the public forum in Sydney, a library carried on for profit in its own right has not yet been identified. A business operated for profit in providing document supply should not qualify as a "library" for the purpose of the library exceptions in the Copyright Act. It follows that the remaining questions at Issue One would not apply.

The provision of s49(9) has created confusion for libraries as is not clear from the provision what "individuals" is intended to cover or how far "indirectly" extends. When called to interpret the Act, librarians have relied on the clearer s18.

In keeping with s18 and the above considerations, the ALCC proposes removal of s49(9). In addition, the ALCC opposes introduction of further restrictions under s50.

Issue 2

2.1: What impact (if any) has section 49(5A) had on copyright owners' markets?

2.2: What impact (if any) has the different treatment in section 51A(3A) had on libraries' or users' interests?

2.3: Is there any unjustified inconsistency in treatment between the availability electronically of literary and artistic works?

2.4: Does the liability of a library that makes an artistic work available electronically, with an ability to make a hard copy reproduction, need to be clarified?

The library community finds odd, the suggestion that the ability of users to make a hard copy through s 49(5A) is “an unintended” consequence. As stated in 6.2.2 and 6.2.3 of the issues paper, the Explanatory Memorandum to the Digital Agenda Bill and the preservation provisions clearly affirm otherwise. The ability of a user to make a fair dealing hard copy of print materials has long been accepted practice and an important contributing factor to reasonable access since the enactment of the Copyright Act. In keeping with the Government’s objective in extending that balance to the digital environment, the making of a hard copy through s49(5A) is a direct and common-sense implementation of that right. The ability of a user to make a hard copy from use of s49(5A) cannot logically prejudice copyright owner’s markets over what has been deemed reasonable in the public interest in respect of hardcopies made under s49(5). There is no evidence from the ALCC survey of library activities (attachment 1) that supports such an assertion.

S 49(5A) is unlikely to have had any negative impact on copyright owner’s markets, given the limitations that are included in the provision of the material. The stringent conditions on which access to electronic information is granted (ie “dumb terminals”) prevents users from making any digital reproduction of the work. Hard copies created through use of the provision are limited by requirements under fair dealing.

To this date, we have not seen any evidence of any particular impact of differential treatment of s51(3A).

Issue 3

In relation to copyright owners markets, the Review seeks your views (together with any supporting data and having regard to the matters dealt with in paragraph in particular) about whether the provisions of Division 5 are or are likely to:

- **significantly reduce or remove the incentive to create works or other subject matter that is protected;**
- **lead to creating or reducing opportunities for rent seeking or otherwise create or offset additional social costs;**
- **promote widespread use of the material and increase markets**
- **impede or encourage material eventually becoming available as part of the public domain.**

In responding to this issue it is important to understand what “electronic library publishing” is intended to encompass. Libraries have traditionally published catalogues, specialist bibliographic, annual reports of their operations, promotions literature and their professional literature and continue to do so. They have not moved to publish original scholarly material from academic or artistic communities other than as *bona fide* publishers akin to other small presses. To suggest or imply that somehow the library exceptions have been exploited to enable libraries to become publishers is one of the lingering claims from the debates of 1999-2000 which has never been substantiated.

Unsurprisingly, the ALCC's 2003 survey has not detected any trend that would be described by such a concept of "library electronic publishing".

It is important to distinguish between the actions of libraries and wider changes in academic communities. For example the problems of Australian publishers in sustaining a healthy level of scholarly monograph publishing has been well documented. Libraries are entirely sympathetic with (and affected by) such trends. These developments are due to changes in recommended reading practices and curriculum changes in higher education more generally and therefore, are beyond the control of libraries and certainly irrelevant to the library provisions in the Act. As the ALCC study shows, subscribing to electronic material provided by commercial publishers has increased and consequently specific interlibrary traffic has decreased.

As the Committee's survey affirms, interlibrary loan traffic covered by Division 5 continues overwhelmingly to be in print format. In the *Interlibrary Loan and Document Delivery Bench Marking Study* undertaken by the National Resource Sharing Working Group (<http://www.nla.gov.au/initiatives/nrswg/benchmarking.html>), the real cost of supplying material was assessed to be \$17.03 (at part 3.7). The cost recommended by the Australian Interlibrary Sharing Code for supply however is \$13.20 and is observed by 98% of libraries. It is understood that the 2% of libraries that do not follow the code in fact charge less than the prescribed amount. Request and supply of documents is an expensive process. Although s50(6) allows libraries to recover the costs of document supply and interlending services, in practice, the full costs of the service are not recouped. The possible claim that libraries have been charging clients over and above the cost of the procedure lacks evidence. It is important to remember that the interlending charges were conceived purely to defray the unequal effects of labour costs in different libraries in the national interlending network.

More broadly, the Committee see no evidence that the Government's commitment to extending the library exceptions into the digital environment has had any effect on copyright owners' markets, but notes that evidence derived in various library use studies shows rising dependence on material subscribed to from electronic publishers which would have the effect of consolidating and developing their markets.

Issue 4

4.1: Do any of the provisions in sections 49 or 50 create any additional costs or create any artificial barriers to the provision or circulation of works or information, without adequately protecting the rights of owners?

4.2: Does any aspect of Division 5 of the Act require clarification or amendment, to remove any uncertainties or to better express or meet the objectives of the Digital Agenda Act?

4.3: In relation to libraries and archives community function as disseminators of information in digital form, the Review also seeks your views (together with any supporting data and having regard to the matters dealt with in paragraph 4.16 in particular) about whether the provisions of Division 5 are or are likely to:

- **significantly reduce or remove the incentive to create works or other subject matter that is protected;**

- **lead to creating or reducing opportunities for rent seeking or otherwise create or offset additional social costs;**
- **promote widespread use of the material and increase markets;**
- **impede or encourage material to eventually to be available, as part of the public domain.**

The ALCC suggest that removal of s49(9) for the reasons stated in response to Issue One.

The provisions of ss49 & 50 have not been reported to create any barriers additional to those existing before the introduction of the DA Act although some of the requirements of the DA Act have imposed a level of administrative burden.

The requirement for the destruction of interim copies was presumably to prevent the possibility that a library would inappropriately use the document supply exceptions to build up a digital database of copyright works which could then form the basis of a super-efficient digital document service, displacing the copyright owner's markets. Disregarding for the moment the inference that libraries (as either statutory authorities, or as units of larger legal entities) would countenance such potentially infringing practices in the responsible discharge of their functions, the concern also generally failed to appreciate the practical and cost difficulties, were such a process to be invented. However satisfying this provision has not had serious impact on library practice but to the extent that it creates inefficiencies, is an unnecessary requirement to prevent a phantom danger.

It also seems odd that the provisions for library to library supply of electronic works dispenses with the reasonable portion approach in the provisions for print works, requiring application of the commercial availability test for any electronic supply in s50. This requirement was presumably to calm the unrealistic fears that the market for an electronic work could effectively be ended after a single sale: the first library to purchase the work would supply (reasonable portions of it) to every other library in Australia, and perhaps the world. As demonstrated by the ALCC study, traffic in interlibrary electronic work supply is insignificant and the increasing number of subscriptions to electronic works indicates the market is growing and healthy.

Given that only a short period of time has passed since the introduction of the Act, libraries have only recently become practically familiar with the Digital Agenda Amendments. Issues of concern to Archives derive more from the provisions in the underlying Copyright Act as outlined in the submission from that sector.

Consistent with observations above, it is not the view of the ALCC that the provisions of Division 5 have any effect in reducing incentives/ opportunities for the creation of works, but rather that the steady development of electronic material for purchase or license is promoting its use and consumption in accordance with copyright owner interests.

It is suggested that any examination of the business returns of the major commercial electronic publishers would substantiate the view that their markets are healthy and growing.

Issue 5

The Review seeks your views (together with any supporting data) on the issues raised in this section. In particular:

- 5.1: Is first digitisation of unpublished works by libraries and archives occurring to any (or any significant) extent? If so, is there any systemic or widespread failure to include electronic rights management information?**
- 5.2: Are there any adverse effects as a result of the lack of any positive obligation to include electronic rights management information on any electronic copy or communication that may be made of a work or other subject matter? If so, what are they?**

The questions in the Issues Paper refer to the making of a first digital copy of the unpublished work. It is understood from discussions at the Sydney forum that this was not intended and that the intent was to seek views relating to the digitising of works in existing printed formats.

The concept and use of the phrase “first digitisation” is confusing and does not accurately describe the issues at hand. The DA Act introduced amendments to include digitisation within the right of reproduction rather than create a new category of right. Accordingly the Government considered it important to extend the exemptions for libraries and individuals to include a reproduction from print to digital format which is “first digitisation” as to any other reproduction. “First digitisation” equates to digitisation *per se*.

The most often reported digitisation activity is that which university libraries have undertaken on behalf of educational institutions pursuant to the agreement between Copyright Agency Limited (CAL) and the Universities which came into effect in 2001. Digitisation of works is covered by the agreement and remunerated at rates agreed by these bodies. Accordingly copyright owner markets are receiving a return for this activity. As can be seen from our own research, any other activity involving the exchange or provision of digitised material (as distinct from material already in digital form under licence) is not widely reported. It is difficult to sustain a view that there is damage to copyright owners markets through the exercise of such supply under fair dealing limitations.

In relation to unpublished works it is also difficult to sustain a view that there is damage to copyright owners’ markets. The types of unpublished work typically held are relatively dated, obscure and only a small fraction is ever likely to be of commercial interest to publishers. Libraries’ ability to digitise works within existing provisions or under licences, erect no barriers to the market, should publishers elect to publish any of those works, given that unpublished works enjoy effective perpetual copyright.

With respect to issue 6.5.4 and 6.5.5, it should be noted that typically, unpublished work at its point of origin is unlikely to contain electronic rights information. This is particularly the case for historical materials, where because of effective perpetual copyright, copyright owners may have changed several times before a request is submitted. In such cases, searching for this information adds a significant administrative burden. Where information is readily available, library practice sees that it is attached. The ALCC is not aware of any adverse effects due to the lack of a “positive” requirement to include rights management information.

Issue 6

6.1: Does the format neutral approach to media in the Act have an adverse effect on the ability of libraries and archives to discharge their community functions as disseminators of information in digital form?

6.2: Would amending the Act to distinguish between different media have an adverse effect on:

- **The technological neutrality of the legislation**
- **The rights and interests of owners, users or libraries and archives.**

Generally speaking, libraries have not sought to advocate change to the fact that the Act treats formats differently ie non-text media as opposed to printed media and in general would recommend no alteration to the Copyright Act in this regard.

No evidence is available from material provided to the ALCC which would support the view that once only access diverts a sale.

If there were more specific proposals about any change, libraries with large media and non text collections would be pleased to comment. Comments from the Archives sector on their capacity to provide material of evidential value regardless of format should be considered to enable a better discharge of their service functions.

1 Library survey : impact of the Copyright Amendment (Digital Agenda) Act.

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3 Introduction

The Copyright (Digital Agenda) Amendment Act 2000 came into force in March 2001, with the aim of clarifying how copyright works in the digital environment. A review was flagged at the time of introduction of the Act and is now underway.

The National Library has conducted a survey for the Australian Libraries Copyright Committee to look at the operation of the Act in Australian libraries, and in particular to examine its impact on interlibrary loan operations. There is no published information on how the new Act has affected library operations.

The **Terms of Reference** for the survey were to:

1. examine and comment on trends in the supply of copies of print and electronic journal articles;
2. examine and comment on trends in the lending of print and electronic books;
3. identify policy changes that have been made within libraries since the Digital Agenda Amendments were introduced;
4. examine and comment on safeguards in place which ensure adherence to licence agreements entered into by libraries;
5. examine and comment on the frequency and circumstances under which libraries exercise their rights to use circumvention devices;
6. identify changes in practice made in reliance on s49 for the supply of digital copies to users, and
7. examine and comment on the relative proportion of material digitised under CAL licences compared to other digital materials digitised under any other licences with suppliers.

Methodology.

A survey form was developed by the National Library in consultation with the ALCC. CAUL identified twelve member libraries, covering universities of differing sizes in both metropolitan and regional Australia. The National, State and Territory libraries all completed the survey (with the exception of SLSA, who were moving at the time and unable to access data), as did two special libraries. Approaches were made to a number of government libraries and public libraries, with no usable responses, although one library from each group provided some brief comments.

Identified libraries were provided with a copy of the survey questionnaire, and the majority (17/21) provided their responses in a telephone interview. The remainder were provided by email.

University libraries completing the survey were:	Non-university libraries completing the survey were:
Charles Sturt University	ACT Library Service
Deakin University	Austin Hospital, Melbourne
Flinders University	National Library of Australia
James Cook University	Northern Territory Library and Information Service
Murdoch University	Prince of Wales Hospital, Sydney
Queensland University of Technology	State Library of New South Wales
RMIT University	State Library of Queensland
Swinburne University	State Library of Tasmania
University of New South Wales	State Library of Victoria
University of Queensland	State Library of Western Australia
University of Western Australia	
	Some minor comments were received from : Australian National Audit Office Library Southern Tablelands Regional Library (Goulburn)

Summary of key findings

Trends in electronic and print document supply.

The majority of respondents reported a steady decline in the supply of copies (11 libraries report a decline in copies supplied, occurring over last 3-5 years). This finding is repeated in the statistics available on the CAUL site, where a comparison of data from 2000 and 2001 indicates that 23 of 39 CAUL libraries reported a decline in the number of items supplied between 2000 and 2001. (The total items supplied defies this trend, but is attributable to a substantial increase in supply from a single library).

No institutions have surveyed users about the reasons, but the decline is generally attributed to the availability of alternative information sources online, and the increased availability of electronic journals through bulk subscriptions, as well as user reluctance to wait for document supply.

Institutions have not kept separate statistics for print and electronic document supply. Few libraries supply electronic copies of journal articles under the provisions of the Copyright Act. The majority of libraries are supplying printed copies of electronic materials under the terms of licence agreements, or not supplying copies of such material at all.

Trends in lending of print and electronic books.

Loans were reported to be declining in some institutions, but increasing in two cases. No organizations responding to the survey were making electronic books available for interlibrary loan.

Policy changes since the introduction of the Digital Agenda Act.

In general libraries have not changed their ILL policies since the introduction of the Digital Agenda Act. Changes have largely been in procedures, by routing requests for copies from electronic journals through specific staff who are familiar with licence provisions. A number of libraries refuse to supply copies from electronic resources, despite such copying being permitted by their licences.

Safeguards on compliance with licence restrictions.

A variety of mechanisms are being used to ensure adherence to licence restrictions. The most common are to include a note in the cataloguing record (six libraries), or the maintenance of an intranet spreadsheet detailing licence provisions (six libraries). Others rely on staff awareness or a separate workflow for such requests. One library reported that a member of staff has been employed solely to handle licence negotiations and compliance.

Circumvention devices.

No responding library had made use of circumvention devices. A number of respondents were unclear about the meaning of this provision and were not sure what a circumvention device was.

Changes in supply of s49 and s50 copies.

Only three libraries reported that electronic copies are supplied to users under s49. In all other cases licence provisions permit the supply of copies to users, although many libraries choose not to do so.

Only three libraries report that electronic copies are provided to other libraries under s50. In all other cases licence provisions are used.

Digitisation under CAL licence (universities only).

Most university libraries (10 of 11) surveyed were digitising materials under CAL licence for an electronic reserve collection, although in some cases this was a very new activity. Almost all were expecting this area of activity to increase dramatically, as online courses develop, online components of traditional courses increase, and academic staff become more comfortable with the use of online teaching resources.

Discussion

This survey was developed to gauge how Australian libraries are dealing with electronic library resources since the introduction of the Copyright Amendment (Digital Agenda) Act 2000.

The evidence suggests most libraries are being very cautious, are well aware of their obligations and responsibilities, and are relying heavily on the terms of licence agreements negotiated with vendors of the electronic resources. It is generally believed that the terms of licence agreements take precedence over the provisions of the Copyright Act.

A general decline in interlibrary lending over the past five years was noted by a number of respondents, and is also apparent in CAUL statistics (available at <http://www.anu.edu.au/caul/stats/>). While there is no definitive data on the reasons for the decline, the most commonly expressed reasons by respondents to this survey include:

- Users are finding their own information on the Internet, and often find their needs are met by information on web sites rather than in books and journals
- The range of available journals is wider in most institutions because of the breadth of electronic journal sets, so users are increasingly finding their needs satisfied within their own institution

Less common factors mentioned include

- Increasing use of peer networks to obtain information and resources
- Users are often unwilling to wait for interlibrary loans
- Research funding is less able to cover the costs of interlibrary loans
- Some researchers make direct use of commercial document suppliers rather than library-mediated interlibrary loan

It is also known that quite a number of libraries have not recorded all of their electronic holdings on the National Bibliographic Database, so document delivery requests are less likely to be placed because other libraries do not know that they hold this material. In some cases this is because there is no supply, but in other cases it is because for large datasets the entry of the data onto Kinetica can be onerous (these reasons were apparent in a study done by a Kinetica Expert Advisory Group in 2001 (http://www.nla.gov.au/kinetica/eag_aer.html)). Kinetica is encouraging libraries to record holdings of electronic titles, and some libraries have done so, particularly where this is facilitated by Kinetica loading of title sets, but there are still major gaps in the coverage of electronic holdings.

While standard vendor licences normally prohibit document delivery, libraries are increasingly questioning this when negotiating licences. The National Library, for example, includes in its *Statement of Principles Guiding Licence Negotiation* (<http://www.nla.gov.au/policy/electronic/licence.html>) the statement that: *Licences should permit the transmission of copies of parts of electronic publications for the purpose of non-commercial document supply between the Library and another requesting library. A part may be an article contained in a periodical publication or a reasonable portion of a work. Permitted methods for transmission should include electronic transmission, for example, Ariel.*

While those subscribing to electronic resources rely on the licences to determine what uses they make of the resources, ensuring compliance with multiple licences does create difficulties for many libraries. Clients are frequently reminded of acceptable uses via online notices (see, for example, http://www.swin.edu.au/lib/database/aa_acceptable_use.htm which is the notice provided to the staff and students of Swinburne University).

Library staff in institutions which subscribe to many resources need to consult either a locally maintained spreadsheet or the library's catalogue to check on restrictions on use. Institutions with a small number of electronic resources are relying on staff awareness, in some cases aided by routing all such requests through separate work teams. Several libraries commented that keeping track of the varying provisions is difficult for library staff.

Nine libraries surveyed will print off articles from electronic sets to provide copies to their users where this is permitted by their licences. In some cases this is restricted to provision of service to their own distance education students. For electronic resources where licences permit the supply of electronic copies, not all libraries will provide electronic copies, largely because it becomes more difficult to manage where a variety of licence conditions prevail. Other libraries will supply from only one or two major data sets, thus reducing the complexity of the process for the document delivery staff.

Electronic books are not yet common. One state library has recently acquired a number of titles, but commented that as they are not yet listed on the NBD there have been no requests. Another state library commented that the "loan" of electronic books would create technological problems they have not yet been able to address.

Circumvention devices are not being used by any of the libraries surveyed, and it was apparent that many libraries are unaware that there are circumstances in which such devices could be used. A number of libraries admitted that they had to refer to the legislation to get some idea of what was meant by a circumvention device.

The digitization of print materials in university libraries is expected to grow significantly in the next few years. A number of universities are now deciding that all courses will have an online component, and academics are having to include links to electronic library resources in course modules. Libraries in universities with large distance education student populations find e-reserve to be a very efficient way of providing services to off-campus students. Not all libraries can provide figures on the breakdown between journals articles and monograph chapters, and in some cases the figures given include resources for which the institution holds the copyright.

4 Summary of survey results.

(Q 2-3) Size of library collections:

The collections of surveyed libraries ranged from 50,000 volumes in one of the special libraries, to over 5 million volumes in the National Library. The number of electronic titles ranged from approximately 650 for the Prince of Wales Hospital, to over 47,000 electronic titles at the University of Queensland. One state library did not have a count of electronic titles and could comment only on number of data sets, and one university had 33,000 titles but several uncounted electronic journal sets.

Organisation	Collection size (vols)	Electronic titles
ACT Library Service	651,000	N/a
Austin Hospital, Melbourne	50,000+	1,042
Charles Sturt University	Monographs 611,848 Serial titles 10,814	7,956
Deakin University	Monographs 1,549,175 Serial titles 62673	33,298
Flinders University	1,148,681	15,385
James Cook University	570,000	15,797
Murdoch University	633,532	20,670
National Library of Australia	5,314,441	4,000
Northern Territory Library and Information Service	134,100	5,000+
Prince of Wales Hospital, Sydney	8,600	644
Queensland University of Technology	Monographs 683,037 No vol. count for serials	Unique titles 8,000
RMIT University	Monographs 674,646 Serial titles 197,794	17,764
State Library of New South Wales	Monograph 1,360,495 Serial vols 498,284	6,000
State Library of Queensland	860,737	4,000+
State Library of Tasmania	Monographs 175,000 Serial vols 8,000	N/a (20 databases, no count of titles)
State Library of Victoria	1,877,364	1,126
State Library of Western Australia	3,011,196	2,000
Swinburne University	(non-serials) 278,919	16,564
University of New South Wales	2,400,000	29,109
University of Queensland	Monographs 1,326,660 Serial vols 782,427	47,925
University of Western Australia	1,566,000	11,745

(Q.4) Supply of copies:

Apart from University B (a traditionally low level supplier), the university libraries surveyed supply between 2,000 and 25,000 copies on ILL annually (average 8,856). No organisation surveyed was able to provide a breakdown of copies supplied into print and electronic. Only one state library provides in excess of 2,000 copies per annum, with the average for the state and territory libraries being only 1,589.

University libraries	No. copies	State/Territory libraries	No. copies	Other	No. copies
A	2,900	L	6,768	S	33,285
B	33	M	311	T	6,311
C	2,000	N	1,694	U	5,000
D	3,345	O	729		
E	3,630	P	1,075		
F	3,072	Q	5		
G	5,592	R	539		
H	22,411				
I	2,100				
J	8,667				
K	24,269				

Note: the figures for university libraries do not include supply of copies to Distance Education students or to other campuses within the same university.

(Q.5) Supply of loans: Interlibrary loan of monographs by university libraries did not exceed 5,000 copies in any institution, while two state libraries supply over 15,000 loans annually. This can be attributed to their support of the public library systems within their state. One of the special libraries which provided comments but no formal response indicated that almost all of their ILL traffic is in the form of loans rather than copies, because of the nature of publishing in their subject area – the information tends to be in published one-off reports rather than journal literature. The public library which offered comments on the survey indicated their ILL traffic is exclusively loans, but a very small volume. The Interlibrary Loan and Document Delivery Benchmarking Study carried out in 2001 showed that 98% of ILL traffic in Australian public libraries is loans.

University libraries	No. loans	State/Territory libraries	No. loans	Other	No. loans
A	4,837	L	16,035	S	18,357
B	210	M	1,330	T	n/a*
C	750	N	2,507	U	51
D	1,206	O	1,895		
E	4,663	P	10,210		
F	1,323	Q	1,906		
G	3,147	R	19,233		
H	4,756				
I	1,325				
J	1,988				
K	5,883				

* this special library keeps a 'total loans' figure which is internal circulation as well as document supply loans

(Q.6-9) Number of copies and loans requested from other libraries: not all libraries keep statistics on copies and loans requested from other libraries, and a significant proportion are unable to provide figures on items requested but not supplied.

University libraries	No. copies / loans	Not supplied	State / Territory libraries	No. copies / loans	Not supplied	Other	No. copies / loans	Not supplied
A	3,070	173	L	607	62	S	3,185	1,004
B	2,588	135	M	921	n/a	T	4,564	n/a
C	1,830	n/a	N	5,938	1,737	U	10,388	n/a
D	23,018	n/a	O	379	5			
E	11,165	1,451	P	3,066	51			
F	3,037	507	Q	218	32			
G	11,103	2,364	R	n/a	n/a			
H	34,865	3,822						
I	11,480	528						
J	17,257**	n/a						
K	33,787	3,635						

** this represents "items received", not "items requested". No count is kept of items requested in this library.

- **(Q.10-12) Trends in interlibrary loans traffic:** the majority of libraries surveyed report a steady decline in loan and copy requests over recent years.

Univ. libraries	Trends	State libraries	Trends	Other	Trends
A	Decline over 4-5 yrs	L	No change	S	Loan and copy requests declining
B	Users requesting electronic	M	No change	T	No change
C	Declining demand	N	General decline	U	No change
D	Dropping consistently	O	Users satisfied with internet pages		
E	General decrease in demand	P	Fewer copies, Loans steady		
F	Minor decrease	Q	No change		
G	No change	R			
H	Fewer copies, more loans, both slight changes				
I	No change				
J	No change				
K	More electronic copies, fewer loans				

(Q.13-15) Supply of electronic journal articles and books: Only six institutions were filling interlibrary requests with electronic copies. Non-supply was usually linked to vendor licences which prohibit electronic supply. It is common for there to be no interlibrary loan from the electronic collections, although some libraries do print materials from electronic journals and post or Ariel those copies. One library admitted that licence conditions permit electronic supply, but they have made a policy decision to not supply these items, and in some cases documents are supplied only from one or two major collections. No libraries were keeping separate records for supply from electronic resources. Some libraries, such as the National Library, are now insisting that licences allow ILL from electronic journals.

Univ. libraries	Electronic supply?	State libraries	Electronic supply?	Other	Electronic supply?
A	Yes	L	Under investigation	S	If licence permits
B	No	M	No	T	No
C	No	N	No	U	Yes
D	No	O	Yes		
E	Yes	P	No		
F	Yes	Q	No		
G	Yes	R	No		
H	No				
I	No				
J	No				
K	No				

(Q.16) Ensuring adherence to licence conditions: A variety of mechanisms are used to ensure staff are aware of the licence conditions applicable to electronic resources. These include:

- Restrictions noted in catalogue records

5 A spreadsheet on the library intranet

- Reliance on staff training and awareness
 - A limited number of staff are permitted to handle requests for electronic items
 - Supply limited to one or two datasets, with no supply from other datasets
- and in four cases there is simply no document supply from electronic resources at all.

Univ. libraries	Measures taken	State libraries	Measures taken	Other	Measures taken
A	Spreadsheet	L	Staff awareness	S	Note in catalogue record
B	Spreadsheet	M	Staff awareness	T	Supply from one dataset only
C	Staff awareness ; Refer queries to expert staff	N	Note in catalogue record	U	Staff awareness
D	Non-supply	O	Non-supply		
E	Note in catalogue record ; spreadsheet	P	Non-supply		
F	Difficult ; developing a spreadsheet	Q	Non-supply		
G	Spreadsheet	R	Staff awareness		
H	Note in catalogue record				
I	Note in catalogue record ; staff awareness				
J	Spreadsheet ; separate workflow				
K	Note in catalogue record ; Spreadsheet				

(Q.17) Statistical records for supply under licence: A single university library is keeping statistics on such supply, but has only been doing so since March this year. No other libraries surveyed are keeping figures on supply under licence. No libraries are loaning electronic books.

(Q.18) Supply of electronic items under s49: In most cases libraries are not supplying electronic items direct to users under s49. It is relatively common for universities to receive requests from their own users for copies of electronic items, but this occurs when the user is unable to access or print the item satisfactorily themselves. This is particularly common for distance education students, who sometimes have limited PC or printer access. Those universities with a significant number of DE students indicated that printing of articles from electronic resources on behalf of students is common – and in some instances the volume of such printing was five times greater than total ILL supply in the institution. One university library and one special library indicated they do supply such copies, and while aware of the commercial availability provision, have not yet encountered situations where it is applicable.

Univ. libraries	Supply direct to users	State libraries	Supply direct to users	Other	Supply direct to users
A	No, but print for DE students	L	Very occasional	S	No
B	No	M	No	T	No
C	Yes, for own clients	N	No	U	Yes
D	No	O	No		
E	No	P	No		
F	No	Q	No		
G	No	R	No		
H	No				
I	No – but print for DE students				
J	No				
K	No				

(Q.20) Supply of electronic items under s50: document supply is usually undertaken under the terms of licence agreements, rather than under the Copyright Act. Those libraries answering Yes to this item indicated they do take note of commercial availability, but most of the articles are not available individually through a commercial service.

Univ. libraries	Supply under s50	State libraries	Supply under s50	Other	Supply under s50
A	Yes	L	Yes	S	Yes (very minimal)
B	No	M	No	T	No
C	No	N	No	U	Yes
D	No	O	No		
E	No	P	No		
F	No	Q	No		
G	No	R	No		
H	No				
I	No				
J	No				
K	No				

(Q.23-24) Changes in policies, workflows and practices: Libraries have generally not made any changes to interlibrary loans policies or practices, although several libraries reported that they are currently undertaking investigations into issues surrounding the supply of electronic articles through interlibrary loan or to off-campus users, and this may produce some changes in policy.

Univ. libraries	Changes made	State libraries	Changes made	Other	Changes made
A	Minor changes. Rely on licence provisions	L	Under investigation (registration of users may be necessary)	S	Very cautious about supply – have to check licences continually
B	Electronic docs may be supplied to own users	M	All electronic are printed for supply	T	No change
C	No change	N	No change	U	Minimal change
D	Refuse to supply electronic	O	No change		
E	Have had to devote a staff member to licence management	P	No change		
F	Starting to work on this. Working through contract/copyright issues	Q	No change		
G	No change	R	No change		
H	No change				
I	No change				
J	Separate workflows to deal with electronic				
K	All electronic are printed for supply				

(Q.25-26) Circumvention devices: no libraries reported any use of circumvention devices. Many of those surveyed admitted that when they saw this question they had to go back and read the legislation to find out what was meant by a “circumvention device” and for some it was still not clear.

(Q. 28-30) Digitisation under statutory licence: Most, but not all, universities have undertaken some digitisation for reserve collections. The volume of material digitized is relatively small and in some cases digitization has commenced very recently.

Univ. libraries	Comments on volume and trends
A	Approx. 1,100 items. No breakdown available, but it is a mix of articles and monograph chapters. Expect rapid increase. Of particular benefit to distance education students.
B	Up to 3,000 items digitised. There has been a steady increase, and noticeable amount of use outside courses for which the digitization was originally undertaken.
C	Approx. 8,000 items digitized. More courses are being added to online delivery system, so volume will increase.
D	1,863 items digitized. Rapid increase expected as academics become more familiar with process. Good for remote students.
E	2,200 chapters, 2,700 articles. Some digitization takes place in faculties, not the library. The figures include some material for which this institution holds the copyright. Major increase expected.
F	373 articles, 371 monograph chapters. It is now policy to introduce flexible course delivery, which will mean a rapid increase.
G	1,584 items in 2003 (YTD). Over 6,500 in each of previous two years. Our policy is to digitize as many reserve items as possible.
H	593 items digitized. We've only started to digitize this year.
I	290 chapters, 154 articles plus some diagrams etc. Digitising materials only since March this year. Academics find the record-keeping "a pain"
J	No e-reserve
K	Library has just started doing this. Previously it was done elsewhere in the university and library was not aware of what was happening.