

RE: Copyright and the digital Economy Submission to the ALRC in respect of Questions 30 and 31

The Heffernan Group is a small business in the education sector that writes and publishes practice/trial mathematics exams for Years 11 and 12 students. We have now been operating for 17 years in Victoria and we also produced HSC trial mathematics exams in NSW from 2002-2006. We believe that our small business produces excellent material, evidenced by the strong following we have from Victorian schools. These schools consistently tell us that our papers provide a highly valuable resource for teachers and their senior secondary maths students.

My name is Janet Heffernan, the founder of The Heffernan Group. Having taught senior mathematics in Victorian secondary schools for many years I felt that there was a real need for quality trial maths exams accompanied by detailed and clear solutions. The genesis for the business then was to produce trial maths exams that were error free and that really prepared students well for their final exams. In 1995 I commenced the business on a shoestring budget.

The initial years delivered modest returns but thanks to the support of Copyright Agency payments, I was able to persist and approximately 60% of all Victorian schools now regularly subscribe to our publications.

Right from the time we first established the business, we have come across cases where infringement of our copyright has taken place. In one of the more blatant examples of this, a teacher rang to complain about a mistake he felt had been made in one of our trial exam solutions. I asked him for the name of his school, only to find that his school had not subscribed to the papers. He had clearly obtained the papers from another school, teacher or student and was in flagrant breach of copyright.

Although most schools now appear generally more knowledgeable about copyright regulations, there still remains a significant problem where teachers move to new schools and take with them all our material that their previous school had purchased.

Latterly what has become a really big issue for us are internet sites which are often run by "benevolent" university students who encourage Year 12 students to share exam preparation material by uploading and sharing it with other students. Of course Year 12 students have little knowledge about copyright and are happy to do this. They have bigger issues on their minds; that is, impending exams! When challenged, the organizers of such sites say that they make it clear to students not to breach copyright whilst all the time encouraging them to upload material and ignoring the realities of the situation. There is a sense that these university students see themselves as modern day Robin Hoods albeit making a buck on the side with advertising etc from the site.

Last year our current trial exams were posted on one such site and we had calls from schools concerned that students had sighted the papers that teachers were planning to use as their "mock" exams for students to sit immediately prior to sitting their final exams. This clearly was not a good thing for our business. We have often alerted other publishers about their material being posted on such sites and they have done the same for us. It is an ongoing issue and together we try to monitor such sites but it all takes time. Short of launching expensive legal action we rely on the "threat of action" to try and stop such misuse of our material. Those who run these sites have a perception that publishers are all big corporate entities with plenty of assets. That is not the case with this particular publisher who runs a very small business. It is extremely disheartening to see your material flung around the internet with little regard.

Running a small business means that finding time to continually police such misuse is difficult. This is where our payments from the Copyright Agency over the years have been absolutely fantastic. We see them as a form of compensation for the misuse of our material and a great help financially. The payments have, particularly in the early days, enabled us to

keep the business running and, without meaning to sound too soppy, they have proven to be a great encouragement at an emotional level when experiencing misuse and piracy of our material.

One of the great things that Copyright Agency payments have enabled us to achieve in recent times is an expansion of our product. For many years we have had parents and students wanting to purchase our trial exams. Because we only sell our exams to schools, who mostly use the papers for their own internal examinations, we have not been able to meet these third party requests. This year however we have had a website built which students can now subscribe to and which will ultimately provide hundreds of questions, divided into topics, that are similar to end of year exam questions. Students can attempt the questions, look at the solution and then, if they're still in difficulty, view a video tutorial which explains the solution in tiny steps. These tutorials are especially aimed at kids who really struggle with their maths and who, for whatever reason, might be too shy to put their hand up in class. They should also be of great benefit for students who may be studying a VCE maths subject at a small country school without the benefit of a specialist maths teacher. If what we read in the press is true about a worsening shortage of specialist maths teachers in schools across the board, the value of these tutorials for students only increases.

We don't believe that there is anything comparable out there for kids studying VCE maths and we strongly believe that it will be a fantastic resource for them. Of course piracy is always an issue and we have worked closely with our IT consultants to make the content as secure as possible.

Keeping the subscription fees as cheap as possible is important to ensure that kids aren't financially excluded from the program. To keep the price down but still maintain the financial viability of the program, we need to minimize piracy as best we can while at the same time be protected by way of some form of compensation for those inevitable piracy occurrences.

It has taken an extraordinary amount of work and money to get the site up and running and our Copyright Agency payments have contributed in part to the capital we needed to get to this point. Having worked out the technology we hope to extend this type of online resource. We have been blown away by what is available from a technology point of view and it opens one's eyes to what can be delivered to assist students. With this in mind, we are thinking through the types of resources we might offer when the National Maths Curriculum is introduced at the senior secondary school level. Changes to the current copyright laws and in particular changes to the education statutory licenses will have a major bearing on our thinking.

I can honestly say that our business may not have continued all this time without the Copyright Agency and certainly our new online business would not have been possible. We are constantly striving to improve our products and we are confident that we help deliver better standards in maths education. Copyright Agency payments have helped us greatly in achieving this and to this end we sincerely hope that there is no change to the education statutory license that would preclude us from receiving ongoing Copyright Agency payments. These funds are of vital importance if we are to continue the services we provide to maths education.

Yours sincerely

Janet Heffernan
Director

THG (AUST) Pty Ltd trading as The Heffernan Group and
Mathstute Pty Ltd (new online venture)