316. K Chandler

**From:** **Subject:** ALRCCopyright Act Review

 Response to the review of ALRC Copyright Act review.

 from

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The  educational works I write, illustrate and produce are quite unique  target-specific Japanese and English language, literacy and cultural books. These books require intense research and trial in content, application, grading and practical teaching strategies to ensure they meet the needs of students, teachers and departmental requirements. The artwork is carefully considered and matched to content, interest and grade levels.

The fair use limit, I believe, is for an individual primary or junior secondary teacher to use for his/her own classes on one school or educational institution site.

Due to the limited market for my works, the royalties and income I receive from selling the books is small and production and distribution costs comparatively high. Also due to the teacher-friendly material in the books, they are often copied for immediate use by those who do not own the book/s and therefore (should) pay for the use of such material. My main source of income is from copyright payments received through the Copyright Agency Limited from schools and universities.

These copyright payments allow me to pay ongoing bills, maintain my house and run a reasonable car, vital in country regions. Without these copyright payments I would be forced to find an alternate source of income, and would definitely NOT consider creating any further educational works which, under the proposed changes to the Copyright Act , would allow, or be perceived to allow, almost unlimited use, and abuse, of my works, among a multitude of other similar authors and artists. I believe the guidelines would become quite blurred as to what is fair use and what is simply abuse or overuse of educational works.

I consider a fair use of my work is when a teacher or school purchases my book/s for use by him/her on one school/educational site for his/her own classes. Use by a number of teachers, or over a number of sites is grossly unfair. In the same way that computer programs cannot be legally used on more than one computer without paying for a multi-use licence, so should creative educational works in the form of books, games, artworks etc be paid for multi -teacher or multi-site use as is meant to occur at present.

Note some examples of UNFAIR USE.

1.    FAIR USE is when a lecturer at a tutorial or presenter at an in-service course copies off a few pages of a book or makes copies of board games or exercises from the book to distribute at the course or tutorial. These copies are used to teach the participants and are then collected after the lesson. A bibliography and list of suppliers of the original works is then provided. UNFAIR USE is when the participants take uncollected, multiple distributed copies back to their educational institutions and copy them to use with their own classes and students, possibly to share with other teachers with no recognition of the source and no financial obligation to the creator of the works.

2     UNFAIR USE is when teachers, lecturers or student teachers scan pages of activities or artworks to send to partner educational institutions, use as letterheads, or incorporate parts of the original works into new works by other teachers or writers for personal or financial gain.  Acknowledgement of the author or creative work alone is NOT sufficient recognition of the work of the creator.

3     UNFAIR USE is when creative works, or parts of them are changed by omission, addition or  sections taken out of context, even with acknowledgement of the original work,  the altered works being a misrepresentation of the original creative work and therefore of the creator’s intentions.

Payment AND acknowledgement would be a more appropriate recognition of the use of creative works and is essential for the continuing production of these vital resources. Anything less will result in all educational materials being distributed widely, used, abused and altered at will. The outcome will be fewer authors and artists willing and able to produce such works, fewer available educational resources and fewer publishers and retailers. We value our creative and intellectual works. So should the people who wish to use them.