448. J Annison

**From:** ALRC

**Subject:** Online submission to DP79

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Proposal 4-1:

As a former academic I feel strongly that 'fair use' without payment of any kind for use of the author's intellectual property will be a major disincentive for academics to publish in non-refereed publications for the benefit of the public at large. This could result in poorly informed public understanding of major issues and discoveries.

Proposal 4-2:

The existing fair use provisions have served Australia well over the past so why change them? The Review cites numerous US references however, the US legal system is not the same as the Australian legal system with its basis in the US Constitution and its embodied rights. Also, while the US promotes free trade and a near-fanatical belief in the freedom of markets and the copious benefits to gained from them, free markets are not the answer to every issue as the Americans would like to have the world believe. There is such a thing as the common good which should be recognised and provided for as well as the protection of property, including intellectual property, from appropriation and exploitation undeer the guise of free marketeering.

Proposal 4-3:

Proposal 4-4:

Apart from the existing allowances for fair dealing for educational purposes no further allownces should be made.

I would make the point that most education is not a benevolent, not-for-profit endeavour. Universities have huge budgets and only accept students who pay fees in one way or another. Students undertaking units I taught at Deakin University in 2008 were paying significant sums per unit. At that time the University had a budget of over $600M and the Vice Chancellor was on a substantial salary of around $650,000 so it was hardly a charitable institution.

Likewise, with the growth of private education in Australia, schools in Melbourne now charge up to $26,000 per year for day students and the Principal of the Methodist Ladies' College was last year revealed to be paid a salary in the order of $500,000. Again, this is hardly a not-for-profit sector.

Question 4-1:

Question 4-2:

Proposal 6-1:

Question 6-1:

Proposal 7-1:

Proposal 7-2:

Proposal 7-3:

Proposal 7-4:

Proposal 8-1:

Proposal 8-2:

Proposal 8-3:

Proposal 9-1:

Proposal 9-2:

Proposal 9-3:

Proposal 9-4:

Proposal 9-5:

Proposal 10-1:

Proposal 10-2:

Proposal 10-3:

Proposal 11-1:

Proposal 11-2:

Proposal 11-3:

Question 11-1:

Proposal 11-4:

Proposal 11-5:

Proposal 11-6:

Proposal 11-7:

Proposal 12-1:

Proposal 12-2:

Proposal 12-3:

Proposal 13-1:

Proposal 13-2:

Proposal 13-3:

Proposal 14-1:

Proposal 14-2:

Proposal 14-3:

Proposal 15-1:

Proposal 15-2:

Question 15-1:

Proposal 15-3:

Question 15-2:

Proposal 16-1:

Question 16-1:

Proposal 16-2:

Question 16-2:

Question 16-3:

Proposal 17-1:

Additional comments?:

File 1:

File 2: