

Dr David Gillespie MP
Chair, Standing Committee on Communications and the Arts
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Via email: communications.reps@aph.gov.au

Dear Dr Gillespie,

Supplementary Submission: Public, Educational and Digital Lending Rights

The Australian Society of Authors (ASA) and the Australian Library and Information Association (ALIA) thank the committee for this opportunity to provide supplementary information in regards Australia's lending rights schemes. This short submission clarifies comments made about public and educational lending rights at the hearing on 13 November, including the importance of supplementing the existing lending to cover Australian ebooks and audiobooks collected and loaned by Australia's libraries.

Public and Educational lending rights

Australia is rightly proud of our literary tradition. Australian authors tell the story of our culture and society, educating and inspiring current and future generations of readers. Australians in turn are avid readers of Australian content. Eight of the top ten selling books in 2020 were Australian titles,ⁱ as were 60% of the top 20 borrowings.ⁱⁱ Australians make 111 million physical and 50 million virtual visits to public libraries each year.ⁱⁱⁱ Four out of five children read for pleasure,^{iv} supported by 9600 schools libraries bringing literature into the classroom.

Australia's public lending right (PLR) has supported the creation, publication and dissemination of Australian literature since 1976. The scheme makes payments to eligible Australian authors and publishers when their books are held by public libraries across Australia, in recognition that these books will be loaned to multiple members of the local community. In 2000-2001 this popular government program was complemented with the addition of the educational lending right (ELR) which works in a similar fashion when books are held by school, TAFE and university libraries.

To clarify comments made at the hearing, neither ELR nor PLR currently cover electronic publications, including ebooks and audiobooks.

The lending rights schemes are administered by the public lending right committee which includes representatives from Australian authors, publishers and libraries. The day-to-day operation of the scheme is managed by the Office for the Arts, with ultimate responsibility and oversight of the scheme resting with the Minister for Communications, Urban Infrastructure, Cities and the Arts. Professor Throsby's evidence to the Committee may have left the committee with the impression that lending rights are administered by the Copyright Agency. This is not the case. It may

have been that Professor Throsby was confusing the lending rights schemes with the copyright-based statutory licences, which are administered by the Copyright Agency, and cover photocopying and other uses. These uses are not part of the lending rights schemes.

Unlike the statutory licences, lending rights payments are only paid to eligible Australian authors and publishers.¹ Eligible Australian authors and publishers can register through an online portal administered by the Office for the Arts. Each year a survey is carried out with the support of library services to estimate library holdings. PLR payments are made if there are more than 50 copies of a book held in libraries across Australia, with payments made proportionally to the number of copies held.

From the most recent annual report (2019-2020) it is clear that payments support both emerging and established Australian authors, with newer names such as Jane Harper and Trent Dalton alongside established identities such as Christos Tsiolkas and Mem Fox. The payments also support large and small publishers, and provides an incentive for publishers to publish Australian books and promote them to libraries.

Overall, 6375 authors and 208 publishers received a payment under PLR, and 10,305 authors and 364 publishers received a payment under ELR, with substantial crossover between the lists. The scheme is one of the broadest ways to support Australian literature, and for many authors represents the only stable payment they may have in a year.

Unsurprisingly, the lending rights scheme is strongly supported by authors, publishers and librarians. As author Sally Rippon says, 'school and public libraries ensure all kids can get access to all kinds of books, and ELR and PLR payments ensure that Australian authors can afford to keep writing them.'² However authors and librarians also recognise that the schemes need a modernising addition to deal with digital library collections. In the ASA's 2020 survey of writers and illustrators, 99% of the respondents who expressed an opinion **supported** the expansion of the PLR / ELR schemes to cover digital formats (ebooks and audiobooks).

Digital Lending Right (DLR)

During the COVID-19 lockdown, electronic resources such as ebooks, audiobooks, online learning programs and databases were the only contact-free materials libraries could provide. Loans of ebooks, already on a growth trajectory, soared in public libraries during March and April 2020. To give an indication of the scale of the

¹Eligible creators must be Australian citizens (living in Australia or overseas) or permanent residents of Australia; may include authors, editors, illustrators, translators or compilers; and must have a maximum of five eligible creators per book. Eligible publishers may include publishers whose business consists wholly or substantially of the publication of books and who regularly publish in Australia (i.e. at least one new book or revised edition in the preceding three-year period); self-publishing creators; and non-profit organisations that publish to further their aims and objectives

increase in digital borrowing, in March to May 2020 NSW public libraries processed over 800,000 e-loans, which was a 300% increase on the same period in 2019.

As ELR and PLR do not cover electronic publishing, these ebooks were not recorded in the ELR or PLR surveys, leading to the absurd result that at a time when many libraries could only loan electronically, it was only the physical collections that were being surveyed. A DLR would have ensured that those Australian authors whose ebooks helped with homeschooling, eased the loneliness, comforted in times of anxiety and provided new skills or knowledge, were rewarded in the same way as authors of print books.

Digital loans provide a number of benefits to users. In a country that knows all too well the tyranny of distance, ebooks can mean a child doing distant learning on a rural property can read the same books as a child in metropolitan Sydney. Ebooks and readers that allow text size to be changed make reading possible for many with poor eyesight. The ability to use inbuilt translators can help new migrants who are learning English.

The increased access to resources and programs from the pandemic has improved access to resources for regional and remote communities, for Australians with a disability, and for those unable to travel far from home. Now that this precedent has been set, there will be – and should be – an expectation of continued access for these communities.

A well-structured and funded DLR will provide an incentive for publishers to publish and promote Australian ebooks, give authors a continuing income from those publications and ensure these publications are held in libraries across Australia, to the benefit of the Australian people.

Recommendation: Supplement, modernise and extend the lending rights schemes with a funded digital lending right to cover electronic publications such as ebooks and audiobooks.

Conclusion

Australia's two lending rights schemes, public lending right (PLR) and educational lending right (ELR) are a critical part of the library and literature ecosystem in Australia. They support the enrichment of Australian culture by encouraging the creation and publication of Australian books and ensure that children and the wider community can access home-grown literature essential to our national identity.

The COVID-19 pandemic has highlighted the importance of modernising these schemes with the addition of a digital lending right to support the creation of Australian literature and its continual promotion to Australians through library services.

The ASA and ALIA thank the Committee for your investigation into Australia's Creative and Cultural Industries and Institutions. We hope that this submission has provided clarity as to the scope and mechanics of the lending rights schemes as they currently operate and the needed updates to the schemes. We would be very happy to answer any further questions from Committee members.

Yours faithfully



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Sue McKerracher
CEO, Australian Library and Information
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About ALIA

The Australian Library and Information Association (ALIA) is the professional organisation for the Australian library and information services sector. On behalf of our 5,000 personal and institutional members, we provide the national voice of the profession in the development, promotion and delivery of quality library and information services to the nation, through leadership, advocacy and mutual support.

About the ASA

The Australian Society of Authors (ASA) was established in 1963 as the peak national organisation representing the interests of Australia's authors. The ASA is a broad and diverse organisation, with 3,000+ members drawn from every sector of the writing world, including novelists, biographers, illustrators, academics, cartoonists, scientists, food and wine writers, historians, non-fiction writers, graphic novelists, children's writers, ghost writers, travel writers, crime writers, science fiction writers, romance writers, editors, bloggers, journalists, poets and more.

ⁱ "Pups, vampires and the President, the bestselling books of 2020" Steiger J, Sydney Morning Herald, 8 January 2021. <https://www.smh.com.au/culture/books/pups-vampires-and-a-president-the-bestselling-books-of-2020-20210108-p56sqg.html>

ⁱⁱ "Australian novels the most popular choices amongst readers" Civica, 25 May 2020. <https://www.civica.com/en-au/container---news-library/australian-novels-the-most-popular-choices-amongst-readers/>

ⁱⁱⁱ State Library of Queensland, 2020, "Australian Public Libraries Statistical Report 2017-2018", <https://www.nsla.org.au/sites/default/files/documents/nsla-aus-public-library-stats-2017-18.pdf>

^{iv} Australian Bureau of Statistics, 2019, "Participation in selected Cultural Activities", <https://www.abs.gov.au/statistics/people/people-and-communities/participation-selected-cultural-activities/2017-18>

^v Quote taken from Public Lending Right Committee, 2020, Annual Report 2019-2020, <https://www.arts.gov.au/documents/public-lending-right-committee-annual-report-2019-20>