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16th January 2008

Mr Simon Cordina
Assistant Secretary
Content, Programs and Regulation Branch
Department of Broadband, Communications
And the Digital Economy
GPO Box 2154
Canberra ACT 2601

Dear Mr Cordina

Extension of Legal Deposit

Thank you for the opportunity to comment on this discussion paper which suggests extension of legal deposit to certain publications including electronic publications.

News Ltd is the largest Australian publisher of print and web based news and current affairs. With in excess of 30,000 pages per day, News publishes a range of on-line news sites reflecting our mastheads. A large quantity of the on-line material is based on or is identical to material produced in print form but obviously some material is unique to the on-line environment. The material is updated, added and removed on a constant basis.

The discussion paper raises the option of the legal deposit scheme capturing electronic material which is significant and questions whether it should apply to electronic versions of printed material or if it should extend to material that appears solely on the internet.

It is our view the scheme should not be extended to online material.

There are significant practical difficulties with capturing and providing copies of online material given the sheer quantity of material (which will include user-generated content). In addition, the ephemeral nature of online publishing means that not all material is retained after the event. Even if there was a practical solution for collection, it is foreseeable there would be considerable cost implications for publishers in providing this material.

In the event the government decides to extend the scheme to online material we submit that it is essential it be strictly limited to material that is significant and is truly of cultural significance. In addition, it should only be required to be supplied when the specific material has been requested by the collecting institution.

Given the practical difficulties and to avoid duplication, material should only be requested in an on-line form where it is not in print form.

In sections 6 and 7 the paper discusses the possible access to and use of legal deposit materials. Paragraph 83 refers to the CLRC recommendation that deposited

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materials should only be made available on the basis of restricted access, namely, electronic materials should only be viewed on-site at the repository institution.

News Limited supports this recommendation which reflects the fact the material is collected for library/research purposes and would not interfere with publishers' commercial exploitation rights of their material.

Section 7 discusses Part III Division 5 of the *Copyright Act*. News Limited does not support reproduction rights of its online material. We are particularly concerned that the "library provisions" of the *Copyright Act* may permit the whole or substantial portions of an article in a publication to be provided to a user.

Should you wish to discuss our submission further please do not hesitate to contact me on 9288 1215.

Yours sincerely

Creina Chapman
Manager Corporate Affairs

