

Ms Jo Johnston
Chief Executive Officer
Copyright Agency
Level 12, 66 Goulburn Street
SYDNEY NSW 2000

Progress of review of usage to inform licence fees for independent higher education providers

Dear Ms Johnston

Further to our constructive discussions in 2023, I am writing regarding the next steps in establishing a fairer and evidence-based licence fee structure for independent higher education providers.

As you will recall, a more equitable rate card was negotiated in 2023, which was very welcome. That arrangement allows not-for-profit providers to pay \$40.50 per Equivalent Full-Time Student Load (EFTSL) and offers commercial providers the choice between 0.25 per cent of relevant revenue or \$45 per EFTSL.

This represents a significant improvement for the independent sector, and we appreciated the open dialogue and collaborative approach that led to this outcome.

Our understanding from these negotiations is that the next phase would involve a formal review of actual content usage within the independent higher education sector. The purpose of the review is to gather data on actual usage—such as the number of pages copied, the number of students receiving materials, and the frequency of use—so as to inform a fair and transparent fee structure moving forward.

We propose that the Copyright Agency initiate this review by appointing an independent expert to lead the process. IHEA would support such a review by coordinating participation among interested member providers, several of whom have already indicated their willingness to contribute data.

A review of this kind will ensure the licensing model reflects actual practice, the outcome of which will provide all parties with the confidence that licence fees are being set on a sound and justifiable basis. It would also bring parity with the approach taken for public institutions.

As a first step, I propose we meet in the coming months to finalise the logistics, scope, and timeframe for the review. We would be happy to work with you to develop a methodology that is robust, practical, and acceptable to both parties.

I look forward to your response and to continuing this important work together.

Yours sincerely,



The Hon. Dr Peter Hendy
Chief Executive Officer
Independent Higher Education Australia
30 June 2025