

## Copyright Modernisation Consultation

Submission from National and State Libraries Australia

4 July 2018

National and State Libraries Australia (NSLA) welcomes this consultation process. Continuing to reform copyright legislation to meet Australia's current and future requirements is essential, particularly to support a growing digital economy and a vibrant research sector.

NSLA libraries are Australia's major research libraries. We hold rich collections that serve the education, research, innovation and cultural needs of Australians every day. In 2016–2017, 11.6 million people visited our libraries and there were 81.8 million visits to Trove and our library catalogues and websites.

As a member of the **Australian Libraries Copyright Committee (ALCC)**, NSLA supports their detailed submission to this consultation process.

In summary, NSLA supports:

- 'Fair use' as the best option for Australia. It is the only option that will future-proof our laws and provide adequate exceptions for cultural institutions and the users of content, as well as supporting the rights of creators. Extended fair dealing is supported as a secondary option.
- Fair use/fair dealing for libraries and archives is preferable to s200AB, including removing limitations in the current exception to allow wider use of content in publications and for exhibitions where this is 'fair use'.
- s200AB should be repealed. It is complex, difficult to interpret in day-to-day decision-making, and underutilised.
- Library and archive exceptions should be modernised, removing differentiations between AV material and other materials, and removing administrative and bureaucratic barriers.
- ss51 and 52 exceptions for the publication of unpublished works should be repealed as they now have very little utility.
- Library and archive TPM provisions should be amended in line with the flexibility provided for educational institutions.
- Protection of all exceptions against being overridden by contract.
- A fair use or fair dealing statutory exception to permit the use of orphan works; or in the absence of this, a system of exceptions that allows use for non-commercial purposes by cultural and educational institutions and by other users (subject to compliance requirements)
- A separate approach for cultural and educational institutions lowering barriers to use of orphan works, as well as opening up the reuse of orphan works to ensure the full economic and cultural value of these works is made available.

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