

Position statement: copyright

Published February 2019; updated March 2021

Copyright law provides a legal framework that aims to balance the rights of creators with those of users. The law endeavours to protect the rights of creators and, in the public interest allow some level of access (through an exception or limitation on rights) to copyright works to encourage sharing and development of knowledge and ideas. The balance between rights holders and users, eroded under the weight of globalisation and digital disruption, represents a major challenge for legislators. This has had a negative impact on public rights to access material, leading many to question the relevance of copyright law, and in some cases disregard it altogether. For libraries, this disparity represents a major barrier that limits their ability to perform activities that support the public interest.

Members of the National and State Libraries of Australia (NSLA) have a mandatory responsibility to build, preserve and provide equitable access to Australia's cultural heritage. In undertaking these activities, NSLA supports and respects the rights of creators (including their personal, moral rights), copyright owners, and those who seek to access and use the large number of works held in our collections. NSLA has made a commitment to make optimum use of the copyright exceptions to improve the accessibility, use and re-use of collection materials, and to build and maintain access to public domain collections. As copyright is a complex law, NSLA works to inform and educate staff and users about the importance of copyright, as well as their rights, obligations and liabilities.

NSLA works with other peak bodies such as the [Australian Library and Information Association \(ALIA\)](#) and the [Australian Libraries Copyright Committee \(ALCC\)](#) to ensure we have a common understanding of current copyright issues, and to advocate for a balanced copyright regime, which supports learning, creativity, innovation, information and knowledge sharing.

NSLA welcomes the recent *Copyright Amendment (Disability Access and Other Measures) 2017* amendments and supports further work to modernise Australia's copyright law. In particular, NSLA advocates:

- introducing an additional open, fair and flexible general exception
- protecting all exceptions from technological and contractual measures
- extending the existing inter-library loan and document supply exceptions to all publishing formats
- including a general orphan works exception.

NSLA further acknowledges and supports work to promote and protect communal ownership of Indigenous cultural property and the principles of Indigenous Cultural and Intellectual Property (ICIP).

