

## **SUBMISSION TO HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS - INQUIRY INTO ENFORCEMENT OF COPYRIGHT.**

The Department of the Parliamentary Library is one of five Parliamentary Departments. It is responsible for the provision of information and research services for Members, Senators, their staff, Parliamentary Committees and parliamentary staff.

The Department of the Parliamentary Library supports the parliamentary process by providing clients with quality information services, and policy analysis and advice. These services are tailored to meet the specific needs of Senators, Members, their staff and particularly committees using the Parliamentary Library's combination of specialist staff, collections, networks and access to national and international resources and expertise.

The Department of the Parliamentary Library notes the standing committee's terms of reference for an inquiry into enforcement of copyright.

Sections 48A and 104A of the current Copyright Act 1968 provide that copyright:

" is not infringed by anything done, for the sole purpose of assisting a person who is a member of a Parliament in the performance of the person's duties as such a member, by an authorized officer of a library, being a library the principle purpose of which is to provide library services for members of that Parliament"<sup>1</sup>.

This submission has two concerns.

In the first instance the Department is concerned that the committee's emphasis on enforcement of copyright may have an impact on the rights and privileges of members of Parliament performing parliamentary duties. Currently Secs 48A and 104A mean that authorised officers in parliamentary libraries are not required to keep records, seek signed declarations from clients or seek permission from copyright owners prior to copying material for clients. Amendments to the current Act could affect the services provided to members of parliament in such a way that it will be impossible to provide timely and comprehensive services as library staff will have to wait for signed declarations to be sent from electorate offices. It is vital that the work of members of Parliament is not hindered by amending the Act in such a way that enforcement of copyright law impinges on their duties. The Department recommends that, with one minor exception, Sections 48A and 104A remain unamended in any future revision of the Copyright Act 1968.

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<sup>1</sup> Copyright Act 1968. Secs 48a and 104A

Secondly the current wording of Secs 48A and 104A restrains the exchange of services between Parliamentary Libraries by stipulating that services may only be provided for members of "that Parliament". The staff of all Parliamentary libraries specialise in fast, efficient and effective services to their direct clients. There is frequently a need for an exchange of information between Parliaments in order to avoid duplication of effort and to ensure that timely delivery of services is readily available to members of all Parliaments. The current wording of the Act impedes the free exchange of information between Parliaments. The Department recommends that Secs 48A and 104A be amended to read "the principal purpose of which is to provide library services for members of Parliament".