



27 April 2012

BY EMAIL

Ms Toni Pirani
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Dear Ms Pirani

**Submission on Draft Terms of Reference
Attorney-General's Department Reference on Copyright to the Australian Law Reform
Commission**

CICI welcomes the release of the Draft Terms of Reference¹ and appreciates the opportunity to comment.

CICI is a special interest group of cultural institutions concerned about the balance of content regulation. Its work in the area of copyright practice includes the publication of *Statement of Principles regarding the use of section 200AB of the Copyright Act (1968): an industry standard and user guide for the cultural sector* (September 2010).²

As cultural institutions, CICI members serve an important function in relation to the first three of the four points in the preamble of the Draft Terms of Reference. They undertake activities, often mandated by their enabling legislation, offering the public benefits of:

- promoting the production of original copyright materials;
- fostering creativity and innovation and promoting cultural development; and
- opportunities for innovation leading to national economic and cultural development created by the emergence of new digital technologies.

CICI is pleased that the Draft Terms of Reference covers "amongst other things", the creation and delivery of new products and services and the non-commercial use of copyright material on the internet. CICI understands this to cover a broad range of uses, with particular emphasis on public uses. This is pertinent to the access functions of cultural institutions which are often hindered by copyright and related issues, including but not limited to perpetual copyright in unpublished material and the 'orphan works' problem, which are not adequately addressed by existing exceptions.

¹ <http://www.ag.gov.au/Consultationsreformsandreviews/Pages/Draft-Terms-of-Reference-for-the-Australian-Law-Reform-Commission-Reference-on-Copyright.aspx>

² Available at the former CICI website which is temporarily hosted at:
http://nma.gov.au/av/PDFs/CICI_Statement_Principles_Section_200AB.pdf

CICI considers it important for “other things” to include the uses required by cultural institutions to properly develop, manage and protect their collections in the digital environment. The uses warranting attention, because of the inadequacy of existing copyright exceptions, include preservation, digitisation, back up and related activities.

CICI members look forward to participating in the review process. If the Attorney-General's Department or the Australian Law Reform Commission would like to discuss this submission or request additional information about CICI as we prepare to launch a new website, please contact Adam Flynn, CICI Chair, on 02 6248 2056 or by email adam.flynn@nfsa.gov.au.

This submission is sponsored by the following CICI members: Australian National Maritime Museum, Australian War Memorial, National Archives of Australia, National Film and Sound Archive of Australia, National Gallery of Australia, and National Museum of Australia.



All CICI members reserve the right to make separate submissions.