

# NEW AUSTRALIAN COPYRIGHT LAWS

## PRESERVATION COPYING

Australia's 'key cultural institutions' can make copies of items of historical or cultural significance in their collection for preservation.

### What is a 'key cultural institution'?

Key cultural institutions are libraries and archives with a statutory function to develop and maintain a collection (eg The National Library of Australia and the State Library of Victoria). In addition, particular libraries and archives may be prescribed as 'key cultural institutions' by the *Copyright Regulations 1969*. For more information contact the Copyright Law Branch, Attorney-General's Department at [copyrightlawbranch@ag.gov.au](mailto:copyrightlawbranch@ag.gov.au).

### What items can be copied for preservation?

Significant items which are of historical or cultural significance to Australia in the following categories:

- works (s 51B)
- sound recordings or cinematograph films (s 110BA), and
- published editions (s 112AA).

### How many copies can be made?

Up to three copies can be made by key cultural institutions for preservation purposes.

### The commercial availability test

A commercial availability test applies to most of the preservation copying provisions listed above because free copying of materials can only occur when a copy can no longer be purchased. The commercial availability test does not apply to manuscripts, first records or unpublished records embodying sound recording or first copies or unpublished copies of films. For details of the test refer to the Act.

### When can an authorised officer make a preservation copy?

An officer of a key cultural institution does not need to wait for material to deteriorate, or become lost or stolen. An authorised officer of an institution may assess the need for a preservation copy at any time.

**This fact sheet provides general information only and is not a substitute for professional legal advice.**



**Australian Government**  
**Attorney-General's Department**