



3 October 2025

National Cultural Policy – ALACC Submission

The Australian Libraries and Archives Copyright Coalition (ALACC) welcomes the opportunity to contribute to the second inquiry into the National Cultural Policy, for its re-adoption into the 48th Parliament.

The ALACC is the main consultative body and policy forum for the discussion of copyright issues affecting Australian libraries and archives. The members of the ALACC support a copyright framework that appropriately protects the interests of rights holders while ensuring access to important cultural, educational and historical content for the public's benefit. More information about the ALACC is available at <https://alacc.org.au/about>.

We refer the Committee to the ALACC's previous relevant submissions available at <https://alacc.org.au/advocacy/>, including our submission to the 2022 National Cultural Policy Inquiry, and our response to the Productivity Commission's *Interim Report into Harnessing data and digital technology*.

Reaffirming and renewing previous recommendations

The ALACC wishes to reaffirm the recommendations it made in August 2022 to the first inquiry on the National Cultural Policy (NCP), including that:

1. the NCP **recognise Indigenous Cultural Intellectual Property (ICIP)** and establish a First Nations-led process to determine and implement optimal policy, legal and nonlegal mechanisms to support ICIP.
2. copyright law reform be prioritised and expedited to remove barriers to access to Australia's cultural heritage.
3. barriers to **equitable access to Australia's cultural heritage** held in cultural collections – including copyright, funding and other matters – be addressed to increase the discoverability, accessibility and availability of cultural heritage and strengthen the role of GLAM (galleries, libraries, archives and museums) institutions.

The 3 years since this inquiry has seen significant policy development in the areas touched by these recommendations, but important work remains to be done. We therefore recommend that the government review its commitments in these areas as part of the 2026 policy renewal.

Indigenous Cultural Intellectual Property

We applaud the inclusion of a commitment to introduce stand-alone legislation to protect First Nations knowledge and cultural expressions, including ICIP, as part of the first pillar of the NCP.

We also applaud the First Nations-led processes to determine and implement this recommendation that is being undertaken by IP Australia and the Productivity Commission. We urge the government to continue their support for these processes and to seek to introduce standalone ICIP legislation as soon as proper consultation and consideration allows.

We note that since the 2022 inquiry there has been significant growth in the use of non-regulatory instruments such as Protocols and industry practices to recognise the rights of First Nations in Australia, particularly in the libraries and archives sector. We urge the government to take these developments into account in their consultation, as part of the overall framework for protection of indigenous knowledge and cultural expression. We point the government towards the National Library of Australia's [Australian Indigenous Cultural & Intellectual Property \(ICIP\) Protocol](#) and the [Guidelines for First Nations collection description Tui Raven | Catalogue | National Library of Australia](#) as best practice examples of this work.

Copyright Access Reforms

The members of the ALACC are disappointed that the government did not choose to progress the Copyright Amendment (Access Reform) Bill 2021, per our recommendation to the 2022 Inquiry. This proposed legislation contained a number of reforms which would have met the NCP's goal of supporting access and digital delivery of our collections to inspire future creative and academic work (see Pillar 4).

However, the ALACC is pleased to see that progress has continued on some of the reforms included in the Bill through the government's 2023 roundtables and subsequent consultation. The ALACC urges the government to continue this essential work to ensure Australia's copyright laws do not present a barrier to access to knowledge and cultural growth. In particular:

- the ALACC supports the progress made towards introducing an **orphan works scheme** which would limit liability for the use of copyright materials the authors of which cannot be located. This is an essential reform which will significantly lower cost and risk for Australian cultural institutions providing digital access to their collections and will open up valuable resources in our national collections for use by artists, researchers, documentarians and other Australians. The ALACC urges the government to prioritise the introduction of legislation to progress these reforms.

- The ALACC also urges the government to continue its previous good work on the introduction of a broad **quotation exception** to realign copyright law with the reasonable expectations and ordinary behaviour of Australians. ALACC members have been disappointed to see that no significant work appears to have been done since the 2023 roundtable.
- Finally, the ALACC was disappointed that the roundtables did not provide a path forward for the extremely modest and reasonable reforms proposed in the 2021 Bill to **modernise Australia's library and archive exceptions**. We urge the government to progress these reforms, which are essential to allow libraries and archives to continue to “embracing digital technologies to deliver core functions and remote delivery to increase audience engagement and reach” (NCP, p.76). Current law in this area is outdated and promotes inequality by limiting the ability for Australians in remote and regional areas to access our national collections. The proposed reforms, if implemented, will reduce the administrative burden on institutions, increase public access to cultural heritage, facilitate new uses of collection materials by creators and researchers, and allow greater use of new technologies to deliver services. In doing so, they will meet both the NCP's fourth pillar of providing strong cultural infrastructure and the NCP's second pillar of empower Australians to become diverse storytellers and providing a place for every story. Progress on these non-controversial and long overdue reforms should therefore be prioritised during this Parliamentary term.

Lowering barriers to equitable access to Australia's cultural heritage

We welcome the government's decision to solidify ongoing funding for [Trove](#), as recommended in our submission to the previous NCP review. However, we note that the costs of digitisation, digital preservation, cataloguing, metadata, discoverability and accessibility have only grown over the last two years, particularly in light of the exponential rise in use of online collections by AI bots. We discuss the ongoing need for financial support for cultural institutions to continue to provide digital access to their collections in the AI age further below.

Additional 2025 Recommendations

In addition to the renewed recommendations provided above, the ALACC makes the following recommendations in response to the second question called out for particular attention in the 2025 inquiry, that is: (b) any opportunities, risks and challenges for Australia's arts and creative sectors associated with emerging technologies such as artificial intelligence.

In response to this question, we recommend that:

4. the government continue to explore options to **support legal and ethical access to Australian data** for good faith researchers, particularly as it relates to unlocking access to our national collections to benefit the Australian people, but ensure that these options incorporate **appropriate limitations or compensation mechanisms** to minimise negative impacts on Australian creators and culture
5. The government consider measures to address the **cost impost of AI tools on Australian libraries and archives** due to the exponential increase in digital collections being accessed by technologies owned by foreign commercial interests, and the potential unintended consequences when restrictions to access are put in place to mitigate these costs
6. The government continue to seek solutions to **the ethical and economic concerns voiced by creators** about the utilisation of their work by commercial interests without respect to copyright, moral rights, Indigenous cultural and intellectual property or secret/sacred knowledge, or financial recompense.

Legal and Ethical Access to Australian data

Australian archives and libraries have adopted AI technologies and have been providing advice to their communities on this complex and rapidly evolving area. Given the rapid development of AI and the complex issues that have arisen because of it, we support a robust conversation around the opportunities and challenges of AI to ensure a fair and balanced regulatory response. We support the adoption of the OECD AI principles through the recently developed Australia AI Ethics Framework and support this framework as a basis for discussions on AI.

Australia's libraries and archives are cognisant of the potential benefits provided by AI technologies for Australian business, research and the economy. Our own sector has a great interest in possible applications of AI technologies to streamline work and enhance protection of and access to our collections. As some of the largest holders of historical data in Australia, we also have a strong tradition of championing access to this data by researchers so it can be utilised for the greater benefit of society.

In this context, the Australian libraries and archives sector is supportive of government work to establish flexible pathways for access to content where it will enable Australian research and ensure an Australian perspective in emerging technologies. This may include changes to copyright and other law that would facilitate legal and ethical access to historical content such as our collections to the benefit of the Australian people. However, it is essential that any such changes be introduced thoughtfully and incorporate appropriate limitations or compensation mechanisms to minimise negative impacts on Australian creators and culture. They

should also be carefully crafted to ensure they are technology neutral and appropriate to long applicability, noting challenges with obtaining updates to the current copyright regime which does not always adequately address rapidly changing technology and the unique attributes of digital content.

Addressing the cost of access

Australia's libraries and archives are rich sources of data, information and content. Libraries and archives host large collections of content and metadata which are made available for access, often at no cost, to benefit our users. Our members also expend significant effort preserving and protecting information rights and ensuring that our collections are well documented, that the provenance and quality of the information in our collections is described and that our collections can be relied on as sources of truth.

The cost of hosting and providing such access has increased markedly since the advent of AI bots. The exponential rise in AI bots accessing and using digitised collections strain our members' resources to the degree that they threaten to prevent or restrict access to the Australian taxpayers who are our primary funders. As many of these bots are operated by companies based outside of Australia there is no way for our members to seek compensation for this impost on our resources. We seek recognition by the government of the rising expense of restricting these technologies from trawling our collections.

The ability of AI to falsify data and information in a way that can be undetectable is also of concern to our members, given that it is access to our collections that enables that false data to be generated, and that demonstrated harms can occur when people are not given the opportunity to distinguish truth from plausible lies. We ask the government to consider measures designed to address the spread of misinformation and disinformation.