

National Archives of Australia – Submission

Environment and Communications Legislation Committee – Inquiry into the Copyright Amendment (Service Providers) Bill 2017

To whom it may concern

The National Archives of Australia (the Archives) is pleased to provide the following submission to the inquiry into the Copyright Amendment (Service Providers) Bill 2017, from the Environment and Communications Legislation Committee.

The Archives makes this submission to ensure that its important, independent role in regard to overseeing Commonwealth recordkeeping, identifying the Commonwealth's archival resources and preserving and making those archival resources publicly available is considered.

The Archives welcomes the amendments proposed by the Bill. Through our network of national reading rooms, we provide public access PCs for researchers and visitors to connect online, via free wifi to the collection and services provided by the Archives.

Staff engage in various activities on behalf of clients, including caching in response to user searches and hosting content on social media and other websites (e.g. Google Cultural Institute). As part of the digital and innovation agenda, the Archives is also home to digital projects that incorporate user-generated content, such as the *Discovering Anzacs* website. Any one of these activities could expose us to legal liability for authorising third party infringements under Australia's current copyright law.

The amendments proposed by the Bill will provide significant benefits to the Archives, as well as local and state archives. The amendments will lower the risks involved in digital engagement projects, and allow us to be confident in making use of the latest technologies and tools. The increased certainty around the procedures and legal requirements are welcomed, as we do not have the resources or expertise to deal with copyright infringements on a case-by-case basis. The rules for notice and takedown will also be of great assistance to us.

The Archives also supports further extension of the safe harbour protection to all online service providers, including commercial platforms. We engage and participate with commercial players, such as the Google Cultural Institute, to deliver innovative digital activities. Affording them the same protections will help to address the problems of online infringement.

In summary, the Archives welcomes the current changes as a move to improving Australia's safe harbour arrangements. And we ask that there be consideration to extending the safe harbours to all local online service providers so that there is equal legal certainty and protection.

We welcome further questions and contacts on the Bill. Our primary contact on the issue is
, Assistant Director-Reference Policy and Support who can be reached at email: