

**National Cultural Policy Submission**

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Public and anonymous



Short submission (text box 500 words or less)

Digitised, publicly accessible and discoverable collections are essential to ensuring Australia's cultural infrastructure remains resilient, adaptable and fit-for-purpose.

In my experience, Australia's copyright law is the key barrier preventing Australia's Distributed National Collection from being made accessible to the general public, artists, arts professionals and researchers.

I strongly believe discoverable online databases (including images of works of art) are in the best interest of both artists and audiences.

The lack of access to catalogues of works held in public collections across Australia prevents research, discourages the loan of works for exhibition, and reduces community access to their cultural assets. This makes it extremely difficult for these collections to be utilised to the best possible advantage for the community.

I strongly recommend that the government consider an amendment to the Copyright Act that provides public art collections a fair use exception from copyright for the sole purpose of publishing online images of works of art held in their collection. This fair use exception should be restricted to public institutions where the catalogue search is free and available to the public. For many collecting institutions the copyright fees, and more significantly the administrative burden of seeking copyright permission for existing collections made up of thousands of works, is the primary barrier to digitisation. This is particularly an issue for small council run galleries in regional Australia. These galleries typically have small staff numbers and budgets, but nevertheless hold large and nationally significant collections. The vast majority of these collections are not available to search online, and as a result those collections are not being shown as often as they could be. Subsequently, the breadth of artists' practices are being obscured and the general public loses the opportunity to see the works of art held in their collections.

I note that artists receive income from copyright licenses and so this exception could reduce income for living artists (though I'd argue that in practice the vast majority of living artists see the digitisation of collection works as a beneficial to their practice, and subsequently give galleries copyright permissions for free). I also recognise that artists already face precarious and low incomes. I suggest that the government compensate artists for the possible loss of income stream, as a result of the proposed fair use exception, through other measures within the national cultural policy. For example, the government could consider providing artists a universal basic income and increasing the overall amount of arts funding available through government funding streams.