

## **'Access to Educational and Cultural materials following the 2006 Amendments: Are the reforms achieving their intended goals?'**

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In 2006 the Australian Government of the day passed a number of amendments to the *Copyright Act 1968*. Amongst these amendments were various new copyright exceptions for the benefit of libraries, educational and cultural institutions which were targeted towards the following key purposes:

- to allow copyright material to be used for socially useful purposes; and
- to update Australia's copyright laws and to ensure that the law is better equipped to keep pace with developments in technology and consequently rapidly changing consumer behaviour.

This paper will consider whether, two years since the passage of these amendments, they are achieving their goals. In looking at this I will explore two key issues:

- how the provisions are being interpreted and used in institutions; and
- whether the ability to contract out of the exceptions and current anti-circumvention legislation impact on the usefulness of the new copyright exceptions.

Finally, I will conclude by commenting on the extent to which the exceptions are operating to fulfil the goals and aims of Government outlined in the explanatory memorandum to the *Copyright Amendment Bill 2006*. To the extent that the amendments are not meeting these goals, or that there is a perceived 'problem' with the amendments and/or their implementation, I would like to consider some approaches to a solution moving forward. Should a solution involve further legislative amendments (such as, for example, an amendment to introduce fair use or amendments to prevent contracting out of the copyright exceptions) or a change in institutional practices or both?