

Offsite client access

If the client requires a published work for their personal research or study then the library or archive can copy and communicate the work to supply it to them under the document delivery provisions ([section 49](#)) as long as they follow the steps below.

Sending hardcopy materials is not a copyright action, so you can post books/journals/magazines to remote clients.

Libraries and archives may make some materials available online under the flexible dealing exception or under a risk management framework.

Document delivery

Eligibility

Any library or [archive](#) whose collection, or part of the collection, is accessible to the public, including by inter-library loan.

How can material be sent?

Both electronic and analog methods from the library/archive to the client are covered. So a library/archive can, for example, send a photocopy by mail, or a .pdf attached to an email. However the works cannot be made publicly available, for example placing them publicly on the internet.

What can be supplied?

Any published work needed for the client's study or research. If the work is commercially available (in a reasonable time and at an ordinary commercial price) then you can supply:

- 10% or one chapter of a published work;
- 10% of an electronic work; or
- one article from a journal (or more than one article if they relate to the same course of research and study).



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If the work is not commercially available there are no limits as to the amounts that can be supplied.

For other types of material, such as audiovisual content, the flexible dealing exception might be able to be used.

Process

1. The client must make a written request* for the material that states:
 - a) That they are requesting the material
 - b) That the material is for their own research and study
 - c) That they have not previously been supplied with the material requested.
2. If more than 10%/one chapter/one article is requested then the library or archive officer must check if the work is commercially available. If it is not then the officer must make a declaration stating it is not available. If it is commercially available only the 10%/one chapter/one article amount can be supplied
3. The officer makes the reproduction. Preservation copies may be used to make the copy for supply instead of the original work, for example this can be used when the original work is too delicate for scanning.
4. The officer affixes the [prescribed notice](#) to the reproduction and supplies it to the client
5. If the reproduction is supplied in electronic form all the electronic copies made in the process remaining at the library and archive must be destroyed as soon as practicable
6. The officer files all requests in chronological order for [four years](#) (this can be done electronically).

* If “by reason of the remoteness of the person's location, the person cannot conveniently furnish to the officer in charge of the library or archives a request and declaration” in time for the material to arrive when they need it then the process can be done verbally with the library/archive keeping records. However in reality in an era where emails reach to almost every corner of the country this is not frequently used.

Unpublished materials or materials required for other uses

Unpublished works more than 50 years old

An unpublished work [may be copied](#) for a client's research or study, or with a view to publication, as long as it is at least 50 years after the death of the author of the work. Note that for works of joint authorship this is 50 years after the death of the last joint author. An unpublished thesis or similar work may also be copied.

Other uses

If the client requires material other than a published work (eg original manuscript, AV material) or for any reason that is not research and study (eg reporting the news, 50th birthday poster) there is no specific exception. However in some cases the flexible dealing exception (s200AB) may cover the use. The ALCC's [Flexible Dealing Handbook](#) has information and examples about this.

Access for people with disabilities

There are two different regimes for providing accessible copies to people with disabilities.

1. If you are a recognized print disability organisation (including all educational institutions) you can make master copies and copies for individuals under the statutory licence. This licence has a number of restrictions. For example, it only applies to literary or dramatic works that are not commercially available, so a check has to be made for commercial availability before each copy is made. If there is a copy in an accessible format, even if it is not accessible to the person requesting the item (eg an audio book that is not in DAISY format) then a copy cannot be made.

Libraries and archives in educational institutions can also copy material under the educational statutory licences for enrolled students.

2. For libraries or archives not in these organisations accessible copies may be made under the s200AB flexible dealing exception

FAQs

Can I get an academic to sign a form at the beginning of the year that all materials they will request for document delivery are for research and study? The [legislation](#) is clear that each item needed should be the subject of a request in the proper form. While there is nothing to stop multiple requests at the same time (say in the same email) for each item requested the requesting person should make the proper declarations.

A member of the public has asked for some material to be supplied so she can research her family history, can I use the document delivery provisions?

Yes, as long as the material that she has requested is covered by the document delivery provisions in s49 (10%/1chapter/1 article of a published commercially-available work or a published work not available commercially) you can supply her with the material. You do not have to be a recognized academic or professional, it simply has to be for their own study and research.

I know I have to file the request forms in chronological order, but is there any way to do that electronically?

Yes, as long as the declarations are retrievable/displayable in chronological order you can store them electronically.

Can I supply a client with 10% of an artwork or map?

Artworks that illustrate an article or reasonable portion of another work (eg a book) that are copied with the article/reasonable portion are okay. For artworks (including maps) that are individual works available on their own there is no definition of a “reasonable portion” however it will be less than the full item.

Can I supply a client with 10% of an unpublished manuscript?

Yes! Depending on the circumstances there are a number of options:

1. If the client can come to the library/archive and the work is in original or manuscript form, then up to the entire work can be [copied and supplied](#) for research on the library/archive premises
2. If the author of the work died more than 50 years ago you can [supply the whole work](#) for the purposes of research or publication.
3. If neither of these apply then you may be able to use s200AB

A recent issue of a journal was published in two parts. Can an academic request an article from both parts of the issue under document delivery?

Yes, as each part would be considered a separate periodical publication. Remember as well that more than one article can be requested from the same journal where the articles are related to the same course of study or research.

Further resources

[Key exceptions in the Copyright Act](#) National Library of Australia

[Exceptions to copyright](#) Australian Copyright Council

[Fair Dealing: what can I use without permission](#) Australian Copyright Council

[Study and Research](#) Australian Copyright Council

[Family histories and copyright](#) Australian Copyright Council

[Libraries: Declarations and Notices](#) Australian Copyright Council

[Notices on Photocopiers and Other Copying Equipment](#) Australian Copyright Council

[S39A Copyright Act 1968](#)

[Lending Copyright Materials](#) Australian Copyright Council

The [Australian Libraries Copyright Committee](#) is the primary policy body for the discussion of copyright issues affecting libraries and archives in Australia. For more information and resources on copyright for libraries, including regular training opportunities throughout Australia, see <http://libcopyright.org.au>.