

Supplying other libraries and archives

Eligible libraries and archives can request and be sent copies of material from other libraries or archives under s50 of the Act for the purposes of supplying clients, adding to the collection or assisting a member of parliament in their duties.

Libraries and archives may also supply to other libraries or archives when they are working under a licence (such as s183 or Copyright Agency licence).

Archives may supply a reference copy of material to the regional or National Archives on request.

Interlibrary loan

Eligibility

Any library or [archive](#) whose collection, or part of the collection, is accessible to the public, including by inter-library loan. Exceptions for providing materials to parliamentarians can only be used by or at the request of Parliamentary libraries.

What can be done?

Material can be copied and communicated to another library or archive, as long as it is for one of the following reasons:

- to fulfil a s49 client request; or
- to add the reproduction to their collection; or
- (if the requester is a Parliamentary library) to assist a member of parliament in their parliamentary duties.



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What can be sent?

The inter-library loan provisions only cover published works (including accompanying artworks that illustrate or explain the work). For other materials, such as manuscripts or audio-visual materials you may be able to use s200AB or supply directly to clients.

How much can be sent?

This depends on the type of material and the use you are undertaking. The table below sets out the amounts allowed for different materials and uses.

	To fulfil s49 client request	To add the reproduction to the collection	To assist a parliamentarian
Hardcopy published work - not commercially available	Up to the entirety of the work	Up to the entirety of the work	Up to the entirety of the work
Hardcopy published work - commercially available	<ul style="list-style-type: none"> a published literary, dramatic or musical work - the larger of 10% of pages or one chapter an article in a periodical publication - one article, or more than one if it relates to the same course of study and research 	<ul style="list-style-type: none"> a published literary, dramatic or musical work - the larger of 10% of pages or one chapter an article in a periodical publication - one article, or more than one if it relates to the same course of study and research 	<ul style="list-style-type: none"> Up to the entirety of the work

	<ul style="list-style-type: none"> • The entirety of a published literary, dramatic or musical work not published separately (eg a poem in an anthology) • Anything else - "a reasonable portion" 	<ul style="list-style-type: none"> • The entirety of a published literary, dramatic or musical work not published separately (eg a poem in an anthology) • Anything else - "a reasonable portion" 	
Electronic published work - not commercially available*	Up to the entirety of the work	Up to the entirety of the work	Up to the entirety of the work
Electronic published work - commercially available	Nothing - but see definition of commercially available	Nothing - but see definition of commercially available	Up to the entirety of the work

Commercially available

A hardcopy work is commercially available if it is purchasable new, as a separate publication, within a reasonable time for an ordinary commercial price. This includes being able to purchase it online, but does not include second hand sales or rare book auctions. Reasonable time takes into account when the material is needed.

A work made from an electronic copy is commercially available if:

- for an article, the article can be obtained on its own in electronic form within a reasonable time at an ordinary commercial price (reasonable time takes into account when the article is needed)

- for a reasonable portion or less, it can be obtained in electronic form, either separately or together with a reasonable amount of other material, within a reasonable time at an ordinary commercial price;
- more than a reasonable portion (up to an entire work), that portion is available in electronic form

Process

Many libraries use services to facilitate inter-library loans. While these may be the best way to manage the requests, they are not essential as long as you follow the [requirements](#) in the Act.

The process for the supplying library/archive is:

1. Receive a request. The request doesn't need to be in any specific format or even be in writing (although writing is preferred for record keeping purposes) but must be made by the officer in charge of the requesting library/archive or someone they have authorized.
2. Check the reason material is being requested.
 - If it is to assist a parliamentarian in their duties go to step 4
 - If it is to supply a client's s49 request or to add to the other library's collection, check whether the library/archive has requested the same material previously. If they have ensure the requesting library/archive makes a declaration setting out particulars of the request (including the purpose for which the relevant reproduction was requested); and stating that the reproduction referred to in paragraph (b) has been lost, destroyed or damaged, as the case requires. Then go to step 3
3. Check the type of work and the amount requested. If it is more than the amount allowed for commercially available works (see table above) check whether the work is commercially available. If the work is commercially available inform the requesting library you can only supply up to the amounts stipulated.
4. Prepare the materials. The copy must be marked with the date and name of the requesting library/archive (even if supplying electronically).
5. Supply the requesting library/archive. This can be done electronically or in hard copy. You may ask the requesting library/archive to pay a charge for the supply however the amount charged must not exceed the cost of making and supplying the work (ie you cannot make a profit).
6. If the supply is electronic then any electronic copies retained by the supplying library must be destroyed as soon as practical. For reasons of

administration and record keeping this may mean that the copies are kept for a short period of time.

7. File all declarations from the requesting library/archive chronologically (this can be done electronically) for at least four years.

Supply another library or archive under licence or the flexible dealing exception

If a library or archive receives a request that doesn't fall under s50 above, but the requesting library or archive is making the request under the government or educational statutory licences or under a commercial licence (for example from the [Copyright Agency](#)) then the library or archive receiving the request can supply the requesting library/archive. There is no specific format the request must be in, but it would be prudent to ask for the request in writing and clearly state the licence basis for the request.

For supply not covered under s50 or a licence you may be able to use the [flexible dealing exception](#). This will be particularly relevant when a requesting library/archive wants materials, such as original manuscripts, not covered under s50.

Special provisions for the National Archives, State Archives /Public Records Offices or archives holding material under the Archives Act

The archives mentioned above may make a [single reference copy](#) for themselves, the regional office or the National Archives of any record if requested. If the original copy has been lost, stolen, damaged or destroyed a replacement copy may be made.

FAQs

For the purposes of working out if we are an eligible library/archive, what does 'accessible to the public' mean?

It simply means that the public can access the collection, or part of the collection. This could be by the public being able to walk in and consult materials, offering online loans/access or by participating in document delivery or inter-library loans.

A parliamentary library has requested some odd material to assist a member of parliament – do I have to check that the material is really to be used for that purpose?

When a library requests material you are entitled to rely on the assurances from the requesting library. It is up to the requesting library to check that the person requesting the material is doing so for a legitimate purpose.

I work at an archives and although the section seems to be titled for ‘library and archives’ I can’t see the section covering archive use. What can I do?

The definition of library in s50 includes “an archives all or part of whose collection is accessible to members of the public” which means the section applies exactly the same way to publicly accessible libraries and archives. This also [covers galleries and museums](#) which have a not-for-profit “collection of documents or other material of historical significance or public interest” that are “being maintained by the body for the purpose of conserving and preserving those documents or other material”.

I have received a request for a copy of a fragile manuscript. We have previously made a preservation copy of the work to avoid further deterioration of the original, can I make a copy to send to the requesting archive from that preservation copy?

Yes, as long as the request follows the s50 procedures that’s fine. You don’t have to delete the preservation copy, as long as you delete any additional copies made as part of fulfilling the s50 request.

A library has requested a short story from an anthology to add to their collection. What do I need to check before supplying the story?

If the story is available commercially (reasonable time, ordinary commercial price) by itself then you will only be able to supply 10% of the work. If the story is only available in combination with other works you can supply the entirety of the work as long as the s50 procedures are followed.

Further resources

[ALCC Fact Sheet client Access](#)

[Copyright and Document Supply for Libraries](#) National Library of Australia

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

[Libraries and copyright](#) Australian Copyright Council (\$)

The [Australian Libraries Copyright Committee](http://libcopyright.org.au) 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>.