

Senator the Hon GH Brandis QC  
Attorney-General and Minister for the Arts  
The Senate  
Parliament House  
CANBERRA ACT 2600  
[Senator.brandis@aph.gov.au](mailto:Senator.brandis@aph.gov.au)

Dear Attorney-General

### **Termination of perpetual copyright in unpublished works**

I write on behalf of independent public historians in New South Wales and the Australian Capital Territory who make extensive use, in their work, of unpublished documents.

Such documents, for example diaries, journals, letters, sketches, drawings, recipes, notes and other similar one-off documents, are currently subject to copyright in perpetuity. These documents are generally held by, and accessed through, collecting institutions such as public libraries, archives and museums, but may also be in the possession of descendants of the original creators, or held by collectors of such works, or even be discovered by a researcher in unexpected or otherwise unplanned circumstances.

As primary source materials, they are essential to the proper research work of historians. As unique records, they can also be difficult to access, or to locate copyright holders if there is an intention to copy them, whether for display purposes such as exhibitions or publications, or to make them available to a wider research audience through, for instance, a digitisation program. As more of our documentary cultural heritage is digitised and made available to a wider range of researchers, the issues arising from perpetual copyright are acting as an unnecessary and apparently pointless impediment to such access.

It is our understanding that such perpetual copyright in unpublished materials either does not or no longer exists in comparable countries such as the United Kingdom, Canada, New Zealand, the United States and much of the European Union. This places historians working in Australia at a distinct disadvantage compared with their colleagues overseas, for no public or national benefit that we can ascertain.

I therefore request that you give your consideration to revising the copyright legislation to ensure that published and unpublished works are subject to the same copyright rules, and that perpetual copyright in unpublished works is terminated.

# PHA NSW & ACT



Professional Historians Association  
NEW SOUTH WALES AND AUSTRALIAN CAPITAL TERRITORY

*Professional Historians  
Association (NSW & ACT) Inc  
GPO Box 2437  
Sydney NSW 2001*

[www.phansw.org.au](http://www.phansw.org.au)

Thank you for your consideration of this matter, and I look forward to hearing of the approach you will take to resolving this vexatious and unnecessary restriction,

Yours sincerely

**Bruce Baskerville**

CHAIR

*Professional Historians' Association NSW & ACT*