

[submitted online]

5 April 2019

Business Law Team
Building, Resources and Markets
Ministry of Business, Innovation & Employment
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Review of the Copyright Act 1994: Issues Paper

Tēnā koe,

The submission that follows is from Museums Aotearoa, Te Tari o Ngā Whare Taonga o Te Motu, The Museums of New Zealand Incorporated (MA). We write this on behalf of all our members, comprising some 200 public museums and galleries and over 1500 individuals who work or volunteer in or for them.

Introduction

Museums Aotearoa is the peak professional organisation for museums and those who work in or have an interest in museums. The 'museum sector' includes museums, public art galleries, historical societies, science centres and historic places open to the public. MA members include these institutions and people who work within them and individuals connected or associated with arts, culture and heritage in New Zealand. The museum sector comprises 470-500 institutions throughout New Zealand, including 20 large (20+ staff), 60 medium (5-20 staff), and 400+ small and volunteer museums. Our membership represents over 96% of staffed institutions.

It may be noted that only one of these institutions, our national museum Te Papa, has a dedicated staff position with responsibility for copyright.

Public museums and galleries care for and provide access to and education about our nation's culture and heritage, for current and future generations. Our members hold our national collections of visual arts, decorative arts, documentary history, military objects and collections, social history, technology, natural history, taonga Māori, archaeology and ethnology. Much of our museum and gallery activity takes place in heritage buildings, in locations dictated by historic significance.

This submission is a broad response to the Issues Paper on behalf of public museums and art galleries.

Submission

- 1 Museums Aotearoa welcomes the review of the Copyright Act 1994 and agrees with the Objectives for New Zealand's copyright regime.
- 2 We particularly note the role of public collecting institutions as enablers of public access to collections, images and information, which is acquired and held on behalf of all New Zealanders and future generations.
- 3 The consultation period has allowed the opportunity for colleagues from public museums and galleries to engage with experts and each other, and with others across the GLAMS. The MBIE-lead workshop reports also include a good range of viewpoints. We expect the specifics to be well-represented in members' and other submissions. This submission is limited to broad comments arising from our consultations within the museum and gallery sector.
- 4 In particular Museums Aotearoa endorses the comprehensive submission made by the Museum of New Zealand Te Papa Tongarewa. While some of its viewpoints are specific to Te Papa as a Crown Entity, most of it applies across the public museum and gallery sector.
- 5 The complexity of the current regime was a recurrent theme in our sector workshops, and is highlighted in Te Papa's submission. We heard repeatedly of people trying to comply with copyright requirements but finding it taking more time than small non-profit organisations can afford just to use images of objects held in their collections. The fear of infringement and legal action often leads to collection material not being publicly visible or accessible, or even findable, which is counter to the intent of public collections.
- 6 The current regime is also inconsistent. For example, the application of CC0 licensing does not appear to be able to be upheld legally. And museums and galleries are not included in exemptions for libraries, even where the purpose is identical. The issues paper and consultation recognises the GLAMS but the current regime does not.
- 7 Museums Aotearoa research supports the vital role of public museums and art galleries in their communities as well as in tourism and the economy more broadly.¹ This contribution is only possible when they can effectively provide access to collections.
- 8 Museums Aotearoa believes that a revised copyright regime that allows appropriate exemptions for use of copyright material by public museums and galleries in carrying out their purpose – whether for internal administration, preservation or public access – will enhance the visibility and appreciation of our creative output.

Nāku noa, nā

[signed]

Phillipa Tocker
Executive Director
Museums Aotearoa

¹ [The value museums, art galleries and heritage properties contribute in Aotearoa New Zealand.](#) Museums Aotearoa 2018.