

'The flexible dealing provision for Australia's cultural and educational institutions: What's it all about? How are institutions using it?'

Laura Simes

In December 2006 a new copyright exception, section 200AB, was added to the Copyright Act 1968 (Cth). This exception draws on the language of international intellectual property treaties, incorporating the "three-step test", and in addition has also been described as intended to operate *like* the US "fair use" doctrine, allowing the use of copyright materials for a range of socially beneficial purposes.

Section 200AB offers the possibility of increased flexibility in how libraries, galleries, archives and educational institutions make use of copyright materials. Following on from copyright training sessions run by the Australian Libraries Copyright Committee (ALCC), a number of examples of how s200AB might be of use to libraries, archives, galleries and educational institutions have been collected together to form the bulk of the Flexible Dealing Handbook produced by the ALCC and Australian Digital Alliance.

This paper will examine the history and context of section 200AB, and will go on to examine the practical utility of this provision with some illustrative case studies.