

Fair dealing

Overview

The fair dealing provisions allow limited use of copyright material without requiring permission from the copyright owner. Fair dealing only applies to certain purposes:

- Research or study
- Criticism or review
- Access by a person with a disability
- Parody or satire
- Reporting the news
- Judicial proceedings or professional advice.

For more information about reporting the news and judicial proceedings or professional advice, please [contact us](#).

The Australian provision of fair dealing should not be confused with the US provision of fair use.

Research or study

Under fair dealing for research and study, you can copy:

- 10% of the total number of pages or words (if the work is not paginated) or 1 chapter of the work, whichever is greater. You may be able to copy more than 10% or 1 chapter under certain circumstances.
- 1 article from a journal issue, magazine or newspaper. You may have 2 or more articles from the same issue if they are for the same research or course of study.

If you wish to copy other types of material (artistic works, films, sound recordings, computer programs, software or games, unpublished material) or more than 10% or 1 chapter of textual material, you must consider if your use is "fair and reasonable" under the following conditions:

- Why you are copying the work,
- The nature of the work,
- The possibility of obtaining a copy within a reasonable time at an ordinary commercial price,
- The effect of the use upon the potential market for, or value of, the work,
- If only part of the work is copied, the amount and substantiality of the part in relation to the whole work.

The provision only applies to material being copied for your own research and study. You do not need to be enrolled in a formal course of study, fair dealing for research and study also applies to self-directed study and research.

You must acknowledge any material that you use.

Criticism or review

You can use either the whole work (if it is needed) or a part of it for criticism or review. The Australian Copyright Council has advised "criticism and review involves making a judgment of the material concerned, or of the underlying ideas". You are unlikely to be able to use material as an example or to illustrate a point under fair dealing for criticism or review.

The provision also applies if the critique or review is being published, presented at a conference or made available online.

You must acknowledge any material that you use.

Access by a person with a disability

This fair dealing provision allows copyright material to be reproduced in accessible formats to assist a person with disabilities.

The provisions apply to any person with a disability as defined by the *Disability Discrimination Act 1992*. This includes people with print or vision impairment, intellectual disabilities, learning

disabilities, mental illnesses, deaf or hearing impaired, or physical disabilities. Both permanent and temporary disabilities are covered.

Fair dealing for a person with a disability is intended to ensure that people with disabilities have the same access to copyright material as people without disabilities and applies to:

- Staff and students with a disability that causes them difficulty in reading, viewing, hearing or comprehending copyright material,
- All types of copyright material – literary, dramatic, musical or artistic works and films or sound recordings.

Other benefits include:

- Copyright material can be converted in whatever accessible format is required by the staff member or student.
- Once converted the accessible copy can be made available to the staff member or student online for example via the LMS, email or the cloud (e.g. Dropbox).
- Accessible copies can be used by staff or students with disabilities for whatever purpose they need. It is not just limited to research or study; personal use is covered as well.
- Copies can be made on behalf of the person with a disability.

If the copyright material is protected by a technological protection measure (TPM) that prevents the material from being copied, then you can break the TPM to convert the work to an accessible format.

If the material being converted is commercially available in an accessible format, it may still be possible to make an accessible copy under fair dealing so long as the use of the material is fair. In determining whether the use is fair, the person making the copy should consider:

- The purpose of making the copy – given that the copy is being made to assist a person with a disability this would be concerned fair.
- The nature of the material – is the material published and in print and readily available or is it unpublished or out of print and not easily available.
- The effect of making the copy on the potential market or value of the work – making a copy for an individual with a disability in an accessibility format would have limited impact on the potential market or value of the work as there is only a limited market for accessible formats.
- The amount and substantiality of the part – where only part of a work is copied, how much is copied and how important is that part to the overall work. This does not mean that copying the whole work would not be considered fair.

There is an additional provision for institutions assisting people with a disability that the University can rely on. For more information see [Guidelines for assisting people with disabilities](#).

For further advice please [contact the Copyright Office](#) or [Student Equity and Disability Support](#).

Parody or satire

You can also use material for parody and satire under fair dealing. The Act has not defined parody or satire, so it is likely that dictionary definition would apply. For more information about this and other fair dealing provisions, please [contact us](#).

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