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Director
Copyright Law Review Committee Secretariat
Attorney-General's Department
Robert Garran Offices
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CROWN COPYRIGHT

ANZLIC is the peak inter-governmental body for spatial information matters in Australia and New Zealand. It comprises senior officials from the Australian, New Zealand, State and Territory Governments. Its functions include a policy oversight role covering acquisition of, management and access to spatial information by all these governments. Outcomes may include a national guideline and/or consistent policies and practices in each of the constituent jurisdictions.

While not, at this time, wishing to respond to all the issues raised in the *Crown Copyright* paper released by the Copyright Law Reform Committee, ANZLIC would like to comment on one specific area that its members feel is not addressed in the paper. It is expected that individual members will respond in more detail on issues raised in the paper that specifically affect their application of Crown copyright.

There is considerable debate within Australia and New Zealand regarding the government's right to make available, to third parties, registered survey plans, either directly or as a part of a cadastral database created using registered survey plans as its base. The debate centres on the way in which copyright law impacts on this government activity.

What is at stake concerns the potential impact on the flexibility of governments to use the information they gather under legislation for the wider public benefit, and significantly, whether

this would have any flow-on impact for any other government database of information, where people are required under legislation to lodge or register something, and that information is then made widely available for the public benefit.

It can be argued that the current system of land titling and the property market it underpins (itself vital to the economy), relies on the Crown's ability to make the information on titles, which includes boundaries and their depiction and location (through survey plans), readily available. Innovation and improved efficiency rely on the ability to be able to manipulate this information to provide a complete and up-to-date picture of the cadastre at any point in time available to the public.

ANZLIC would like to see this issue clarified in copyright law. Options include:

- seek to have the *Copyright Act 1968* amended to clarify that once a survey plan is registered under titling legislation, the Crown may use that plan in the public interest, without regard to copyright; or
- more generally, where a document (including a plan, map, etc) is registered under Crown legislation to achieve some public interest aim (such as a secure titling system), that document can be used in the public interest, with regard to issues like privacy and moral rights as relevant, but without regard to copyright. In legislation this could be achieved through copyright becoming the property of the Crown on registration, or through a specific (rather than inferred) licence on registration.

Any matters regarding this submission, can be addressed to the Executive Director, ANZLIC.

Yours faithfully

A handwritten signature in black ink, appearing to read 'PKelly', written in a cursive style.

Paul Kelly
Executive Director