

COPYRIGHT LAW REVIEW COMMITTEE

Review of Crown Copyright

Submission from the Association of Parliamentary Libraries of Australasia (APLA)

March 2004

APLA's objectives are to:

- **Encourage** understanding of, and co-operation between, research and information services attached to National and State Legislatures;
- **Consider** any matters affecting the common interests or operations of Parliamentary Libraries;
- **Initiate**, develop, establish and support ideas, methods and techniques likely to result in the better functioning of Parliamentary Libraries generally, and in particular their effective provision of information relevant to the needs of the Parliamentarians they serve;
- **Foster** a clearer understanding of the respective needs and roles of Members of Parliament and their Parliamentary Libraries by establishing a forum for better communication between the two;
- **Provide** a body which can speak and act on behalf of its several constituents on matters coming within the ambit of its authority; and
- **Advance** the cause of Parliamentary Librarianship generally.

Parliamentary libraries provided members of their legislatures with information, analysis and advice that support them in their parliamentary and constituency role. It is critical for parliamentary librarians to provide politically neutral, independent and confidential advice to the leading decision makers in our society.

Members of APLA include the parliamentary libraries of the Australian parliament and all state and territory parliaments as well as the parliaments of New Zealand and Papua New Guinea. Members work cooperatively to ensure that developments in services and products can be readily shared and accessible to colleagues and their clients.

For the most part parliamentary, libraries serve members of the parent legislature and, as a result of extensive cooperative networks, services can also be provided to members of other parliaments when required.

Parliamentary libraries in Australia are privileged to have an exemption from the provisions of the Copyright Act when providing services to members of parliament who require information for parliamentary purposes. This exemption allows parliamentary libraries to provide

relevant, timely and speedy responses in an environment where time is often of the essence. If that exemption were removed there would be a serious impact on the quality of services to members. This exemption, concomitantly, places restrictions on what information services parliamentary libraries can provide to the wider community.

With the advent of the Internet, parliamentary librarians realised that there was a new potential service which could be made available to the public and enhance community engagement in the democratic process. Parliamentary administrations have all established web pages which allow members of the public to access information about parliament, Hansard on line, bills being debated, sitting patterns, names of members and the Ministry, parliamentary publications, explanations of parliamentary procedures and practices and in some cases live web streaming of parliamentary proceedings. As part of a strong commitment to community service obligations, parliamentary libraries are also assisting the public by providing online research information on topical public policy issues. For example, since 1996 the Australian Parliamentary Library has provided on its public web site copies of all its general distribution papers, bills digests, the parliamentary handbook and other research publications and subject resource guides. In most cases this material was readily available within the parliament. However, the creation of web sites and the need to format information for the Internet has required considerable resources of all parliaments. In many cases parliamentary departments have absorbed these costs.

Examples of parliamentary web sites which provide information for both members of parliament and members of the public include:

ACT Legislative Assembly: <http://www.legassembly.act.gov.au/assembly>
Australian Parliament: www.aph.gov.au
<http://www.aph.gov.au/library/index.htm>
New South Wales Parliament: www.parliament.nsw.gov.au
New Zealand Parliament: www.clerk.parliament.govt.nz/Publications/
Northern Territory Legislative Assembly: www.nt.gov.au/lant/
<http://www.nt.gov.au/lant/pub/pub.shtml>
Queensland Parliament: www.parliament.qld.gov.au/parlib/Library

Papua New Guinea National Parliament: www.parliament.gov.pg
South Australian Parliament: www.parliament.sa.gov.au
Tasmanian Parliament: www.tas.gov.au
www.parliament.tas.gov.au/tpl/tplmain.htm
Victorian Parliament: www.parliament.vic.gov.au
www.parliament.vic.gov.au/hans.html
www.dms.dpc.vic.gov.au
Western Australian Parliament: www.parliament.wa.gov.au
<http://www.parliament.wa.gov.au/web/newwebparl.nsf/iframewebpages/Hansard+-+Index>

While these web sites have not been publicly promoted to any great extent they are all heavily used by members of the public indicating a

high level of interest in parliamentary affairs and contemporary public policy issues.

Crown Copyright

All members of APLA are deeply committed to the free and readily accessible provision of information for several reasons:

- access to publicly available information is critical to the timely and accurate provision of information, analysis and advice to Members of Parliament;
- by making research papers available on the Internet APLA members are contributing to an informed community; and
- APLA recognises that the growth of internet services is creating a demand for reliable, timely and accurate information regardless of geographic location.

Members of the community have accepted that much of the information generated by the government, legislature and judiciary is currently accessible both in print and electronically. However, the recent closure of Australian Government Bookshops has made it difficult to access some information for people who do not have access to the Internet.

Therefore, in the interests of maintaining and encouraging the free flow of information to the community, APLA is strongly committed to retaining crown copyright for most information, either hard copy or electronic, generated by the executive, legislature and judiciary at all levels of government. Single, or multiple, copies should be readily available as required. The only exception would be where information has been created with a commercial objective in mind eg CSIRO patents.

APLA also believes that it is critical that the current legal deposit provisions remain in place for government information to ensure the supply of print copies are accessible in all major Australian libraries. This will ensure the libraries which are publicly accessible continue to meet their community service obligations.

APLA believes that information generated by government authorities at all levels should not be privatised. Privatisation of information will introduce additional costs for information users and create yet another barrier for those who cannot afford to purchase the information they need for their daily lives. The current regime should remain in place thus eliminating the potential of any costs which may be involved in changing a system which has served the community well over the years.

However, provision for Crown Copyright should ensure that the right of attribution is retained by the Crown and that any information covered by Crown copyright cannot be packaged and sold by commercial companies.

APLA also supports the same duration period for the application of copyright for both private and government material.

If further information, or details, are required contact Roslynn Membrey, Head, Resource Development at the Australian Parliamentary Library. She can be contacted at Roslynn.Membrey@aph.gov.au or on (02) 6277 6487.