



**Australian Spatial Copyright Collections Limited**

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The Director  
Copyright Law Review Committee Secretariat  
Attorney-General's Department  
Robert Garran Offices  
National Circuit  
BARTON ACT 2600

25 March 2004

Dear Madam,

**Re: CLRC Issues Paper “Crown Copyright” February 2004**

Australian Spatial Copyright Collections Limited (ASCC) is a collecting society established to represent the interests of surveyors and other authors of spatial information and material including survey plans.

Australian Copyright Trust (ACT) is the owner of copyright vested in it by more than 120 original copyright owners of works created by around 550 surveyor authors. ACT is a member of ASCC. Members of ACT are generally surveyors engaged in spatial activities including data collection, data syndication and data presentation within various market sectors.

ASCC has an application before the Copyright Tribunal to be declared under s183 of the Copyright Act in respect of government use of surveyors' material.

ASCC wishes to comment on Issue 1, raised in the Committee's Issues Paper, and in particular on the operation of section 177 of the Copyright Act 1968.

Section 177 vests in the government ownership of copyright in any work first published in Australia by or under the direction or control of the government.

In response to the questions raised by the Committee at Issue 1, ASCC submits that government ownership of copyright material should not extend to all works and subject-matter.

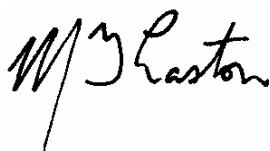
Surveyors' plans and drawings generally fall within the definition in the Act of artistic works. Because of the nature of the work performed by surveyors, works are often used by governments, and may be made or published by or under the direction of the government. For example, when a survey plan is used to support the perfection of Title to land.

As well as their use by government, surveyors' works are used by individuals who must obtain the works from government, usually at a fee. Surveyors' works are therefore different from other examples or artistic works mentioned in the Committee's Issues Paper, such as brochures and coin designs, used solely by government.

ASCC submits that in this context there is no good policy reason for the government to essentially appropriate copyright in surveyor's works, which are the result of the exercise of professional skill by surveyors. This is particularly the case where the material is used on a commercial basis by government, without payment of royalties, while denying the author of the work the right to use that work for its own commercial purposes. To allow government such an advantage is inconsistent with competition policy and the principle of competitive neutrality, discussed in the Issues Paper.

ASCC consents to the Secretariat making the submission available in digital form and the use of any material in the submission for purposes related to the subject of the Issues Paper.

Yours faithfully,  
Australian Spatial Copyright Collections Limited

A handwritten signature in black ink, appearing to read "M Easton". The signature is written in a cursive, slightly slanted style.

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Michael Easton  
Chairman

**Contact for further information:**  
**Mr Jack de Lange**  
**Chief Executive Officer**