

**SUBMISSION BY THE BUREAU OF METEOROLOGY TO THE
COPYRIGHT LAW REVIEW COMMITTEE, ON THE ISSUE OF CROWN
COPYRIGHT**

“It is the view of the Commonwealth Bureau of Meteorology that there is no reason to abolish Crown Copyright or to change the law in this area. This applies to a lesser extent to Copyright arising out of the legislative or judicial arms of Government however it is noted that there appears to be no problems with access to copyright material currently in this area in Australia due to generous licensing conditions.

The onus on Government to meet the requirements of competition policy can be managed by ensuring proper policy is in place for access to Crown Copyright such as the Commonwealth IT Copyright policy. Policy can be adapted and changed more quickly to meet a changing environment than changes to the Copyright Act. The Bureau has a generous access right for most of its Copyright material and, as a research and scientific organization, needs to be able to compete and collaborate with other such organizations in producing innovative meteorological software and other products. Being able to own its copyright enables the Bureau to perform effectively within this environment. Certain copyright material can also be manufactured to the Bureau’s specifications at a lower cost than would otherwise be the case and this has a public benefit. Secondly copyright is essential to meet cost recovery requirements.

The Bureau does not see any need to limit Copyright to certain things or to have a different regime for the electronic/technological environment. It would not be easy to define a rationale to do this and it could create uncertainty. In terms of the electronic environment, the regime should be the same as it is for everyone else and this is the case now. Once again if aspects of Crown copyright appear to be, or are uncertain this could be addressed by policy and guidelines for agencies. The recent British White Paper “ Future Management of Crown Copyright “ supports this approach and perhaps the recommendations (page 44 and 45) specifically relating to the need for transparency, a coherent application for licensing and re-use, consistency of approach and establishing rules for users could be examined. The recommendation relating to waiver for specific categories unduly complicates things as this could still be achieved by guidelines for treatment of certain types of copyright.

In terms of the FOI and Privacy Acts providing sufficient protection for the integrity of material released, it could also be argued that they also in their present form clearly establish the objective of ensuring the release of information held by the Crown as well unless there are good reasons supporting non-disclosure. This therefore provides another avenue of protection to the public for unduly restrictive, lack of access to information by the Crown based on copyright. ”

There are particular aspects of meteorological service provision, nationally and internationally, that argue for the retention of Crown copyright and crown prerogative coupled with a policy framework, which seeks to maximise the government information in the public domain. Most meteorological data,

information and technological know-how possess the economic properties of public goods and, having been produced at public expense, are appropriately made freely and widely available to all who can use them for individual or societal benefit. But it is also important that there be some scope for government protection of the public interest through enforceable barriers to their misuse. It is in the public interest that the integrity of the national climate record be protected, that there be a single official voice on the meteorological outlook in life-threatening or potential disaster situations for continued free and unrestricted international exchange of other countries meteorological data be met. While the Bureau of Meteorology strongly supports the policy of free and widespread availability of meteorological information in line with the Governments decisions on the 2001 report of the Productivity Commission on cost recovery by government agencies, it also believes that to effectively discharge its responsibilities to the community under the Meteorology Act 1955, it must maintain a capacity for asserting intellectual property rights in its data and information in certain circumstances. Such a capacity is also essential to its ability to meet the requirements for free and unrestricted access to the meteorological data and products of other countries in line with the international policy and practice as set down in Resolution 40 of the Twelfth World Meteorological Congress (A small booklet explaining the essential elements of the international framework is attached).

In summary, therefore, the Bureau of Meteorology supports the retention of Crown Copyright in pretty much its present form coupled with a policy framework that maximises the data, information and know-how that is placed in the public domain. It would prefer that the ownership of Australian meteorological data and information be vested in the Bureau itself as an agency consistent with broader governmental policies on intellectual property protection. The Bureau considers that, in its domain of operation, copyright law and policy should retain a provision to override competitive law and policy as required on national interest grounds.