



25 May 2004

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

Dear Ms Phillips,

Review of Crown Copyright in Australia

Copyright Agency Limited (**CAL**) has recently had the opportunity to review those submissions made to the Copyright Law Review Committee (**CLRC**) that have been made publicly available via the CLRC's website.

A number of submissions, most notably the submission from the Queensland Department of Natural Resources, Mines and Energy and New South Wales Attorney General's department, argue that copyright in survey maps and plans is owned by government as in their opinion they are produced under the direction and control of the State. Further, these submissions state that the *Copyright Act 1968* (**the Act**) should be amended so as to explicitly provide that this is the case.

As the CLRC may be aware, CAL currently has an application with the Copyright Tribunal (**the Tribunal**) requesting that the Tribunal set a rate for the electronic copying of survey maps and plans by the State of New South Wales under Part VII Division 2 of the Act.

It is the view of CAL, and its surveyor members, that the author surveyor of the work (or the employer as the case may be) currently owns copyright in survey maps and plans. As such, any use of these works by the Crown should be equitably remunerated. Further, it is CAL's view that the Tribunal is the appropriate body to set the rate for equitable remuneration for the copying of survey maps and plans by government.

If the CLRC would like further information on CAL's views on copyright ownership in survey maps and plans, the use of survey maps and plans by government, or CAL's current application in the Copyright Tribunal we would be more than happy to provide it.

Yours sincerely,

Michael Fraser
Chief Executive