

REVIEW OF GOVERNMENT OWNERSHIP OF CROWN COPYRIGHT MATERIALS

SUBMISSION BY

THE DEPARTMENT OF EDUCATION, SCIENCE & TRAINING

APRIL 2004

Background

This submission is based on collaboration by the Department of Education, Science and Training (DEST) with members of the Higher Education, Vocational Education and Training and the Schools sectors. The collaboration was carried out in order to create a submission to the Digital Agenda Review. It established a strong sense that where possible in the education and training sectors copyright material should be made easily and freely available for members of those sectors for education, training and research purposes. The Digital Agenda Review submissions provide useful background reading for this submission and are available at <http://www.dest.gov.au/schools/Publications/2004/DAR/submission.htm> . A hard copy will also accompany this submission.

The DEST submissions to the Digital Agenda Review in September and October 2003 argued that education is a public good and the needs of the education sector to access copyright material on reasonable terms, and in some cases freely, should be taken into account in considering amendments to the digital agenda provisions in the Copyright legislation.

A second background piece of information for this submission is the agreement within the Department of Education, Science and Training on key principles relating to copyright that provide that access to materials produced with DEST funds should in principle be freely available for the purposes of education, training and research, with some conditions. Material that has planned commercial benefit for DEST or research that is to be commercialised should be treated separately from the bulk of DEST material.

Submission

DEST argues that the following key principles relevant to the education, training and research sectors should inform the view of the Crown Copyright provisions of the Copyright Act 1986.

- Government should have the discretion to retain copyright in materials produced through Government funding. This allows Government to retain management of the quality of and access to material published under the Government banner or using Government funds.
- Access to materials produced with Government funds should, in principle, be freely available for the purposes of education, training and research, with some conditions. This principle would be a default position for material produced with Government funding;

- The default position in relation to access to materials outlined above would not apply for material produced with Government funds where that material has a planned commercial benefit for Government, or research that the Government intends to be commercialised. Government should have the flexibility to determine which materials fall into this category.
- Decisions on which material should be treated as freely available for the purposes of education, training and research and which material should be treated as commercial should be made with consistency across Government in accordance with protocols and principles which should be developed and agreed by Government.
- In order to facilitate easy identification of the different treatments of copyright material and streamline handling of copyright materials, Government should commission the development of agreed tailored/standardised licences which would set out in detail the uses to which various types of materials may be put.