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

**Copyright Law Review Committee – Inquiry into Crown Copyright –
Submission by Clerk of the House of Representatives**

In this submission I address point 1(c) of the terms of reference in particular, that is, whether the Copyright Act should make express provision vesting copyright in materials made by, or under the direction or control of, the Parliament of the Commonwealth, a State or Territory, in that Parliament.

It has been the long-standing position of the Parliamentary Presiding Officers that the *Copyright Act 1968* should be amended to provide for parliamentary copyright. In particular, the suggestion has been made that the *Copyright Act 1968* be amended to include provisions similar to those contained in sections 165 to 176 (inclusive) of the Copyright, Designs and Patents Act 1988 (CPDA) of the United Kingdom. As recognised in the Committee's Issues Paper, this position is based on the doctrine of separation of powers.

The CPDA established parliamentary copyright in the UK. Works that were published for Parliament prior to that date attract Crown copyright. Under section 165 of the CPDA, any work made by or under the direction or control of the House of Commons or the House of Lords attracts Parliamentary copyright. Under section 166 copyright in every Bill introduced into Parliament belongs either to the House of Commons or to the House of Lords. The legal owners of Parliamentary copyright are the Speaker of the House of Commons in respect of House of Commons material and the Clerk of the Parliaments in respect of the House of Lords material (section 167).

The publications of the House of Representatives that would fall under Parliamentary copyright, in my view, would include: Bills published after introduction, both Government and Private Members' Bills; amendments (whether moved by a Minister/parliamentary secretary or a private Member) to Bills published after circulation; parliamentary committee reports and evidence; *House of Representatives Practice*; the *Notice Paper*; the *Votes and Proceedings*; a *House for the Nation* (CD ROM and

documentary), *About the House*, *Images of the House*, *Hansard*; the broadcasting of Parliamentary proceedings; material published on the Parliament House website and so forth.

Access to Parliamentary Proceedings and Publications

It is the policy of the Parliament to encourage the widest possible access to its proceedings and to parliamentary publications. To this effect, nearly all parliamentary material is made available electronically through the Parliament's website.

In its Issues Paper, the Committee has canvassed many options for reform of government ownership of copyright material in Australia (paragraph 124). The framework that I would prefer to see applying to the dissemination of parliamentary material is retention of copyright, but waiving copyright in, or allowing licences over or routine access to, certain types of material.

Non-commercial users currently do not need to apply for authorisation for the use of published parliamentary copyright material, subject to certain conditions being complied with (including that there is appropriate acknowledgement of the source). In relation to use of unpublished parliamentary copyright material, there must be explicit permission of the author agency.

The Department of the House of Representatives would welcome being kept informed of progress on this inquiry.

I C HARRIS
Clerk of the House