

Questions & Answers

The Information and Privacy Commission (IPC) has released a [Knowledge Update](#) recommending local councils should not provide copies of documents which are subject to copyright, without having the copyright owner's written consent. Local councils should provide view only access to copyright material for *Government Information (Public Access) Act 2009* (GIPA Act) purposes.

What is copyright?

In Australia, original works are protected under the *Copyright Act 1968*. Original works can include books, drawings, music, computer programs, films etc. Protection under copyright is applied from the time the work is created in material form e.g. written down, photographed or recorded. There is no requirement under Australian law for the work to be registered or to have a copyright notice affixed to it (©) in order to be protected by copyright. Only the copyright owner can authorise their work to be reproduced e.g. copied, made public for the first time or communicated to the public e.g. through email, website or fax. Further information on copyright can be found on the [Australian Copyright Council website](#).

What information does Council hold that may be protected by copyright? Information submitted to council with a development application e.g. house plans, may be subject to copyright. In addition, council may hold publications, reports or other material which may be protected by copyright.

How does copyright impact on my ability to access information held by Council?

The GIPA Act requires information held by Council to be made available to the public providing there is no overriding public interest considerations against disclosure. In most cases the information will be provided free of charge or at the lowest reasonable cost. This includes information relating to development applications and properties. With the homeowners consent, Council will allow you to view documents which are subject to copyright, however, Council is unable to provide a copy of this information without the written consent of the copyright owner.

But I am the owner of the property, surely I can get a copy of my own home? Unfortunately, no. Only the copyright owner has the right to authorise the reproduction or copying of their work. Council will allow you to view the information it holds on your property and will assist you, where possible, in seeking the copyright owners consent by providing the name of the copyright owner.

How do I get the copyright owners consent?

Where possible, Council will provide you with the name of the copyright owner to assist you with contacting them to obtain written consent.

How do I find the copyright owner?

Council recommends the following steps be undertaken to locate the copyright owner:

1. If the copyright owner is a company, a free company name search can be completed on the [Australian Securities and Investment Commission \(ASIC\) company and other registers website](#), to determine if the company is still registered. More extensive information on a company including the current directors and other registered information can be purchased for a nominal fee from the ASIC website.
2. If the copyright owner is a business, a free business name search can be completed on the [ASIC business names register website](#), to determine if the business is still registered.
3. If the copyright owner is a builder or plumber, their licence can be searched free of charge on the [NSW Fair Trading home building licence check](#) to determine if the licence is still current and the licence holders last known address.
4. If the copyright owner is an ABN holder, the ABN can be searched free of charge on [ABN Lookup](#), to locate the main business location.
5. If the company, business or builder/plumber are still trading or registered, a Yellow Pages or White Pages search may locate the current contact details.
6. Using an internet search engine such as Google or Bing may be a quick way to locate the contact details of the copyright owner.
7. Conducting a search through social media such as Facebook, Twitter or Instagram may also assist in locating and contacting the copyright owner.

What happens if the copyright owner no longer exists or if I cannot find the copyright owner?

Council must be satisfied that you have made reasonable attempts to locate and contact the copyright owner. The Public Information Officer will make a determination on a case by case basis weighing up the public interest considerations for and against disclosure. To support your claim for copies of documents without the copyright owners consent, you will need to place your request in writing (you may use Council [Informal Access to Information Request](#)) and attach any information that outlines the attempts you have made to locate the copyright owner.

I have the copyright owner's written consent, what do I need to do to access the requested information?

Please provide the copyright owners written consent to Council. The *Consent to Council – Copyright* form has been developed to assist you in this matter. Should you wish to use this form, please provide as much detail as possible to assist Council in locating the information you wish to access.