

Title	Distribution of Building Plans
Council Resolution	Item 9 (4 July 2016) as per Council Minutes
Responsible Directorate	City Services & Infrastructure
Due for Review	3 July 2020
Strategic Plan Reference	<u><i>Glenorchy City Council Strategic Plan 2013-18 (Interim)</i></u> Strategic plan intent: Making Lives Better Strategy 1.2.1: Facilitate and enable the delivery of accessible information so our communities can pursue opportunities.
ECM	Council Policy

PURPOSE

This policy provides direction on the requirements for the release of building plans to property owners.

SCOPE

This policy applies to:

- Requests for copies of building plans by the relevant property owner.

STATUTORY REQUIREMENTS

Acts	<i>Copyright Act 1968</i>
Regulations	Not Applicable
Australian/International Standards	Not Applicable

POLICY STATEMENT

Council will not make available to the public photocopies of any plans held in the Building and Plumbing office, unless the applicant:

1. is the property owner, their authorised agent or copyright owner; and
2. signs an indemnity (Appendix A) indemnifying the Council against any claim that may be made against the Council by the owner/author of the plans for the Council reproducing the plans and making the reproduction available to that person.

BACKGROUND

Council receives building applications for approval that contain various plans. Once assessed these plans are stored either electronically or in hard copy. Property owners frequently come to Council to request copies of plans associated with their property.

The purpose of this policy is to address the issue of copyright.

Council staff have routinely provided copies of building plans provided the applicant can demonstrate ownership of the property. This policy was introduced in 2004 following legal advice indicating that Council may have been breaching copyright of the plans and that Council consider refusing to give out copies of the plans to anyone unless they have obtained authorisation from the copyright holder, or that they indemnify Council against any future claims.

Obtaining authorisation from the copyright holder is not an easy task. The age of plans vary from being many years old to current and the designer or copyright holder may not be in business or even alive; the

owner may have purchased copyright from the designer; the property may have changed hands on numerous occasions; and tracing back the legal copyright holder may be a protracted and complex task.

Council practice since 2004 has been to provide copies of building plans to the owner of a property upon request and signing of an indemnity against any claims being made to Council for breach of copyright Laws.

Council has not been challenged in this practice and good customer service dictates that this practice should continue.

APPENDIX A

INDEMNITY

I/We have requested the Glenorchy City Council (“the Council”) to provide to me/us photocopies of the following plans, namely:

Description of the plans provided, including date etc

(“the plans”).

I/We acknowledge that the plans may be subject to copyright protection.

I/We hereby acknowledge the receipt of the plans.

I/We jointly and severally will at all times in the future keep the Council indemnified against all proceedings, actions, claims and demands, expenses and costs in respect of or arising from the provision by the Council of the plans to me/us.

SIGNED AS A DEED

Dated the day of, 201....

SIGNED BY:)

in the presence of:)