



PURPOSE

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

SCOPE

This policy applies to:

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

STRATEGIC PLAN ALIGNMENT

Leading Our Community

Strategy 4.1.1 Manage Council for maximum efficiency, accountability and transparency

Strategy 4.1.3 Maximise regulatory compliance in Council and the community through our systems and processes

STATUTORY REQUIREMENTS

Acts	<i>Copyright Act 1968</i>
Regulations	<i>N/A</i>
Australian/International Standards	<i>N/A</i>

POLICY STATEMENT

Council will not make available to the public photocopies of any building or plumbing plans unless the applicant:

1. is the property owner, their authorised agent, copyright owner, or licensed Building Surveyor engaged by the current owner under the *Building Act 2016*; 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 and plumbing applications for approval that contain various plans. Once assessed these plans are stored either electronically or in hard copy. Property owners frequently 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 and/or plumbing 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 difficult. 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 and/or plumbing 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.

DOCUMENT CONTROL

Version:	2.0	Adopted	29 November 2021	Commencement Date	30 November 2021
Minutes Reference	Item 16			Review Period	4 Years from adoption
Previous Versions:	v 1.0 adopted 4 July 2016 (Council meeting, Item 9)				
Responsible Directorate	Strategy & Development		Controller:	Manager Development	
ECM Document No.:	Policies by Directorate				

APPENDIX A – Deed of Release Form
DEED INDEMNITY - Application for copy of plans

Applicant's Name:	
Applicant's Address:	
Applicant's Phone Number:	
Property Identification Number:	

I have requested the Glenorchy City Council (the "Council") to provide me photocopies of the following plans, namely:

Tick in agreement:

<input type="checkbox"/>	I acknowledge that the plans may be subject to copyright protection
<input type="checkbox"/>	I hear by acknowledge the receipt of the plans
<input type="checkbox"/>	I 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.

Applicant's Acceptance by Deed:

Full Name:	
Signature:	
Date:	

In the presence of:

Name:	
Signature:	