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## *Territory Legislation*

This column in vol 1 no 6 (December 1993) noted some of the difficulties in obtaining legislation from Australian non self-governing Territories - of which there are more than you might think. They are:

Territory of Ashmore and Cartier Islands

Territory of Christmas Island

Territory of Cocos (Keeling) Islands

Coral Sea Islands Territory

Jervis Bay Territory

Territory of Norfolk Island

Australian Antarctic Territory

Territory of Heard and McDonald Islands

A very valuable source of information on the legal regimes of all of the inhabited Territories (all of the above except the Antarctic and Heard and McDonald Islands) is contained in a Report of the House of Representatives Standing Committee on Legal and Constitutional Affairs - *Islands in the Sun the Legal Regimes of Australia's External Territories and the Jervis Bay Territory* (Canberra: AGPS, 1991).

The report was presented in 1991 and devotes a chapter to each Territory. A wealth of detail about the legislative history of these "Islands in the Sun" is provided and in many cases there is quite scathing comment about the appalling state of the law. The Government responded to the Report in October 1991 accepting many of its recommendations. In

the cases of Cocos (Keeling) Islands and Christmas Island, the law of Western Australia was to apply from 1 July 1992 with a system of consultation with the local people. Further consideration was to be given to incorporation of the Territories of Ashmore and Cartier Islands and the Coral Sea Islands into the jurisdictions of the Northern Territory and Queensland respectively. Strong consideration was also to be given to resolving the status of Jervis Bay by applying NSW instead of ACT law to that Territory. The Report was described in Parliament as a "landmark" and it will be noted in the next edition of *Legal Research Materials and Methods* as a major research resource.

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## *Mabo*

The *Native Titles Act* has of course been passed. A very useful publication containing all of the legislative material, explanatory memoranda, second-reading speeches, etc. is *Native Title* available from AGPS for \$24.95. A Plain English Guide to the Act has just been published by ATSIC and the Coalition of Aboriginal Organisations.

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## *Copyright*

Many readers will be aware that ACLIS has submitted a list of suggestions for changes to the *Copyright Act 1968* to the Attorney-General. One of the more interesting and urgent suggested changes concerns the signature required on forms pursuant to s49(1) of the Act where researchers declare that the copy they are requesting is for the purposes of private research, study etc. Many libraries are experimenting with online request for patrons for interlibrary loans and of course are running up against the problem of

fulfilling the signature requirement. The Attorney General has been asked to amend the Act to take the new technology into account. I am advised, however, that these amendments will probably not be passed until perhaps late 1995.

In the meantime the Copyright Council advise that forms should still be completed for any online request as well. There is also a school of thought which holds that a unique ID code or password constitutes a "signature" for the purposes of the Act. This has not yet been tested. Any volunteers?

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