



Association of Local Government Information Management Inc

## **Submission to the Telecommunications Carrier's Forum on the Draft Internet Service Provider Copyright Code of Practice**

The Association of Local Government Information Management (ALGIM) supports and applauds the Telecommunications Carriers' Forum for their work on a draft Code of Practice for ISPs to adopt in implementing the requirements of the Copyright Amendment Act and in particular S92A.

ALGIM members take very seriously the issue of copyright and do not condone the downloading of copyright protected material.

ALGIM is concerned about the cost of compliance with the Act in terms of investigating allegations.

ALGIM believes the proposed code goes some way to providing a level of fairness into the process given the copyright holder can accuse an organization of alleged breaches with severe consequences. The requirement to have the standard of evidence at a level of that which a court will accept is supported.

ALGIM membership consists of all the Councils of New Zealand (except for one lower South Island Council) and wishes to submit on section 8 of the draft code headed ***Vulnerable Customers and Essential Service providers***.

ALGIM seeks to have all Local Authorities classified as "Essential Service Providers" under the code of practice as the level of risk to communities unable to access their Local Authority through termination of it's internet account may have severe consequences for it's constituents. The reasons for this are outlined below:

### **1. Emergency Management**

Local Government is tasked under the Local Government Act with a multi-functional role in servicing its communities which include cities, towns and rural sectors. One very important role is the area of emergency management which a Local Authority provides for it's residents and ratepayers.

In recent years Councils have established many web based systems that have become critical to providing information to the public. An example is that of river flow monitoring by Regional Councils whereby farmers and vulnerable communities can view river levels real-time via the web and take preventative action against loss of livestock and properties.

Council websites provide essential information to large numbers of people especially in times of disasters. In recent times without warning communities have been hit by natural disasters such as flooding in the Manawatu, tornadoes in Taranaki, earthquakes in Gisborne, and the lahar from Mt Ruapehu's crater lake.

Most Councils have established contact centres that are now multi-channel to take enquiries and have issues/problems reported. These centres now have significant flows of email traffic, web-chat, text as well as voice. Councils also have service centres in many NZ towns that are linked via the web.

## **2. Essential Services**

Local Government is tasked with providing essential infrastructural services such as sewage, water, stormwater and waste collection and disposal. These services often rely on sophisticated monitoring and alert systems including the use of web cams feeding back into the Local Authority

Web based maps are downloadable to service crews to quickly check where critical infrastructure is located.

A recent example was a water-main burst under a stream in a North Island City which caused more than 10,000 households to be without water and no obvious sign of where the fault had occurred. Residents needed access to information and phone lines were clogged leaving the internet as the main channel to obtain information.

A number of local authorities also have roles in public transport which is in many cases the provision of an essential service.

ALGIM proposes that if a local authority acting as an essential service provider continues to offend under the Copyright Amendment Act then rather than face termination, it would be more appropriate to take recourse through the Office of the Auditor General. The Auditor General has the power to investigate a local authority and ultimately reports back to Parliament.

In summary ALGIM believes that local government plays a vital role in dissemination of information as well as responding to infrastructural needs of the cities, towns and rural communities of New Zealand.

ALGIM is committed to upholding the rights of a copyright holder and investigating allegations but wishes to ensure that a local authorities community is not placed at risk through termination of their internet account.

We therefore seek to have the definition of an Essential Service Provider enhanced to cover all local authorities, while recognizing the need of a copyright holder to have serious issues addressed and a path of action against the local authority via the office of the Auditor General.

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