



NERANG OFFICE

Our Reference: 111/SIBA/bjn

5th November 2012

LAND & BUILDING
SUBDIVISIONS

CONSTRUCTION

DEVELOPMENT
CONSULTANTS

URBAN
DESIGN

PLANNERS

GIS

The Executive Director
Australian Law Reform Commission
GPO Box 3708
SYDNEY NSW 2001

Via e-mail: info@alrc.gov.au

Copyright and the digital economy: submission in respect of Question 34

Our firm is a professional services firm working in the area of land development, including the creation of survey plans and other documents that are registered or deposited with government bodies.


Question 34 of the Issues Paper for the *Copyright and the digital economy* asks whether there should be a free exception to allow governments to make copyright material registered with them available outside the terms of the Section 183 statutory licence. As creators of survey plans and other documents, that are registered or deposited with governments, we strongly oppose such an amendment. We support the current copyright regime in place in Section 183 of the Act.

Survey plans are highly valued copyright works. Registered Land Surveyors have a high level of education and training and must keep abreast of a vast array of ever changing regulations. A survey plan then is the end result of the efforts of a well-skilled individual who brings to the creation of a survey plan a high level of technical expertise with a high level of professional judgement. Similar considerations apply to the creation of other documents, such as environmental plans; design plans and as constructed plans, that are registered or deposited with governments under statutory obligations.

The advent of the digital economy has brought with it increased commercialisation of survey plans and other documents. State governments now authorise information brokers to sell survey plans and other documents to the public. Both government and information brokers make a profit from these sales. It is only fair and equitable that the creator of the content – for example surveyors – should be entitled to a fair payment for this new type of use.

Any free exception, as set out in question 34 of the inquiry, would lead to information brokers and the government unfairly free-riding on the skill and effort of copyright creators and their clients.

Yours faithfully
B & P SURVEYS


Bernard J Nolan
Cadastral Surveyor/Director

Nerang:
10 Nerang Street
Nerang Qld 4211, Australia
Ph: (07) 5596 0370 Fax: (07) 5502 0374
Email: nerang@bpsurveys.com.au
Website: www.bpsurveys.com.au
DIRECTORS: Bernard Nolan * Brian Raean*

TWEED HEADS:
30 Beryl St/PO Box 327
Tweed Heads NSW 2485, Australia
Ph: (07) 5536 3611 Fax: (07) 5536 3701
Email: tweed@bpsurveys.com.au
Web: www.bpsurveys.com.au
DIRECTORS: Philip Wyper* Keith Savage

MURWILLUMBAH:
142 Murwillumbah St/PO Box 46
Murwillumbah NSW 2484, Australia
Ph: (02) 6672 1924 Fax: (02) 6672 2618
Email: mbah@bpsurveys.com.au
Web: www.bpsurveys.com.au
DIRECTOR: Brian Raean *

* DIRECTORS: Registered Surveyors (NSW) & Registered Surveyors (Cadastral, Consulting) (QLD)