

13<sup>th</sup> November 2012



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

Via e-mail: [info@alrc.gov.au](mailto:info@alrc.gov.au)

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

Our firm is a professional services firm consulting in the land and property development industry. The facilitation of development requires the creation of subdivision plans, survey plans, and other design and project 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 s.183 statutory licence. As creators of survey plans and other documents that are registered with governments, we strongly oppose such an amendment. We support the current copyright regime in place in section 183 of the Act.

Survey and subdivision 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. These plans are therefore 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 also apply to the creation of other documents, such as 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 subdivision and survey plans. State governments now authorise information brokers to sell 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 sincerely

A handwritten signature in black ink, appearing to read 'P. Dingeldei', is written over a light blue horizontal line.

**Phillip W. Dingeldei  
KLM Spatial**

Encl

PLANNERS SURVEYORS ENGINEERS