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Copyright issue

14<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 working in the area of survey and design, including the creation of survey plans that are registered with State 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, 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 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.

The advent of the digital economy has brought with it the commercialisation of survey plans. State governments now authorise information brokers to sell survey plans 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 – the surveyor – 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 surveyor creators and the surveyors' client.

**Yours Faithfully**  
**LANDPARTNERS LIMITED**

**Gregory K Oxley**  
**Registered Land Surveyor/Project Director**