



15/11/12

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

Arnold Development Consultants 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 s.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.

BRISBANE

GLADSTONE

GOLD COAST

Brisbane Office: 1/24 Vanessa Boulevard Springwood, PO Box 1552 Springwood QLD 4127. T:(07) 3333 1985 F:(07) 3333 1986

Gold Coast Office: 7/5 Executive Drive Burleigh, PO Box 2774 Burleigh DC QLD 4220. T:(07) 5593 4099 F:(07) 5593 8066

Gladstone Office: 31-35 Lord Street (Cnr Glenlyon Street) Gladstone PO Box 289 Gladstone DC QLD 4680 T:(07) 4962 0100

mail@adcqld.com.au www.adcqld.com.au

A DIVISION OF ARNOLD & ARNOLD (GOLD COAST) PTY LTD atf ARNOLD & ARNOLD PLANNING TRUST ACN: 009 890 368 ABN: 53 688 702 088

Director
Michael G. Arnold
Director, Town Planner, Cadastral Surveyor
BAppScSurv, Graduate Diploma in Urban and
Regional Planning
MSSSI, MPIA (ICPP), MUDIA

Director of Planning
Andrew B. Magoffin
Director, Town Planner
Bachelor Regional & Town Planning (BRTP)
MPIA, MUDIA, MIBL



ARNOLD DEVELOPMENT CONSULTANTS

PROPERTY STRATEGIES

TOWN PLANNING

LAND SURVEYING

URBAN DESIGN

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

Arnold Development Consultants
A Division of Arnold & Arnold (Gold Coast) Pty Ltd
Michael G Arnold
Managing Director
Certified Practicing Planner
Consulting Cadastral Surveyor
Fellow of the Development Industry of Australia

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