

B & P SURVEYS

CONSULTING SURVEYORS

NERANG OFFICE



Our Reference: 111/SIBA/bjn

31st July 2013

LAND & BUILDING
SUBDIVISIONS

CONSTRUCTION

DEVELOPMENT
CONSULTANTS

URBAN
DESIGN

PLANNERS

GIS

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

Via email: info@alrc.gov.au

Submission to the review Copyright and the Digital Economy

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

We strongly oppose the proposals in the ALRC's recent Discussion Paper to repeal the government statutory licence and to introduce a new exception that would allow free use of our plans for public administration. We are also extremely disappointed in the lack of acknowledgement of the surveyors' position in the Discussion Paper.

The repeal of the statutory licence was not sought by anyone. The ALRC's proposals will create an environment of uncertainty which will require litigation to resolve, as even the ALRC acknowledges. The proposals will have significant impacts for businesses like ours in that we will have to monitor use of our intellectual property ourselves and enter into litigation where we consider the use is not "fair use".

Surveyors have recently received a determination from the Copyright Tribunal of Australia, which entitles us to a fair share of money received by the NSW government from sale of our plans. It has taken us 16 years to receive recognition of the value of our work, and our entitlement to recompense from the commercial sale of our plans. We do not want to stop governments using our plans, and we are not seeking payment for every use of our plans by governments, but we think it is fair that we receive a royalty when the government sells our plans.

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 Raaen*

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 Raaen *

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