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The Executive Director
Australian Law Reform Commission
GPO Box 3708
SYDNEY NSW 2001
e-mail: info@alrc.gov.au

Dear Sir,

Re: 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 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.

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,

Robert G Bortoli
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Bortoli Wellington Pty Ltd