



FUGRO SPATIAL SOLUTIONS PTY LTD

Ref: ALRC JH

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25 July 2013

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

We are 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 sincerely,

A handwritten signature in blue ink, appearing to read "John Howes".

John Howes
Manager Survey Services WA



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Licensed Surveyor

Monitoring Survey - Bridge 977 Leach Highway

Preliminary Site Visit

In the first site visit Monitoring Prisms, Leica model GMP104 or similar which are made of a rigid metal construction, are attached to the concrete structure of the bridge using a chemical anchor system. A picture of this can be found in Figure 1. A hole will need to be drilled into the concrete in location in which BG&E will have to give approval. We anticipate five monitoring prisms on the underside and on both sides of the bridge will form a network sufficient for the monitoring with two on each abutment. This will give a total of 14 Prisms to be attached to Bridge 977 of which proposed Locations can be found in Figure 2.



Figure 1: Proposed Monitoring Prism

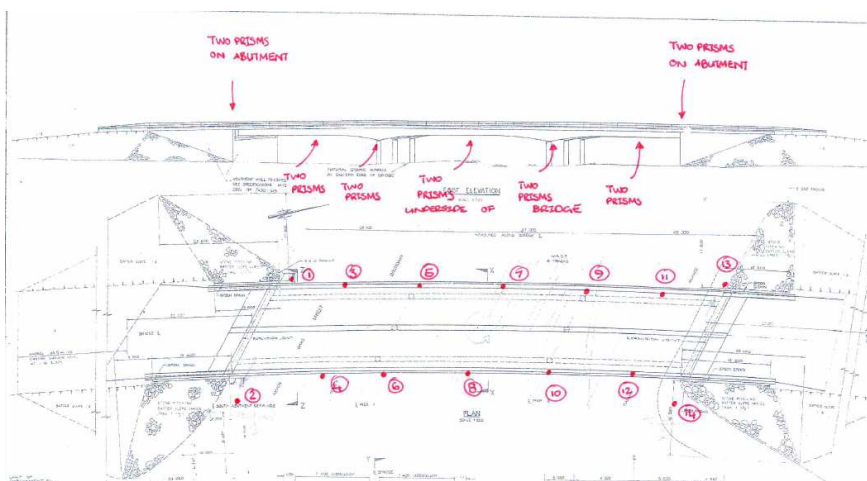


Figure 2: Proposed Locations of Prisms

It has been assumed that BG&E will be supplying the following services as part of the Level 3 Inspection that will be carried out. A Cherry Picker to be supplied by BG&E as part of the Level 3 Inspection to provide access to the underside of the bridge to place the prisms. Also accredited personnel will be supplied by BG&E with rail safe working to satisfy the PTA when works are occurring within the Rail Corridor.

Baseline Survey

Control will need to be established external to the bridge, in locations and construction type to be determined onsite, in relation to the network of monitoring prisms. From this external control in order to obtain measurements to the highest accuracies, the Total Station will be positioned so that the distance being measured is as small as reasonably practicable. It is estimated that distances would be no greater than 50m. Line of sight between adjacent external control points will be necessary to obtain the required measurements for a least squares adjustment of the survey network.

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It is estimated the achievable precision of measurements from the control network using Total Stations in network adjustment based on the proposed instrumentation and reference prism locations and specifications are as follows. At best we can achieve a theoretical precision of +/-2mm in the vertical and horizontal plane. We suggest however after considering environmental factors +/-3mm overall would be more realistic.

Reports will be supplied for the original baseline survey in a spreadsheet format of which can be added to with additional surveys in the future. The following information would be provided;

- Position in Horizontal and Vertical, Standard Deviation at 95% Confidence Level (2 Sigma) in spreadsheet format
- Report detailing methodology and adjustment techniques. Will include a brief outline of the standard deviations for each measurement and statistical values reporting the quality of the network