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Submission to the review Copyright and the Digital Economy

NOTE: This is a generic letter provided by our association...HOWEVER...the content is pertinent to me in my capacity as a professional offering service to the public.

The Digital Economy without doubt will transform data to a commodity. In the case of surveyors' information, this transform is a critical plank to providing a complete and multilayered cadastre of information. Governments have embraced this consolidation role; however Copyright of my plans and data within this segment of a Digital Economy is about recognition and remuneration. I will expand these thoughts:-

Recognition Much of my work is proven to be of the public benefit (our profession passed all aspects of the public benefit tests by State and Federal Governments). Without hindering the transparency of land administration systems in Australia, I feel that recognition of these public benefit endeavours is fair and right.

Remuneration At any point in the future, I can be held financially to account by any member of the public at large for work depicted on the deposited and accepted plan. The quantum of this liability will never be covered by royalties from plan sales - in fact the quantum could easily exceed my total lifetime income. To me it seems logical that royalties should be contributing to "run off" indemnities insurance or a profession wide limited liability scheme.

I 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 my plans for public administration. I am 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 mine in that I will have to monitor use of my intellectual property and enter into litigation where I consider the use is not "fair use".

Surveyors have recently received a determination from the Copyright Tribunal of Australia, which entitles the profession to a fair share of money received by the NSW government from sale of plans. It has taken our profession 16 years to receive recognition of the value of our work, and our entitlement to recompense from the commercial sale of our plans. I do not want to stop governments using my plans, and I am not seeking payment for every use of my plans by governments. I do however ask for a continuation of my rights to be properly reflected in a Digital Economy.

Yours faithfully

McKeagues Surveying Consultants

A handwritten signature in black ink, appearing to read 'I McKeague', is written over a horizontal line.

Ian McKeague

Licensed Surveyor

Fellow Surveying and Spatial Sciences Institute