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Land and Property Information, a division of the Department of Finance and Services is officially registered in the Australian Business Register and also registered for GST. Its ABN is 84 104 377 806.

Fee increase for copies of deposited plans and strata plans

LPI will increase fees for supplying copies of deposited plans and strata plans through some delivery channels from 1 April 2014. The fees will increase to include royalties payable to surveyors or surveying firms who own copyright in these plans.

Which products will include royalties payable to surveyors?

The table below lists products that are affected.

Product/Delivery channel	Current fee	Royalty	Fee from 1 April 2014
Copy of deposited plan or strata plan delivered via SIX or the LPI Online Shop at http://shop.lpi.nsw.gov.au	\$12.15**	\$0.85	\$13.00**
Copy of Property Report delivered via SIX or the LPI Online Shop at http://shop.lpi.nsw.gov.au	\$51.50**	\$0.85	\$52.35**
Copy of deposited plan or strata plan delivered over the counter at LPI Queens Square office	\$13.90	\$1.00	\$13.90 (addition of surveyor royalty fee postponed until further notice)

**GST included in delivery fee

The price of copies of deposited plans and strata plans delivered by LPI's authorised information brokers may also increase, as LPI will charge brokers an additional royalty fee for every plan copy accessed through their services.

Are any other plan related documents affected?

No. Current fees will continue to apply for copies of all other registered documents held by LPI, including the following plan related documents:

- Building Management Statement
- Crown Plan with plan reference number in two parts - a 'large' number and a 'small' number
- Deposited Plan Development Contract
- Deposited Plan Management Statement
- Section 88B Instrument
- Strata Plan Developers By-Laws
- Strata Plan Development Contract
- Strata Plan Management Statement.

Will fees increase again from 1 July 2014?

Yes. The fee increases set out in this circular will apply from 1 April 2014 to 30 June 2014. LPI will soon be issuing another circular detailing proposed fee increases for all land title related products and services from 1 July 2014.

Why is LPI introducing surveyor royalty fees?

In 2008, the High Court found that surveyors own copyright in their registered plans and are entitled to remuneration when LPI sells copies of their plans. In October 2013, the Copyright Tribunal of Australia issued detailed orders setting out how LPI should calculate these remuneration amounts. The Tribunal set the royalty rate at 7.31% of the fees LPI charges to supply plan copies. This rate also applies to copies supplied via information brokers, who set their own fees. The Tribunal applied a nominal fee of \$14.50 to plan copies supplied via brokers.

The case began in 2003 when Copyright Agency Limited (CAL) commenced action in the Copyright Tribunal of Australia on behalf of its surveying industry members. The High Court judgment and subsequent orders issued by the Copyright Tribunal mean that LPI must pay CAL a lump sum for plan copies supplied by LPI and brokers for a fee from 1 July 2003 to 31 December 2012.

LPI must also pay CAL a royalty for every plan copy it has sold since 1 January 2013 where a surveyor who is a member of CAL prepared the plan. Similarly, LPI must set aside funds to pay royalties to surveyors who are not members of CAL for copies of plans sold from 1 January 2013. This requirement will be ongoing.

More information

Read a summary of the 2008 High Court of Australia judgment in Copyright Agency Limited v State of New South Wales at <http://www.hcourt.gov.au/assets/publications/judgment-summaries/2008/hca35-2008-08-6.pdf>.

Read decisions of the Copyright Tribunal of Australia in Copyright Agency Limited v State of New South Wales at <http://www.copyrighttribunal.gov.au/decisions>.

Changes to the following regulations to provide for royalty payments to surveyors will be published on the 'Notifications' page of the NSW Legislation website www.legislation.nsw.gov.au before 1 April 2014:

- *Conveyancing (General) Regulation 2013 – Schedule 1*
- *Strata Schemes (Freehold Development) Regulation 2012 – Schedule 6*
- *Strata Schemes (Leasehold Development) Regulation 2012 – Schedule 6.*

General inquiries may be made by telephone to 1300 052 637 or by email to GeneralEnquiry@lpi.nsw.gov.au.