

3 June 2016

Submission to the Productivity Commission Draft Report (April 2016) – Intellectual Property Arrangements

I am writing to strongly object to the recommendations made in your draft report on Intellectual Property Arrangements, which was released on 29 April 2016.

I am no-one of consequence in the publishing industry. However, as part of a group of writers who have a children's novel due to be published in early 2017 as a collaborative work, this holds some importance for me. Additionally, I'm an avid reader, as are my children. Since moving to Australia and becoming Australian citizens we have come to love and enjoy much of the writing that has come out of this country.

My major concerns are as follows:

1. Term of Copyright

While I understand that it is not possible for Australia to reduce the term of copyright to 15-25 years as proposed in your report, due to a range of free trade agreements, the recommendation was nonetheless very disturbing to me as an author. I have the right to retain ownership of my work in the same way that any individual may maintain ownership of any other business that they have built and it is very concerning that your report is apparently underpinned by the belief that this should not be the case.

Additionally, the majority of authors already earn very little on their work and usually have a 'day job' as well to help support themselves. Any collaborative works (in the case of my own project) for which earnings would be shared being authors would be reduced to almost nothing and make the hard work purely a 'labour of love' without any financial gain.

2. Parallel Importation Rules

Your draft report proposes a change to Australia's parallel importation rules for books. I believe, however, that the current system has sufficient safety nets in place to protect the interests of the consumer, while still allowing myself and my fellow authors to retain control of their rights and income and enjoy a level playing field with our fellow authors in the UK and USA.

Your case here for cheaper prices for consumers is irrelevant when anyone is free to order books over the internet from overseas quickly and easily. Currently, the rules give readers the freedom of choice to purchase from overseas while still protecting our local authors.

3. Fair Use

Territorial copyright helps publishers manage risk and support the creation of new Australian stories. Without these rules, as an emerging author, I would in future lose income and the support of a vibrant local publishing industry.

Australian law currently sets out a series of clear exceptions to copyright restrictions under "fair dealing". This is a fair arrangement that works well for all parties, including authors. If this were to change to the American-style system of fair use, however, I would not only lose valuable income, but would also have to pay the litigation costs if I discovered free copying that I considered to be unfair usage. This would be beyond my means and beyond the means of most authors.

I, along with thousands of Australian authors, am deeply concerned that these changes will affect my ability to continue to write, earn a living and find a publisher. I respectfully ask that you reconsider your position.

Kind regards,

Tracey Jackson