

1st 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 a 54 year old woman, a former chef, former educator, former disability worker and foster parent with 26 years of caring. Now I am at the beginning of my new career as writer and illustrator. I am a parent and grandparent and have worked in many low paying woman heavy industries with limited superannuation so I want my creativity to fund me.

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. Should a surgeon be denied a salary? Should a plumber be denied wages? Should any person working a job with weekly, fortnightly or monthly income be denied their superannuation? A writer spends months and years working without income to create the works that eventually get published so their 'weekly wage' comes in the form of royalties long after their work is done. Most writers make ridiculously small amounts for the length of time, effort and intellectual input it takes to create each story. Attempting to deny them ongoing royalties is the same as denying a politician a retirement package although the writer (in a lifetime of royalties) is likely to make less than 10% of what the politician will comfortably retire on.

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.

3. Fair Use

Territorial copyright helps publishers manage risk and support the creation of new Australian stories. Without these rules, as an author, I would 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,

Cecilia Clark