

31/05/2016

To Whom It May Concern

I will not waste space and time by reiterating already very well stated arguments

- against parallel importation by Sophie Masson, Margaret Hamilton and others,
- against change from 'fair dealing' to one of 'fair use,' Sophie again puts this eloquently.

I heartily concur with them all.

I do wish to add my piece to the voices already raised against delimiting copyright to the ridiculous constraint of a mere 5 years or even a period of 20 years - Wendy Orr, Dee White and others.

What is being touted is heaven for the literary pirate, the plagiarist and the copyright thief! In the 'new' world of literary Philistines where these sorts of changes were made, no one would have any problem with the sort of intellectual property thuggery I and many of my fellow creatives have already been subjected to – our works stolen and made available at a price [non of which comes to the author or illustrator] to anyone online. *I include illustrators as, in this very visual age, ever-increasing ranges of books are being illustrated.*

Under the proposed arrangements, a writer's title can be changed, names of characters changed and the text of the work Americanised and he/she may never find out that someone else is reaping income from their hard work, or if they do, be powerless to get redress because that sort of reprehensible behaviour *is now legal!* [Something similar happened to me under present laws – if current proposals were accepted it would be open slather].

Australian authors earn piteous little, we are regarded as 'hobbyists,' and this is not a new complaint, James Lay, 2011, "[*Siren Song of London Calling*](#)," discussing Peter Morton's book "*Lusting for London*," describes the plight of two of our most revered writers - "*Even the most ferocious work ethic was no guarantee of financial stability. The husband-and-wife team of D'Arcy Niland and Ruth Park, writing in Sydney at the tail-end of the period covered in Lusting for London, could produce 60,000 words a week, sell 15,000 of them and still barely scrape by. (Morton doesn't mention that they also had five children, a combination of circumstances that boggles the mind.)*"

Michael Dugan, on 26th December 1988, in *The Age*, bewailed the lot of even our top writers in an article titled, "[*Annuities based on future copyrights could fund top writers.*](#)" Dugan was talking about a way to lift top writers out of abject poverty. He makes the painfully pertinent point about academics who make *a good income* out of teaching and lecturing on these writers and their works, when, to quote Dugan, "*their subjects are desperately trying to keep themselves out of the gutter.*" How ironic that the very heart of a writer's work, the copyright, what makes it theirs irrevocably, would now be ripped from them under this proposal!

Dugan also makes the point about ELR & PLR, constituting a goodly percentage of any Australian writer's income. Under the new proposal, would this no longer apply? If the author and illustrator no longer 'own' the copyright, why would they be paid ELR and PLR payments? They most certainly would no longer receive CAL payments, another payment which helps eke out a book creator's very hand-to-mouth existence.

Looks like the Victorian image of the starving writer in the garret might be what the proposers of this piece of legislation are envisaging for current and future book creators in Australia! I commend to them, “Tortured Writer in Garret,” the work of [Margaret Jean Langstaff](#), as being the vision they have for Australian Arts and Literature! No wonder folk like Clive James fled our shores!

Then we have the moral obligation of publishers to pay creatives for their work if the work is still in print after the elapse of copyright time frame. If copyright were reduced to 5 or however many years [when according to this proposal, the work would no longer be by copyright to the creatives concerned in its creation but ‘public domain’] creators would receive no income from the work even though it was still selling. Many works are in print for over 20 years [one of mine was in print for that long, several over 10, 15 years]. Any expansion of ‘user rights’ would give publishers leeway to use book content in ways the author and/or illustrator may not have wanted; the same applies to organisations like Google who seem to think anything in print should be fair game!

Gentlemen and gentlewomen, please reconsider!

[Mrs] J.R.Poulter
Individual