

FEEDBACK ON THE DRAFT IP REPORT

Xavier Brouwer, Music Theatre Writer/Creator

Australian music theatre writers spend many years of our lives developing and creating large and complex works, mostly with no government or commercial funding.

In most cases, despite years of effort and even well-received productions, we get no financial benefits, or may even lose money, in addition to the thousands of unpaid hours of effort put into creating the works.

In the very rarest of occasions, one of our musicals may become a financial hit, however we are still not guaranteed a living income from these as royalties are often split between a number of creatives and intermediaries such as agents and producers. So as per your draft report, even under the current situation, the creators pretty much get zip while producers and other intermediaries and administrators get a living wage out of their hard work.

A 15-25 year copyright life would not work for music theatre writers, as musicals are often produced a number of times with redevelopment cycles happening in between. So if copyright kicks in from the time a musical is first created or performed in public, it may take say ten years or re-mounts before this show starts to make money. If there are only five years of copyright left, then investors and producers who may want to take it to the next level won't do so as the return on investment timeframe would be too small.

I have a personal belief that I don't want my kids to be trust-fund kiddies, so I agree that 70 years after the death of the artist is too long. However, I believe copyright should be granted for the life of the artist, or at the very least something along the lines of 50 years after copyright registration, so if a young artist creates something at 20 they effectively can earn money from it until they qualify for the pension/superannuation. In addition, a creator needs to be able to retain control over their works so they are not misused by others who don't share their same vision. Rolling over in your grave is one thing, seeing the baby that you spent years creating being ripped out of your arms and abused while you stand by impotently, is another thing.

I also think we should introduce a computer-based online registration system as the current way of trying to track down copyright holders of say a book that I want to adapt into a musical is a mess and there is no guarantee that they actually hold the rights when you think you have found them.

Despite Australian audiences wanting to see more of our own culture, Australian music theatre is currently at risk of extinction. There is very little government and commercial funding for them, major industry deficits such as a lack of mentors and development pathways, and overseas shows from America and to a lesser degree the UK are being dumped into our theatres and schools, which is part of the IP trade deficit that your report identified. We suffer from a massive brain drain - as soon as we can we go to Broadway or the West End where there is a greater chance of

making a living wage from writing musicals. A reduction in intellectual copyright protection for us would be the final nail in our coffin and we would have no choice but to develop and register works overseas with taxable royalties coming no-where near Australia, and our own Australian culture no longer being represented on our own stages.