

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 an emerging author with one published book and a manuscript under consideration. Until recently I was a presenter with ABC Radio and an important part of my program was interviewing Australian authors.

It is vital that we maintain our strong publishing industry in Australia to continue growing our own cultural heritage. The recommendations made by the Productivity Commission are a backwards step highly redolent of the much maligned cultural cringe.

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.

2. Parallel Importation Rules

Your draft report proposes a change to Australia's parallel importation rules for books. The introduction of these proposed changes in New Zealand have resulted in books being more expensive and the death of the local publishing industry. Please learn from this example.

Books are not expensive in Australia. If the Productivity Commission is concerned about the price of books then perhaps subsidising the industry, like most other industries in Australia are, would be of greater benefit. However, this is the beauty of the Australian publishing industry - it is not subsidised, at all, and yet it employs thousands of people, sells books both at home and overseas, and fosters our unique culture. Why would anyone want to destroy all those benefits?

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,

Mary-Lou Stephens