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Sirs,

Proposed Changes to Copyright Law

As a professional author, with 9 books and a great many articles to my name, I wish to make a submission on the proposed changes. I raise the following two points:

- **An author's retirement plan/income**

Many writers look to copyright payments for use of their writings to help support them in advanced age. They are assured of this ongoing income when they will need it. So to meddle with copyright in the manner you are proposing amounts to removing an aspect of their personal retirement plans, and deleting an important asset to help them financially in advanced age.

I have been writing professionally for over 30 years. In addition to my books, this has included a stint as a newspaper columnist, and many, many irregular pieces for magazines and journals. I have a good reputation, am looked on as an authority in my field, but this has not readily translated into a firm income. It has been a hand-to-mouth existence. Every dollar counts, and I do rely on the modest return I get from copyright payments. This is especially the case now, because I have been unemployed with no other certain income for the last 4½ years. During this period Copyright payments have helped me avoid having to apply for unemployed benefit. They have literally kept me off the dole.

I'm in my late 50s, and anxious about the future. And so far as I can see if you change the Copyright Law I will be forced on to the Age pension in a few years time. One does one's best, works hard, is praised and extolled by others, but writing in Australia is a poorly remunerated and unstable livelihood. Indeed, my accountant has warned that realistically your proposed law, in affecting my planned income, will make me a pensioner on social security payments when I reach retirement age.

Gentlemen, you really frighten me, and I beg your compassion on this matter.

- **The Mark Twain argument**

In America's Library on Congress on 7 December 1906 the author Samuel Clemens (customarily known by his pen name **Mark Twain**) addressed the legislators at a hearing into Copyright Law. Speaking in the Senate Reading Room, his submission (which was widely reported) was germinal to the framing of Copyright laws in the United States.

Twain pressed a plain simple point in querying the gross legal disparity between property generally, and literary property specifically. His argument goes like this:

Suppose I am an orchardist, and people take apples from my orchard. They must pay me for my apples. Likewise, if I am a writer, and people take texts from my body of writing, they pay me for what they have taken. This is fair and just.

But because of the law you are proposing, it curiously wouldn't work like this. Your changes would see some organisations paying me for texts they have taken from my body of writing, but most businesses would be exempt. This is tantamount to giving them license to strip my orchard of its crop year after year. They can take my apples, and do not have to recompense me. This is ethically wrong.

Twain observed that quarrels about copyright come about because the law does not recognise creative/literary property the same way it recognises other forms of property, such as shares or real estate. The shareholder in a company receives dividends on his stock, and the landlord receives rental payments on the property he owns. An author, however, labours to make something and finds limits immediately placed on his entitlement to derive income from his own produce. "I am quite unable to guess why there should be a limit at all on the product of a man's labour," Twain complained, "There are no limits on real estate!"

Notably, the United States Senators considering new copyright laws acknowledged the power of Twain's points, and framed legislation accordingly.

If legislators here in Australia are going to adopt Legislation from America in matters of Copyright, then *mutatis mutandis* they need to acknowledge the Twain argument and the core principles it embodies, as did both the Congress and Senate of the United States of America when they framed that Legislation.

Respectfully yours,

Christopher Heathcote.