

31st May 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 Australian children's author (and avid reader and buyer of books). My first book, *Trouble at Home*, was released in February this year, after a long apprenticeship during which I have written and had published short stories and articles in magazines and anthologies. I started writing 'seriously' in 2001, when I took leave from my teaching job to look after our son for a few years before he started school. I learned very quickly that writing as a career is not an easy road.

The book that first saw the light of day this year was a long time reaching publication, being first conceived back in 2008, rewritten many times, and eventually picked up by Omnibus Scholastic in 2013. A great deal of effort, learning, and heartache went into bringing this little book to its intended audience, and it is the first of four that are already contracted and ready to go. The thought that this can be stolen from me, or that others like me who have put so much work into developing the skill and the story may not even have the chance to find a home on Australian bookshelves, is soul destroying.

I write for love and passion, yes, but my goal and long followed dream has been to be able to have this passion fund itself. Or to put it more bluntly, I would like to be a full time writer.

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. 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.

My understanding is that, where this travesty has been allowed to take place, the local industry (eg, New Zealand, Canada) the outcome for the local industry has been devastating and books have not become cheaper for the consumer. I believe that, in fact, in some cases they have increased in price. I understand, too, that local flavour, integrity, and quality has been lost – greatly devaluing cultural identity and limiting consumer choice.

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,

Cate Whittle