

Friday, 3 June, 2015

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 Australian author at the beginning of my career. My debut novel *The Promise Seed* was published by University of Queensland Press in 2015 after being shortlisted for the Emerging Author Category, 2013 Queensland Literary Awards. I have a second novel under contract for release in mid-2017. After six children and a previous career in marketing, I am committed to the success of my writing life, but it is not easy-going. Despite great success with my debut novel (solid sales, reviews in all major newspapers and online, and still now being invited to speaking engagements about the book), I have made less than \$5000. The novel took four years to write and get published. Like all other authors, I am constantly trying to supplement my income (attendance at Festivals etc) but even so, it is difficult to break even.

What I create is solely from my own imagination. I hope that I will be able to gain at least some recompense for anything that I publish now, and into the future. If I was investing in shares, or building a house, or developing a business, I would expect that any capital gains or profits made would be mine to keep indefinitely. It shouldn't be any different for creative works, including writing.

I want to be able to leave something tangible and of value to my children.

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.

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,

Cass Moriarty