

31st May, 2016

Submission to the Productivity Commission Draft Report (April 2016) –
Intellectual Property Arrangements

I am writing to lodge my objections to the recommendations contained in your draft report on Intellectual Property Arrangements, which was released on 29th April 2016.

I am an author and journalist whose work has appeared worldwide and won awards. I serve on the Boards of the Australian Society of Authors and of Copyright Agency.

My major concerns are as follows:

Term of Copyright

As an author, copyright is my economic life-blood. Your report proposes that copyright be reduced to a term of 15-25 years. I understand that a range of free trade agreements means this proposal is not possible for Australia but the very fact that this recommendation is in your report is of tremendous concern. I have the right to retain ownership of my work in the same way that any individual may maintain ownership of a business they have built - yet your report appears to be underpinned by a belief that this should not be the case.

Fair Use

Territorial copyright helps publishers manage risk, and directly supports the creation of new Australian stories. Without these rules, as an author, I would lose income and the support of the local publishing industry that has nurtured my career and the careers of countless other authors. Loss of income has the potential to drive me away from writing forever.

Australian law currently sets out a series of clear exceptions to copyright restrictions under "fair dealing". This arrangement is a fair one. It works well for all parties, authors included. Change it to the American-style system of fair use and authors like myself would not only lose valuable income but would also have to pay the litigation costs if we discovered free copying that we considered to be unfair usage. This would be beyond the means of most authors and has the potential to drive me, and many authors, out of business.

Parallel Importation Rules

Your draft report proposes a potentially catastrophic change to Australia's parallel importation rules for books. The system currently in place contains sufficient 'safety nets' to protect the interests of the consumer while allowing authors retain control of their rights and income, and enjoy a level playing field with our fellow authors in the UK and USA.

These changes have the potential to drastically affect my ability to continue to write, earn a living and find a publisher. I am not alone in my concerns - they are shared by thousands of other Australian authors.

I urge you to reconsider your position.

Yours sincerely

HELEN O'NEILL