

3 June 2016

To whom it may concern

Re: Productivity Commission Draft Report on Intellectual Property Arrangements

As an Australian author, I am writing to protest proposals that:

- The term of copyright be reduced to 15-25 years from creation
- Parallel importation rules on books be removed
- Australia adopt US-style 'fair use' exceptions to our Copyright Act

I write literary fiction for children and young adults – a sector of the book market that has longevity in sales far beyond the 2-5 years discussed in the Productivity Commission draft report. Many of my colleagues have books that have continued to sell for decades after first being published and all are appalled at the notion that copyright could be taken from us during our own lifetimes.

My debut novel *Dust* was first published in 2009 and continues to sell in the secondary schools market. *Henry Hoey Hobson* (2010) is widely studied in upper primary years and was brought out in a new edition this year, and *Intruder* (2014) is now being set as a class text in lower secondary school. These stories are quintessentially Australian, and all are concerned with questions of identity, belonging and truth. They are my creations and according to all the laws and international conventions to which Australia is party, the copyright remains mine to death and beyond. The Productivity Commission seeks to unravel these ties between creator and literary creations to its peril. As Minister for the Arts, Mitch Fifield stated on 24 May 2016: 'Copyright protection is an essential mechanism for ensuring the viability and success of creative industries by incentivising and rewarding creators.'

The low income of most Australian writers has been well documented with average incomes from writing estimated at \$12,500 per year. Writers with significant bodies of work earn more, particularly with Public Lending Rights and Educational Lending Rights factored in. These schemes recompense copyright owners for books held in public and school libraries and contribute a significant component to authors' annual earnings. If copyright is taken away, these payments too will cease. The impact on writers would be critical; it is hard to imagine how many could continue to contribute quality stories to Australia's literary culture for little or no financial incentive.

In 2009, as a newly published author, I was part of a groundswell of dissent triggered by the Productivity Commission's Discussion Draft on Parallel Import Restrictions. Seven years later, when we find ourselves again fighting that battle, it is illuminating to revisit that earlier submission:

‘The discussion draft on the Parallel Importation of Books ... is predicated on a single article of faith: *that removing current copyright protections on Australian books is somehow necessary.*

I, and many other Australian writers, readers, publishers and book lovers, do not accept this as an article of faith.

Removing current copyright protections on Australian books threatens this country’s vibrant and flourishing writing and publishing industry. The Productivity Commission acknowledges that it would diminish the earning capacity of published Australian authors and would make it more difficult for existing publishers to nurture new Australian literary talent.

So why do it? Major retailers dangle before us the ‘possibility’ that book prices may come down. Yet even the Commission admits that there is no guarantee this will happen across the board. It also admits to insufficient data on many key elements of the current debate. Yet despite this, the Commission is prepared to take action that will destabilise the Australian writing and publishing industry.

On a global scale, our industry is small, but at this point, it is still ours. Will the United States remove its own copyright protections on books – will the United Kingdom - if tiny Australia falls on its literary sword? I think not.’

Seven years later, with the global standard of Parallel Import Restrictions still in place, Australian book prices *have* come down – by 25 percent – since 2009. Books here are 18 percent cheaper than in New Zealand, which remains the *only* country to remove PIRs. There, it has been a resounding failure resulting in the ongoing decline of the local publishing industry.

Why would we seek to experiment with changes that are a proven failure in New Zealand and that are not even being considered by any of our major trading partners ie the United States, the United Kingdom or Europe?

The cultural implications of the changes being floated by the Productivity Commission are considerable. I urge the Commission to reconsider its position and protect the viability of Australian writers and the Australian publishing industry.

Yours sincerely

Christine Bongers

Author

Dust (Woolshed Press 2009)

Henry Hoey Hobson (Woolshed Press 2010)

Drongoes (Scholastic 2013)

Intruder (Penguin Random House Australia 2014)