

I am writing to express my strong objection to the Productivity Commission report's recommendation to adopt a 'Fair Use' exception.

If adopted, a 'Fair Use' exception will irrevocably damage Australia's world-leading fit-for-purpose copyright system and there would be much less Australian content produced for our screens, bookshelves and in our schools and universities. The livelihoods of Australian authors, visual artists, publishers, and many other producers of Australian content would be threatened, and the effect on Australian culture and content would be devastating.

In Canada when the 'Fair Use' exception was introduced it had an immediate and significant detrimental effect on the creation and production of Canadian-specific material for schools and universities.

Evidence from Canada informed a report by professional services firm, PwC Australia which reviewed the costs and benefits of changing to 'fair use' in February 2016 and concluded that if adopted:

- Australian-produced works will decline – with a \$1b+ loss to GDP
- Litigation will rise permanently
- Fair Use could undermine Australia's effective and fit-for-purpose licensing system, providing teachers with unfettered access to global content for less than the cost of a book.

These are highly undesirable outcomes that must be avoided by rejecting the recommendation to adopt a 'Fair Use' exception.

Australia's copyright system is world-leading and has proven it can evolve to encompass developments in technology, business practices and consumer behaviour. It must be maintained for the good of all Australians and our culture.

There has been widespread public concern and opposition demonstrated regarding this report's recommendation to adopt a 'Fair Use' exception. The public have made it clear that they value Australian content very highly, are concerned that it will be negatively impacted if this recommendation is adopted and perceive no benefits to Australia, in fact,

quite the opposite.

There are sensible reforms to the Copyright Act that are already well advanced in an unprecedented collaboration between rights holders, libraries and education institutions. At the invitation of government, the education sector, together with the Copyright Agency and Screenrights, developed a joint proposal for simplification of the statutory licence for education, and the government has released a draft bill that would implement that joint proposal. This will create solutions that benefit teachers, libraries and people with disabilities, and are also fair to content creators.

The forced adoption of a US-style 'Fair Use' exception is completely inappropriate for the Australian context. It is unfair and, if adopted, will see Australian writers, artists and publishers lose income, making it unviable for them to continue creating work. 'Australian culture', itself, is at risk if the 'fair use' exception is adopted.

The recommendation to adopt a 'Fair Use' exception is not in the national interest and must be rejected.

Thank you for considering my submission.