

Thursday 2nd June 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 the author of *A Curious Intimacy* and *Entitlement*. In 2008 I was named a *Sydney Morning Herald* Best Young Novelist for *A Curious Intimacy*, which was also shortlisted for the Western Australia Premier's Awards and the Dobbie Award for new women writers, and was longlisted for the international IMPAC award. My short stories, essays and poems have appeared widely in Australian literary journals and I have won funding from Arts Queensland and the Australia Council for the Arts. I have also been the recipient of residencies in Hobart and Rome.

As someone who has been writing for twenty years, I have witnessed and been affected by the reduction of writers' incomes. The proposed changes to copyright, parallel importation and fair use are deeply concerning as these threaten to further erode our capacity to create and contribute to Australian culture.

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 distressing, as it was to many of my peers. I have the right to retain ownership of my work in the same way that any individual may maintain ownership of any other business they have created.

Furthermore, the income I receive from the Public Lending Rights and Educational Lending Rights is an important part of my remuneration for my work. If copyright were abolished, I would no longer receive these monies. I have had to work part-time for most of my working life in order to have time to write, which in turn has impacted on my superannuation. I am relying on my royalties, as well as ELR and PLR, to make up this shortfall. That the Productivity Commission is even contemplating reducing copyright to 15-25 years is thus deeply disturbing to me, as it would have an appalling impact on my economic future.

2. Parallel Importation Rules

Your draft report proposes a change to Australia's parallel importation rules for books. This, too, is highly alarming.

If parallel import restrictions are lifted, this will lead less money for Australian publishers, which means they can't afford to support as many Australian writers, which means fewer Australian stories. This has already happened in New Zealand –

they removed PIR a few years ago and their literary industry has been decimated. The UK and the USA have, unsurprisingly, not gone down this route, which begs the question of why Australia must.

Fewer Australian stories also means less diversity. Over the twenty years that I've been writing, not only have I seen writers' incomes dwindle (my own included), but publishers have become increasingly conservative and averse to risk. This often means that voices which are not mainstream are missing out.

I have read time and time again how children love to see themselves reflected in books, particularly if they have a disability, are queer, or Indigenous, or have a migrant background. I have been deaf since I was four. I never read any stories about deaf children, so when I was seventeen I started to write them myself. I am concerned that, with publishers taking fewer risks, it will be harder for those who are not mainstream to have their voices heard, and that the young people who need these stories will continue to be isolated.

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, the onus would be on me to prove that copying of my work is unfair or excessive. This is absurd, not least because the litigation costs of such a process would be beyond me, and most other 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, remain in print and reap the benefits of decades of hard work. It appears to me that the Australian government is — unfathomably — intent on destroying our culture and the many slow and careful years that have gone into its creation. I urge the Productivity Commission to listen to the many voices defending their ability to contribute to Australia's cultural heritage. Otherwise, it looks like we are truly heading back to what Patrick White, our only Nobel prize winner for Literature, described as the 'Great Australian Emptiness'.

Yours faithfully,

Dr Jessica White.