

3 June 2016

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

Give a child books and blocks - from there they can go anywhere, and build worlds of their own imagination and creation.

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 Australian children's author and poet, with four books published, all with Australian publishers. I write Australian stories, for Australian children, and whilst this makes my stories hard to sell in the overseas market, it is my belief that, whilst children can experience different cultures in books, Australian children also need to see themselves in the stories they read. For this we need Australian authors, and Australian publishers.

I am also a teacher and literacy specialist, and know the value of literacy in the classroom – and beyond. Creativity and life-long learning are concepts valued within education, and the workforce. We teach children to read, so that they can pursue their own pathways to success.

Yet in a day when schools are valuing literacy as their major focus, when careers are constantly changing and lifelong learning is a reality, not just a catchphrase and literacy such a vital skill for self-advancement; we have a government that is seriously considering proposed changes that will undermine our publishing industry, deprive creators of their rightful income, and stifle the stories that our children would want to read.

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 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,

Kathryn Apel

<http://katswhiskers.wordpress.com>

