636.A Diorio

*This is a personal submission to the ALRC’s enquiry to consider whether exceptions and statutory licences in the* Copyright Act 1968 *are adequate and appropriate in the digital environment and whether further exceptions should be recommended.*

I am an author of children’s books who writes fiction and creative non-fiction full time that is specifically tailored to the Australian curriculum. I am often invited to visit schools to talk about my books or to attend school-organised events with other authors called Author Teas where our work is discussed and promoted. My preferred method of publication is as an on-line or ebook publication as I believe this is the future direction of publishing.

I am concerned about the current enquiry and the direction it might take in further limiting my ability to earn a living through my writing endeavours.

I know from discussion with Primary School teachers that my work and that of other authors and illustrators is routinely photocopied, printed, scanned and that teachers electronically share or display material on a white board with students in the classroom. My website provides information about and lessons based on my books and I have seen this downloaded for use in classrooms rather than a teacher ordering and paying for a more detailed and inclusive print version of my teachers’ notes.

Under the current Educational Statutory Licence system a teachers’ work is made easier. They can copy and share material much cheaper than the cost of a book, in any form. As a creator of this material I am entitled to receive payment for my skill, time and effort – I would do so if they purchased a printed book instead.

The two areas of greatest concern to me are: changes to the current statutory licensing provisions in the Act - which allow for the bulk use of copyrighted material by schools - and the introduction of a US-style 'fair use' doctrine.

It is my experience that teachers want to be able to access and use information as quickly as possible and don’t always consider the Copyright implications. Advances in technology have made it very easy to copy material, but just because it can be copied doesn’t mean it should be copied without the creators of that material being considered.

The idea of a voluntary fee to use Copyright material will mean that users will *not* volunteer to pay a fee.

The proposed changes affect *my* intellectual property whose creation absorbs my life for very little monetary reward as it is while at the same time giving intellectual stimulus, learning and joy to children. I have copyrighted my creative endeavours and I believe that it is my right to do so under the current system until I decide to license it to others.

I strongly oppose any change to the current system that will erode my right for payment and that will create uncertainty about what teachers can and cannot share with their students.

I feel this enquiry favours technology companies and that the idea is being promoted that I should ‘give up’ some of my rights to control my material online.

I would argue that authors require a copyright regime to protect us and allows us to grant or withdraw paid or free access and that this would assist the creativity of all authors to flourish.

Many thanks for considering my submission.

Yours faithfully,

Antonette Diorio (penname Toni Brisland)