

## To the Commissioners:

I am a professional writer of fiction. Apart from a small amount earned from the casual teaching of writing workshops, I earn my income through writing. This includes payments through the Educational and Public Lending Right schemes.

I am published in several markets, including the US and the UK, and the parallel importation of books would therefore affect me directly. I believe that it would affect me badly.

At the moment, my books are published almost simultaneously in the three English-language territories. For example, my latest book, *Deep Water*, came out in Australia in August/September, in the UK in October and in the USA in November.

[In response to the issues paper question about whether technological advances have changed the effect of parallel importation, it is worth noting that this type of close publishing schedule, which puts the author at higher risk, is becoming more common as global publishing companies such as Hachette Livre and Bertelsmann take advantage of simultaneous internet publicity for their books. It is also worth noting that none of the publishing companies which would gain an advantage from parallel importation are Australian.]

Parallel importation would mean that if my book did not do well in a foreign market, it could be remaindered here before the natural shelf life of the book was over in Australia, undercutting the Australian publishers' price and seriously reducing my income – and my reputation and sales of future books, as remaindering does nothing to inspire confidence in a writer in either booksellers or readers.

The Commission should note that such dumping would reduce my overseas royalties as well, since if the books were remaindered in the foreign market instead of here I would receive some royalties from there. Further, any foreign editions sold here, even if they were sold at the full foreign price, would attract a lower royalty rate. Australian authors generally receive 10% royalty; US and UK contracts are for 7.5% only, no matter where the book is actually sold.

Australian writers are far more likely than other writers from small countries to be published in the US and the UK. This is because we write in English – our work is immediately accessible, and cheaper than foreign works which need to be translated, and our cultures are sufficiently alike for Australian books not to be tagged as 'hard to understand' for the average reader. The flip side is that our writers are at much greater risk of the dumping of foreign editions of their work.

Perhaps recognising that parallel importation is likely to result in decimation in the Australian publishing industry, the Commission paper asks if it is important for

Australian authors to be able to find publication with an Australian publishing house. As a writer and a teacher of writers, I believe it is extremely important.

Firstly, there are many books which would never have been first published by an overseas company which have found a market there after critical or sales success in Australia. Examples include books by indigenous writers such as *Carpentaria* by Alexis Miller??, many children's books (for example, *Possum Magic* by Mem Fox), and literary novels which explore issues of Australian identity.

'Literary' works and works by unknown writers are increasingly seen as risky for publishers who assess success on the basis of three-month sale or return figures. Publishers are not generally willing to take those risks for foreigners exploring foreign issues in a foreign landscape. Once the book has been tested in its own environment and garnered critical or popular acclaim, then overseas publishers may publish it. But for new writers, for those without a track record in that particular market, for writers wanting to change genre, and particularly for writers exploring issues of Australianness, the idea of initial publication overseas is a pipe dream. It is highly unlikely, for instance, that David Malouf would have made his transition from poems to prose without support from an Australian publisher.

Secondly, having a close relationship with your first editor is very important for a writer's development, and this is just not available in the same way with an overseas publisher. I have editors in several markets, but it is my Australian editor I ring to discuss issues I am having with my current work. Email is not a substitute for the ability to talk at length about a work and what needs to be done to make it better. The more inexperienced the writer, the more they need this close relationship – a form of pastoral care, if you will. Both professional development and the quality of the current work depend on it.

Thirdly, overseas publication is usually secured for writers by Australian publishers, who take the book to the international book fairs in Frankfurt, London and Bologna. Without this representation, which is neither cheap nor easy, very few Australian writers would get overseas contracts. The majority of writers are not represented by literary agents, and literary agents do not have the resources or staff to market every one of their writers at the book fairs. Without Australian publishers selling world rights, the footprint of Australian writers in the world would be small indeed. I have so far been published in the US, UK, Italy, Indonesia, Korea and Canada, with further publication due in Germany, France and Spain. Although I have an excellent literary agent, all of those overseas sales have been procured by my publishers.

The Commission ask, on page 10, how important the trade in foreign rights is to Australian publishers and writers. I cannot speak for publishers, but it is almost impossible for a writer to earn a living solely from Australian sales. It is particularly difficult in fiction writing for both children and adults; yet arguably this is the area of literary production which has the most cultural significance.

Eighteen of my twenty books were written for children. I have been nominated for and received literary awards, and my books are in just about every public and school library. But I could not, and did not, earn a living as a writer until I started writing books for adults and they were sold overseas. Even now, I am earning what I would consider a low income. I hope to grow my overseas sales to a point where I can earn what I would have earned had I continued in my former career as a consultant in organisational communication.

Most of the full time writers in Australia write for children, and they are one of our nation's most valuable resources. But they are dependent, if they do not have extensive overseas sales, on doing writing workshops for schools to earn extra 'writing-related' income. Try to contact an Australian children's writer during the weeks surrounding Book Week – they are all out at schools doing meet-the-author talks, bumping up their income to the point where they can squeak by.

A great deal is made by the proponents of parallel importation of the cost of Australian books. While I would welcome other measures to bring down the cost of books (such as exempting them from GST), I would like to point out that if books were the same price here as in the US, I would need to sell 2-3 times as many to make the same royalties. Also, American books are also of much poorer quality in terms of paper stock, printing, etc.

I would also like to comment on the issues paper suggestion that perhaps copyright holders 'might still be able to use contractual arrangements to control imports into Australia.' I am tempted simply to say, 'Yeah, right'.

It is hard enough for writers to retain rights they already own, such as electronic rights, in negotiations with large publishing companies, even when they have excellent representation from an experienced agent. I have *never* had a contract presented to me from a publishing company which did not seek to obtain rights other than publication. The battle over these ancillary rights is often bloody – I can just imagine the scene if an agent tried to include a clause about import restrictions.

The reality is that a writer is an individual dealing with some of the largest multinational companies on Earth. The imbalance of power is enormous. The only (fairly unlikely) possibility is that an Australian publisher might be able to negotiate such a clause – but that, of course, is dependent on an initial publication of the work by an Australian publisher, which is put at risk by parallel importation.

### **Cultural benefits**

The issues paper asks about the cultural benefits of Australian books.

I believe that there are some assumptions implicit in these questions which are suspect. For example, the issues paper suggests that books may provide 'imaginative frontiers for escapism' without the author's nationality being relevant. As a writer of fantasy books

for both children and adults, I beg to differ. I think that Australian fantasy forms an identifiable subset of fantasy or speculative fiction generally. The issues dealt with (and although fantasy does provide escapism, it has also always dealt with deeper concerns as well) have resonances which are uniquely Australian. For example, writers such as Sarah Douglass, Jackie French, Karen Miller, Richard Harland and myself have engaged with the issue of dispossession of indigenous people, a form of racism rarely examined by writers from other English-speaking countries. Miller's current series investigates religious war and the need for a secular state in which different cultures can coexist – certainly relevant to Australian readers. Fantasy often allows writers to explore themes in depth or in extremes in a way which realistic fiction cannot. The way writers do this is influenced by their own culture and experience, and I believe that Australian fantasy and science fiction writers present a type of discourse within the genre which is unique.

I would therefore challenge any suggestion that it doesn't matter where we get 'escapist' literature from, or the idea that only books set in Australia with 'Australian' themes contribute to Australian culture.

Crime fiction is another example. I review crime fiction for *Good Reading* magazine and Australian crime and mystery books are as culturally rich as any literary novel.

The point made in the issues paper that only 10% of Australian consumers made a purchasing decision on the basis of an Australian author is one of those statistics which appears more important than it is. Of course consumers made their choices primarily on the basis of whether they thought they would enjoy the book. The point is that there were Australian books there to choose from.

It is also worth noting that this survey would not have included libraries, the largest single 'consumer' of Australian books – and any librarian will tell you that their library seeks to represent Australian writers, particularly in children's books.

### **Government funding for the arts**

Funding for literature programs has fallen in real terms for decades. What there is, is reserved for particular types of writing, for a handful of people a year, in the short term. Funding such as this cannot and does not support a broad range of writers. It can support least, in some ways, those writers who are most likely to be badly affected by parallel importation.

Very few writers gain government support in any one year; few writers gain it at all in the course of their writing life. I have never received a grant from any literature board, and most writers I know are in the same situation. We are dependent solely on our royalties.

I do not believe that government funding for the arts and parallel importation are connected in any meaningful way.

### **Why books?**

Books are unique as a social product in that they are the only form of mass communication cultural product which is the result of one person's work. As a former television script writer, I know how collaborative any visual production must be. The more collaborative a work, and the greater the budget involved, the less idiosyncratic the work can be, the less it can reflect a particular way of looking at the world.

The great writers cannot be mistaken for anyone else. Their world view, their voice, the worlds which they create, come straight from their own perception of the universe. This is the first great gift of books – a new way of looking at the world. For Australian writers, this way of looking is inevitably influenced by their background.

The second is closely related. The book is the only cultural product which can take you directly into the mind of another human being, whether that is the writer or a character whose thoughts we are 'overhearing'. Television and film give the outside of a story. Books give the inside.

Finally, books do this cheaply and conveniently, which is why every prophecy about 'the death of the book' has been proven false.

Are books more important as a cultural commodity? I would argue simply that there are things books can do that films and television cannot, and they are therefore extremely important.

### **Direct subsidies**

In the current economic crisis, it is naïve to imagine that any government will introduce direct subsidies to Australian authors to compensate them for the removal of parallel importation rules.

Surely the point of maintaining parallel importation restrictions is that they cost nothing. It is not a question of privileging books by increasing funding for writers, or of finding subsidy dollars in a tight budgetary environment, but merely of maintaining an existing system which works well for Australian writers and publishers.

The bureaucracy necessary to establish, maintain and oversee any direct subsidy arrangements would be costly; the subsidies themselves, if they were to truly bridge the gap in book prices, would be expensive. I suspect that in the current economic climate, any such investment by an Australian government would be heavily criticised.

Moreover, subsidies would not address the distinct possibility that individual authors, such as myself, would end up remaindered, their books dumped at bargain basement prices, to the detriment of their income, their reputation and their future career.

Yours faithfully,  
Pamela Freeman