

Margot Hilton

Mike Woods & Louise Sylvan
Commissioners,
Parallel Importation of Books Study
Productivity Commission
GPO BOX 1428
CANBERRA CITY ACT 2601
By Email: www.books@pc.gov.au

5 December 2008

Dear Commissioners,

Re: Study into the rules concerning the parallel importation of books:

I write to you as a writer and a private individual (although I am a member of the committee of management of the Australian Society of Authors (ASA).

The Rudd Government has asked the Productivity Commission to investigate the impact of the present restrictions on the parallel importation of books on consumers, writers, publishers, booksellers and all others concerned.

Copyright fosters creativity and enables writers and publishers to receive fair payment for their endeavours. As publisher Michael Heyward says, "It is all a writer has to sell, all a publisher can license..."

In view of this, I consider that the importation provisions cannot be changed in isolation from the other provisions of our copyright laws if the integrity of copyright is to be protected.

What is known as the '30 Day Rule' should be retained and as all the relevant arguments for this have been fully articulated by Michael Heyward, in the piece he wrote for the *Sydney Morning Herald*, published in August of this year, and as I could not possibly improve upon them myself, I attach a copy of this article now for your thorough perusal.

Michael Heyward details:

- . How copyright is the "...cornerstone of creativity
- . How territorial copyright is the guarantee of copyright itself
- . How it puts writers in the US, the UK, Canada and Australia all on an equal footing
- . How the '30 Day Rule' protects writers, publishers and consumers

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- . How the industry as a whole has flourished under the protection it offers
- . How it has been of benefit to printers and booksellers.

He points out how the unqualified removal of import restrictions would, under territorial copyright, let the US, the UK and Canada continue to prevent the sale of Australian editions in their countries, while flooding our market with their own editions no matter what contractual agreements had been made.

He gives particular attention to the dynamism of our bookselling environment: "Booksellers can set their own prices. We have aggressive discounting cultures so that the average selling-price of best-selling books is far below the recommended retail price, but discounted editions of best-selling Australian Authors like Tim Winton or Helen Garner still earn their writers full royalties because they are domestic editions."

He also stresses how the migration of consumers to online buying is not going to be modified by changing our import laws – and how a shift in buying patterns should not result in the removal of import restrictions which would erode the copyright of authors.

The Rudd government should not be considering removing import restrictions without looking at the entire book industry. "We need policies to encourage our creative cultures," Heyward says, "and to enhance further our international selling skills."

"Above all, we need to do everything we can to protect and promote our writers. Our stories are in their hands and their fortunes are in ours."

Yours sincerely,

Margot Hilton

- **This submission and cover sheet amount to three (3) pages. Cover sheet & signed submission to be forwarded by fax.**

**Cc: The Hon Tanya Plibersek, MP for Sydney
The Hon Chris Bowen, Assistant Treasurer & Minister for Competition
Policy & Consumer Affairs
Michael Heyward, Publisher, Text Book Company
Jeremy Fisher, Director, ASA**