

Submission to the Productivity Commission  
Parallel importation of books

I am an Australian author at the beginning of my career, published in 13 countries including Australia, the UK and the US. I am a net exporter of copyright and the money I make from licensing the copyright to my work is my livelihood; the way I pay my mortgage and eat. Proposing changes to copyright laws are, to me, the equivalent to discussing redundancy for an employee. I have attempted to keep alarm and fear from my tone when writing this submission. It wasn't easy.

The issues as I see them are:

- **Effective loss of my copyright.** If a store is able to import the US edition of my book from a US wholesaler, then my ANZ copyright effectively becomes worth nothing. No publisher would pay me to license a copyright that is unable to be legally defended. I am an Australian citizen, I live here and I wrote my book here, but I would be unable to license my Australian copyright. Licensing my copyright is my primary source of income and this would have dramatic effects on my earning capacity and career. This isn't fair.
- **Loss of publishing support.** If I don't have an Australian publisher, who would undertake editorial work, publicity, marketing and travel expenses on my behalf? The editorial process is not only essential to making my work better. It also provides invaluable support and career development. The loss of an Australian publisher would mean that my US publisher would provide me an editor, so my work would have an American flavour. Also, the publicity provided by my home publisher is vital to making my work known to readers. I would have to try to convince my US publisher that she needs to fly me to the Sydney Writers' Festival. This is patently ridiculous and just would not happen. So I wouldn't go to festivals, or speak at libraries or interact with readers at all. My sales and quality of work would suffer.
- **Loss of income.** Even if the total number of books I sell in Australia under parallel importation is unchanged (miraculously, considering I will have no publicity support as discussed above), my Australian income will drop by about two-thirds. This is because publishers pay royalties on two different rates: a 'home' rate of about 10% of RRP, and an 'export' rate of 10% of net receipts. ('Net receipts' is the amount actually received by the publisher, after discounts given to retailers, fees paid to wholesalers and assorted other discounts, and so is markedly less than the RRP.) Australia would be defined as an export market to my US or UK publisher so my earnings would drop substantially.
- **An unfair disadvantage compared to US and UK writers in my genre.** A reader standing in a book store has a large number of books to choose from. My book stands next to books written by US and UK writers who have both a secure home market, a defensible copyright in their home market and a supportive home publisher to assist with editorial work and publicity. Proposals to change the parallel importation law are not based around a bilateral 'fair trade' agreement—I would still be unable to sell my Australian edition in the US. This would put me at an unfair advantage compared to international writers.
- **Lack of benefit to consumers.** I remain utterly unconvinced that consumers will benefit from lower book prices. Most of the comparisons I have seen which allegedly illustrate that Australians pay too much for books have been done when the Aussie dollar was trading above the US 90 cent mark, instead of its more usual 65 cent mark. Often GST is also left off these

comparisons. Also, specific titles are deliberately chosen to ‘prove’ this point, and I suspect that just as many titles could be found that show the Australian price is cheaper than the US price. Finally, I have noticed recently major booksellers advertising books at prices above the RRP. Despite their concern for the Australian consumer, I think it likely that any savings generated from dumped international copies would be absorbed in to their margin rather than passed on to book buyers.

- **Loss of cultural identity.** The US edition of my book is not the same as the Australian edition. This is true for many authors. In my US edition, babies wear diapers, not nappies. People do not eat Tim Tams or Yum Cha. They push a cart around the supermarket, not a trolley. They do not go to the tennis. They eat a pot pie at the football, rather than a meat pie. My characters do not wear thongs, in case readers think they are walking down the street clad only in a G-string. Houses have zip codes, not post codes. I could give dozens of examples like these. Australia and the United States are actually different countries.
- **Government assistance to Australian writers.** I have never received an Australian Council, Arts Victoria or any other grant to support my work. This is fine. I am entirely happy to leave the value of my work up to my readers: if they like it, they’ll buy it and I’ll make a living. If they don’t, they won’t. All I ask is that the government doesn’t remove my copyright protection. It’s all I have.

The international publishing industry is devised around a series of territories. Australian writers didn’t invent this. It’s just the way it is. If Australia decides to opt out of this system, Australian writers will suffer. It’s strange that, in every other industry, successful exporters are encouraged, supported and feted by the federal government. Successful Australian writers who are net exporters of copyright and earn considerable money from overseas, and considerable money for the government in GST on their books, instead have to justify retaining the rights to our own intellectual property.

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