

Board Members
Productivity Commission
GPO Box 1428
CANBERRA ACT

January 11 2008

Dear Sir/Madam

Submission in support of RETAINING the current restrictions on Parallel Imports

As an Australian children's author (*Secrets of Eromanga*, Lothian Books) and an avid reader, I'm very concerned about this further attempt to remove the copyright restrictions on the parallel importing of books.

This submission lays out my objections to the lifting of restrictions:

1. Personal perspective-
 - i. As a writer of children's novels
 - ii. Relationships with publishers
 - iii. Relationship with my UK agent
2. General perspective-
 - i. Cultural implications
 - ii. Economic implications – with reference to New Zealand publishing
 - iii. Global aspect

PERSONAL PERSPECTIVE:

- i. My stories, published and yet-to-be published, are linked to PLACE – the landscape of Australia, the culture and language, our unique history and pre-history. In my opinion, all these are vital aspects in developing that sense of who we are as a nation.

Whether it is a story of an outback Queensland fossil dig and its linking narrative about unique Aussie dinosaurs (*Secrets of Eromanga*); an adventure set in regional NSW during the Depression (*McAlpine & Macbeth*) or a fantasy about an Australian mythical creature (*Decibelle*) – all include the Australian vernacular, settings and situations.

If the restrictions are lifted, a publisher facing financial pressure may address the situation by pressuring me to write my stories for a more global audience. How can my Australian writing be anything but Australian?

Here's one example of how *Secrets of Eromanga* could have been changed for the worse if the parallel import restrictions hadn't been in place, and the book had been picked up by a publisher overseas. They may have insisted the ferocious meat-eating dinosaur in the story be a Tyrannosaurus-rex because it has universal appeal. In reality, these dinosaurs never lived in Australia. The whole credibility of the story would be ruined by choosing a more widely known species rather than a creature unique to this country.

ii. Lothian Books was a wholly Australian publisher with a highly-regarded editor, Helen Chamberlin. She was instrumental in launching the careers of many Australian children's authors. Consequently, Lothian had a large list of Australian-based titles whose stories linked perfectly with Australian situations and people. They provided both entertainment and information in the Australian vernacular to child readers and their parents, librarians and teachers.

In 2007, Lothian Books was bought out by international company, Hachette-Livre. The company still publishes (under the Lothian imprint) well-known internationally, established Australian authors like Gary Crew, Shaun Tan, Sophie Mason and others. But for Hachette Australia to survive, their list of new, untried authors has dropped significantly and they promote British and US titles as well.

This situation guarantees the loss of many other unique Australian stories, now and in the future. It will be magnified if restrictions on parallel imports are lifted and publishers face even further economic pressure.

From my point of view as a children's author, Australian publishers who strive to provide the very best in children's literature, from picture books to Young Adult novels, must be encouraged and supported in their vital quest. This will not happen if the restrictions are lifted. Publishers will become discouraged by ever-increasing remainders of overseas produced books dumped on the Australian market.

iii. An example of how difficult the transportation of our cultural imprint can be was highlighted when my UK literary agent, (Rosemary Canter, United Agents) read one of my stories, but had reservations. I quote: *'I fear it is too culturally specific – I did not know about some of your natural history references, I...had no idea whether they really exist or are figments of your creativity.'*

GENERAL PERSPECTIVE:

i. One argument used by those who want to remove the restrictions is that Australian children can be served, culturally, just as well with film, television, etc, as opposed to books. I would argue (and I also speak here as an ex-Early Childhood teacher) that books provide the strongest link to the development of the imagination, more than any other media. A book is tangible; it can be a friend on the darkest night, a mentor or a magic carpet ride into lands unknown.

Another is that governments will continue to provide direct subsidies for Australian authors (e.g. PLR / ELR) if authors lose income over the proposed lifting of restrictions. But the Australian Society of Authors battled for years for these extra funding conditions and continues to do so with every change of government. Government support is not guaranteed for emergent authors.

ii. The New Zealand publishing industry removed restrictions 10 years ago. Recently, ex-NSW Premier, Bob Carr (who sits on the board of multi-national bookseller, Dymocks) used New Zealand's situation to promote the removal of restrictions of parallel imports.

But examination of the recent Colmar Brunton Survey of Book Publishing in NZ 2008 (see: <http://bpanz.org.nz/wp-content/uploads/2008/10/2008-bpanz-colmar-brunton-book-publishers-report.pdf>) shows anything but a rosy picture of their industry.

Total revenue steadily decreased since the survey's start, 2005. New titles decreased by 17% in 2007. New Zealand titles are down by 37%, but imported titles have increased by 24%.

ii. Why is it that two countries with the largest market-share in publishing, the US and the UK impose their own restrictions on parallel importation of books and yet smaller nations face the possibility of being sucked up into the vortex of global publishing? Is this the reality of global 'free-trade'?

I thank the Productivity Commission for the chance to encourage Australian legislators to trust in what has already been laid down by law in the *Copyright Act 1968*.

For the survival of a truly Australian publishing industry, from the source –authors and illustrators – to the publishers, editors, printers, distributors, reviewers and readers, it is absolutely essential to retain copyright restrictions on the parallel importation of books into this country.

Yours faithfully
Sheryl Gwyther – author