

Submission to the Productivity Commission, 18 January 2008.

It is very hard to argue cogently against the proposition to remove the thirty-day rule and open up our treasured and valuable copyright territory to the world, because those proposing it seem not to offer any model or cost analysis as to how it might benefit us, that can be usefully deconstructed. One reason for this is that few other English language countries have seen any good reason to do the same thing. And this is something that cannot be trialed – once the gate is open, in today's world it will be hard to backtrack.

The proponents are vaguely offering a benefit—cheaper books— which may well turn out to be illusory, and come at great cost: the destruction of a system that is not entirely satisfactory, but has worked very well in comparison to when a similar system was in place: the time, when I was growing up and starting to write, when British publishers decided what books would be published in Australia and at what price, and when *all* successful Australian authors published in Britain.

I am not an economist, but a middle range author who has published some twelve titles over 25 years with Australian publishers ranging from large internationals to small locals (and in no year made a living wage from it), and who has also published and distributed other people's books through a small imprint of my own (ditto above). As such, it seems to me that if overseas publishers were given a free rein to sell books to our market, with no territorial copyright protection, they would do what any self-interested marketeer would do: (a) dump surplus product from saturated overseas markets (i.e. remainders) as cheaply as possible; and (b) still sell desirable titles (from both local and international authors) at whatever price the market would bear (i.e. matching the prices of current local products, which are kept at a certain level by high manufacturing costs, the distance of transporting sometimes single copies of books from a warehouse in Sydney to a bookshop in Perth, and the size of our small [but highly literate] population). Why would they not? And that is before you add on the premium of transporting small quantities of new quality books here in good time— further reason why benefits of scale from an initial publication in larger markets would not be passed on. The idea that sweeping away territorial copyright would make quality books cheaper here is a completely untested proposition.

Quality books are not mass-produced black socks, identical items that can be made in whatever country has the cheapest raw material and labour, and stockpiled or shipped and sold anywhere, this year or next year. They are more like native cut flowers.

Quality local literary books have a short shelf life to establish themselves (about six weeks to two months before they are returned if unsold, and then restocked only if they have sold well in this period). Already it is hard to get independent bookshops to stock local literary titles, even when published by the local subsidiaries of multinationals, against the competition of foreign bestsellers. And (unless the author is already highly successful or the book a bestseller) it is even harder to persuade the big chains such as Dymocks, Borders, and Angus & Robertson. If a book is published by a small publisher (i.e. not one serviced by a large distributor), the chance of having titles stocked in these chains is virtually non-existent. The number of local writers who can earn a living wage from royalties alone is minuscule, and those that are successful generally spend a long period of struggle and penury before achieving a breakthrough. If smaller publishers and independent bookshops who underpin this process go under as a result of these changes, few of the next generation of local writers will have even that opportunity to struggle. We do have a local literary culture, but even today it is fragile and shallow-rooted, and built largely on the goodwill and commitment of local writers and publishers.

Why, at a time when these same local publishers and writers are already facing a period of uncertainty due to the global financial crisis, would you open the floodgates to dumped overseas titles, and remaindered overseas editions of Australian titles, that may well help to sweep smaller local publishers out of business, and cause larger one to even further contract their local lists and cut back on editorial resources and promotion of local authors? No other country that respects and values their cultural identity has done this. Those who argue for a free market appear to be individuals (such as Bob Carr) who might like reading, but have never tried to earn a living as a writer, publisher, bookseller or agent; and the larger book chains, who seem to be offering this as a desperate rearguard action after alienating their customer base through trying to sell books as if they *were* black socks.

Many of us find it hard to get our heads around the cloud of unproven political, legislative and economic arguments and opinions about this matter, but this is how it looks from where I stand, as a writer, reader, editor and sometime publisher.

(I should add that I also buy books, new and second hand, on the Internet from Amazon and Abebooks – but like most people I know, I generally order from them obscure and out-of-print foreign titles that no chain is going to stock anyway, and then only after I have checked on availability through my local independent bookseller. I suggest that many of the Internet sales that the larger chains currently claim to find so threatening come into this category).

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