

January 19, 2009

My name is John Flanagan. I am an Australian author.

I would like to register the strongest possible objection to the proposal to do away with territorial copyright in this country.

I have had eight books published in Australia. Five have been published so far in the United States and the other three will follow in due course. My books have spent over 6 months on the New York Times Bestseller list and have been sold to over twenty international markets.

The American sale was pivotal in creating the momentum that sold on to those other markets.

And the fact that I had already been published in Australia was pivotal in securing the American sale.

My New York agent was able to point to a track record of sales and a growing number of readers here in Australia that influenced the American publisher to go ahead with the purchase. So those international sales, now totalling over one million books, can be traced back to the original decision by an Australian publisher to take a chance on me.

Yet I question whether any right-minded Australian publisher, without the protection of the current legislation, would have been prepared to make that initial investment in me and my work. Would they have been willing to do so without the reassurance that they had a fair chance to recoup their investment – without being undercut or having their home market diluted by outside suppliers?

I believe the answer to that question is no. Without the reassurance that the current legislation provides, it is highly likely that my books would never have seen the light of day. Here, or anywhere else.

It has taken years for Australia to develop a strong, independent and capable publishing industry. And it beggars belief that, having done so, we should now be prepared to put it at risk. Even more incredible that we should be willing to do so unilaterally. Neither the UK nor the USA sees fit to abandon territorial copyright laws. Yet we seem not just willing, but eager to do so.

Not for the first time, not for the first industry, we are prepared to say to the world, “Please, come right on in and rape us.”

For what? For the prospect of cheaper books, apparently. How much cheaper? Has this promise been quantified? Can it ever be, in the light of the wild fluctuations in currency exchange rates we have experienced in the past 24 months? And has anyone considered what the cost of these so-called “cheaper books” will be in terms of jobs and lost skills?

If we erode Australian publishers’ confidence in the value of discovering, publishing and promoting Australian authors, we will diminish the industry as a whole. And in so doing, we risk losing a great deal.

We risk losing the infrastructure and skill sets that have built up over the past 17 years: the ability and confidence of a publisher or commissioning editor to know and understand the

market, to have the judgement and courage to take a chance on a new author, the experience to help an author craft his or her book to achieve the best possible result.. We put at risk the invaluable skills of editors, designers, publicists, sales staff and all the other support troops. And these are skills that, once lost, can't be quickly replaced.

Put the local industry at risk and we risk losing the very important talents and skills that support current authors and will be necessary to nurture future generations of authors.

We may end up with cheaper books. The risk is that fewer of them will be Australian.

John Flanagan