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Parallel Importation of Books Study  
Productivity Commission  
GPO Box 1428  
Canberra City ACT 2601

16 January 2008

Dear Mr Woods and Ms Sylvan,

I am writing to you in my capacity as a literary agent representing the interests of many published Australian writers, all of whom would be adversely affected by the removal of territorial copyright and the parallel importation of books from overseas. (A separate submission made by the Australian Literary Agents' Association provides more detail on this point, which I will not reiterate here.) I am also writing in the interest of my own job, which – along with the jobs of most of the members of the Australian publishing industry – would be under threat if parallel importation of books is allowed.

An argument has been made recently in the press, by former New South Wales premier Bob Carr, that books would be cheaper if Australian booksellers were able to import editions from overseas. This is disingenuous – while it's true that booksellers may pay less for the books they import from elsewhere compared to the books they buy from Australian publishers, there is no guarantee that they will pass on those savings to their customers. In fact, it is arguable that they will see the cheaper cost as an opportunity to enjoy higher profits and thus benefit their owners or shareholders. Obviously, it is a seductive argument to make to the reading public – that their books will be cheaper – but

there is no guarantee that it will happen. And, of course, by the time we found out it would be too late.

What Mr Carr's article did underscore, however, is the fact that booksellers – and, probably, only large booksellers who can afford to import books in enough quantities to attract the discounts they desire – are the only sector of the industry which might benefit from a change to the 30/90 rule. 'Cheaper' (if they truly would be) imported books by non-Australian authors would only raise the profile of those authors, not our own, and they would create revenue only for overseas publishers, not our own. Local branches of multinational publishing companies and, to a certain extent, some independent publishers, rely on revenue made by selling certain foreign authors through their local list (meaning, they have Australian rights to the book, they are not just selling imported copies of an overseas edition). They then use that revenue to fund some of their local publishing.

If Australian are no longer able to publish overseas authors locally – if the revenue from those imported books flow only to booksellers and to overseas publishers – will they be able to afford to publish Australian authors in the same numbers as at present? And if they cannot publish Australian authors, who will? Certainly, the US and UK head offices of multinational publishers are highly unlikely to increase the number of Australian authors they publish. There are already many British writers who can't get published, so one can't imagine that the British publishers will instead publish Australians. Moreover, even if they were enthusiastic about publishing more Australians, the notion of our authors being published entirely overseas and their books being shipped into their own country is repugnant and harks back to the post-colonialism of the 1960s and 1970s, before Australian publishers were able to establish their local lists (by which I mean both the publishing of Australian titles and the local publication of foreign books).

If our territorial copyright disappears and, consequently, local publishing activity is reduced due to the fact that many Australian publishers simply have less money – because they can't publish 'big' overseas books locally, because Australian authors take their books overseas instead of trying to place them within their own country – it is almost certain that many publishers would drastically reduce their local publishing. In that case my job, and those of all literary agents, would disappear. Agenting is a tenuous economic proposition at the best of times – authors typically don't make much money, and we make a small percentage of that – and to be successful we need to look after

many published authors who are publishing regularly. If local publishing suffers because the market is flooded by foreign books then we wouldn't be able to get our clients published and that means we would have no income. And it wouldn't be a question of simply finding authors who are more likely to get published – we'd have the same number of worthy authors competing for far fewer slots. The mathematics wouldn't work, and our jobs would simply disappear. As would those of the editors, typesetters, designers, printers, publicists, sales representatives, marketing managers and commissioning editors or publishers who would no longer be employed because there are no longer any local books – either Australian books or local editions of overseas books.

It is worth noting that no other country apart from New Zealand has allowed parallel importation, and it cannot be said to have been successful there. Their independent booksellers have all but disappeared and they are dominated by one large bookselling chain; their local publishing is divided between independent houses that sell a handful of books and multinationals with small local lists. The US and UK would never allow it in their own countries. So why should we?

Quite apart from the economic issues, there is a culture at stake. What would it mean to say that Australian copyright doesn't exist? It is unfathomable that we could care so little about our own writers that we would be prepared to place no value on Australian copyright – that we would so publicly declare that it means nothing, and UK and US copyright means more. Yet again, it is redolent of a time when we were either serving the Empire or going all the way with LBJ. What would happen to our culture if our Australian stories disappeared because there is no one to publish them? Children's books and novels will be particularly vulnerable if parallel importation is allowed – these are the books whose economics are already more precarious than anything else. It is extremely difficult to get an Australian first novel published – it would be impossible if book buyers were offered yet more foreign titles than they are at present. Publishers' margins are not as big as many people assume; they often publish Australian fiction because they want to and they feel they have a cultural obligation to do so.

Publishing is a unique industry and it runs largely on passion and goodwill. But it does need money to survive too. None of us has independent incomes which would enable us to keep agenting or publishing books just for the love of it. So if the money disappears – if the flood of overseas titles, cheap or not, crowds already bulging bookshop shelves and makes it impossible for Australian writers to be noticed, and if

Australian publishers can't fund local publication – then so will the industry. Many of us who work in publishing have no experience in other industries – there are some people who have been editors or sales reps for decades. Where else could they work? What would happen to them?

Is it worth risking the employment of all these people just so some booksellers can make more money? It is not as if Australian booksellers are in peril – many of the independents and chains have flourished for years. So parallel importation would not be some last-ditch effort to save dying businesses; it would be a measure to allow some of those businesses – not all – to make more money. Their extra revenue would come at the expense of almost everyone else in the industry. And once those other people are out of jobs, they're hardly likely to be able to afford to buy books, since the GST has made them so dear. But that's an argument for another time.

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