

**Productivity Commission
Parallel Importation of Books**

a submission by Tim Winton

Introduction

I am a writer of literary fiction. I have been a professional freelance author for my entire adult life. I am the author of twenty books for adults, adolescents and children. My work is published in five distinct English-speaking markets and has been translated into twenty languages. My books have been adapted for radio, film, television and theatre and have received thirty awards in Australia and overseas. They are studied at every level of schooling at home and at universities abroad.

In the 27 years of my professional life I have witnessed and participated in considerable change in Australian publishing. As a primary producer I have spent my working life in an uncertain, competitive and high-risk environment where many practitioners live near or below subsistence level. This is a trade whose primary producers usually live without superannuation, employment insurance, lines of credit, annual leave or the most basic certainties enjoyed by the average member of the workforce. Writers live by the fruit of their own minds. Copyright recognises and enshrines the value of original work. Copyright is the single most important industrial fact in a writer's life, the civilising influence of a culture upon a market. It has taken many generations to produce an environment where copyright is honoured, and such an environment can be easily taken for granted, especially by observers from far safer vantage points than that of an author. Australia has a political and cultural tradition of fairness and equity for all working people. Any industry or trade seeking to be deemed free or fair must look first to its most vulnerable participants. In the publishing industry this means the writers.

I am not attempting to portray myself here as a suffering artist. For a literary writer I have enjoyed considerable critical and commercial success in Australia and abroad, particularly since 1991, but my experience is exceptional. For the overwhelming majority of practitioners, the profession provides a hand-to-mouth existence at best. Data on this point is widely available. It is an industrial fact that most Australian writers earn considerably less than any other participant in the publishing industry - including the consumer. The average writer can walk into a boardroom, studio, town hall or bookshop and know that every working adult present earns more than he does. The full-time freelance writer will earn a fraction of the wage of a publishing executive or employee with similar levels of experience or competence in the trade. Few distributors, printers, typesetters, literary journalists, arts bureaucrats, government overseers, designers or freight operatives will earn as little as the writer whose work sustains this industry.

Like publishers, booksellers also take considerable risks in terms of investment, but few live with the level of risk common to the freelance writer, and fewer still are as poorly remunerated for their risk. The annual income of a moderately successful novelist would, in most other occupations, indicate failure. From the publishing

executive to the reader, almost every participant involved in the production and purchase of a book in this country will earn more than the writer. In this regard it is worth bearing in mind that the consumer is by no means the player at greatest disadvantage in the transaction of a book sale.

Importing Australians: some historical background

As previously stated, I have worked exclusively in this trade all my life. I came into it in the late 70s and early 80s at a time when publishing and the arts - and indeed the broader culture - were in a period of transition. Before this, few literary writers were able to live exclusively from their work. Most supplemented their income with other work. A fortunate few enjoyed independent means. The taint of 'hobbyism', which periodically infects bureaucratic and media discussions of the contemporary trade, is a hangover from those times when writing was either the preserve of gentleness or those for whom professional status was an unlikely aspiration.

I was thirteen years old when Patrick White became Australia's first and only Nobel laureate for Literature. When I came to read White as a university student in the 1970s I was puzzled to discover that he had no originating Australian publisher. His work was edited and produced abroad. There are no Australian first editions of his major works. In cultural terms Australian publishing was still labouring under the vestiges of an imperial dispensation that no longer applied to most other aspects of political and industrial life in this country. The so-called 'cultural cringe' was still with us and it had significant commercial impacts upon what a writer could achieve in Australia. Patrick White was the scion of an Anglo-Australian squatter family. As a man of independent means, his decision to return from London after World War II to live and work in Australia was a significant cultural declaration for a man of his class and generation. But by the late 1970s a different mindset prevailed, and for a young working class Australian like myself, White's dilemmas were already largely historical. It was a struggle for me to understand how a living Australian laureate could be edited and published from another hemisphere.

An era of transition

During the 1970s when I was reading and writing my way into a career, the cultural climate changed rapidly but not so completely that an aspiring Australian writer could expect to approach publishing with anything more than the most meagre hopes. Post-Whitlam, the Australia Council began to subsidise some writers and the programs of several local publishers. Along with a new value placed on local production, a fresh confidence and optimism took hold. As an emerging novelist, I was a significant beneficiary of this new outlook and the conditions that it helped create. Early on, I was the recipient of three grants. More importantly I was the inheritor of a youthful, vigorous, outward-looking cultural mindset.

Despite these changes, literary fiction was still widely considered a marginal business. The conventional view was that it was all-but impossible to make a living as a full-time literary writer in this country. When I began publishing in the early 80s, I was

aware of only one literary novelist, Thomas Keneally, who had endured and prospered as a full-time freelancer. He was the foremost Australian literary professional of modern times, the first to take a high literary style to a mass audience, and perhaps the first 'international local' without independent means.

The colonial mindset

While attitudes towards Australian writing and publishing had begun to change in the 1980s, and conditions improved domestically, writers still found it enormously difficult to publish internationally. It's very difficult to describe just how distant Australia was from overseas publishing in the years before the Internet. Australia was far more foreign and more easily forgotten by the centres of power than it is today. We operated in a different hemisphere, across the international dateline, and in different cultural conditions. New York publishers thought of Australians as more-or-less British. Publishers in London were more precise; we might be *less* than satisfactory in our Britishness, but we still *belonged to* the UK market as some kind of remote annexe. The colonial mindset endures in London to the present, but thankfully in a diminished form.

When I began to be published, Australian writers were still faced with an awkward choice: to be edited and published in Australia and forego a British readership entirely, or to have work originate from London and have Australian readers buy Australian books as imports. The first option cut a writer off from an entire market and potential source of royalties. The second might offer a British readership but at significant cost, because the normally larger domestic sales would only earn far lower export royalties. In essence, the Australian writer literally paid for the privilege of being published in London. The origins of the convention owed more to colonial history than to commercial logic.

Most galling about the old colonial view was that its final heyday coincided with the decay of the British industry. The UK market in the 70's and 80s was beset by falling levels of literacy, diminishing sales figures, paltry print runs, poor quality materials and design, sloppy recruitment from the old boys' network, and lazy publishing programs. The much-vaunted British market was a club, a notion. Figures from Commonwealth sales - that is sales generated outside Britain - often papered over the softness of the trade in the UK. During my first years of professional life, Australians began to buy more books per capita than the British, and the average print-run for an Australian novel, produced for a population of around 18 million, was (and remains) the same as that of a British novel produced for a population many times larger. Australian publishing became vigorous and vibrant as British publishing became static and hidebound. This is why English publishing came to rely upon Australia even while condescending to it. For those of us attempting to trade internationally from Australia it was a constant cultural undercurrent masquerading as an industrial issue.

The point of origination

From the beginning of my career, choosing the point of origination was fundamental and problematic. I am sure this has been the case for many of my colleagues. It's an issue that rarely troubles American or British writers whose natural publishing bases are long-standing and uncontested copyright territories.

In the 1980s, the editors of prestigious London publishing firms made enthusiastic offers for my books, but only on the proviso that I forgo an Australian publisher and submit to being paid a pitiful 'export royalty'. Such a prospect would have been galling enough to an Australian two generations before me, but for someone of my era who had grown up in a culture that saw itself as independent and equal, it was offensive and nonsensical. The idea that a home readership might have access to my work only as imported product was intolerable. The problem was that the London publishers in question were the most important and influential of their era. The short-term benefits from accepting their offers would have been considerable. At the time, publication in London by the most esteemed imprints was still the prime means of attracting the interest of a US publisher and foreign sales in Europe and South America.

So, aside from the discounted 'export royalty', part of the price of an enhanced reputation was the surrender of cultural integrity. London publishers were often troubled by vernacular language, even from within their own country. Many preferred to have it removed or toned down. This was also common in New York at the time, when editors often asked for glossaries of Australian terms to be published within books. There was very little sense of reciprocity when it came to regional difference. Even before the Internet, the impulse toward homogeneity seemed implacable. To some observers, then as now, this was merely the wisdom of the market and under such conditions some Australian writers survived or even prospered by making themselves as inoffensively Australian as possible. Others were determined to be a part of a process wherein their culture educated the market. This last was my own position. I write about peculiarities of place, region, landscape. Vernacular language is integral to my work and is valued by my readers. I chose to originate from Australia and accept the considerable risk that the work might not find a reputable British imprint willing to publish without Australia as a territory.

It is difficult to explain to someone from a lower-risk workplace just what kind of a gamble this was and is. Each book is written speculatively, without payment. During composition, the author contends with uncertainty for years on end, and at the point of completion, when there finally seems to be some prospect of remuneration, he is faced with an extra layer of risk. Years of a person's labour hang in the balance, and the consequences can resonate for a lifetime. Many Australian writers have chosen in favour of cultural integrity only to labour on in relative obscurity as a result. To some degree, the current success of Australian writing and Australian culture in general has been built on the bones and gristle of those writers who took the long view on behalf of their own culture.

In holding out so long for ANZ rights my hope was that Australian publishing culture would continue to expand and that agents and writers would gradually 'educate' British publishers into treating Australian producers on equal terms and view the

ANZ market as a legitimate entity. To a considerable extent this has come about. Competing with the closed markets of the US and the UK, Australian writers and publishers have achieved a great deal. The compromise position of the 30-day rule has played a part in the continuation of this success.

My own choice to originate from Australia came at a cost. For a decade I continued to be published and edited in Australia. I produced ten books that were well-received by reviewers and readers. My work won a number of Australian prizes. But the British rights sales I made during that period were to second-tier London publishing houses. This meant small advances, smaller publicity budgets, and very modest returns. Over time the work began to garner the interest of critics in London and New York, but given the quality of the product and its reception, it was a long decade of frustration and constraint. The origin of that constraint was not really industrial so much as colonial. Top-tier publishers continued to offer on the work, but - again and again - on the condition that I surrender ANZ rights.

Despite my consolidating international reputation, publishing all the while in the US and slowly being translated into foreign languages, it was not until 1992 that I was able to publish with a top-tier London publishing house on equal terms.

Cloudstreet was published in England by Picador. It received its best reviews in the UK and the US and is still in print in those markets. Sales in Australia alone are now in excess of 400,000 copies. (To offer some context: the average novel in any market sells about 4,000 copies) *Cloudstreet* was the first of my books to sell on a popular scale and it appeared in this country during a severe recession, when interest rates were at 17%. Had I published it according to the old colonial logic and accepted an export royalty, my income from it would be reduced by 50%. Australian publishing would have had no benefit from its appearance and endurance in the market. Australian readers would not have had access to it as a domestic product. Since 1991 it has been through 40 Australian printings. It has been voted Australia's most loved novel and is studied in schools and universities. In seventeen years I have never received a complaint about its pricing from a reader, nor had reports of similar complaints through my publisher.

Segmentation of rights

The foregoing is simply offered as a personal experience of how fundamental the segmentation of international markets in English can be for an Australian primary producer. The gradual and fitful fulfilment of this goal is something writers are keen to enhance and protect. Territorial copyright is the most significant industrial resource that a writer has.

For quite some time the US and UK markets have been correctly understood as geographically and culturally distinct. It took some time for this idea to evolve, but since the nineteenth century rights in English have been traded separately from these two points, generally New York and London. This bipolar arrangement is still quite dominant even though English is no longer exclusive to the northern hemisphere. The tradition lingers despite the fact that the colonial era is generations in the past. The bipolar model reflects the politics and the cultural norms of a century gone. Its

instincts are colonial and monolithic. For readers, writers and publishers from post-colonial or Commonwealth nations whose first language is English, the old model is fixed in one hemisphere and its instincts are monopolistic. Under this dispensation the readers and writers from newer cultures belong to markets that are exploited more than serviced, broadcast to rather than listened to. They are viewed from New York and London as outposts of empire.

In recent years former Commonwealth countries with expanding and maturing publishing industries have quietly sloughed off their marginal status to become more distinct market entities. Each of these operates within its own set of cultural and geographical conditions. Each does business in a distinctive way and has slightly different means of promotion, editorial practice and consumer base. As a primary producer I have always viewed segmentation of rights as respectful of regional and national conditions, conducive to the enhancement of those industries in their own region and polity, and a means of enhancing the choices of consumers in those markets.

In the past two decades a number of Commonwealth writers have made international reputations from their own countries of origin. Even so, most still achieve their breakthroughs as expatriates in London or New York. Many Indian writers, for instance, publish abroad. Although India is a country with many readers, its English-language publishing industry is undermined by rampant piracy. The wisdom of the market has produced cheap imported books in India, but almost all of them are by non-Indians. Few royalties are paid. Indian writers and Indian culture rarely profit from the trade. India is an instance where the recognition of and enforcement of territorial copyright would have lasting benefits. Relaxing the 30-day rule in Australia will not necessarily produce the conditions I have seen at first hand in the Indian market, but India remains the epitome of what the 'free' or 'open' market can produce.

Having accepted world rights deals, some successful Commonwealth writers are upset to find that their international success brings little benefit to the publishing industries of their own countries. Their own domestic readers encounter their work as imported product that has wastefully travelled across the globe to arrive at the point of origin. As a result unhelpful gulfs open between the domestic readership and the producer. Fairly or unfairly, expatriate writers are often viewed by domestic readers as distant and out of touch, but a country whose most successful writers live and publish almost exclusively abroad has deep and debilitating gulfs to bridge.

The virtues of separate territories

For the primary producer there are numerous pragmatic and financial advantages in maintaining separate rights in English.

Improved return to the producer

Over the medium-to long term, splitting rights is more profitable to the author.

Publishers still offer lucrative world rights deals. These might be attractive in the short term, but like the bi-polar model, they obscure more than they reveal.

By way of personal illustration, I publish separately in English in Melbourne, London, New York, Toronto, and sometimes Kolkata. Hopefully one day I'll publish in Johannesburg as well. By splitting territories this way I have the benefit of multiple, smaller contracts - advances and royalties from several sources. I have diversified my risk. At the cost of extra research and negotiation, I usually increase my income over the medium term.

Enhancing fair trade

In doing so I have withstood the underlying forces of unilateralism, centralisation and monopoly. I have, then, enhanced competition. I have also shifted the balance back towards the primary producer in his own country of origin. The outcome is a fairer trading practice than the one that prevailed under the old imperial model run entirely from two cities in the northern hemisphere wherein entrenched interests dictated terms from an imbalance of power. Such an outcome offers material resistance to the monopolistic pressure to sell world rights.

Increasing assessment

With distinct deals I have more chance of territorial assessment. For instance, a separate deal with Canada means that I can more easily oversee the production and distribution of my work there than if Canada is retained as a traditional territory by the UK publisher. It makes publishers more accountable and makes relations with the author more intimate than would be possible otherwise. The Canadian fortunes of a book exported from London are far less easy to follow and to follow up. In my experience, the broader the territorial purview of a contract, the less opportunity an author has to maintain a sufficient level of assessment, control and personal contact in the interests of their own product.

Increasing efficiency and competence

An Australian publisher has a better idea how to sell a book to Australians than does a British publisher. As an author with separate arrangement in Australia, I am the beneficiary of this and so is the Australian reader, and by having the rights to the work so is the Australian publisher who has an incentive to prove their efficiency and capacity well beyond that of a branch office in which there is rarely an equivalent sense of ownership. All of the above is exactly the case in Canada and other territories where a local industry is measurably better in presenting a book than a foreign one. Only in cultures persecuted by a sense of cultural inferiority or those reliant upon dysfunctional publishing industries, could this be otherwise (unless that culture be trained by economists to expect less in the way of local content). Over the decades I have travelled extensively in the other English language markets to promote books and I have seen time and again the superior understanding of local media, cultural mores, travel obligation, promotional opportunities, and pricing regimes of publishers in their own markets. This is exactly why, as a matter of course, a British author

publishes in his own country with a British publisher. It is a matter of industrial and cultural logic. And he has the sanction of an unchallenged territorial copyright. He and his publisher can take it for granted.

Fostering competition in a global trade

In my experience, segmentation enhances productivity and competition. It provides equity to the freelance primary producer in an uncertain field of endeavour. From my base in Australia I have more control, and am better remunerated and more flexible in my arrangements - this is true - but I also have some satisfaction in knowing that I am helping to employ people in at least three more countries than would be the case if I settled for either a two-party deal or acceded to world rights, which is the surrender to a monopoly. I am helping to employ designers, editors, publicists, and printers with no loss of efficiency or profitability. By giving three, four or five separate publishers rights in their own territories I am enhancing competition amongst English-language operators.

Fostering a distinct culture in a global exchange

As a literary writer I am a part of a wider cultural project. I tell stories of my people in language that represents them to themselves and to the world beyond. The development of a distinct literary tradition has been a significant element in the growing cultural confidence of Australia. Despite enormous obstacles of distance, prejudice, post-colonial anxiety and economies of scale, this country has experienced a transformation in my own lifetime. The culture's graduation from an anxious provincial outpost to a distinct and vibrant entity has been hard-won by many generations. Australia is still a small to medium player in most fields. It faces monolithic cultural forces of homogeneity from much more powerful interests abroad. Australians value their own stories, their own accents, and regional community aspirations. I believe they expect good stewardship of the nation's cultural capital. Too many have made sacrifices to this end for it to be squandered. Surrendering the 30 day rule, a modest bulwark against larger global forces, risks endangering Australian publishing culture and threatens to return us to the days of the old colonial model.

The democratisation of books

Not having come from a background of financial or educational privilege, I have always been keenly aware of the barriers can be inadvertently set between books and readers. Obviously there is not room for a wider discussion of this here, but in simple terms the most basic barriers separating books and readers are availability, accessibility, presentation and price. In my experience pricing is the least influential of these.

For a long time the prevailing orthodoxy in Australia, as elsewhere, held that literary readerships in particular are fairly static and that only modest growth in such a

constituency could ever be hoped for. The literary readership was generally conceived of as middle class, tertiary educated and predominantly female, assumptions that seem by and large to be true but not fixed. I have always believed that literary culture repels many interested or curious readers without meaning to. Libraries, for instance, are an integral to making literary books available, but their efforts are hampered by chronic under-funding, and in this instance readers' hunger for books is not adequately met by any of three levels of government. Similarly, demand is not fully serviced in the commercial sphere either, but understanding ways of meeting that demand and lowering intangible social barriers to engagement is a difficult business. Bookshops are - or should be - evolving environments, works in progress.

A curious or interested newcomer to literary fiction faces barriers of physical positioning, presentation and accessibility in the bookshop. To anyone outside the literary readership, the placement and presentation of books can seem clubby, exclusive and intimidating. The deeper the uncertain consumer has to penetrate into the store, the more anxiety they experience. A book that can be easily and quickly seen and identified without assistance will aid this consumer. A more confident consumer will ask or even demand assistance, will order a book not in store, or browse deeper in the shop. The business of getting literary books to the front of the store, at the 'opening of the funnel' is a matter that many publishers and authors and many booksellers labour over.

The uncertain or curious reader will also be repelled by certain styles of graphic presentation. A design that makes a book seem inaccessible, that provokes social or intellectual anxiety in the consumer, is a significant barrier. Some covers, dump-bins or other point-of-sale elements will give the consumer pause. The same material that may excite an initiated literary reader can make another consumer feel flustered, suspicious, anxious or resentful when the book itself may appeal to them. Negotiating these social currents is a long-term interest of mine because of the peculiar position my own work has found in the trade and the broader culture.

In the late 80s I came to understand that there were more people interested in reading certain books than were purchasing them. Some of these readers were established buyers of mass market products who were stimulated by curiosity or regional interest or focussed publicity to seek out Australian literary novels. Anecdotally I discovered that some were discouraged by presentation or retail environments that felt foreign or unfriendly. Something about their encounter caused them to feel excluded. I also assumed this was an issue of pricing. To test this I published my 1994 novel *The Riders* in hardcover with a deliberate mass-market design. It sold very strongly, beyond the usual parameters of the literary novel that it was. In paperback it was published simultaneously in up-market literary format and in smaller, cheaper, mass-market format. Each format sold very well. The cheaper format found its way into shops that do not usually sell literary books. As a result I think the book found its way to a wider readership. No doubt some of this expansion could be put down to a cheaper edition, but from anecdotal evidence I gained the sense that the mass-market edition made certain consumers more comfortable. They bought it in retail venues or retail positions that did not intimidate them. They expanded the literary readership by buying an upmarket book in a downmarket format. Not unexpectedly, some literary readers were offended or puzzled by the existence of the mass-market format. It did

not conform to their conceptions of how a literary book should look. Interestingly, of the hundreds of thousands of readers who bought that book in paperback, most still chose to spend an extra two or three dollars to buy the upmarket edition.

With later books I have, after hardcover publication, seen my novels issued in successive forms of paperback, and I am constantly surprised by Australians' appetite for the C-format or trade paperback. Something about its dimensions seems to appeal to the Australian consumer. They are considerably more expensive than either A or B formats and yet they can often outsell smaller, cheaper editions with exactly the same cover design. I can understand the assumption that readers would logically choose in favour of cheaper products, but this simply has not been my experience.

I can think of no way to conduct a controlled experiment to test for all of the above. Each book arrives at a peculiar moment in the trade, in the economic cycle, in the author's career, and so on, and makes the experiment unrepeatable. But over many years I have come to understand that the overwhelming majority of book buyers in the literary end of the market make a purchase according to intangibles. A consumer has heard about a book, seen it advertised, found it, responded to it as a congenial object and for reasons hard to pin down, purchased it. The last and smallest consideration at the shelf or the till seems to have been price. The confounding fact is that lower prices across the board do not produce higher sales.

Some thoughts as reader and consumer

Although I make this submission in my capacity as a primary producer, aware that all my arguments may be dismissed on the grounds of self-interest, I want to point out that I have other reasons to be acutely sensitive to the price of books. As an industrial participant I am concerned about what is fair and sustainable. But in personal terms I want to be able to afford to buy books because the purchase and consumption of books is central to my non-working life. Put simply, I buy a hell of a lot of books. I'm certain that I buy more books than almost anybody I know, so the matter of fair pricing is not merely an industrial abstraction to me. Although I buy the majority from independent booksellers in Australia, I also regularly make large purchases from stores in America and Britain.

Only in the peculiar realm of second hand books have I ever had regular cause to think that I am paying an unfair price for a book in Australia. Where books can be purchased at non-trade terms and where no royalty is paid to an author on the second or third sale of a book, prices are often unconscionably high. Some non-specialist, non-antiquarian second hand booksellers in Australia have businesses far more profitable than any purveyors of new books could hope for. I suspect that these profits are gained at the expense of the customer and the author alike.

As a consumer in all three major English-speaking book markets I have occasionally felt that in each territory a book has been unrealistically priced and presented, but I have never gained the sense that any of these territories suffered prices that were systematically inflated, unrealistic or unfair. Given our geography and population, I do not believe that Australian books are sold at unfair prices. This was easier to assert before the damaging imposition of the GST. But even since, although I always wish

they were cheaper, I do not believe they are unfairly priced. The price of food is a similar cause of anxiety and food has never been subject to GST. By and large I think that the thoughtful book buyer, like the thoughtful food purchaser, knows that distance, geography and transport costs all contribute to price. And in the case of books the government imposes 10% as a means of tax collection. There is no conspiracy.

Like any other keen consumer, I am aware that there is no fixed or monolithic price to a book, but a range of prices. I know that a novel at \$45_{RRP} can be bought for \$40, \$34.95 or \$32.95, and if I really shop around (and spend the discount on petrol) I might even score it at \$29.95. By and large, the bookshop that offers the book at a higher price will offer me more knowledgeable customer service, a broader range of book products, an atmosphere that flatters my sense of myself, a superior ordering capacity, account provisions and so on. The store that sells it to me at a \$10-12 discount will generally offer none of these and may not even be a bookshop at all. The market as it currently stands offers me a range of price choices and consuming environments. I buy books in all of these situations and am able, like any other consumer, to make an informed choice.

It is not uncommon for an Australian traveller to buy a book in New York or London and get the sense that they have paid less than they would have at home. I have felt this on occasion myself but have afterwards realised that this is often an illusion born of an exotic locale, a relaxed situation, a sense of awe and a failure to peruse receipts. Foreign purchases regularly incur sales, state and goods and services taxes that the dreamy holidaying buyer fails to note at the till. This is even before the fluctuations of currency are accounted for. As pertains at home, a consumer might buy the same book in various parts of the same city for different prices. They may well read it at a restaurant nearby where the before-tax price of a steak can vary by as much as \$12 depending upon the establishment they wander into along a single street. Regardless of which steak house they choose they will probably spend more on meat than they would at home. This is before they are required to add a fee for service. If the reader-diner is a real stickler for price he may decide to flag it and order steaks from Amazon at a discount and pay the rest in freight. When he cooks it himself at home in Australia, he'll likely use natural gas, which although bountiful, remains bewilderingly expensive. If still troubled by all this comparative pricing, he may resort to the Big Mac Index, which will not clarify matters. At the risk of mangling metaphors, he has been comparing apples and oranges. Other people's apples and oranges from home.

As a passionate consumer of American books, I regularly choose to buy US editions in favour of UK-sourced imports or locally published versions. The current restrictions to parallel importation do not preclude me from doing so. I order these books through independent booksellers in Australia who are not prevented from supplying to me under current rules.

I am aware that some books can be purchased more cheaply online via outlets like Amazon, but transport and currency factors often render some savings illusory. Because of reported labour conditions in facilities that service Amazon in the US, conditions that mean it does not conform to my notions of fair trade, I choose to avoid it as a source of books.

Like anybody, I wish new books were cheaper. But I don't see how abolishing the 30 day rule will make books cheaper across the board. I don't understand the logic by which these purported savings would be sustainable.

The benefits of the 30-day rule

The current recognition of territorial copyright and its modest provisions to help sustain local publishing via the 30-day rule must be deemed a success. The period since 1991 has been one of growing success and consolidation for the Australian publishing industry. Australian writers have a visibility and a reputation in the world that distinguishes the period from any that preceded it. During this time the notion of Australia as a distinct source of writing and a discrete English-speaking territory has been articulated and made concrete. Australian agents represent authors at international trade fairs at Frankfurt, Bologna, and London as a matter of course. The trade of rights, domestically and internationally, is now complex and substantial. It has made the role of the literary agent pivotal.

One result of this has been to even up the playing field so that the author is no longer the infant at home or the provincial abroad. I cannot adequately stress the importance of this change. It has freed producers from the top-down business culture of previous generations. In simple terms it has been the equivalent of going to trial without having to represent yourself. You might not always win with a lawyer, but you know you're doomed without one, and this was largely the situation until the 1990s. With exceptions and some setbacks notwithstanding, agents and authors and publishers from this country have slowly educated their colleagues in London and New York to consider Australia as a legitimate market. As a result, a larger number of Australian authors are able to publish successfully at home and abroad and the option of expatriation is more a matter of choice than it was a generation ago when many writers felt that there was no alternative.

I have lived through considerable changes in Australian publishing. My unusual success seems to have coincided with the advent of the 30-day rule. It is still rare for an Australian literary writer to make their living exclusively from their own pen, but it was considerably rarer before 1991. In specific terms I am unable to attribute one to the other. But I am in no doubt that the general conditions wrought by the 30-day rule and territorial copyright make it easier for me to work and publish in Australia. Compared to the late 70s and early 80s there is an atmosphere of confidence, anticipation and curiosity in Australia that benefit a writer's prospects. Considering the size of the population and the distances between cities, there is substance to publishing where once there was largely brash aspiration. There is a robust market for home-grown books, a passionate readership that outstrips the UK on a per capita basis. There is an independent bookselling culture that also exceeds that of the UK and US. Australian books are studied in schools as never before. Festivals and book clubs have developed quite rapidly to service this growth. Whereas the local film industry seems to have faltered in recent years, staggering from one tax-driven policy innovation to the next without tangible benefit, the past decade and a half has been comparatively stable for books, with steady growth and loyal readership.

Revoking the 30-day rule

The book business faces considerable challenges with the advent of new technologies. It must find ways of adapting to changes in the way people read and buy books and in this regard it already faces many uncertainties. But the fact is that under the current regime it is doing well. The status quo seems to have provided the stability and the conditions for many good years and a lot of good work. Revoking the 30-day rule under these conditions would be unhelpful at best. Given the successes of the industry and the glaring lack of any public outcry over pricing, which appears to be the sole concern driving this inquiry, a change of policy would be imprudent.

Without the 30-day rule writers face the prospect of competing in a completely asymmetrical market, one that is profoundly unfair and completely unnecessary. Our colleagues and competitors in the US and UK enjoy closed markets. There is no prospect of those territories being opened in a reciprocal manner. Revoking the 30-day rule would leave Australian writers and publishers at the mercy of much larger, more powerful protected markets.

At best it would mean that it would no longer be possible for Australian writers such as myself or Peter Carey, et al, to publish simultaneously at home and abroad. We would be returned to the days when our books appeared elsewhere many months after they were published in Australia. This is because we'd need to shield our domestic publishers from dumping by a form of enforced staggered release. This fruit of progress would effectively consign us to the old inertia we endured and struggled against for so long. In short we'd be publishing books that were already 'old'. We'd be forced back into the old provincialism. Scheduling of publication dates in all regions and markets is already quite an involved and arduous process. Revoking the rule will add to it without the slightest hope of any beneficial outcome.

Some foreign publishers will not agree to terms that include a much later publication. Many will revert to old colonial habits and pressure the writer to dispense with ANZ rights altogether. Once again the writer is forced back onto the galling colonial choices of yesteryear: take a miserly export royalty or publish only in Australia. Or roll the dice and hope that an unfettered foreign publisher won't dump cheap royalty-free books into your domestic market upon local publication. For those of us with productive backlists in constant reprint, this does not only apply to new books. A foreign publisher caught short or a little impatient could stop a backlist in its tracks with a consignment of surplus stock from a warehouse abroad.

All of this will bring about a contraction in the Australian industry, a loss of confidence and a great bitterness. The hard, brave work of many will have been squandered. The erosion of ANZ rights will return Australian publishing to the colonial branch office mentality we fought against for so long. The incentives for Australian publishers to extend themselves beyond small, quick, easy projects will be gone. Australian writers will be 'made' - that is, nurtured, edited, groomed, developed and published overseas and then *presented* to Australians from abroad. This is the corrosive cycle that perpetuates the petty resentment and provincial brittleness that we once described as 'the cultural cringe'. The opportunities and incentives for Australia

to produce its own culture on its own terms, to present creative products to the world and generate international sales and reputations, will shrink drastically. The dynamic and lucrative trade in rights will wither.

A contraction in Australian publishing will lead to job losses at every level of publishing. The sector's ability to train and build capacity will fall away as buoyancy evaporates. Agents will no longer generate enough income from rights to persist. They will make way for a return of patrician relations between publisher and author. The independent booksellers who offer strongest support to local product will fade as a force. Australian readers (consumers) will have fewer local shopping options and their choices of local product will diminish. They will enjoy the choice of more and perhaps cheaper American books. Australian writers, the most disadvantaged participants in the industry, will suffer the most. Those struggling now will no longer be published or paid. Those currently getting by will be scrambling to survive on royalties that barely compete with welfare payments.

I am unable to see how any this would lower the price of Australian books. It may mean that American and English books can be imported more cheaply. I suspect that the occasional buyer of books might deem this a success, not to mention the English and American publishers to whom it presents an easy gain, but I doubt that the loyal leagues of consistent and regular book buyers who currently sustain the industry would think that the change amounted to anything more than cultural and commercial vandalism. Even the most hardened Australian consumer advocate will recoil at the prospect of wrecking a buoyant industry for the sake of a dollar or two off the cover price. Australians' love of a bargain is still counterbalanced by their sense of fair play.

The past century has shown, though, that it's not unknown for a government to destroy something that works well and brings benefits - both commercial and cultural - to the nation. But such governments act out of cynicism or hubris, usually in thrall to chilly abstractions and ideologies that override all human values. I can only hope that an Australian government would not change policy knowing that the only real beneficiaries to its innovation were foreign corporations. For this is the only outcome I can envisage: a shrinking domestic industry and an influx of cheap foreign books. Such a situation is not ideal for a nation with aspirations of cultural and political independence. Having outgrown, at great cost, one form of colonialism, it would be disgraceful indeed to foster the slide into a new provincial servitude.

The notion that the effects of revoking the 30-day rule might somehow be offset by direct subsidy is desperately unrealistic. The Australia Council has only ever been able to offer infrequent support to a minority of Australian writers. The number of writers likely to be materially worse off as a result of any revocation would far outstrip the capacity of government bodies to provide equivalent funds. It would also outstrip the public's indulgence of the kind of resources required to subsidise everyone affected. People like myself appreciate the support of government, but like anybody else we prefer to make our living by getting fair recompense for our labour in a marketplace that's productive, fair and sustainable. I am proud to have enjoyed patronage of the taxpayer in my early years, but I'm prouder when I realise how many times I have repaid that support in tax revenue over the years. I'm sure I'm not the

only Australian writer bristling at the prospect of being infantilised by a policy of direct subsidy.

Cheaper at what price?

Everyone wishes things could be cheaper. Houses, power, education, transport. Books are no different. They could of course be made cheaper if factors of culture, human rights and environmental concerns are subordinated to price. If labour costs are brought down, books will be cheaper - as long as consumers are untroubled by the human rights and employment conditions of workers at every level of the industry becoming dispensable. If the consumer's needs outstrip those of the natural world, books could be made cheaper by ramping up the production of paper and thinning out a few forests. When government solves the pricing of fuel and transport costs plunge, books will no doubt be cheaper.

If Australian books could be made cheaper without ruining an industry and curtailing the expansion of a book-buying culture, publishers and booksellers would have done it to achieve a competitive advantage. I think most Australian book buyers understand this. Writers live in an uneasy relationship with the publishing world that fluctuates from class war to ginger alliance. Historically it is not a cosy arrangement; there are constant points of contention between us. This has been and continues to be my experience. But like most readers I don't believe that publishers and booksellers are conspiring to rip consumers off. I see no evidence of cartels in the industry.

To my knowledge there has been no public outcry over book pricing. The current inquiry does not seem to have arrived on a wave of public concern, although I have no doubt that it may well generate one.

Of the several thousand book buyers I met in the past twelve months - those who spoke or wrote to me - not one complained about book prices. Of all the public discussions that I was a party to in town halls, schools, libraries, radio and television studios, not once did the subject arise. I can only suspect that unless they are fools duped by a conniving publishing industry and its over-rewarded writers, Australian book buyers had more pressing issues on their minds.

Supporting success

Australian publishing has its hands full. But despite pressures of geography, colonial history, transport and the challenges of new technologies, it seems to be holding its own. It is a massive improvement on the industry I entered nearly thirty years ago. The current provisions seem to work to sustain this situation. Indeed they have contributed to Australia's emergence as a distinct and lively market, a source of product respected worldwide. In short, it works. Five previous inquiries have found this to be so. It may be a failure of imagination on my part, but I cannot see what has changed in any fundamental way and why, after such hard-won successes, a government would decide to add fresh layers of uncertainty and hardship to a fragile and complex enterprise. The purported benefits of revoking the current compromise,

by contrast, seem speculative and abstract. To revoke the 30-day rule on the basis of such sketchy evidence would be imprudent and destructive.