

The Commissioners,
Parallel Importation of Books Study
Productivity Commission
GPO BOX 1428
CANBERRA CITY ACT 2601
By Email: books@pc.gov.au

January 20, 2008

Dear Commissioners,

I am an Australian author, six novels to date, whose work has been published in six overseas markets including the UK and the US. This is the basis of my modest income. The current Parallel Importation legislation allows me to write with a degree of confidence that I will be able to sell or assign my intellectual property in the international marketplace, thereby earning a living - in part through foreign currency earnings.

The changes mooted in this study by the Productivity Commission will, if applied, effectively abolish my property rights.

They will expose all Australian authors who aspire to reach a global readership to a potentially ruinous regime which no other country applies to its writers. The arguments advanced to support these changes are tendentious at best, and can be reasonably described as either based on an unverifiable economic model or constituting a self-serving attempt on the part of a sectional interest increase its profit margins at the expense of the rest of the industry.

Since compelling arguments for the retention of the present system from the point of view of writers are provided in the submission of the Australian Society of Authors (of which I am a member), and the negative impact of the proposed changes on Australian publishing is detailed in the submission by the Text Publishing Company (who publish my books), I will limit my submission to endorsing those submissions and making the following three points.

1. Last week I found the brand-new American and British editions of some of my books were being offered for sale in a bookstore at \$24.99 each. The bookstore owner had obviously sourced them from overseas and successfully imported them contrary to the current legislation. My share of that price is zero. Nada. Zilch. Two years work in the making, each one of them, and I get

nothing for my effort. The bookseller reaps the profit based on a substantial mark-up.

I realise that this situation is not allowed under the current rules and my publisher is taking steps to investigate it. But imagine what it would be like to be an Australian author finding this happening every day in every bookstore in the country. There would be very little incentive to continue to write - especially if you hoped to reach an international readership. This is what will happen if the current rule is abolished.

2. Given that the proposed changes would reduce Australian writers to hobbyists, the Productivity Commission Issues Paper raises the issue of government literary funding as an alternative income source.

Along with the great majority of writers, I see the marketplace as the ultimate arbiter of success. I do not wish to be reduced to a mendicant by ill-conceived public policy. Even if Australian writers are reduced to begging for our living, some will do better than others since the terms of reference of funding bodies and the sums they distribute vary from state to state. The whole idea is just too silly for words.

3. My books depict Australian setting and characters. Australian idioms often appear, in the writing itself and in dialogue. My American publishers required changes to this language to remove expressions, terms and products not familiar to US readers. American editions dumped back into the Australian market will not only potentially undermine the competitiveness of my Australian editions, they will present my work to local readers in a bowdlerised form, diminishing my literary style and creating a misleading impression of the quality of my work among Australian readers.

Yours sincerely

Shane Maloney