

From Sophie Masson, author

I have read the Productivity Commission's Discussion Draft and am pleased that the importance of territorial copyright to the self-sustaining health and viability of our literary culture and publishing industry has been recognised, but disappointed that this recognition did not make the Commission draw the obvious conclusion: why change a system which is working perfectly well? The Discussion Draft does not indicate that changing the system would actually achieve the stated aim of such a course of action, ie, making books cheaper, so it puzzles me that the recommendation should still be that after only 12 months after publication, territorial copyright should end and parallel importation be allowed. This is not only highly undesirable for authors and publishers but complicates and convolutes the system for no apparent gain to booksellers and consumers.

As I pointed out in my first submission, it is very important that Australian writers be published primarily by Australian publishers, or at least have the opportunity to do so. But as well, to be able to build strong local lists and take risks on new local authors, publishers need to be able to publish big overseas titles directly here, rather than being undercut by booksellers importing cheap, remaindered or dumped editions of these books from overseas. The uncertainty that would follow on the relaxing or abolishing of territorial copyright would mean that publishers could not rely on these titles to support some of the rest of their publishing programme. The result would be a tightening of local lists, of taking on less new authors, and so on. The returns on strong-selling overseas titles like for example the Twilight series, or the Harry Potter series, which keep going through reprint after reprint locally (many well after 12 months after first publication date) enable publishers such as Allen and Unwin, for instance (in the case of Harry Potter) to invest more in Australian authors and Australian works. Allowing parallel importation after 12 months would mean a reduced viability for publishers and thus in a knock-on effect a reduced viability for Australian writers, which in turn leads to a reduced viability for our literary culture.

I believe that despite certain indications to the contrary in the Discussion Draft, it is vitally important to look at overseas examples when considering our own system. Changing the system in New Zealand has not made books cheaper by any means and has resulted in a reduced viability of the local publishing and literary industry, as well as a contraction of the range of booksellers. Books are sometimes cheaper in the US and UK than here not because they have abolished territorial copyright—they have not, and fully protect their creators' right to it—but because there are other factors at play, such as a lack of GST on books. And given, as indicated in the Draft, that Australians are great readers, outstripping many other countries (as indicated in other surveys I've seen) it does not seem to me that the price of books is stopping people from either buying or reading books. The Books Alive campaign research indicates that it is not price but difficulty in making a decision (because of not knowing particular writers, books, etc) or feeling overwhelmed by choice (and needing guidance) which are the strongest factors in making people hesitate over buying

books. A flood of cheap foreign-sourced books is not exactly going to solve those sorts of problems, only, it would seem, add to them while creating a rod for the backs of Australian writers and publishers, and in time, booksellers themselves.

Do we really want to go back to a colonial past, when Australian authors had to go to London or New York to get published because the local publishing scene was so small and starved of funds? I certainly don't, and I am certain that no Australian writer or reader who puts their mind to the matter would either. At stake is the very richness and diversity of our literary culture, and the success story that is Australian publishing.

Yours sincerely,
Sophie Masson
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