

SUBMISSION BY JOHN FLANAGAN.

My principal objection to the proposed changes in the copyright law has been based on the potential impact on the development and publication of works by new Australian authors.

Australian publishers, if they are to invest in publishing new local authors, must be able to do so with the assurance that they will have a realistic time frame in which to recoup their considerable investment in editing, publishing, distributing, publicising and promoting that work. Note the word “realistic”.

No sensible business person would commit to such costs without this assurance.

The proposed change, that local publishers be given a 12 month period of grace, does nothing to address this problem. It's a poor compromise which, at first sight, seems to address the concerns of all parties but in fact, accomplishes nothing.

Its naiveté, in terms of the reality of publicity and promotion is breathtaking. Given a new Australian author and a new book, and coupled with the relatively small promotional budgets available to such works, it could take at least 12 months to generate the level of interest and awareness necessary to make the book attractive to the general public, at which point, meaningful sales will begin to accrue.

In the case of my own series, the period was closer to 18 months.

In other words, this proposed 12 month grace period will permit local publishers to commit to the expense of producing the book and creating a level of public interest in it, only to allow potential importers to reap the benefits of that investment at the time when the book reaches its peak market appeal.

How could any responsible company accept such a situation?

If we are to change the current laws – and I still query whether there is any good reason for doing so – then let's do so in a way that gives practical assistance to our local publishers and authors. Give publishers a realistic period in which to reap the benefit of their initial investment. A three or four year period might seem to be appropriate.

Perhaps there's a case of a multi-tiered approach, wherein works by new local authors are given an extended period of protection, while work by established, successful authors, both local and overseas, are given a shorter period of grace. Four years for new local authors and 18 months to 2 years for established authors would seem to be reasonable periods. The currently proposed 12 month period is worse than meaningless.

If there must be compromise, then let it at least be a sensible compromise, that addresses the realities of the market place.

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