

Submission to Productivity Commission's Draft Report on Copyright Restrictions on the Parallel Importation of Books

I am writing as a children's author, poet, teacher, parent, and avid purchaser of books of all descriptions to express my concern over the proposed changes to the Copyright Act with regard to the parallel importation of books.

As the draft report suggests, it is difficult to assess the potential impact of such changes. It is repeatedly acknowledged in the report that up-to-date data on the books market is either unavailable or insufficient for the purposes of a meaningful assessment and that in any case the particular nature of this market makes such assessments problematic by definition. It is clear that in response to this, the Productivity Commission is attempting to rather cautiously 'test the waters' by: i) allowing parallel importation to take place twelve months after first publication in Australia, and; ii) undertaking to review 'the new arrangements' after five years.

With regard to the first of these strategies, it is not clear whether the Commission is simply unaware of the realities of book publishing in this country or whether they have in fact chosen to ignore them. The sales cycle of books for children and teenagers in particular has longevity far beyond the initial twelve-month period, with many titles continuing to sell well several years after publication. In some cases, due in part to the timing of awards and shortlist announcements, as well as the publication of state-based literacy and reading program booklists, a book's most significant sales may actually occur in the second year following publication. My own first novel, published in June 2007, was shortlisted for two awards, both of which were announced in late 2008. Under the proposed changes, authors such as myself, along with our Australian publishers, would be denied the significant pecuniary benefits that flow from these forms of recognition.

The potential knock-on effects of such a situation are clear. If a book is given only twelve months in which to earn back the investment made by Australian publishers, particularly in the context of an industry in which sales are often significantly bolstered in the second and third year post-publication, publishers will be understandably reluctant to invest in new and unproven, so-called 'emerging' writers, along with those whose work may be seen as controversial or challenging in the current marketplace. Such economic conservatism in turn breeds creative conservatism and results in a literary environment which discourages innovation and creative risk-taking, two of the very features which have brought many Australian writers – Markus Zusak, Shaun Tan and Margo Lanagan, to name just a few – to the attention of overseas publishers in recent years.

Secondly, by the time the Commission 'reviews' the situation in five years, the damage will have been done. Let's assume, purely for the sake of argument that books do become cheaper, but ask ourselves also, *what sort of books* and *at what cost*? The first question is best answered by those writers who have had their books 'adapted' to meet the perceived needs of overseas markets. What will be returned to our local reading market are books which are often stripped of their cultural specificity, of the touchstones which make the reading experience so rewarding for Australian readers. It is vitally important that our young readers in particular are able to find themselves and the landscape – physical, cultural, and social – they inhabit, reflected in the literature available to them. As a parent and a reader, as well as a writer, I would argue that this is the way to generate lifelong readers, not by deflating the

price of homogenized books. It is a gross underestimation of readers, teachers, and parents to suggest that price is the key driver of sales.

The cost of these perhaps-cheaper books is the discouragement of innovation, the stifling of new, vibrant, groundbreaking writers, the erosion of the livelihood of existing writers and local publishers and the homogenization of the local books market – all of this based on a desire for cheaper books and a largely unsubstantiated hypothesis that changing the Copyright Act will achieve this goal. Among writers and publishers, all of whom are avid readers and advocates for books, you will not find a single person who does not wish to make books more accessible to readers. We work every day to make this happen – at our solitary desks, in schools, with community groups, with educators and parents and anyone who will listen; please work with us, rather than putting in place misguided and under-researched strategies which will erode our livelihood and homogenize the literature available to our readers.

Finally, a note on the curious mention of ‘psychic income’ in section 2.1 of the draft report and the suggestion that ‘the joy of self-expression’ should somehow mitigate our economic bottom line. Like most writers, I have worked in a range of different sectors – among them academia, tourism and sports coaching – and I can assure you that I have been able to derive a degree of personal satisfaction and self-expression from all these roles; I have no doubt that those who put together this draft report for the Productivity Commission might say the same of their own work. The suggestion that this should have bearing on the income any of us derives from our employment, however, is ludicrous, and has no place in a report which purports to make informed, rational recommendations for the future of an industry. I find myself wondering if the struggles I am currently having with my work-in-progress might somehow be translated into a tax deduction at the end of the financial year? I doubt the ATO would have much patience with such claims. Until such time as ‘psychic income’ can be exchanged for life-sustaining goods and services, this argument is simply a nonsense. In any case, it is worth noting that the possibilities for joyful self-expression will be significantly eroded by the increasingly conservative publishing climate the implementation of these changes will inevitably bring about.

I urge the Commission to reconsider its recommendations in their current form. If the data is, as the report states, insufficient, making future projections problematic and leading the Commission itself to urge the ABS to undertake an updated survey of the industry, then conduct these investigations before making changes which will fundamentally and irrevocably alter the landscape of writing and publishing in Australia.

Sincerely,

Dr Megan McKinlay