

Submission to the Commission into Parallel Intellectual Property Arrangements

By Josephine Moon, bestselling Australian author, published by Allen & Unwin
Australia.

To the Commission:

I am distressed.

Right now I feel like never writing another book. And I'll try to explain why as simply as I can, trying to untangle the messy political drama that is about to change the entire Australian publishing industry and how it affects me personally.

The government has proposed and recommended that Australia does two things:

- 1 Introduce parallel importation**
- 2 Drastically reduce copyright protection to just 15 years.**

How does parallel importation affect me and you?

- **The first point I want to make sure you know is that our contemporaries, the USA and the UK do not have parallel importation. We would be going against them. (Which doesn't make sense, right?)**
- **The next point I want to make is that New Zealand lifted their parallel importation laws and rather than seeing cheaper books their book prices have risen to approximately \$37 a book.**

When I was offered my first publishing deal (after a long battle of 12 years to crack into my dream career), I was lucky enough to have three publishers offer to buy **The Tea Chest**. The two biggest offers came from **Allen & Unwin** and from Penguin (now Penguin Random House). This was a painful decision. Who in their right mind wouldn't want to be with either of these stellar publishing houses? In the end, I chose Allen & Unwin, in part because it is Australia's largest wholly Australian owned publishing house, and because I was a total newbie to the scene and I had seen the merger of Penguin and Random House in Canada not long before, and I wasn't sure what would happen if the same thing happened in Australia. As it turns out, my very choice to choose Australian owned may come to hurt me after all.

Parallel importation of books is exceptionally complicated, but let me give you one example of how this might affect my publisher. Books are published by 'territories'. Australia/New Zealand is one; the UK/Ireland is another; and the USA is another. What this means is that books sell into those territories, giving publishers the chance to make their money in their own territory, without having to compete with the whole world. It also means that they can acquire the rights to publish books from other territories. So

Allen & Unwin, for example, has the rights to publish Harry Potter here in Australia. As you can imagine, that gives the company good cashflow. That cashflow and security is exactly what they use to reinvest in their Australian authors, and gives them the change to invest in (and take a financial chance on) new and emerging authors here in this country. With that guaranteed cashflow taken away? Well, let's say that if I was an aspiring career author I would be losing a lot of hope of being published at all.

For me? I am lucky that I have a foot in the door, a good sales record and publishing track record. Still, my publisher is wholly Australian owned. It doesn't have the backing of the multi-billion dollar publishing houses that are internationally owned to help it through the choppy waters of parallel importation.

- **Cheaper book prices for you? Not if New Zealand is any example to go by.**
- **The market flooded with cheaper overseas books at the exclusion of our more costly Australian-written books? Highly likely.**
- **A destruction of Australian literature? Highly likely.**

How do changes to copyright affect me?

Right now, copyright laws in Australia are in alignment with the UK and USA, giving authors full rights over their work for the term of their life plus 50 years, which ensures that any royalties owing to their estate will go to the next generation.

The government has proposed and recommended reducing copyright laws to just 15 years, giving us the lowest copyright protection in the world.

The government claims that a book's commercial life rarely extends past 5 years. They also claim that most authors aren't motivated to write by making money, and those that do make money earn such an insubstantial amount that protecting their commercial rights is ridiculous.

Firstly, I can name dozens of Australian authors who are making good money from their writing—enough money to support themselves as a full time job, myself included. (And, dear government, we're paying a lot of tax to you too.)

Secondly, even if we take that as a valid point (which it isn't, just to be clear), what about our rights in intellectual property? What about our right as an artist to have ownership over the piece of art we created (generally spending years at a time to create)? What about our right to have our name attributed to our work 15 years after it was made? What about my right to NOT have to stand by and watch someone take The Tea Chest and reprint it as their own work, make money from it AND put their own name to it? What about my son's right NOT to have to watch the same? Or to read his mother's book at school with someone else's name on it? How in any way, shape or form is this logical, ethical or fair?

What about my right not to have my heart broken by this insane treachery?

Does this all sound far fetched? It's not. Do I sound panicked? I am.

So, yeah. This makes me not want to write anything again. Because I would far rather quit writing than to see my work end up in anyone's hands to be done with as they please and have to sit by and watch helplessly while it's torn apart.

Or perhaps, I should leave this beautiful country I call home to reside somewhere else that will give me intellectual property rights. And maybe all of our artists and thinkers will do the same, **leaving Australia duller and with a shrinking identity because its voices have been stolen.**

Please, Australia. Don't let this happen.