

## **A submission to the Productivity Commission 2016**

It is with some dismay that I find myself once more making a submission to this Commission on the matter of the publishing industry.

In 2009 I made a fulsome submission on this matter and in the intervening years the conditions that prevail in the book industry have not altered in any manner sufficient to warrant changes to parallel importation arrangements and territorial copyright.

In 2009 the most prominent arguments for changes to PIR and TC were about the pricing of books. In the intervening years Australian book prices have been significantly and consistently lower, so this is no longer a factor.

The 2016 Commission's draft recommendations about the reduction of the term of copyright display a lack of understanding of international copyright law. A draft recommendation so wishful and unfounded can only erode confidence in the Commission's understanding of the industry it seeks to terminally reconfigure.

I have been doing business in the English-language markets outside Australia for more than 30 years. No reader, writer or publisher in those markets faces such a threat as what the Productivity Commission is currently proposing. There is little prospect they are ever likely to. Neither the US nor the United Kingdom are strangers to the cult of supply-side economics. And yet, there is no impulse for cultural or industrial self-destruction in those markets equivalent to what the PC is displaying in its language and recommendations. In its draft report the PC has not even come close to making a case for why Australia should unilaterally surrender the territorial copyright that every other English-language market upholds and respects. Why Australia should be the sacrificial outlier remains a mystery as yet unrevealed by the Commission as its officers.

That Commissioners should declare that the arrangements of other markets are of no interest to them is merely to admit that the interests of Australian creative producers are immaterial to this Commission. But the point is clearly made and well-taken. From the outset the tenor of this report is unrelievedly hostile to creative producers and copyright holders. Having managed against considerable odds to make a living as a creative writer in this country I find it quite an affront to be told that 'copyright arrangements are weighted too heavily in favour of copyright owners'.

As to the PC's continued recommendation that PIRs be repealed there is obviously no point in making an argument to the contrary – the tenor of the report makes this clear. In declaring that 'there is no new evidence that changes the case for removing remaining restrictions on parallel imports of books' the Commissioners are merely making plain the fact that there is no evidence that could be put before the PC that the Commissioners are likely to recognise as evidence. This seems to suggest that the PC is governed by a belief system as much as an evidentiary process.

In its ideological hope for the dismantling of copyright and its determination to remove PIRs, the Productivity Commission is recommending that Australian creators should have their businesses fundamentally undermined. The suggestion that this act of vandalism might be realistically offset by prizes and some grants by the Australia Council is contemptible. Australian writing does not need tokenistic

'encouragement'. It needs to be left alone to flourish in the conditions that have produced its success. It doesn't need to be punished for having survived. It certainly does not require punitive action by ideological straiteners.

As an Australian primary producer I am in no doubt that the draft recommendations mooted by the Commission are hostile to my interests and brutally punitive to writers more vulnerable than myself. Further, there is no question in my mind that such recommendations are hostile to Australian culture. The PC's suggested 'reforms' are retrograde, unnecessary and self-destructive. As a lifetime consumer of books I can only scratch my head in wonder that an agency of government should entertain such an attack upon the intellectual and artistic life of this country.

I respectfully and wearily refer you to my submission of 2009, attached. I understand that neither this letter nor my previous submission may be treated as persuasive evidence, given the linguistic and ideological barriers separating us, but perhaps they will be of some historical interest to future scholars should your calamitous recommendations be adopted by Government.

**Tim Winton**