

**Irvine, Jill**

---

**From:** Lyn Tranter  
**Sent:** Friday, 16 January 2009 3:23 PM  
**To:** Books (Ex email)  
**Subject:** Productivity Commission

TO WHOM IT MAY CONCERN

In 1990 I joined the agency, AUSTRALIAN LITERARY MANAGEMENT and am now the Director of the Agency. If you require any further details please go to my website at [www.austlit.com](http://www.austlit.com)

I am deeply concerned that dropping the Parallel Importation of Books Rule would mean that Australia would be an open market. The United Kingdom and the United States do not have an open market and the reason for this is that they know it would harm their industry. So why should Australia be even considering it?

In an effort to explain to the Commission why I believe this would be harmful to authors and to the industry, I propose to give an example of one of my authors, Jennifer Fallon. I will set out how it presently works for her in the current climate and then what the effects would be if we became an open market.

I began representing Jenny Fallon in 2000. In the past eight years she has published 12 novels. She is a highly successful fantasy author published here by Harper Collins Australia. To date her sales exceed 125,000 copies in this territory alone. In my contracts for her titles I have in the vast majority of cases granted Harper Collins the territory of Australia/New Zealand and in conjunction with sub-agents in the U.K. and the U.S., have sold her in those territories as well as in translation.

In the U.K. she is published by Orbit Books, a division of Hachette Livre, the largest publishing house in the U.K. In the U.S. all her titles have been published by Tor Books, a division of Random House, again one of the largest publishing houses in the U.S.

I believe there is an assumption by those outside the industry that if you sell a book to an Australian multinational company that the parent company, either in the U.K. or the U.S. will take up those authors books. This is most definitely not the case. Harper Collins in the U.K. and the U.S. have had ample opportunity to offer on Jenny Fallon's books and have not done so.

So we have a situation whereby Jenny earns a royalty of around 10% of the r.r.p. (recommended retail price) of a book for the Aust/NZ territory and a royalty of approximately 8% of the r.r.p. in the U.K. and the U.S. This provides her with a steady income from her writing. As I earn 12.5% commission on all her income it also provides the agency with a steady inflow of cash.

I believe this is an ideal situation. Her books get published here for the Aust/NZ market with suitable covers that appeal to readers in this genre; published in the U.K. again in a format to suit their readership and likewise in the U.S.

But what would happen if we were faced with this territory being an open market.

This I believe is what would occur:

Jenny will be providing me with an outline for her next trilogy around the middle of 2009. I will approach Harper Collins as we have an excellent relationship and offer them Aust/NZ rights. However if this territory has become an open market I believe Harper Collins would ask for world rights. And I would not blame them. Because if they didn't get them they know that I would proceed to sell this new series to Tor in the U.S. or Orbit in the U.K. and if those publishers over printed, or if they decided the books were not working as successfully as they hoped, they would remainder copies and dump the books in this market and be legally able to do so. As the law now stands they are not able to and if they did could be prosecuted.

What would the result of this be? Put quite simply, Jenny would earn no income

from any of the dumped books here; my agency would earn no income; and Harper Collins would earn no income as these books would be in direct competition with the Australian edition as they would be much cheaper than the Australian edition.

And what if I did grant Harper Collins world rights? Naturally they would approach their parent company in the U.K. and the U.S. If those companies decided not to publish her work, as they have in the past, would Harper Collins then approach other rival publishers? I don't believe so. And the reason for this is they would not be able to enforce those companies not to dump any books in this territory.

I have heard discussions that a contract could be designed that would prevent this happening. I don't believe this would occur. I have never processed a contract in which there has not been a clause that covers the remaindering of a book and cannot foresee any publisher agreeing to this unless the author was a high profile international best seller.

In conclusion I would like to say that Australia has a wonderfully diverse publishing industry. To place this entire industry in jeopardy all for the sake of providing some chapter books being dumped into our territory would be a tragedy. We must protect our culture; be able to tell our stories for ourselves, our children and our children's children.

Thanking you for the opportunity to express my opinion on this issue.

Yours sincerely,  
Lyn Tranter

--

Cheers,  
Lyn

<mailto:lyn@austrlit.com>