15 April 2009

Dear Productivity Commission,

12 month limit on Territorial Copyright (Parallel Importation)

Attached please find an article, published 29 March 2009 in the Sun-Herald (Sydney) explaining my opposition to any change to Australia’s important and successful copyright provisions as currently enshrined in law.

Please protect the income of Australian writers, and the future of Australian writing by opposing any time limit on territorial copyright.

Sincerely yours,

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Parallel Imports and Copy Wrongs

29 Mar 2009

Australian publishing is a success story. In contrast to the uneven product of the heavily subsidized film industry, publishing continues to go from strength to strength. Around 45% of general audience books sold in Australia have been published here, and 40% of the top 5000 trade books have Australian authors. Not bad for an island at what Former PM Paul Keating reportedly described as the universe’s arse-end.

So why is the Rudd Government poking sticks at a winning game? Why has it asked the ideologically purist Productivity Commission to consider the parallel importation issue again?

The debate about parallel imports may seem confused and arcane, but it's one that affects us all.

Do you read? Watch films, many of which are adapted from books? Proposed changes to copyright law will mean fewer Australian writers with less time to write. This means fewer books, and so less jobs in the publishing industry, with all with predictable downstream effects on Australian printers and independent book sellers.

The Productivity Commission wants the Government to reduce the protection Australian authors currently have from parallel imports. If they are successful, one year out from the publication of the Australian edition of their book, authors would find foreign copies being flogged by "would-you-like-a-book-with-that" retail chains like Dymocks and K Mart at prices that will earn them little or nothing at all. They would find themselves alone among their US and UK counterparts in being made subject to such let-the-market rip forces.

This is why Australian writers wrote to the Commission to plead for retention of the current law. Most authors earn peanuts. The average writer's income is $11,000, and practically no one makes enough to live off their work. No wonder the Commission's proposed changes are scaring writers to death. Said one, who estimates that changes to the law will reduce her Australian-made income by two-thirds: "The money I make from...copyright to my work is my livelihood; the way I pay my mortgage and eat. Proposing changes to copyright laws are, to me, the equivalent to discussing redundancy for an employee...I have attempted to keep alarm and fear from my tone when writing this submission. It wasn't easy."

The counter argument, that changes to the law will benefit consumers, isn't backed by facts. In fact, a comparison provided to the Commission by a conglomerate of 180 independent booksellers, found Australian books were actually cheaper than editions sold in the US and UK. Of course, a convulsion in
exchange rates could alter that, but is anyone seriously suggesting we hang such critical cultural policy on prevailing rates of exchange?

Even the Commission doesn't claim that the current law makes Australian books dearer. Only that, in what it admits is a largely data-free zone, that it has the potential to do so.

So what gives? This is the 6th inquiry into parallel importation in just over twenty years. Why keep pushing to change a legal framework that was updated in 1991, and nearly all stakeholders agree is working well?

Independent publisher Henry Reynolds reckons it's ideology at work. That despite the success of Australia's parallel importation laws, they remain a pebble in the shoe of economic rationalists. And that former NSW Premier Bob Carr sits on the Dymocks board, and has been agitating for change for years.

Change for the better, or to toe an ideological line? Free trade for Australian authors alone, or fair trade for all? Let's hope for good sense when the Rudd government comes to decide.

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