



Australian Society of **Authors**

The Hon Robert McClelland
Attorney-General
Robert Garran Offices
National Circuit
BARTON ACT 2600

5 August, 2008

Dear Attorney-General

**Re: Terms of Reference for Productivity Commission and Parallel Importation
of Books**

I write in my capacity as the Executive Director of the Australian Society of Authors (ASA).

The ASA is the peak professional association for Australia's literary creators. The ASA was formed in 1963 to promote and protect the rights of Australia's writers and illustrators, and now has 3000 members across Australia. The ASA is continually acting as an advocate for the rights of professional authors. Our members are biographers, illustrators, academics, historians, cartoonists, scientists, food and wine writers, children's writers, ghost writers, librettists, travel writers, romance writers, translators, computer programmers, journalists, poets and novelists.

The ASA was instrumental in setting up the Copyright Agency Limited and the Australian Copyright Council, and successfully campaigned for Public Lending Right in 1975 and Educational Lending Right in 2000. As well, the ASA sets minimum rates for pay and conditions for authors and illustrators, and publishes books, papers and lists for emerging and established writers and we provide a contract advisory service, run mentorships for new and emerging writers and offer advice about writing, copyright and publishing.

The ASA is aware the the Attorney-General is preparing the final terms of reference for the Productivity Commission to examine once again the issues relating to parallel importation of books into Australia.

The ASA is very concerned that a change to the *Copyright Act 1968* (as amended) with regard to the parallel importation of books will have a negative impact on the ability of its members to sustain themselves as writers. The creation of an unprotected territory (so called "open market") for Australian authors when authors in both the United States and America will continue to be protected by their respective Copyright Acts with regard to the sale of publishing rights for

home and foreign territories will weaken the ability of Australian authors to create and also market their creative works.

This will have effects on the creative output of Australian authors. That creative output is considerable. The Australian publishing industry is indisputably Australia's most effective and sustainable creative industry — with profitable sales of over A\$1.5 billion annually, and 65% of those sales for Australian produced books, the publishing industry eclipses even the performing arts as a creative industry, since the performing arts are largely subsidised from the public purse and primarily operate at a loss.

Additionally, the sales of both domestic and foreign publishing rights ensure that our authors have a global presence. The fact that two Australian novelists are included in the Man Booker shortlist is but one small testament to that. The fact that many of Australia's most successful films are adaptations of Australian books is yet another indication of the cultural importance of our literary creators.

We therefore ask the Attorney-General to ensure that the terms of reference on the parallel importation of books which are finally prepared for the Productivity Commission take account of the cultural ramifications and the effects that the likely decrease in potential earnings through any change to the current provisions in the Act will have on the production of Australian writing, its export, and the reduced international profile of our literary creators.

Yours sincerely

Dr Jeremy Fisher
Executive Director