

Australian Society of Authors

Printing Industries Association of Australia

Australian Literary Agents Association

Australian Publishers Association

Australian Manufacturing Workers' Union Printing Division

13 November 2008

The Chairman
Mr Gary Banks
The Productivity Commission
GPO Box 1428
Canberra City ACT 2601

Dear Mr Banks

Re: Copyright Restrictions on the Parallel Importation of Books into Australia Inquiry

We note that Deputy Commissioner Mike Woods and Commissioner Louise Sylvan have been appointed as the Commissioners to hear this inquiry.

We write to formally object to the appointment of Ms Louise Sylvan.

The Productivity Commission is subject to the administrative law principles of natural justice in which impartiality in Government processes is key. We submit that she is an inappropriate person to be conducting what should not only be an impartial inquiry, but one that must also be *seen to be* impartial. Ms. Sylvan's past activities and views are highly relevant in this respect.

In 2000, Ms Sylvan was the CEO of an organisation (Australian Consumers Association) that advocated and campaigned vigorously against the continuation of the current arrangement regulating the copyright of books, commonly known as the '30/90-day rule'. In particular, the ACA made a submission to the Senate's Legal and Constitutional Affairs Committee during the last inquiry into removing the 30/90-rule. This ACA submission was entirely supportive of the then position of Professor Alan Fels, the ACCC, and the Attorney-General — a position that was diametrically opposed to that of the publishers, authors, printers and others within the copyright industries. As CEO of the ACA at the time, Ms Sylvan, would have been responsible for this submission on behalf of the organisation and will naturally be perceived as having supported that position in at least a professional capacity.

Ms Sylvan is also a founding signatory to an international charter concerned with copyright law — the Adelphi Charter. This charter calls upon governments around the world to adhere to a long list of principles some of which clearly diminish the role and reach of intellectual property in civil society. By signing this charter, Ms Sylvan has staked her name and reputation upon its principles. Therefore, we believe her ability to resolve some of the issues before the current Productivity Commission inquiry in a manner that may differ from the thrust of the Adelphi Charter would place her in a serious conflict.

For these reasons, at best Ms Sylvan will not be seen to be impartial in the matters before the inquiry. Worse, the inquiry will place Ms Sylvan in a position of a conflict of interest between her personal views and interests and the needs of the Australian Government and people for an unbiased perspective.

We ask that, in the interests of impartiality, good governance, ethics and the perception of impartiality, Ms Louise Sylvan remove herself from this inquiry. We also ask that she remove herself from having any role in this inquiry whatsoever — be it in drafting issues papers, conducting research, or any form of consultation.

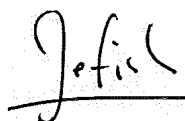
Thousands of publishers, authors, printers, editors, illustrators, and lovers of books have toiled for many years to build the cultural success story that is Australian publishing — is it too much to ask that an inquiry into it be heard by impartial people?

We look forward to your response.

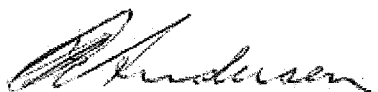
Regards



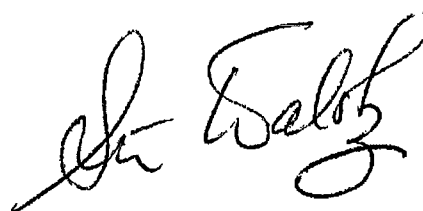
Maree McCaskill
Chief Executive Officer
Australian Publishers Association
60/89 Jones St
Ultimo NSW 2007
Ph: 02 9281 9788
Mob: 0418 657 453
E: maree.mccaskill@publishers.asn.au



Jeremy Fisher
Executive Director
Australian Society of Authors
PO Box 1566
Strawberry Hills NSW
Ph: 02 9318 0877
Mob: 0438 318 673
E: jeremy@asauthors.org



Philip Andersen
Chief Executive Officer
Printing Industries Association of Australia
PO Box 234
Auburn NSW 1835
Ph: 02 8789 7300
Mob: 0409 468847
E: philip@printnet.com.au



Stephen Walsh
National Secretary
Australian Manufacturing Workers' Union
Printing Division
2nd Fl, 251 Queensberry St
Carlton South Vic 3053
Ph: (03) 9230 5888
Mob: 0418 133712
E: stephen.walsh@amwu.asn.au



Jenny Darling
President
Australian Literary Agents Association
PO Box 413
Toorak Vic 3142
Tel: 03 9827 3883
E: admin@jd-associates.com.au

CC Prime Minister of Australia Hon Kevin Rudd MP
Assistant Treasurer Hon Chris Bowen MP