



Subject: Sub 108-Inquiry into IT pricing
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Committee Secretary
House of Representatives Standing Committee on Infrastructure and Communications
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Dear Secretary

We have rules which ameliorate trade practices and rules which enshrine trade practices. Copyright law is of the latter ilk.

It is one level to protect content by copyright – it is another level to prohibit sale. The latter has no connection with the former, save by legislation which has this effect.

Does a restriction on sale benefit buyer or seller? It does nothing for the buyer and benefits only some sellers. There has been numerous reports to this effect. However the Australian Government does not have the courage to deal effectively with the publishing lobby, and tinkers round the edges. If parallel importing is permitted for all products and trade marks without qualification, this should have a downwards affect on price in Australia, at least to parity in the country of original sale.

A supplier may be able to discourage parallel importing even if there is no legislation prohibiting that practice. For this reason there should be a consumer law (trade practices law) change to make any attempt to maintain prices by means other than the operation of supply and demand, unlawful in Australia.

Without these two changes, Australia's competitiveness internationally is adversely affected.

Yours sincerely

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