

— THE EDITORS —

NEWSLETTER NO. 4

September 1979

REPORT ON OUR LAST MEETING

Kirribilli Neighbourhood Centre, Fitzroy Street, Kirribilli

Wednesday 1 August 1979

Topic: SUBSIDIARY RIGHTS

Speakers were Barbara Ker Wilson (Editor Readers Digest Condensed Books), Allison Rowe (Chief Copyright Officer, ABC) and Peter Corris (Literary Editor, National Times). The meeting was chaired by Barbara Ker Wilson.

Barbara spoke first, pointing out that subsidiary rights were becoming increasingly important and valuable. Sales to film companies, for serialisation, condensed books, etc., can produce more revenue for the author and the publisher than the original publication. In the USA, film rights, etc. are sometimes negotiated before a work is written; this is a new though increasingly common trend.

The range of subsidiary rights is large, and includes American and foreign language rights, anthology rights, cassettes, and film rights. Few Australian publishing houses are able to organise full facilities for dealing with subsidiary rights - very few employ somebody whose sole responsibility they are. This is because most Australian publishers are unaware of the potential of selling subsidiary rights. In this, Australia is far behind other countries, notably the USA.

Sales of subsidiary rights must be considered when contracts are being drawn up; they must show an awareness of the potential of the work. The trouble is that systematically exploring all options and keeping a detailed record of negotiations can take up an inordinate amount of time ... but subsidiary rights is a very important area of which editors should be more aware.

Allison Rowe was the next speaker, and she said that the ABC is going further and further into the merchandising field, with books, cassette tapes and records. The major subsidiary rights areas that concern the ABC is the use of literary material - extracts from novels, short poems for education programmes and other uses of short poetry extracts. The Radio Drama & Features Department uses longer works, e.g., plays in its programmes Sunday Night Radio 2 and Playbreak.

The ABC buys only the right to broadcast material - rights for publication in book form, or on cassettes or tapes have to be separately negotiated.

The ABC uses the scale of fees negotiated with the Australian Writers' Guild and the Australian Society of Authors. The scale of fees used to rise according to the Consumer Price Index, but now the minimum fee is \$25, no matter how short the extract used. The increases in fees have made relationships between the ABC and publishers and agents much better. Payment is always made after the material has been broadcast.

Payments and division of rights can be a real headache. For instance, the royalty for reproduction on cassette is 5 per cent of the selling price, and this must be divided among all the copyright owners. Fees for plays, novels and short stories are subject to negotiation, and consideration is given to the type of programme that is being made. TV rights are purely by negotiation.

When a literary work is bought for broadcast, all broadcast rights are bought, including film rights. The ABC buys the right to adapt a literary work for broadcast for a certain period of time. The fee includes two repeats, and if the programme is not telecast by the agreed date, payment must be made to the author because the programme is not on schedule. The contract also includes the option for overseas sales; the author gets 4 per cent royalty on any overseas sales made within five years of the original broadcast date. The average fee for a 1 - 1½ hour television play would be about \$2000 for complete rights.

Sometimes material is used without reference to the copyright holder, and this comes under so-called 'fair dealing' provisions. Exactly how much is covered by this is a problem, because there is no specification in the Copyright Act stating the correct number of words. At this point, Allison Rowe asked the audience what they thought was an 'extract of reasonable length' for fair dealing, etc. There were various mutterings; some said 10 per cent of the total work, some 300 words, some 100, some 150. Allison Rowe said that the ABC guidelines are up to three lines of poetry or sixty words of prose, so long as that is not more than 10 per cent of the entire work.

There was also the question of video cassette recordings. Buying rights could become more expensive, because the author might want to make provision for this, perhaps setting a sum that takes unlimited copying into consideration.

Peter Corris was the last speaker, and he made a plea to any publishers who might be considering an approach to the National Times for the sale of serialisation rights. He said that the NT had been approached twelve times for serialisation rights in the past year; of the twelve approaches, ten were non-fiction, and two were short stories. Only one has got through in the past year - Weevils in the Flour.

He urged publishers not to give the paper something that had already been cut; it was better to give the serialiser room to move and do his or her own cutting for the paper. He advised against giving the NT colour pictures as an integral part of the manuscript for consideration (mainly because most of the colour in the NT is for ads). He also stressed the importance of considering the market when selling subsidiary rights ... language, the paper's biases and timing are crucial.

After Peter finished speaking, there was an open discussion. Several people expressed amazement that the National Times had only had twelve approaches for serialisation in a year. Jane Arms said that this might be because the Womens Weekly or the glossy magazines pay more for serialisation rights than do weeklies like the NT. Peter Corris agreed, but said there was a move to pay higher 'one off' rates and more for name authors, in excess of the ASA rate of \$80 per thousand words. Neville Drury wanted to know whether publishers were unwilling to sell subsidiary rights because a condensation of books could affect sales ... papers such as the National Times could pick out the best bits for serialisation, perhaps. Peter Corris said that no specification of that sort had ever been made to him. Barbara Ker Wilson added that publishers can make their own specifications when selling serialisation or condensed book rights, e.g., they can stress that a surprise ending should not be revealed.

Both Allison Rowe and Barbara Ker Wilson attacked the apathy of Australian publishers in the area of subsidiary rights. Barbara said that, as Editor of Readers Digest Condensed Books she actually has to chase publishers so that they will give her manuscripts for consideration - and Condensed Books can be very profitable to author and publisher. Allison Rowe agreed, saying that very few publishers have ever approached the ABC, and those that do never give expiry dates on options; nor do literary agents.

A suitably chastened group of publishing people then made inroads into the food and wine.

OUR NEXT MEETING ...

... is on Wednesday 19 September (NOT 12 September) and the subject is 'THE EDITOR AND THE AJA'. This is an opportunity for people to get some background on the Editors Award, to find out what's going on and what the future of the Award is likely to be. Speakers are: John Lawrence, Federal President of the AJA, Barry Porter, NSW State President of the AJA, and Irina Dunn, representing book editors.

You're probably all aware that a new log of claims is currently being negotiated for editors. Here's a brief rundown on the changes that are being proposed (you may find it useful to bring the list along to the next meeting):

CHANGES FROM PREVIOUS AWARD (1977):

Clause 3: Definitions

Award

Book editor: an employee engaged wholly or principally to take, subject to control and supervision, editorial responsibility for titles others have initiated; editing copy, dealing with authors, reading proofs, writing blurbs, preparing indexes, editing art and writing captions.

Senior Book Editor: an employee responsible to management engaged wholly or principally in developing and implementing publishing projects and the supervision of other employees, freelance editors, designers and photographers where required in connection therewith and who may be called upon to make arrangements on behalf of management with printers, typesetters, designers and freelance editors.

Log of Claims

Book sub-editor: Shall mean an employee responsible for the editorial supervision of other employees, freelance editors, designers and photographers where required in connection therewith, and who may be called upon to make arrangements on behalf of management, typesetters, designers and freelance editors. (NOTE: book editor definition deleted)

Senior Book Editor: An employee responsible to management engaged wholly and principally in commissioning, developing and implementing publishing projects.

Clause 6: Salaries

Salaries to be adjusted to provide full indexation.

	<u>1977 Award</u>	<u>Indexed:</u>	<u>Log of claims</u>
	<u>\$</u>	<u>July 79</u>	<u>\$</u>
Trainee Book Editor	8 350	9 220	11 720
Assistant Book Editor	9 999	10 469	12 468
Book Sub Editor (formerly editor)	10 350	12 017	14 015
Senior Book Editor	12 650	14 608	16 608

Clause 7: Contract of Engagement

An employee not specifically engaged as a part time employee shall, irrespective of the periodic payment of salary increments, be deemed to be employed on the following basis:

- (1) Trainee Book Editor - by the week (same as previous Award)
- (2) Assistant Book Editor and Book Editors or Senior Book Editors - by the month (previous Award said 'by the fortnight')
- (3) Sub Editors - by the month (new clause)
- (4) Senior Book Editors - by the three months (previous Award said 'by the month')

Clause 7 (c): Maternity Leave

Award

An employer shall, where possible, re-employ any employee whose employment has been terminated because of confinement, provided that no obligation shall attach to any employer under this clause after twelve months from the date of such confinement.

Log of Claims

(a) Subject to the conditions herein contained, all classified female members whose length of continuous employment with an employer is two or more years shall be entitled to maternity leave to be taken from a date mutually agreed upon by the female member and her employer as follows:

- (i) For six weeks, including the full period of confinement ... leave on full pay.
- (ii) For up to twelve months from the expiry of the leave provided in paragraph (i) hereof ... leave without pay or any of the other benefits prescribed in this Award.

(b) A female member desiring to be absent from duty on maternity leave shall:

- (i) Make application in writing.
- (ii) Supply with the application a medical certificate issued by a duly qualified medical practitioner indicating the expected date of confinement.
- (iii) Give an undertaking in writing that she will return to work for her employer at the end of the period of leave for a period of not less than twelve months' employment.

Clause 8: Hours of Employment

The ordinary hours of work shall be 35 (previously '40 per week') and shall be worked in five days of seven (previously 'eight') hours each (exclusive of meal times) Monday to Friday inclusive.

Clause 13: Part-time Employees

A part-time employee shall be paid on the basis of 20 per cent of the Senior Book Editor rate for a full day and 12½ per cent for a half day (formerly: 'at the appropriate hourly rate, defined in Clause 6, increased by 15 per cent for each hour worked'.)

A part-time employee shall be entitled to overtime, sick leave, or annual leave (formerly: 'not entitled').

Clause 14: Sick Leave

(a) In each year of employment, reckoned from the date of appointment to the staff, employees, other than part-time employees, while absent through illness or incapacity (including any period of confinement for child birth) subject to the provisions of this clause, shall be entitled to sick leave without deduction from salary for a total period of 4 weeks and a subsequent 4 weeks on a deduction of one half pay (formerly: 'eight working days').

FREELANCE REGISTERS: ADDITIONS, AMENDMENTS & BITS

Two freelance registers, one for editors and the other for artists and book designers, were compiled and sent to seventy publishers late in July. In the last newsletter, we listed the names and addresses of those included in the editors' register.

The following entries listed in the previous newsletter should be amended:

Roger Coates, 4/18 Royston Street, Kings Cross 2011 Tel: 31 3938

Denise Faithfull Domingo, 36 Myrtle Street, Chippendale 2088
Tel: 699 4882

Irina Dunn, 2/66 Derwent Street, Glebe 2037 Tel: 660 1457

John Goode, PO Box 191, Glebe 2037. Tel: 660 2910 or leave
messages with Miss Wilson (9 - 5) 221 2822

Included on the editors' Register, though not included in the last newsletter, are:

Carol Dettman, 1 King George Street, McMahons Point 2060
Tel: 929 2732 (or leave a message at 412 4500)

Anita Jacoby, 8 Garnett Street, Killara 2072 Tel: 46 2986
(weekends and evenings)

Dianne Regtop, Scotland Island 2105 Tel: 997 2201

Betler Moore Associates (Dolores Betler Moore, George N. Moore)
131 Pinjarra Road, Pinjarra Hills, Queensland 4069 Tel: (07)
378 5165

NEW ENTRIES

The following people are to be added to the Registers.

Editors

BARRY TUCKER, 25/19 Ithaca Road, Elizabeth Bay
Tel: 358 3859

PREVIOUS EXPERIENCE: Paul Hamlyn (1978-79)

DUTIES: Copy editing, completion of projects, liaison with authors, selection of photographs, revision of titles.

OTHER RELEVANT EXPERIENCE: Fifteen years' experience as a sub-editor and reporter in all news media; three years of magazine editing; two years as freelance magazine writer and photographer; one year as publisher's proof reader.

SPECIALITIES: Condensation of written material; conceptualisation of magazine or book layout and content; picture selection; rewriting and editing; proof reading.

FREELANCE EXPERIENCE: Paul Hamlyn, A.H. & A.W. Reed, Charter Books, Bay Books, Hellum Art, Angus & Robertson.

Artists and Designers

ESTER KASEPUU, 281 Victoria Avenue, Chatswood Tel: 41 8188 (H)
923 4456 (W)

PREVIOUS EXPERIENCE: API (animation studio)(1972), Claude Neon (1972), Macquarie University Centre for the Advancement of Teaching (1973-5), Teaching Resources Centre, Sydney (1975-9)

DUTIES: Book and brochure illustration, layout, pasteup, production, design of material for audio-visual kits.

SPECIALITIES: Illustration, particularly for children's books.

FREELANCE EXPERIENCE: Angus & Robertson, A.H. & A.W. Reed

Examples of work available.

SUE POGGIOLI, 1/18 Brisbane Street, Fairlight Tel: 949 6743

PREVIOUS EXPERIENCE: Various advertising agencies, Education Department, Brisbane, Hamlyn, Boolarong Publications.

DUTIES: Illustration, layout, design, pasteup, final assembly.

SPECIALITIES: Illustration, layout. Willing to try anything.

Examples of work available.

MARGARET SCHLINK, 2 Tarrants Avenue, Eastwood 2122 Tel: 858 3897
(a.h.)

PREVIOUS EXPERIENCE: Collotype Printers Pty Ltd, Adelaide (1977-78)
John Sands Pty Ltd, Artarmon (1978 -)

DUTIES: Artist

OTHER RELEVANT EXPERIENCE: Four-year diploma in graphic design, SA School of Art, Adelaide. During art course designed and illustrated a children's book including marking up copy, layout, illustrations.

SPECIALITIES: Illustration - black and white drawings, children's illustrations.

FREELANCE EXPERIENCE: Illustrations for leaflets for a chemical company; illustrating a set of educational aids.

Examples of work available.

REPORT FROM TRAINING COMMITTEE

Yes, folks, we've got one! It's been set up to investigate editorial training, and members are: Barbara Ker Wilson (Readers Digest), Jacqueline Kent (freelance), Elaine Russell (Gregorys Publishing Co), Margaret Olds (Collins) David Ell (David Ell Press), Jane Arms (Cassell Australia) and Christine Astley-Boden (freelance).

On 9 August we met for the first time to discuss what can be done to provide Sydney book editors with professional, practical training (bearing in mind, of course, that this is one of the objects of The Editors).

We decided as a first step to survey courses relevant to publishing in Australia, USA and UK, so that we could see what gaps there were and plan a course for ourselves. We didn't feel that running a full-time course through a tertiary institution was a particularly good idea, mainly because such a course would

produce editors with paper qualifications and no jobs. It seemed more sensible to concentrate on editors already working in the industry, and so we are looking at the possibility of running a series of workshops/training sessions for them. We feel that such a programme must be recognised and supported by publishers. These training sessions or workshops would be organised to benefit editors with varying degrees of experience and expertise.

And that's as far as we've gone at the moment. Further meetings are planned! Watch this space ...

IS IT A BIRD? IS IT A PLANE?? NO ... IT'S SUPERNOSH!!!

Our grand Christmas orgy of food, wine and scurrilous gossip takes place in early December. It can leap tall buildings at a single bound ... but where? Venues currently under consideration are the Middle Harbour Yacht Club (glass without class) and Elizabeth Bay House (class without glass). Does anybody have an ancestral mansion that they'd like to rent out for an evening to probably no more than a hundred people? All suggestions gratefully received.

DON'T FORGET ...

Our next meeting.

DATE: Wednesday 19 September

PLACE: Kirribilli Neighbourhood Centre, Fitzroy Street, Kirribilli

TIME: 6.30 pm

SUBJECT: 'THE EDITOR AND THE AUSTRALIAN JOURNALISTS' ASSOCIATION'

SPEAKERS: John Lawrence, Barry Porter, Irina Dunn

Hope you can make it. RSVP by Monday 17 September to:

Narelle Konte Tel: 438 1451 or 43 5244