



P.O. Box 567,  
Neutral Bay Junction 2089

Newsletter No. 2-1981

MARCH 1981

NEXT MEETING ... NEXT MEETING ... NEXT MEETING ...

The Annual General Meeting of the Editors will be held at the Kirribilli Neighbourhood Centre, Fitzroy Street, Kirribilli, on Wednesday 1 April at 6.30 p.m. We're calling for nominations for the 1981 committee; ballot papers are enclosed with this newsletter. Nominations from financial members must be received NO LATER THAN Friday 27 March 1981 -- post them to The Editors, Box 567, Neutral Bay Junction, 2089.

Other issues to be discussed are suggestions for further meetings and your thoughts on the possibility of organising a conference next year.

There's also a proposed addition to the constitution -- 'That the immediate past president of the Editors be a member of the committee for the following year'.

RSVP by Monday  
30 March

Narelle Konte  
888-2733

#### REPORT ON LAST MEETING: PUBLISHING AND LIBEL

Our first meeting for 1981 was held on Wednesday 25 February at the Kirribilli Neighbourhood Centre. Guest speaker was Adrian Deamer, a former editor of The Australian who is now in private practice as a solicitor specialising in defamation. The meeting was chaired by Barbara Ker Wilson.

The meeting consisted mainly of Adrian Deamer's answers to questions from the floor. He first defined the difference between slander and libel -- slander is spoken defamation; libel is written defamation.

He pointed out that the libel laws for publishers are the same as those for any other industry or profession; there is no more protection for publishers than for anyone else. If a statement in a book is proven to be

libellous, the whole edition can be suppressed. The situation can be slightly different for newspapers: a newspaper may not necessarily be withdrawn from sale.

In answer to the question: what happens if an allegedly libellous remark is true? Adrian Deamer gave this example. If a newspaper or publication stated that 'Company X is being investigated by the Fraud Squad', the imputation is that Company X needs to be investigated for fraud. But the bare statement does not constitute libel; the imputation must be proved.

If what is imputed is true, and ruled by the court to be in the public interest, a newspaper or publishing company is more likely to win a libel case. That wonderful word 'alleged' has no force in law. A publishing company or a newspaper publisher is taken to accept and be responsible for publishing a libellous statement if it is printed, even though the word 'alleged' may be used.

The line 'All characters in this novel are fictitious and bear no resemblance to any living person' is also without legal validity. If a case is brought against the publisher or the author, libel can be proven if any one person gives convincing evidence that the fictitious character is identifiable as someone who is personally known to the witness.

One of the best-known libel actions in recent Australian publishing history is the Power without Glory case, almost thirty years ago. This novel by Frank Hardy dealt with the life and career of a Melbourne criminal named John West. After its publication, Hardy was sued by the widow of Melbourne racketeer John Wren on the grounds that in Hardy's book Mrs West committed adultery. The defence pointed out that Mrs West could be identified in the books as Mrs Wren solely because she was represented as the wife of West/Wren. The prosecution was driven to assert that an allegation of adultery was a grosser libel than allegations of murder, cheating, fraud and all the other criminal activities in which Hardy had said West/Wren was engaged. Hardy was acquitted of libel after a long and complex legal battle.

Adrian Deamer said that he thought the result of the trial would be different now; juries in libel cases are becoming more sympathetic to the plaintiff than they were

There is no standard libel law for the Commonwealth -- the libel laws are slightly different in each state. For instance, New South Wales uses a jury of four or twelve people in libel cases. Victoria also has a jury system but the ACT does not. Prosecution for libel must be carried out in each state. The defamation laws are toughest in New South Wales, but damages awarded also tend to be higher than those given in any other state.

#### BOOK EDITORS AWARD

The Australian Journalists Association  
Federal Executive, Circular Memo 1/81

#### Book Editors Award

Respondents to the Journalists (Book Editors) Award have confirmed in writing the offers negotiated at a meeting in Sydney on 2nd December, 1980.

The AJA was represented by Assistant Federal Secretary, Barry Porter, and S.P. Crosland. The respondents' letter states:

'Points for inclusion in a new award with effect from January 1, 1981 are:

1. Duration of the award to be one (1) year.
2. An increase of 5% of current award rates.
3. The following to be added to clause 6 (e)  
Where a member is required to perform duties defined by a higher classification he/she shall be paid at the higher rate provided that,
  - (i) the period is not less than 20 working days in any three month period, and
  - (ii) the higher rate shall only be paid for the days worked at the higher classification.
4. Clause 6(e) to become 6 (d) and 6(d) to become 6(f).
5. Both Book Editor and Assistant Book Editor --contract of employment to be by month not fortnight.
6. Maternity leave to be as per the Conciliation and Arbitration Commission standard legislation.
7. Part-time employees shall be entitled to overtime in excess of any eight (8) hours in any one day, and sick leave and annual leave paid on a pro-rata basis."

At its meeting in December, Federal Industrial Committee decided:

"That subject to the above being confirmed by the publishers, it be recommended to meeting of book editors in all Branches that the offer be accepted; that the meetings be called as a matter of urgency immediately upon the AJA being notified by the publishers."

Will Branches with members employed under the Award please attend to the Federal Industrial Committee decision as quickly as possible?

NEAL SWANCOTT  
Federal Secretary

The new award rates are as follows:

BOOK EDITORS	\$ per year
Trainee Book Editor	11,524
Assistant Book Editor	12,411
Book Editor	14,246
Senior Book Editor	17,318
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A meeting about the award was held in Sydney on Monday 9 March...we'll tell you about it at the AGM and a report will appear in the next newsletter.

HAVE YOU RENEWED YOUR MEMBERSHIP?

The fee for 1981 is still only \$10; if you haven't renewed your membership yet, send your form and your \$10 to THE EDITORS, PO Box 567, Neutral Bay Junction, 2089; or bring it with you on 1 April.