

it does. Editors alter submissions to make them conform to house style. If you've asserted your moral rights, the editor cannot make any changes, but be warned: few editors would be willing to accept your work on that basis.

Fiction and poems are not affected by house style, and once accepted, should be published in the form the writer wants. Some publications send out galleys for approval and proof-reading of stories and poems.

What are moral rights?

Moral rights have only applied in New Zealand since December 1994. There are two rights. The first is the right to attribution: being credited with authorship. The second is the right to the integrity of the work. This means it cannot be altered. Your moral rights, unlike copyright, are not automatically vested in you. You must assert them. Few editors would accept a non-fiction piece under these conditions, but if you feel strongly enough about a particular piece of work, it's worth trying to assert your moral rights. It's important to assert your moral rights over fiction and poetry. Just state at the end of your work, *The moral rights of the author have been asserted.*

However, there are some exceptions to the assertion of moral rights. Work relating to criticism, review and news reporting and the publication in a newspaper, magazine, or similar periodical of a literary, dramatic, musical, or artistic work made for the purposes of such publication or made available with the consent of the author for the purposes of such publication.

Who holds the copyright?

You do, unless you're writing as an employee. You don't need to assert your copyright as it is yours automatically, but if you want to you can put ©, your name and the year at the end of your piece. You don't need it on every page.

The sale or transfer of copyright is called 'assignment' and you must sign a contract that specifically states that you are assigning copyright to the publication before it can be transferred. An agreement with a publication to publish your piece does not mean you have assigned copyright. When a publication puts the © symbol on a story it only means they have copyright in the layout, not the text. You should avoid assigning copyright to someone else unless you are adequately recompensed for it. If in doubt, establish ownership before you go ahead with a commission.

How can I keep track of my work?

Keep a spreadsheet detailing who work was sent to, when sent out, when accepted, how much was paid, or when rejected and where sent next. Keep accurate financial records. This includes any RWT and GST paid. Once you start earning

money as a writer you may claim on all related expenses. Talk to an accountant about apportioning the cost of using your home as your office, claiming on capital expenditure, such as computers, and consumables such as paper, ink, and postage.

What can I do if something goes wrong with an agreement?

If it is possible to sort out the problem amicably at a meeting or over the phone we recommend the writer try this first.

If this fails and you belong to the NZSA, you can write to the Society's National Office who will forward details to its Advisory Committee. Present all the facts, with dates, any correspondence, or record of telephone conversations and a copy of your agreement.

The Last Word

Communicate with the editor on everything to do with payment and conditions before you agree to publication. Make the process simple, set out the conditions discussed and get a signature. It can be done by fax and only take a minute or two of your and the editor's time.

The information provided here is of a general nature and may not be up to date. NZSA will not be liable for any reliance placed on this material and specific professional advice should be sought in any specific circumstance

Guidelines for Publishing in Magazines, Newspapers and Periodicals

*NZ Society of Authors (PEN NZ Inc)
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Freelancing

Many writers make part, or all, of their income by submitting articles, reviews, short stories or poems to magazines, newspapers and other periodicals. As publications vary in their dealings with writers it is sometimes difficult to ascertain what is and isn't fair treatment or payment for your work. This leaflet provides some information on what a writer can expect and what they should be asking for.

Guidelines for submitting material

Unsolicited material – Magazines and newspapers have individual schedules of payment and guidelines for the type of material they will pay for. It does not pay to send in unsolicited articles without a covering letter explaining what rights you are offering and what payment is expected should the work be published.

Query letters – Editors like to see a query letter (usually by email) outlining the type of article and subject matter as well as a sample of the writer's previously published work. Writers are encouraged to read the publications they plan to write for. If the editor likes the idea, they may not guarantee publication but will ask instead to read the finished piece before they make a commitment to publish it. Once the piece is accepted you can expect to be paid for it.

Publications should have a standard contract and terms and conditions of acceptance. However, in our experience this is not the case – but that doesn't mean that you can't ask, or provide one of your own.

Commissioned work – After seeing your query letter the editor may commission you to write a piece. As a commissioned work is something an editor has asked you to produce, usually with the proviso *subject to acceptability* you can expect to be paid for your work and (pre-agreed) incidental expenses as long as it meets the brief. These pieces include articles, reviews, opinion pieces and profiles.

General – In all cases it is recommended that you get the agreement or contract in writing with the payment terms and rights clearly spelt out.

Always check with the editor how they want to receive the material and in what format – these days email text files are most likely to be the preferred source as they don't require typesetting.

How long should an editor take to respond?

Some periodicals may keep writers waiting a long time before responding. Commissioned work should already have a deadline set. For ideas that have been accepted try and get a deadline for publication written into the acceptance

terms. For literary magazines or proposals allow four to six weeks. Don't hesitate to get in touch if you have not heard back within a reasonable time. Ask if they've received your proposal/work and if the editor has had a chance to consider it. If you've waited an inordinate time for a reply, and followed up your initial approach, you're entitled to have your work returned. If it's not published, you're entitled to send it elsewhere (unless they commissioned you to write it).

Payment for articles

Editors assess the work's value as news, and on what they can afford to pay. The best publications may pay more for quality or commissioned work. Get a contract which clearly spells out the terms and conditions including what expenses will be paid for and ensure it is signed by both parties. The average payment in NZ is 35c per word. In Australia it is between 57c and 68c and in the US it averages \$1.

Suggested minimum payments

Category One – quality periodicals and daily and weekly newspapers and with a paid circulation exceeding 50,000. Pay rate: \$280 to \$550 per 1000 words.

Category Two – Other periodicals and daily and weekly newspapers with a paid circulation of between 10,000 and 50,000. Pay rate: \$200 per 1000 words.

Category Three – Quarterly periodicals, daily and weekly newspapers with low paid circulation, free community newspapers and small member only publications. Pay rate: \$100 per 1000 words.

Payment for reviews

Rates are generally negotiated with the publisher or magazine editor. Payment varies from \$50 to \$80 per review (approx. 300 to 500 words). Longer reviews (1000 plus words) should be paid \$100 or more.

Payment for poetry and fiction

There can be a considerably long wait before the material gets into print and payment ranges from a copy of the publication to around \$50. Whatever the basis, always establish it before you agree to publication.

How is payment made?

Writers should be paid on, or within 30 days of, acceptance of the work. Some publishers however may want to pay on publication. This can mean a long wait between acceptance and payment so should be avoided if possible. The terms of payment should be spelt out in the acceptance guidelines or in the contract. Payment on publication should be within seven days of the publishing date. Whichever way payment is made, make sure you understand it before agreeing to publication.

Periodicals will probably ask you to complete an IR330 so they can deduct withholding tax. If you're registered for GST, tell the publication early on so they are prepared for it. In the case of accepted or commissioned work it pays to send an invoice in with the completed manuscript.

What if a piece is accepted or commissioned and not used?

Expect a kill fee. However, unless you have this written into your contract or letter of agreement, you may miss out. If you've been commissioned to write a piece, establish all aspects of payment before you start. These include kill fee, rate of payment and which expenses will be covered. Payment should be made on words commissioned, not words used. If you offer one revision of the piece you can avoid the problem of the words being inadequate or not meeting the requirements.

How much should I expect for a kill fee?

If your commissioned work has met all parameters of length, quality, angle and subject matter, then you should expect full payment, or the editor to justify the decision not to go ahead with publication. If the editor finds the piece wanting you could be asked to do more work on it, or someone else may be brought in to complete it. If that happens, you and the editor should negotiate a kill fee on the basis of how many usable words you provided.

What rights am I selling?

Close ties between Australian and New Zealand magazines and papers mean our market is often recognised as Australasia. Some editors may take it for granted you are selling first Australasian rights. Make sure you check this in the contract. It is preferable to sell only the rights to the territory the publication is sold in. Try and reserve other rights so you can sell the article to other publications in other territories. Editors like to have the option of putting articles on their websites and often ask for electronic rights to be included in the purchase price. We recommend that writers retain these or ask for an additional fee for the use of their material electronically. If the work is later anthologised, you should acknowledge the magazine or paper which first published it. However, if you have sold the copyright in the material you would have to ask permission of the publication for its use.

How much input do I have in the editing process?

With articles and reviews usually none. An editor will often cut an article to fit the available space. If you've stuck to the given word length this shouldn't happen, but sometimes