

Representatives Reports

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- We Create (used to be Copyright Council)

Public lending right

Annual Report to NZSA on our participation in the CLL Board

6 May 2015

Licensing

We should not lose sight of the primary purpose of the company, which is to license secondary uses of copyright materials mostly, although not exclusively, in educational institutions, and to disburse the sums involved to publishers, and through them to writers, or where licenses have reverted or authors as they are increasingly doing are self-publishing under print on demand options, directly to the writers involved. The sums this entails are considerable. Our gross revenue for the year was nearly seven million dollars, close to eight hundred thousand of it received from overseas reproductive rights organisations on behalf of New Zealand rights holders. After deducting modest administrative costs (15.6% of gross revenue) and making our regular contributions to the Cultural Fund, \$4.5 million was available for distribution, about half a million up on the previous year. If writers think they are not getting their share of this they need to consult their contracts and seek clarification from their publishers.

There has been a regular and steady increase in licenses in primary schools to 61% (59% in 2013/14) and secondary licenses are holding steady at 76%. There is still ground to cover however and we are continuing our push to get these license percentages higher, particularly in conjunction with film and music licenses. We are continuing to work with OneMusic and Screenrights on the preparation of a portmanteau licence for MoE to cover all schools and N4Ls which should greatly simplify matters in this area.

Concerns over Cultural Fund allocations

During the course of the year changes were made to the Cultural Fund which had previously provided funding to writers for both writing and research purposes. These grants had been initiated by NZSA in the past to partly make up for the fact that licensing revenues went mainly to publishers. Precisely why a change was felt to be necessary and who had initiated the action was not clear although I should say that regularly reviewing such allocation criteria is good company practise.

In the event some writers expressed considerable disquiet about the outcomes which broadened the basis of grants to the extent that a significant range of projects could now be considered for funding which were not necessarily of direct benefit to writers. Following discussions a comprehensive expression of concerns was received and discussed by the board at its 26 February meeting. In reporting on this to your Council I made the following points:

- This submission was taken with due seriousness and was given full consideration

- Board members were disappointed by its combative tone which they felt did not give the board credit for acting in good faith and the chair has written to the Society expressing these concerns
- I raised the matter of questions asked by the Society through our CEO and made it clear that in my view there was no real impediment to answering these as we are a principal stakeholder
- The board is satisfied with the process adopted to institute changes to the Cultural Fund and its criteria but agrees that enhanced transparency and communications between the Society and the company should be pursued by way of a protocol.

NB: On this last matter I have in the past sighted an existing protocol on the subject but when I have raised it, it seems to have been lost to view. As far as I am aware the Society files contain a copy. It is on the basis of this that I reinstated the practise of reporting to the Society following board meetings which had lapsed under my predecessors when I became a board member.

In my understanding and at the time of writing this report there have been further developments since the last board and Jackie and/or Kyle will no doubt report on these to the AGM.

In the meantime both sets of grants under the Research and Contestable schemes (the latter replacing the previous Writing Awards) have now completed their 2014 round. It is worrying to note that of the 34 entries for the first of these 14 came from non-members of the Society notwithstanding that our website was the principal source of information about the awards. The report on this part of the awards suggests that we need to work harder to ensure that the awards are better known.

Tribunal action

The other major issue of 2014/15 has been court action against the universities which had challenged some of our rights to set fees. This ended up in the Court of Appeal which issued a decision which has greatly assisted in clarifying the provisions of the Copyright Act relating to licensing bodies in favour of CLNZ, which is good news for rights holders. It has been rare for copyright cases to be heard in the New Zealand courts let alone in the Court of Appeal. The ruling categorically supports the right of licensing bodies on behalf of the publishers and authors to set licensing terms which are appropriate to the circumstances. Having these decisions as the backdrop to future negotiations for licensing schemes in New Zealand will benefit all rights holder groups. This was enhanced when the courts allowed Recorded Music NZ (the agency for licensing New Zealand music) to join the case as an intervener. The Court dismissed a cross appeal brought by the universities.

Late last year CLNZ agreed a new pilot licensing scheme with the universities which commenced on 1 January 2015 and concludes at the end of next year. This scheme represents a 16% increase on the previous rate. Negotiations on future licensing will

take place towards the end of 2016. During the period of the pilot license all of the universities are implementing software systems that will enable electronic recording of each institution's actual usage of the copyright works licensed by CLNZ.

Outstanding Writer Grant projects for completion

There has been some suggestion that some projects have not been completed and the board has received a report on those of longstanding. Of the seven projects outstanding from 2011 and prior: the biography of Charles Brash (date of grant 2002) is now in the hands of Paul Millar and will probably see the light of day in due course as a result; the Guide to Contemporary NZ Culture (2004) seems unlikely to come to fruition; work is proceeding on the biography of scientist Allan Wilson (2005); the History of New Zealand Composition (2008) still has some prospects of completion; Customary Maori Carving in the Twentieth Century (2009) is scheduled for release in November; Maori urban migration from the Hokianga (2011) 1930-1970 was published in January; and Malcolm McKinnon's narrative history of the Great Depression is due for publication late this year or early 2016. The success rate following past grants has actually been good

Infringements

Action for breach against an art gallery has been resolved in our favour. Three further (and probably unwitting) infringements by educational institutions have been pursued, one of them in Queensland

Reconfiguration of Board

The year has seen the reduction of board representation by both PANZ and the Society from three directors to two and the appointment of two independent directors. The board felt the need to enhance our skills base because there is likely to be revised copyright and general intellectual property legislation given the prospect of the TPPA negotiations coming to fruition. Even given the difficulties achieving this it might transpire that parallel agreements regarding intellectual and cultural property will happen on a bilateral basis e.g. the recent agreement with China on reciprocal access for film making purposes. We need to watch these with care if we are to avoid what happened regarding some aspects of intellectual property and cultural autonomy in the WTO accords. We also need to integrate our own political lobbying with that of CLL and the PANZ as far as we can.

International

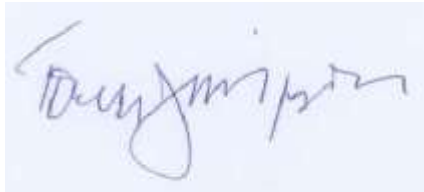
Paula Browning our CEO attended the IFFRO AGM in Seoul in October 2014 where a range of matters of interest were canvassed. These included: an enhanced operations system for the electronic management of distributions to rights holders which might have significant advantages for writers here if introduced; some legal developments in the United States which emphasise the necessity to obtain licenses for university course material (although their law is different to ours the two might converge arising from the TPPA); a continuing push by libraries to include more

exceptions in copyright law which reflects the same here (not to our advantage); and the value of developing alliances with teacher unions if or when our own IP rights are threatened (based on the Australian Copyright Agency experience).

The Economic Contribution of the New Zealand Publishing Industry

This report prepared by Price Waterhouse Cooper is now available in final form. What it illustrates is the overall value of this industry to our economy. Briefly in summary total publishing sales contribute \$330 million to our economic activity at present and have a total impact on GDP of \$382 million. The industry also contributes directly and indirectly 5,160 FTE jobs. This is a considerable contribution and is the sort of factual information which impresses senior Ministers in the current government (or any other I hope). I have recommended that NZSA obtain copies of this report for circulation and discussion.

Tony Simpson

A handwritten signature in blue ink that reads "Tony Simpson". The signature is written in a cursive style with a large, sweeping initial 'T'.

Vanda Symon

A handwritten signature in black ink that reads "Vanda Symon". The signature is written in a cursive style with a large, sweeping initial 'V'.

The Robert Burns Fellowship 2015

It is a condition of appointment to the selection panel that no member can discuss in detail the decision-making process yet, as the representative of the NZSA, I am understandably required to report back. So what follows is akin to a walk on tiptoes in pointe shoes...

Sifting through nearly thirty applications for the Robert Burns Fellowship 2015, every member of the selection panel spoke to every application. This let us settle upon an impressive shortlist that included writers of drama, fiction (including YA), and poetry. It took a few rounds of voting, supported by further articulate analysis, before Louise Wallace was selected as the Robert Burns Fellow 2015.

David Howard

(22 April 2015)

PEN WiP Report for AGM 15 March 2014

As always this report covers the calendar year of 2014, to conform with my filing system. Currently there is an appeal going out to mark International Women's Day, with three women writers (from China, Azerbaijan and Mexico) being focused on.

I have lost a couple of email people recently with no idea why – their emails have just started bouncing back – so we don't have as many writers, but some (notably Phyll and Maureen from our branch – go you two!) are regulars. And Julie Ryan from Auckland brings in new ones periodically, and has also organised event and articles in *The Author*.

We had a questionnaire to fill out last year to try and work out what the UK head office could do to make the system work better, and this was preceded by a 45-minute phone call with one of the PEN people over there. I was amazed by how comprehensive the interview was. Since then I've started asking the letter-writers to BCC me into their email letters so I have some idea of who's responding to which appeal, and periodically I send a report back to the UK about this. They're always very grateful.

Nelson Wattie has resigned after years of sterling work for PEN – making far greater contribution than I ever could. I was offered the chance to replace him, but I'm neither central enough nor active enough. Looking at the piece in *The Author* from his replacement we've clearly struck gold again with Dana Wensley.

During 2014 we did appeals for prisoners in 22 countries, often with multiple appeals for a country, and often involving three or four recipients per appeal. Most can be emailed, though they periodically bounce back as we clog up their inboxes. However the Chinese appeals all have to be snailmailed or faxed. These appeals might be for writers who have disappeared from a prison and can't be traced, writers who are about to come before the courts, writers who have just been arrested, writers whose health is breaking down or who are refused all contact with the families – or ones who have been threatened, harassed or even murdered because of their writing. We're asked to write also to our local embassies, and often with these European countries there is none, so I sometimes use other countries' embassies (Japan, Canada, Australia etc.).

The breakdown of countries written to is as follows:

Azerbaijan

Bahrain 2 cases

Bosnia-Herzegovina

Cameroon 2 cases

China 6 cases

Egypt

Guatemala

Honduras 4 cases

India

Iran 6 cases

Kazakhstan 2 cases
Kyrgyzstan
Mayanmar
Paraguay
Russia
Saudi Arabia 3 cases
Sri Lanka
Tajikistan
Thailand
Turkey 4 cases
Venezuela
Viet Nam 5 cases

For Courage Day we all wrote letters to prisoners around the world at our meeting, and did this again at our Christmas meeting. As well, Piet Nieuwland took all the postcards, stamps and addresses to a poetry event and got more written then. He also organised an empty chair for PEN at the July poetry event, and said several poets were shocked at learning about the prisoners.

Many of our meetings this year have featured an empty chair for a particular writer. We sent a photo of one to the imprisoned writer (Aron Atabek in Kazakhstan), and some months later were overwhelmed and astonished to receive an email from his son, saying Aron had written a poem for us as a thank you.

From: Askar Aidarkhan [<mailto:askaraidarkhan@gmail.com>]

Sent: Thursday, 6 November 2014 12:33 a.m.

To: Director NZ Authors

Subject: From imprisoned poet Aron Atabek to Mr. L.Marshalla, Mr.Simpson and NZSA

Dear Mr. L.Marshall, Dear Mr. Simpson and NZSA

I am writing from Kazakhstan on behalf of my father imprisoned poet Aron Atabek. First of all thank you for your attention and letters addressed to Aron Atabek in prison.

Recently (in October) they gave him your letters. I am forwarding you my father's response with a poem dedicated to you.

Although I am not professional translator, I dared to translate the poem from Russian.

Along with letter text below pleas find attached: photos of Shanyrak micro-district from 2006 and the original image of the shanyrak as a symbol of basement for nomadic Kazakh dwelling.

Dear Mr. Marshall

Thank you for your letters of solidarity and support. I received them recently, although according to the stamp they were delivered to Pavlodar in June 2014. What to do – there is a CENSORSHIP in prison and not every letter can pass through. Keep in touch with my son – Askar AIDARKHAN. His English is pretty well, and he will forward your letters to me translated. Alas, I do not speak English.

As you can imagine, fighting against DICTATORSHIP requires sacrifice. We (I and six political-prisoners in Kazakhstan) – we are going along a sacrificial path to create DEMOCRACY and SOCIAL-JUSTICE in Kazakhstan. And if New Zealand PEN supports us – that gives us STRENGTH in STRUGGLE.

As a sign of my sincere gratitude and respect please accept a POEM.

NEW ZEALAND 'SHANYRAK'

for Lesley Marshall

and PEN-New-Zealand

There is an empty chair in New Zealand –
Kept for me on writers' congress,
That is the God to turn me –
Back to an 'environment', to a writer's place!

Writer is an armchair worm –
Gnawing science tomes,
Only sometimes he affects –
Having published poems and novels.

And Life, seems to be passing by,
Writer – the life's contemplator,
Yet he is present invisibly,
On the stricken field with us.

Writer, he is the THRID EYE –
And he sees through distance,
And contemplates the "SHANYRAK" –
And us, the fighters on the stricken field.

And if in Kazakhstan bulldozer breaks homes –
Family's asylum, a Holy Hearth,
By doing that they break
New Zealand 'SHANYRAK' too!

As 'SHANYRAK' is not merely a shelter, roof –
In summer heat, in winter cold,
'Shanyrak' is a Segner wheel, given from above,
A symbol of the Sky, the Sun, the eternal motion!

The world is a running Segner wheel –

From the crucifixion till the crucifixion
Christ, He also had been a REVOLUTIONARY –
Social-Justice and Democracy!

Quotation: “And TENGRI sees my soul –
With the eyes of the *Aruakh,
With the Nation’s karma –
I am crucified on the ‘SHANYRAK’!

...There is an empty chair in New Zealand –
Kept for me on writers’ congress,
Wait, my friends, and I will come back –
Not for an empty place!

Aron ATABEK 12.10.2014

Pavlodar, SI-14, solitary confinement, punishment cell of the PKT, c.#36

*Aruakh — Kazakh ‘Ancestor’s spirit’.

Original text in Russian is available at <http://aronatabek.com/lesli-marshallu-pen-klubu-novoj-zelandii.html>

Regards,
Askar AIDARKHAN

skype: askaraidarkhan

It’s responses like that, and hearing about prisoners being released that keep us all going. If anyone would like to add their names to the list I’d be delighted – and even if you only wrote one letter a year, that’s another letter to help put pressure on these restrictive regimes and maybe save a brave writer’s life.

Lesley Marshall

Book Awards Trust report

It has been a challenging year for the newly-formed Book Awards Trust (BAT).

The biggest challenge has been trying to fill the financial hole left by the loss of long-time sponsor NZ Post. This had the immediate repercussion of placing both the Adult and Children's/YA awards for 2015 in jeopardy.

After much discussion and consultation, BAT made the decision to switch the awards calendar around. Though one unfortunate outcome of the decision was that there would be no adult awards in 2015 (rather the next awards early in 2016 awards would cover sixteen months of titles), there were many positive outcomes and a well-considered rationale.

Firstly, moving the adult awards to May would allow the event to become part of the Auckland Readers and Writers Festival. This would help raise the profile of both the event and the short-listed writers.

Secondly, Book Tokens kindly agreed to underwrite the essential funding for the CYA awards. With Creative New Zealand funding for prizemoney already secured, a scaled-down event was eminently feasible - but only if it was moved to August to allow sufficient time for the remaining pieces to fall in place. Funding for the writers' tour was subsequently received from Copyright Licensing and the Governor-General agreed to host the event at Government House in Wellington.

Thirdly, delaying both awards would allow BAT sufficient time to reinvigorate both awards and implement exciting new initiatives.

The first of these was a revamped Children's Choice awards process whereby the entire process was guided by the readers - kids. This has been a huge success, engaging 158 schools, representing over 1000 classes, in reading and *discussing* New Zealand books. It is a win-win for New Zealand writers and readers.

Further exciting developments are currently being pursued. These will be announced as soon as they are finalised.

In the wake of NZ Post's departure, an initial search for new naming rights sponsors was undertaken. When this proved unsuccessful, BAT decided that, given the tightening sponsorship environment and the recent (rather worrying) trend away from arts sponsorship, a new approach was required.

So rather than continue to search for a major naming rights sponsor, it was decided to seek sponsors for individual elements of both awards.

With prizemoney guaranteed by Creative New Zealand, new sponsors are being sought for individual categories including Best First Book, Children's Choice etc. A Friends of the awards group is also being formed to seek patronage from individuals, companies and other organisations.

There have already been a number of major positive developments, however until these are finalised no further details can be made available.

There are still many obstacles and challenges ahead, but the BAT Board are confident the revamped awards will have enormously positive spin-offs for writers and New Zealand literature as a whole.

Finally, I would like to acknowledge the dedication of BAT Chair, Nicola Legat, who has worked tirelessly to ensure the awards continue to prosper.

Kyle Mewburn

Book Month Trust Board

I was invited to join this board late 2014.

At that time Book Month had been reconceived as Book Week and branded as Verb with a logo by Dick Frizzel, as shown.



Verb was to be one week of celebrations set around a national campaign using book bags in bookshops, authors' events and community events.

During the first meeting I attended via conference call in November 2014, it was agreed there needed to be wide industry support, especially with the booksellers if Book Week was to be launched successfully in 2015. Further sponsorship was also needed to pay for the proposed initiatives.

To get the booksellers on board a working committee was formed to create a new incentive that would drive customers into bookstores throughout the next NZ Book Week and also unite the industry, both publishers and booksellers alike.

The Board was presented with a report from this working committee which highlighted lack of clarity about Book Weeks actual purpose. There was a concern that its mission was too wide. Proposals from this meeting were presented to the Board but there was no unified support for the working committee's proposals. Alongside this corporate sponsorship had not been forthcoming despite the engagement of HT Group in an extensive sponsor search.

It was agreed at the Board meeting held in April 2015 that without the funds, a national campaign of events could not be planned in time to launch Verb in August. This was publicly announced 29 April.

Booksellers NZ contract to project manage NZ Book Month expired at the end of 2014 but they are continuing to work on it as necessary with Sir Bob Harvey as chair.

Jackie Dennis

Taipei International Book Exhibition (TIBE) Group Final Report

The Taipei International Book Exhibition (TIBE 2015) was held in the Taiwan World Trade Centre from Wednesday 11th to Monday 16th February 2015. Around 560,000 people visited TIBE 2015 over its six days, about 10 percent more than attended in 2014. A total of 682 publishers from 67 countries exhibited their works at the fair, which featured over 700 book-signings, authors' talks and other events.

New Zealand was Guest of Honour at TIBE 2015, our artists and publishers telling the New Zealand story under the banner 'Open Hearts, Open Minds, Open Books'.

The aim of the Guest of Honour (GoH) Programme was to raise the profile of New Zealand in the North Asia region, leveraging books, authors, cultural events and using any other promotional activities available.

At the heart of the Guest of Honour programme was the Visiting Author contingent which was comprised of 22 authors and illustrators, 10 of whom had 14 works translated into traditional Chinese and published for TIBE 2015. Works from two further New Zealand writers were published for the Fair and two recently published New Zealand authors were supported by their Taiwanese publishers.

39 events were held in the Guest of Honour Pavilion including 10 performances from the Ngā Kete Tuku Iho cultural group sponsored by MFAT, three student attraction presentations from Education New Zealand and three wine appreciation sessions arranged by NZTE. Of the 23 author events, 10 included Taiwanese co-panellists of which 5 were indigenous Taiwanese writers.

The ten Taiwanese publishers of New Zealand authors hosted 20 events at various locations in the TWTC and 8 in Taipei bookstores. The National Central Library held an event for Joy Cowley in Taipei while Auckland's sister city Taichung hosted an event for children's writer Mark Sommerset and illustrator Sarah Wilkins in the Wu-Fong District Library.

Linking Publishing sold 1,200 copies of Man Booker Prize winner Eleanor Catton's novel *The Luminaries*, making it one of the best-selling items, according to the Taipei Book Fair Foundation. Her first book *The Rehearsal* also sold more than 500 copies. This is six days' sales in a market where a translated fiction title would be a bestseller at 10,000 copies sold annually.

TIBE 2015 concluded a residential exchange for six graphic novelists, three from New Zealand and three from Taiwan. The exchange was jointly funded by Creative New Zealand and the Taiwanese Ministry of Culture. The resulting book will be published in 2015.

Six New Zealand illustrators featured in a Children's Illustration exhibition curated by TBFF alongside Taiwanese and Ibero-American illustrators. Two of the illustrators were part of the visiting author programme, and four had illustrations in titles published for TIBE.

11 trade and 6 educational publishers were represented at the exhibition and held over 150 rights and sales meetings on the Pavilion. More than 300 indications of interest/requests for further information were received for New Zealand titles.

New Zealand publishers enjoyed a significant multiplier of business in Asia—rights sales into Taiwan during 2014, new deals done for books to be published in 2015, and new expressions of interest in New Zealand titles from Taiwanese, Chinese and Korean publishers.

Kyle Mewburn

Whitireia New Zealand

Bachelor of Applied Arts Combined Advisory Committee, Faculty of Arts, Whitireia New Zealand

Written by Iona McNaughton, NZSA representative

I attended three advisory committee meeting (April, August and November 2014) and at all three meetings the discussions focussed around how best to promote the courses and its successes, and how to build an alumni of graduates.

All three meetings were chaired by Karen Ross and included reports from the faculty artforms of creative writing, performing arts, music, and visual arts and design. Student representatives are invited to attend the meetings and provide feedback on the courses. Unfortunately, student representatives from the creative writing programme never attend although they are invited each time.

Mary-Jane Duffy, Programme Manager, Creative Writing, reported at each meeting. The programme continues to attract large numbers of enrolments and offers innovative options for the students to see their work in print (see some highlights in the bullet points below).

As reported in 2013, the only course that isn't well-subscribed is the scriptwriting course. In 2014, the script class was cancelled because of a lack of enrolments. The Programme Manager has been working with the NZ Film School to strategise and market the course.

In October, armed with a bunch of NZSA brochures, I visited a class and spoke to students about NZSA and why they would benefit from belonging. Very few of the students – mostly young – had heard of NZSA. The society might consider developing a marketing strategy to reach all the various writing courses around the country and try to attract young and/or emerging writers.

Having said that, I have read on its very informative website that Penny Geddis, who received a Graduate Diploma in Creative Writing (Novel), won a 2014 NZ Society of Authors' mentorship to help her with the next one. I wonder if she might be a good person to promote the benefits of belonging to NZSA.

I also attended the launch of the Fourth Floor Literary Journal, an online space that publishes a selection of work written each year by students and tutors on the creative writing programme.

Other highlights of Mary-Jane's report:

- Escalator Press, launched in 2013, published several new works in 2014 and distributes a regular -newsletter promoting the books and the writers.
- A total of 33 creative writing students graduated this year, including five with BAppA degrees majoring in creative writing.
- Three creative writing graduates were accepted into the Masters programme at the IIML at Victoria University.
- *Easy Bites* was launched in August 2014, the result of a biennial competition run by the creative writing students around Wellington cafes. Contestants were invited to "write something to read with coffee" and the competition was judged by poet James Brown. *Easy Bites* was produced by students in the Whitireia Publishing Programme.
- *The Curiozeum*, an anthology of stories for children, was published in 2014. It's a partnership between the creative writing programme and Te Papa Press.

In conclusion, the programme seems to be in very good heart with an exciting range of writing and publishing activities happening.

We Create – formerly The Copyright Council

The Copyright Council has gone through significant changes in the last 18 months. It has re-branded and changed its focus to be about promoting the positives in protecting copyright with both the government and the public. Celebrate, don't defend. Highlight the value in employment and economic return. Champion the people who create.

We Create's mission is to be the unified voice for the New Zealand creative sector and the vision is to grow New Zealand's creative sector both locally and internationally.

The launch of the new image was timed with the release of the combined PWC Economic Value Reports 2012 for book publishing, music, film and television and interactive games. This timing was to draw attention to the value the creative industries bring to the economy of New Zealand and to prompt positive communications with Government. The above four industries will repeat the reports in 2015 with a launch and PR campaign in July through to August. It is hoped these reports will be joined by others in the creative sector in the coming years.

Being able to demonstrate the economic scale of the sector with real data give We Create a better voice with Government which will aid growth in the sector. It will also be valuable when it comes to a review of the Copyright act.

We Create has just adopted a new constitution which enables a small working group to be responsible for resourcing and communications. It also allows for different classes of membership. There are financial members and non-financial members - both can attend meetings but financial members can vote whereas non-financial members can't - NZSA is a financial member. Over and above this there is a new tier of membership called Friends. Friends are financial members who cannot attend meetings or vote but can be noted on the website and be provided with certain updates and benefits.

I attach the most recent flyer for We Create showing the new branding and messages.

Jackie Dennis

Insert flyer