

Manifesto 2020



THE NEW ZEALAND
SOCIETY OF AUTHORS
TE PUNI KAITUHI O AOTEAROA PEN NZ INC

The New Zealand Society of Authors Te Puni Kaituhi o Aotearoa Pen NZ Inc was established in 1934 and is the principal organisation representing and supporting New Zealand writers, with over 1550 members. NZSA has an Auckland-based national office, eight regional branches and many hubs. NZSA events welcome all, and our advocacy work benefits all writers.

NZSA is an affiliated and active member of PEN International and works alongside local industry partners and literary arts organisations to ensure the professional interests of writers are represented. Primary functions are professional and skills development, collegiality and support, the administration of prizes and awards, sector communications and advocacy.

NZSA representatives sit on a range of boards, committees and steering groups such as: *PLR Advisory Committee, CLNZ Board, Northtec, PEN International, Burns Fellowship Trust, Book Awards Management Trust, Book Sector Coalition, Writers in Prisons, Accessible Formats Forum* and *We Create*. We work closely with *CLNZ, Booksellers NZ, Playmarket, ReadNZ Te Pou Muramura, Writers Guild* (representing script and screen writers) and *The Publishers Association of NZ (PANZ)*. NZSA is a 50% stakeholder of *Copyright Licensing NZ Ltd* and a foundation stakeholder in *The New Zealand Book Awards Trust* and *The Book Sector Coalition*.

NZSA hosts a biennial *National Writer's Forum*, run by writers for writers.

The NZ book market has suffered disruption and contraction over the last decade due to the rise in digital publishing and has culminated in a loss of habitat for books and writers: a reduction in book retail outlets and local publishing. At the same time new parallel importing legislation led to the market being flooded with cheap overseas books, many multinational publishers closed their NZ publishing offices. New independent publishers have appeared and there is a strong self-publishing sector emerging.

Thus, the publishing ecosystem is fragile in what is dubbed our "minor English language market" and the government must ensure legislation enables writers to earn from their work. Small print runs and copyright exceptions already limit earnings.

At least 32% of NZSA membership self-published in 2018, including award-winning writers of considerable stature. CLNZ 2018 Horizon Research lists the average writer's income at \$15,600 p.a. and this is made up of a cocktail of royalties, PLR payments and fees for reviewing and editing and placing stories, poems or articles.

NZSA membership spans adult to children's writers, across the literary, academic, commercial, educational, gaming, blogging and media sectors and thus works across the arts in many forms.

The book industry accounts for nearly 2,300 jobs and has a direct contribution to GDP of \$128 million (PWC 2015 report).

NZSA advocates for fair reward for all writers. The current government has named access to the arts and creative expression as one of the crucial components of wellbeing, now included in Treasury's Living Standard's Framework and has expressed the need for sustainable career paths in the creative sector and sustainable incomes for writers. Despite this and as a result of recent legislation, NZSA members have suffered further blows to their ability to maintain their writing-based incomes.

i) The Marrakesh Treaty Amendment Bill is a requisition of free content for up to 24% of

the population (i.e. anyone identified with a disability). It allows all schools and libraries to copy. We request a review of the impact on author's incomes and their Intellectual Property rights.

ii) Creative New Zealand's budget increased in 2020 by \$4.6 million to investment clients but NZSA received no boost in funding, despite record membership and proposed new services. We receive 1/3 of the funding allocated to sister orgs Playmarket and the Māori Literature Trust.

iii) The current review of the Copyright Act under MBIE must favour the economic and intellectual property rights of creators.

iv) Current exceptions for education, Marrakesh, research and libraries are now at a level NZSA believes contravene both the Berne Convention and the moral and economic rights of authors under Article 27 of the Human Rights Act. If 'exceptions' stifle a writer's ability to earn from their work, then they contravene international treaties.

POLICY POSITIONS:

NZSA made submissions on the Marrakesh Treaty Amendment Bill and the Copyright Act Review. We expressed concern over the impact of unfavourable legislative reviews on authors' incomes. Experience in Canada and the USA has shown that increased exceptions have had a negative effect on author incomes.

Fair Copyright Act Review

NZSA seeks a robust copyright framework that enables writers to earn from their work in the domestic market and internationally through distribution and co-publishing/rights deals. It will support the creative industries and authors rights.

Mandatory Copyright Licences for all schools

NZSA believes the Ministry of Education must license all schools in Aotearoa New Zealand with an annual copyright licence as they are required to do for Microsoft. Currently only 75% of schools hold copyright licences.

Reinstate the Commercial Availability Test under the Marrakesh Treaty Amendment Bill

If publishers print books and produce simultaneous e pub3 editions then accessible format works are available to purchase. Publishers should be encouraged, to produce born-accessible work at the same time as print editions.

ELR Educational Lending Right

Establish a government funded ELR scheme in line with the UK and Australia. This compensates writers for work held in school libraries and is crucial for fairness for all NZ writers, particularly children's authors and illustrators and non-fiction publishers.

Update PLR Public Lending Right

The PLR fund has been static for 11 years and a review has been announced. It must align to corresponding increases in CPI over those 11 years as a minimum and be linked to annual CPI rises for the future. PLR must include payments for digital and audio lending. The PLR scheme should include private libraries eg the Blind Foundation which makes 560,000 loans p.a. to compensate writers for work taken free under Marrakesh. It must include school libraries.

Public Library Contract Purchasing

NZSA asks for a commitment that Library Supply Contracts for NZ books are purchased from NZ library suppliers. This ensures authors receive a full royalty on books accessed for libraries in their home market. School libraries must have ring-fenced budgets to improve our declining literary rate.

Arts Sector Investment

NZSA would like assurance that government arts sector funding for literature keeps pace with, at a minimum, the visual arts sector as we have now fallen behind in comparative funding percentages. Literature, while important to other arts sectors such as film, theatre and music, is chronically underfunded and its ecosystem is under threat.