ON THE DAY the Leveson Inquiry hearings on the ethics and practice of the Press (www.levesoninquiry.org.uk/hearings) opened, the November meeting of London Freelance Branch was all about press regulation. Just before the meeting, one of our speakers – Mark Lewis, lawyer for the Milly Dowler family and other News of the World phone-hacking victims – was himself identified as a target of NoW surveillance.

Clearly, politically, Something Must Be Done about regulation: the game now is to ensure that it is, at worst, not damaging. Professor Natalie Fenton, co-director of the Centre for the Study of Global Media and Democracy, outlined plans she is working on with the NUJ and others. Mark began by countering accusations from Spectator columnist Rod Liddle that he is a “horrible little man,” by standing up to demonstrate that “I may be horrible but I’m not little, so Liddle should have got his facts right!” Mark believes phone-hacking could be morally justified, to “second source” a story with a clear public interest. However, with NoW phone-hacking, “there isn’t any public interest defence”: it was “used for lazy journalism, cheap shots”.

Mark added that “if we regulated ourselves, we would have ethical journalism, what code would allow that?” As an “outsider to your organisation”, Mark expressed agreement with NUJ proposals for a conscience clause to protect journalists who come under pressure to take part in unethical media practices. In his own profession, the Law Society strikes off unethical lawyers: press regulation should take the form of self-regulation with “a statutory back-up.”

Mark should start with “some sort of concept of morality, some sort of journalistic ethics.” He added: “You’re the Fourth Estate, you’re exposing other people’s corruption, you should be able to expose your own corruption.”

Natalie Fenton said the Leveson Inquiry means “we have a historic moment to make a difference,” to “to transform the media world for the future, these moments come along very rarely.”

While the likes of the Society of Editors fear that “any form of regulation is one step away from Zimbabwew”, Natalie says what’s being proposed is more of a “regulatory back-stop.” Some of the more sensible proposals, according to Natalie, including journalists – nominated by unions – and lay people – by civil society organisations – sitting on the board of whatever replaces the Press Complaints Commission. (There are journalists on Ireland’s Press Complaints Council, which functions much better.)

The successor body to the PCC could appoint a News Ombudsman who could demand a right of reply. It could be backed up by “news tribunals” – as accessible as employment tribunals. There should be a “15 per cent rule” – any owner with a stake of 15 per cent or more in a designated media sector would be subject to a public interest test for mergers and take-overs.

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NUJ General Secretary Michelle Stanistreet gave evidence to Leveson on 16 November: see online for links. She reminded the inquiry that “the reason why we’re all here today is because of excellent, dogged investigative journalism which brought this scandal to light”; argued for a “conscience clause” protecting journalists who refuse to break the Code of Conduct; and announced that the NUJ is working with the Inquiry so that members who need to can speak out about their workplaces anonymously, to protect against finding themselves suddenly unwanted after the Inquiry. If you have a contribution to make, email leveson@nuj.org.uk as soon as possible.

Fashion victims fight back

CO-OPTATION is the sincerest form of flattery, and the London Freelance Branch campaign to get media interns the payment they’re due – following a landmark victory by sister media union BECTU – has been flattered. The most important development is the revelation by Shiv Malik in the Guardian that Her Majesty’s Revenue and Customs (HMRC) plans to raid fashion companies who engage interns but fail to pay them at least minimum wage, as the law requires. This is significant because HMRC is responsible for enforcing minimum wage law – and can do so six years after the intern-ship ends. Those who take the Industrial Tribunal route must file a claim within three months; your union can be thoroughly involved in the process. HMRC’s action follows BECTU supporting film runner Onur Özkoç in taking a claim through HMRC – though the union has no formal part in such cases (August Freelance).

In other news, a survey by Interns Anonymous found that half of 647 internships have already done at least two internships. More than eight out of ten said their internships had gone on for more than a month, with 12 per cent of those surveyed saying they had recently finished an internship of six months or more. Over a quarter received no expenses at all. Many said their work placement had been arranged by their university tutors (unpaid internships are still legal for students in full-time education) and only one in ten were aware they had a right to National Minimum Wage for work placements after their courses had finished.

One respondent said: “I asked if I could be paid… I was told there was no money in the budget for this, which seemed contrary to what I was used to hearing openly stated within the office – that the organisation was flush with money.”
The Rate for the Job

This month’s crop of Rates for the Job includes shifts with German broadcaster ZDF, and – definitely worth looking into – Electronic Press Kit interview gigs.

Thinking about work for a company you’ve not dealt with before? Simply look at the Rate for the Job to find out what companies in similar niches have paid. Then aim higher.

You can submit rates online, in confidence, at any time, at www.londonfreelance.org/rates – please give not only the basic rate (e.g. for FBS, First British Serial rights) but extra payments negotiated for extra uses, like the Web – or for print if it’s a Rate for the Online Job. These are shown as (eg) £400 + 100. We record rates paid in Euro as well.

Rates marked X are, in the editor’s fallible opinion, below par. Treat all rates as minima, even perhaps the happy @ few.

Broadcasting: Record companies (various), video pop/rock star PR interviews for EPKs (Electronic Press Kits) All rights, £500 XX; PR interviews for EPKs, terms as above £800; PR interviews for EPKs, terms as above £1000; BBC Asian Network weekly radio contribution £50 XX.

Photography: Corriere della Serà two pictures £300; ZDF mild production day shift including VAT £240; Sainsbury’s subbing day £130 XXX; Shropshire Star subbing or reporting day £85 X; EL Gazette reporting day shift £112.50,negotiated upwards but still rated XX.

Defend your library money

IF YOU HAVE a book published, you are entitled by UK and EU law to a payment each time that book is lent by a library. This compensates you for the reduction in sales, and therefore royalty payments, when people can borrow your book.

Until now, this “Public Lending Right” has been administered by a remarkably efficient little office, staffed by twelve people in Stockton-on-Tees. But it’s a quasi-non-governmenal organisation, so the incoming coalition government announced that it had to go.

At about the same time the coalition announced a cut in its budget from £7.58 million in 2009-2010 to £6.956 million in 2014 – protesting that this would be dealt with by “efficiency” measures.

Now it seems that administration of Public Lending Right will be handed over to the British Library – which prompts the Freelance to ponder both the ethics of foxes in chicken-coops and their London livings expenses.

And the Department for Culture Media and Sport has launched a consultation on how to cut the amounts paid to authors in PLR.

Their preferred proposal is to cut the payment per loan from the current 6.25p to 6.05p for the February 2012 payments. The deadline for responding to the consultation is 23 December.

The Freelance presents one author’s response as a model at www.londonfreelance.org/fl/1111plr.html – and please do respond in your own words, rather than just cutting and pasting. To register for PLR, go to www.plr.uk.com

Where now for children’s non-fiction?

WHAT CAN writers do when the medium they work in is disappearing? That was the agenda for a meeting of members of NibWeb, an email network for writers of children’s non-fiction (CNF) sponsored by the NUJ and Society of Authors, on 1 November.

Inevitably, we began with a short discussion of the state of the industry: it’s dire, with few commissions and pay that has gone down over the last decade or so. But the meeting had positive thoughts on making a living from traditional books.

Though work on series of CNF books is scarce, and the UK market shrinking there is some demand for: books for reluctant readers; one-off titles (not part of a series); work for non-traditional outlets such as museums; and books that mix genres – for example fiction and non-fiction.

We may have to be more proactive than we have been in the past and approach outlets (publishers, museums, and so on). There is also a need, if not a demand, for materials that demonstrate research and worked-out argument. CNF still has too low a profile and needs a “champion”. Electronic publishing is not a panacea, since it suffers the same distribution problems as paper books, magnified by the large numbers of titles on offer.

Internet-based publications tailored for individual schools have worked for some people and, with the right profile, it might be possible to persuade schools and other bodies to subscribe to such things as online information packs.

Self-publishing would seem to have a limited value. Beware of producing work uneedited! Local subjects and outlets such as newsagents and cafes can work – especially with print-on-demand.

The meeting discussed ideas for collectively marketing the expertise of members: discussion will continue on the email list: see www.londonfreelance.org/NibWeb

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I don’t work for less than 50 Euro!

The suicide of Italian journalist Pierpaolo Faggiano – who left a note explaining how his precarious working conditions had driven him to such an extreme act – unleashed a wave of protests by freelance journalists across Italy. Many try to survive on fees of 4-20 Euros per article.
LIBEL LAW and its reform were under discussion at London Freelance Branch’s October meeting with libel lawyer Robert Dougan— he defended science writer Simon Singh against the British Chiropractic Association— and Padraig Reidy, news editor of Index on Censorship.

Robert revealed one episode of South Park hasn’t been shown in England— it ends with a cartoon version of a famous Hollywood actor promising ‘‘I’ll sue you… in England!’’ Not only is our English libel law a joke, “but we don’t get to see the joke’’.

Several bloggers were sued last year, warns Robert, who doesn’t find that moderating comments to your site is much of a defence. Libel cases can only be brought in the year after publication— but there’s the 1849 case Brunswick vs Harmer, in which the Duke of Brunswick sent his “man” from Paris to buy an 1830 back issue of The Weekly Dispatch from the magazine’s London office. The precedent has been applied to say that each viewing of a Web page is a new publication. Generally anything that lowers the opinion of the claimant “in the eyes of right-thinking members of society’’ is defamatory. “Fair comment’’ is when “you honestly hold an opinion on basis of facts known to you at the time of publication.’’ So make clear what is opinion, and why you honestly hold it. Now even lawyers “are saying litigation is just too expensive’’ according to Robert.

Padraig Reidy set out how IoC, together with English PEN and the Sense about Science campaign, “have been working on solutions’’. Padraig was pleased to see that about half the audience had already signed the Libel Reform Campaign petition. The upshot of this is Min- ister of Justice Lord McNally’s Draft Defamation Bill. The Leveson Inquiry is “worrying’’: there’s much “something-must-be-done’’ in the wake of the phone-hacking scandal, says Padraig: “phone tapping, expenses, and libel (are) in danger of all being thrown into one big media overhaul, which will see more restriction on the press.’’ Arguments about the costs of mounting a defence against libel are “very particularly not men- tioned in the government’s bill.’’ IoC are looking for “a stronger public interest defence’’. Padraig would also like to see a system like the Australian, one where large corpor- ations cannot sue.

Waiting for Stalin: © news

THE FREELANCE is still waiting for the (UK) government to produce its consultation on proposed changes to copyright law— mostly aimed at increasing the number of ways that people can re-copy your work. We understand that it’s written, but is waiting for a slot in the “matrix” of news releases.

When said consultation does materialise, we shall respond. We will mention that it’s a bit silly to legis- late to permit use of works whose authors cannot be located, without at the same time making sure that all authors, including we journalist- ists, have the right to be identified (“no orphan works law without full moral rights’’, in the jargon). The current “exceptions’’ to copyright, such as that allowing quotation for review and criticism, are essential. But proposed new “exceptions’, for example the one finally making it legal to make “private copies’’ in the UK, must come, if they come, with arrangements for compensation through collecting societies.

Meanwhile in Washington DC the US Supreme Court has heard, and is likely still pondering its judge- ment on, an attempt to put works by non-US authors — mostly dead, ones — out of copyright in the US. The case Golan v Holder challenges a 1994 law that re-recognised non-US authors’ copyrights that had expired under US law. This law was necessary for the US to remain a member of the World Trade Organization and of the Berne Convention that sets out international law on authors’ rights. Never mind that: some are inveighing against evil foreign authors (you or, more likely, your mum or grand- dad) reviving copyrights in the US, comparing them to Joseph Stalin (onetime dear leader of the Soviet Union, m’lud). But surely his thing was expropriating property, and that’s what the anti-copyright forces wish for us foreigners?

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Small Claims win

SOME TIME in 2012, according to an announcement by the government’s Intellectual Property Office on 16 November, a “Small Claims’’ court will be available to anyone wanting to pursue breaches of copyright worth £5000 or less.

The NUJ first proposed such a small claims court in its evidence to the Gowers Review of copyright law back in 2006. The new procedure will be a “track’’ of the Patents County Court, which is training District Judges not to be puzzled by copyright. The NUJ continues to campaign for enforce- ment, including raising the bar for damages beyond what you would have charged the infringer, had they asked nicely in the first place.

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Photographers: identify yourselves

The union’s last Delegate Meeting voted to have a place on its National Executive elected by union members who are photographers. So the NUJ needs to know, for sure, which of its members make the majority of their income through lens-based pursuits. Whichever Branch you belong to — that’s basically your choice — if you do, please contact membership@nuj.org.uk to be sure the union knows.

Tax credit puzzle: help!

OUR HEAD hurts. We’ve been reading around the government’s proposed “Income Credit’’ to replace Jobseeker’s Allowance, Income Support, Working Tax Credit, Child Tax Credit, Housing Benefit and more. There are many details, and we’ve only tried to understand two that would affect the many freelance journalists who have to make up their income with the Tax Credits.

The Department for Work and Pensions (DWP) proposes, if we understand them, that tax credit claim- ants would have to demonstrate that they work at least 35 hours per week at least minimum wage. If they failed they could have their tax credit cut, or be sent for training. Also, there are plans for “real-time income reporting’’. So they’re planning a big, new, Revenue computer system that I’ll call Mr Moll. If it ever worked, would a freelance have to log in every time we got a cheque?

And how is the 35 hours thing supposed to work for someone who decides to do some proper investiga- tive journalism — living on savings (and tax credit) for a month or two to research a story, then get- ting the cheque? Can the DWP hoax you off the 60 hours a week you’re putting into the story, to get trained in how to, er, work more hours? And is it a trade- off in these things… help! Once we’ve understood the question, we’ll likely start answering it with campaigning.

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Coming soon...

Check soon at www. londonfreelance.org/fl for news we’re chasing.

• Freelances at Penguin and DK meet
• Police powers – with law firm Bindmans
• Is there a future for the press in Wales’ Confer- ence report
• Negotiating out rights- grab clauses
• Training for members: book “Getting Started as a Freelance’’ 4 February
• Grants for cross-bor- der European investiga- tory journalism: deadline 10 January
How to survive Xmas

’TIS the season of compulsory holidays. But how are we likely to get paid?

Use the downtime to sign up to the Freelance Directory, which is FREE to members for non-commercial purposes. To non-members and for commercial purposes, £10 for this much text, roughly. Acceptance is at the editor’s whim; appearance does not imply endorsement. If you have any comments or thoughts about what it entails, contact a current committee member (see www.londonfreelance.org/lfb/contact.html) for advice on what it entails. Committee members see the responsibilities of LFB committee members (see www.londonfreelance.org/lfb/minutes.html) for more details.

Volunteer minute-takers are still needed for LFB meetings throughout 2012. Please contact a committee member if you are interested.

New blood!

ELECTIONS to the London Freelance Branch Committee for 2012 take place at the Branch AGM on 9 January (see above). Full LFB members are encouraged to stand. If you’re hesitating about standing for election, contact a current committee member (see www.londonfreelance.org/lfb/contact.html) for advice on what it entails. Committee members are on hand at December’s LFB party to chat about it. The branch calendar web page www.londonfreelance.org/lfb/meetings has all the details.

For other support available to prospective committee candidates, see www.londonfreelance.org/ fl/1112cte.html

LETTER

Sorted

I just wanted to drop you a line of thanks. Assistant Freelance Organiser Pamela Morton recently and very patiently negotiated a settlement with a publisher. I was employed by but who was refusing to honour the payments due to me. I just wanted to say thanks for your and her help with everything. I’ve written to the Journalist to highlight how much NUJ membership is, especially now. Thanks again!

Rob Kemp