Writers and authors: useful resources

This information sheet lists resources, including sample agreements, which authors, writers and illustrators may find useful. It includes a brief description of the different resources available from other useful organisations.

Authors and writers may find themselves in different contractual situations across different media. Whether they sign an agreement with a publisher, hire an agent or commission artwork for their literary work, publish their work online or produce a television script, they require contracts to state their rights and obligations, ensure their dealings are explicitly recognised by the contracting parties and protected by law. The Arts Law Centre of Australia (**Arts Law**), the Australian Society of Authors (**ASA**) and the Australian Writers' Guild (**AWG**) provide a plethora of resources for various contractual situations.

This information sheet lists resources, including contracts, available for authors and writers to organise their dealings with others, and explains when the different contracts can be used.

ASA resources are free for members; rates apply for non-members. AWG resources are strictly available to members.

Arts Law Centre of Australia

Information sheets

- **Copyright**

This information sheet provides basic information on copyright such as: how it arises; who owns it; and how long it lasts. It also gives an overview about dealing with copyright.

- **Moral rights**

This information sheet provides basic information on moral rights and their significance for authors.

- **Contracts: an introduction**

This information sheet provides an introduction to contracts and agreements, outlining the main areas a person should consider when presented with a contract, or when drafting a contract.

- **Contracts: a glossary of jargon**

This information sheet lists some of the more common legal terms used in drafting, negotiating, discussing, entering or arguing about an agreement.

- **Crowdfunding**

This information sheet provides information as to the legal issues relevant to using crowdfunding platforms to find contributors of funding so that authors can carry out writing and publishing projects.

- **Protecting your ideas**

Copyright law does not protect ideas, only the original expression of ideas in material form. This information sheet explains how to protect ideas and gives an overview of the law of confidentiality. It also includes a sample deed of confidentiality.

Sample agreements

The following sample agreements available for purchase from Arts Law might be relevant to authors and writers:

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- **Image Reproduction Licence for a Publication**

The Image Reproduction Licence for a Publication is a sample agreement for the licensing of an existing visual image for reproduction in a publication.

- **Option and Purchase Agreement**

This is a two part sample agreement. It is used where a filmmaker seeks permission from the author of an existing literary work to develop the work into a film script. The Option Agreement gives the filmmaker exclusive rights for a specified period to develop a treatment and find funding for the film. At the end of that period the option either lapses and all rights revert to the author or the Purchase Agreement becomes effective to transfer rights to the filmmaker in return for a payment.

- **Writer and Commissioner**

The Writer and Commissioner Agreement should be used when a writer is commissioned to write a piece in a visual arts context, for example a monograph or a short catalogue essay for an exhibition.

- **Interviewee's Release** and **Interviewee's Release: Short Form**

The sample Interviewee's Releases can be used when an interviewer wishes to record and use an interview with another person.

Australian Society of Authors (ASA)

ASA is a professional association that promotes and protects the rights of writers and illustrators. ASA seeks to promote a strong literary industry by setting writers' rates and conditions. ASA also advocates on law reform.

ASA's services for members include a subsidised contract advisory service, telephone and email advice, a mentorship program for emerging writers, and access to online resources such as sample agreements.

In 2017 Arts Law is trialling a partnership with ASA to provide you with a inclusive industry assessment of your publishing offer, plus a legal review of the terms of the contract. You can submit your contract assessment query through the ASA website. Your contract will then be assessed by ASA and Arts Law. You will receive helpful advice on whether the agreement meets both industry and legal standards.

Find an Answer

You can use this section of the ASA website to find free answers to frequently asked questions.

Information Sheets

The following papers are free for ASA members or $11 per information sheet for non-members. They can be accessed through the **ASA Info Papers** section of their website.

- **Getting Published**
- **Introduction to Digital Self Publishing**
- **Writing About Indigenous Australia**

Sample agreements and advice

The following resources are free for ASA members, or $11 per sample agreement for non-members. You can **access them here**.

- **Trade Publishing Agreement Template**

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The Trade Publishing Agreement for Authors and Trade Publishing Agreeement for Ilustrators are basic book publishing agreements for authors and illustrators respectively, which sets out the ASA recommended minimum terms and conditions for publishing both adult and children's fiction and non-fiction works.

- **Joint Authorship Agreement**

The Joint Authorship Agreement outlines the ASA recommended terms and conditions for writers wishing to work together.

- **Ghost-writing Agreement Package**

The Ghost-writing Agreement is designed to assist the negotiation of an agreement between an individual commissioning a writer to ghostwrite her/his book.The package includes a sample agreement and discussion of the terms and conditions that can arise in this context.

- **Literary Agent and Author Agreement**

The Literary Agent and Author Agreement is designed for writers and/or illustrators who are signing with literary agents, and sets out recommended terms and conditions.

Australian Writers' Guild (AWG)

AWG is a professional association that promotes and protects the rights of Australian performance writers (film, television, theatre, radio and digital media). AWG advocates the improvement of professional standards, conditions and remuneration for Australian performance writers. Its services to members include legal and industrial advice, online sample agreements and informational resources, workshops and seminars, as well as supporting domestic performance writers in a global marketplace.

Theatre agreements

- **Theatre Industry Agreement**

The Theatre Industry Agreement is a collective agreement between the AWG and signatories detailing the industry standard terms and conditions for theatre writers. The Agreement includes a Commissioning Agreement, Licensing Agreement and Theatre in Education/Community Theatre agreements.

Television agreements

- **Miniseries and Telemovie Agreement (MATA)**

MATA is a collective agreement between the Screen Producers Association of Australia (**SPAA**) and AWG detailing the industry standard terms and conditions for agreements with writers of television mini-series and telemovies

- **Series and Serials Agreement (SASA)**

SASA is a collective agreement between SPAA and AWG detailing the industry standard terms and conditions for agreements with writers of television series. It includes a Writer's Contract.

- **Children's Television Agreement**

The Children's Television Agreement & Writer's Contract is a collective agreement between SPAA and AWG detailing the industry standard terms and conditions for agreements with writers of children's animations and live action series.

All three agreements include a Writer's Contract.

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Film agreements

- **Feature Film Option Agreement and Assignment Deed**

The Feature Film Option Agreement and Assignment Deed is used to option and assign copyright in a script for a feature film.

- **Feature Film Writer's Agreement**

The Feature Film Writer's Agreement can be used in relation to the commission of a feature film script.

- **Short Film Writer's Contract**

The Short Film Writer's Contract is a sample contract for commissioning short film scripts.

- **Script Editor's Agreement**

The Script Editor's Agreement is a sample agreement used when commissioning someone to edit a script.

Corporate film agreements

- **Corporate Commercial Contract**

The Corporate Commercial Contract is used when corporate films are commissioned for commercial exploitation.

- **Corporate Non-Commercial Contract.**

The Corporate Non-Commercial Contract is used when corporate films are commissioned for a non-commercial exploitation.

General writers agreements

- **General Release Form**

The General Release Form is an assignment form for the release of copyright.

- **Confidentiality Agreement**

The Confidentiality Agreement is a sample agreement dealing with non-disclosure obligations surrounding a script.

- **Real Person Consent Deed**

The Real Person Consent Deed is a sample agreement for a person to give consent for use of their personal stories and events.

- **Submission Release Form**

The Submission Release Form is used when submitting scripts to producers.

- **Co-writers Agreement**

The Co-writers Agreement is a sample agreement for writers who wish to collaborate on a script.

- **AWG Rights Assignment Letter**

The AWG Rights Assignment Letter is used for assignments of copyright between co-writers.

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Other useful organisations

Australian Copyright Council

The Australian Copyright Council (**Copyright Council**) is a non-profit organisation that seeks to educate about the mechanism and the importance of copyright. It aims at supporting artists and other copyright owners in knowing and enforcing their rights. The Copyright Council's website contains information sheets, an online bookstore and information about upcoming seminars in relation to copyright. Furthermore, the Copyright Council provides free legal advice to individual creators (e.g. composers, writers, artists, film makers, and photographers) and people working in arts organisations who satisfy the eligibility criteria.

The following sources of information might be of specific interest to writers and available through their website: http://www.copyright.org.au.

Information sheets

- **Family Histories & Copyright**

This information sheet focuses on the legal issues in relation to the artistic use of family histories and dealings with source material.

- **Newsletters & Copyright**

This information sheet contains specific information for creators of newsletters and touches on including third party content.

- **Databases, Compilations, Tables & Forms**

This information sheet provides specialised information on using collections of material such as anthologies, databases or directories.

- **Parodies, Satire & Jokes**

"Parodies, Satire & Jokes" might prove helpful whenever you want to include humorous material from third parties into your work.

- **Quotes & Extracts**

This information sheet deals with legal issues involving the use of other people's writings.

- **Translations & Copyright**

"Translations & Copyright" sheds some light on the question of whether you need a permission to translate other people's works in whole or in part.

- **Writers & Copyright**

This information sheet contains general information about copyright issues writers might have to face.

Books available for purchase through the Copyright Council

There are a number of books for sale through the Copyright Council. "Writers & copyright" could be useful to writers as it provides detailed information on legal issues relevant to them.

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FAQs

A compilation of FAQs relating to writers' legal concerns, such as "Can I get legal protection for the title of my book?" can be found on the Copyright Council's website.

Copyright Agency

The Copyright Agency Limited (**Copyright Agency**) is a non-for-profit collecting society. Copyright Agency collects and distributes royalties and licensing fees, including royalties from statutory licences, on behalf of copyrights owners. Copyright Agency's website contains general information on copyright as well as specific content relevant to writers, for example:

- **Copyright for journalists**

This information sheet provides an overview of the legal issues involved in writing for a newspaper or magazine, especially as an employee.

Digital Publishing Australia

The platform Digital Publishing Australia was created in February 2012 to serve as a forum and a source of information for authors involved in digital publishing. The website contains case studies, links to other learning resources and a guide on digital publishing that can be downloaded free of charge (http://digitalpublishingaustralia.org.au/digital-publishing-guide/). Copyright Agency manages and funds the platform.

Further information

- Arts Law Centre of Australia
- Australian Copyright Council
- Copyright Agency
- For media writers: Media, Entertainment and Arts Alliance (MEAA)
- **Writing NSW** https://writingnsw.org.au/ PO Box 1056 Rozelle NSW 2039. Phone (02) 9555 9757.
- **Writers Victoria** http://writersvictoria.org.au/ Level 3, The Wheeler Centre, 176 Little Lonsdale Street, Melbourne, VIC 3000. Phone (+61) 03 9094 7855 Fax (+61) 03 9650 8010. Email info@writersvictoria.org.au
- **Queensland Writer's Centre** http://www.qwc.asn.au/ Level 2, State Library of Queensland Cultural Centre, Stanley Place South Bank Queensland 4101. Phone (+61) 07 3842 9922. Email qldwriters@qwc.asn.au
- **South Australian Writers' Centre** http://sawriters.org.au/ 2nd Floor 187 Rundle Street Adelaide SA 5000. Phone (+61) 08 8223 7662. Email admin@sawriters.org.au
- **Northern Territory Writers' Centre** http://ntwriters.com.au/ Frog Hollow Centre for the Arts 56 McMinn Street Darwin 0800. Phone (+61) 08 8941 2651 manager@ntwriters.com.au
- **Writing Western Australia** http://www.writingwa.org/ Ground Floor Alexander Library Building Perth Cultural Centre, WA 6000 Phone (+61) 08 9228 9908 Fax (+61) 08 9430 6613 info@writingwa.org
- **Tasmanian Writers' Centre** http://www.tasmanianwriters.org/ First Floor, Salamanca Arts Centre, 77 Salamanca Place, Hobart Tasmania. Phone (+61) 03 6224 0029 Fax (+61) 03 6223 3354 Email admin@tasmanianwriters.org

Disclaimer

The information in this information sheet is general. It does not constitute, and should be not relied on as, legal advice. The Arts Law Centre of Australia (Arts Law) recommends seeking advice from a qualified lawyer on the legal issues affecting you before acting on any legal matter.

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