

Sydney PEN Annual Report 2008-09

by Virginia Lloyd, President

This document is the full Annual Report. An edited version was presented to the Annual General Meeting of Sydney PEN on 22 July 2009 by Treasurer John Beale.

The year from July 2008 to June 2009 has once again been a busy and productive one for Sydney PEN.

Following on from the strategic plan developed in late 2007, the 2008-09 year saw an increasing clarity and focus to Sydney PEN's activities, and a noticeable strengthening of our public profile.

As a reminder, the strategic plan identified four key areas:

1. defending freedom of expression in Australia and internationally, with an emphasis on Asia;
2. promoting literature to advance PEN's goals;
3. building the profile of Sydney PEN;
4. improving our communications and expanding our membership and financial support base.

The following report considers Sydney PEN's activities within each of these areas.

1. Defending Freedom of Expression Internationally

Writers in Prison Committee work

Following the success of the global PEN Poem Relay leading up to the Beijing Olympics in August 2008 (of which Sydney PEN was a key driver), the Sydney PEN Writers in Prison Committee, led by Gaby Naher, has worked tirelessly to promote and advocate on behalf of writers imprisoned in China, Burma, Sri Lanka, Vietnam and Thailand; and to protest the brutal killing of journalists in Russia in January this year.

In August 2008, Australian Harry Nicolaides was detained when he went to board a plane to Australia. Mr Nicolaides was subsequently charged under Article 112 of the Criminal Code for allegedly insulting the monarchy and faced up to fifteen years in prison. The charge stemmed from a single passage in Nicolaides' novel, *Verisimilitude*, which was considered to be insulting to the Thai king's eldest son. Sydney PEN worked in close collaboration with Melbourne PEN and International PEN in an advocacy campaign to free Mr Nicolaides. The two Australian PEN centres wrote jointly to Australia's Minister for Foreign Affairs about Mr Nicolaides' case and dozens of letters were sent to both our minister and to the Thai Ambassador to Australia by PEN members. Sydney PEN spoke to the Australian media a number of times about Mr Nicolaides' situation. In February 2009, Harry Nicolaides was granted a royal pardon.

In May 2009, Sydney PEN made Burmese poet, monk, comedian and activist Zargana, an Honorary Member. The Writers in Prison Committee is in direct contact with the Department of Foreign Affairs and Trade about this writer and we will continue to ask Australia's ambassador to Burma/Myanmar to take a personal and active interest in his case.

Over the course of 2008-09, the Writers in Prison Committee sent out fourteen alerts typically generating a modest but nonetheless important dozen or so advocacy letters. Sydney PEN also took part in International PEN's 'Send a seasonal greeting' initiative. Over the twelve weeks leading up to Christmas, Sydney PEN members sent non-denominational greeting cards to imprisoned writers around the world. As ever, although the cards generated little direct response, we believe that the campaign was extremely significant.

At the recent Sydney Writers Festival, festival-goers signed hundreds of letter about PEN's imprisoned writers that we have forwarded to the relevant ambassadors. While we typically do not receive a reply to each letter sent, we are confident that the constant flow of letters from Sydney PEN members and friends to Australian ambassadors in Burma, Vietnam, Sri Lanka and China have a direct impact on the amount of time the diplomat in question devotes to advocacy work.

We acknowledge and greatly value Gaby Naher's work in leading the Writers in Prison committee. We would like to see more direct engagement of our members and supporters in our advocacy work, and the Management Committee has been considering ways of doing this. In April, Committee member Charlotte Wood hosted a volunteer letter-writing event at a Newtown bookshop as a test of this type of "grassroots" approach. Its success, both in terms of people attending and letters written, is hoped to lead to other similar get-togethers, which ideally would be coordinated by interested members in cafes or in their own homes.

PEN Empty Chair campaign

Sydney PEN has been gratified to see the enthusiasm for the symbolic "empty chair" campaign continue and grow. The empty chair, which represents a writer silenced because of their work, is prominently displayed at all sessions of major writers' festivals and literary events.

During 2008-09 the empty chair was featured in writers' festivals and related literary events in Perth, Darwin, Brisbane, Noosa, Byron Bay, Melbourne and Sydney. Many of these were organized in advance by former committee member Ashley Hay, whom we thank and acknowledge.

We thank the many participating festivals and the writers at these festivals for their continued support. I would also like to mention Gail Jones's efforts with respect to building our relationship with the Sydney Writers Festival.

Day of the Imprisoned Writer

To commemorate International PEN's Day of the Imprisoned Writer, Sydney PEN scheduled the final lecture of the 2008 Voices: 3 Writers series in November to coincide with that annual global event. We were fortunate to be joined by Tom Keneally AO, a member of Sydney PEN's Writers Advisory Panel, who read out a statement about Burmese poet and comedian Zargana, who had then been recently sentenced to a shocking 45 years in prison.

Freedom of expression in Australia

Sydney PEN continued to voice its concerns about issues pertaining to limits on freedom of expression in Australia.

In June 2009, Sydney PEN made a submission to the federal government's National Human Rights Consultation, focusing on how to better protect freedom of expression for writers and readers. At a structural level, Sydney PEN urged the adoption of a justiciable bill of rights which

provides: (a) a new cause of action where human rights are infringed; (b) binding remedies, including compensation; and (c) judicial power to declare inoperative legislation which unjustifiably infringes a human right. The submission then addressed four key areas where the freedom of expression could be better protected in Australia.

First, we urged the repeal of anti-terrorism amendments to classification laws which unjustifiably expose a wide range of books and films to censorship without achieving the aim of preventing terrorism. Whilst under international law freedom of expression may be limited to protect national security, this may only be justified if there is a definite causal link between the banned materials and a likelihood of terrorist acts. By banning materials which generally 'indirectly' incite or directly 'praise' terrorism in a general sense, the Act impinges disproportionately on freedom of expression.

Such vague provisions also introduce a wide degree of subjectivity into decision making which could lead to unpredictable conclusions about individual texts, increasing artistic and academic uncertainty about their rights. The notion that scholars must apply for special exemption to access banned texts also limits our academic ability to understand terrorism. Classification law is an ill-suited medium for combating the incitement of terrorism. Bans on such materials risk increasing their influence among disaffected groups.

Secondly, we encouraged reform of Australia's new sedition laws, which have generated much anxiety within the community and amongst writers. The laws unreasonably and unjustifiably limit the international human right to freedom of expression by failing to clearly distinguish between legitimate free speech and conduct specifically calculated to (and likely to result in) incite violence or crime. Such laws have no place in a modern, self-respecting democracy which values freedom of expression.

Historically, sedition laws have been manipulatively used against legitimate political opponents and to prosecute trivial statements which do not reasonably incite violence. The laws are still too broad and ambiguous in scope, and risk criminalising and chilling literary expression. Given the metaphorical, generalised content of many textual forms, unclear rules may encourage self-censorship among artists for fear of harsh interpretations of their work. This is already occurring, as evidenced by the SBS inclusion of a sedition clause in its standard TV licensing agreement. The laws are also perceived by some religious communities to be targeted at them in a discriminatory fashion, and thus risk chilling freedom of legitimate religious expression.

The narrow construction of the 'good faith' defence, the placing of the burden of proof on the artist and the failure to expressly protect academic or scientific discussion does not provide sufficient protection for writers. At the very least the laws require redefinition to clarify their meaning and minimise artist self-censorship. For the most part, existing criminal offences better target and control the harms covered by the sedition laws, without carrying the same degree of historical baggage and popular resistance to the law. The role of Australia's creative arts community in facilitating the exchange of ideas is indicative of a healthy democracy and should not be unjustifiably constrained.

Thirdly, we argued that Australia's proceeds of crime legislation is too wide and unjustifiably interferes in the capacity of certain authors to profit from publishing their stories. Literary proceeds orders are said to be justified on policy grounds to prevent a person becoming unjustly enriched by their crime. Properly crafted laws may be necessary and proportionate restrictions on freedom of expression. **However, Sydney PEN was concerned about the wide scope of literary proceeds orders under Australian law.**

In contrast to comparable laws in the United States, in Australia there is no requirement that a person has been convicted of an offence. The orders also cover the circumstances of detention surrounding an offence, thus preventing a person from writing freely about any abuse or mistreatment in detention or miscarriage of justice. The legislation also recognises the retrospective criminal offences before US Military Commissions at Guantanamo Bay, intended to specifically prevent David Hicks from publishing his story for profit, despite those trials being illegal under international law and prisoners being mistreated there.

Sydney PEN also made a submission to the Senate Education, Employment and Workplace Relations Committee's Inquiry into Academic Freedom in Australian Universities in July 2008. Academics are writers whose freedom of expression is of concern to Sydney PEN. Academics are among our membership, and PEN also advocates on behalf of academic writers unjustly imprisoned worldwide. Academic freedom in Australia has come under pressure in recent years by factors such as larger class sizes and higher administrative loads; commercialisation; changes to research funding; and anti-terrorism laws (including sedition, censorship, ASIO powers and new offences).

Sydney PEN argued that the creation and publication of academic scholarship should be as free as possible from political interference, while acting within the law in a democratic society. Only by establishing the conditions of academic freedom can the full potential for intellectual progress within our universities be realised. The independence of academics is essential to ensure that they can freely develop critical thought and expression and thus contribute new insights to society.

PEN's experience in working to free writers in prison around the world illustrates the vital role which academic freedom can play in opposing political repression. In many countries, the slide towards authoritarianism has involved gradually increased restrictions on academic freedom, ultimately to its vanishing point. Relative autonomy from political interference makes an important contribution to maintaining a robust civil society and a functioning democracy.

In PEN's view, there was little substance to any suggestion that various forms of prejudice are in any way common or systemic in Australian universities. Australian universities are amongst the most intellectually diverse and vibrant places for the production of scholarly research and writing of any university sector in the world. Scholarly merit is a core criterion in the appointment and career progression of academic writers, and there are no barriers to entry for academics who do not share a particular intellectual viewpoint. Universities are founded on the ideal of academic freedom of thought, opinion and expression; and ideological, political or cultural prejudice is antithetical to the professional duties of academics.

Where cases of prejudice do exist, the scholarly community itself is best placed to ensure academic diversity and freedom, and the intervention of the Parliament is not appropriate. Peer review of research maintains rigorous academic standards and ensures that any academic who is genuinely 'prejudiced' – *in the sense of making claims or assertions which are not supportable or verifiable by evidence or argumentation* – will not prosper as an academic.

Further, the academic community is also best placed to deal with allegations of misconduct by academics, such as in the rare case where an academic subjects a student's views to ridicule or vilification. Indeed, universities already have mechanisms in place for dealing with allegations of professional misconduct by academics, and for applying appropriate penalties. The suggestion that universities may be prejudiced and lacking in diversity has the potential to undermine academic freedom and diversity, since it sends a message to academics that they are under suspicion and that their views require policing by politicians.

Ensuring academic freedom requires that the government (1) refrain from interfering in academic expression and (2) establish the structural conditions which enable academics to freely write. Sydney PEN recommended the following steps to enhance academic freedom to research and write: (1) overall funding to universities, and research funding specifically, should be increased in order to relieve teaching and administrative pressures on academic workloads, and therefore to better enable research and writing productivity and quality; (2) Parliament should legislatively protect academic freedom in universities, for example based on the protection in s 161 of the *Education Act 1989* (New Zealand); (3) workplace agreements in all Australian universities should include a minimum standard clause on the protection of academic freedom; and (4) Individual academic employment contracts should expressly provide for the protection of academic freedom in employment.

2. Promoting literature to advance PEN's goals

Sydney PEN Voices: 3 Writers Project

During 2008-09 the Sydney PEN Voices: 3 Writers Project remained the focus of our work to promote literature and highlight the important role writers play in our society. The growth in audience over the series' second year shows that there is an ongoing need for informed and provocative public discussion on issues often overlooked by mainstream media.

The 2008 series featured Christopher Kremmer discussing *Greed* (July), then Melissa Lucashenko on *Survival* (September) and Anna Funder exploring *Courage* (November). In 2008 the series was extended to Canberra, where the writers appeared at the National Library. Each writer's talk was followed by an in-conversation with a journalist or commentator. In Sydney, they were, respectively, Anne Summers, Fran Kelly, Tom Keneally. In Canberra, they were, respectively, Alex Sloan, Jack Waterford, Professor Hilary Charlesworth. The lectures were held at Sydney Grammar School in Sydney, and the National Library in Canberra. The audience numbers were increased by more than 50% in Sydney, while two of the three Canberra events were completely sold out.

The 2009 series is well underway, with two of the three lectures already written and presented in Sydney and Canberra. This year's writers are Malcolm Knox, who spoke on *Honour* in April; Max Barry, who talked about *Risk* earlier in July; and Larissa Behrendt, who will discuss *Legacy* in November. We have been fortunate to form a partnership with the State Library of NSW for the Sydney events, which has helped develop our audience even further through its extensive database and marketing resources.

Audience turn-out has been helped by excellent media coverage, including Radio National's *Life Matters* and *The Book Show*, local ABC radio, *Sydney Morning Herald* and the *Canberra Times*. The series has been filmed and presented by ABC *Fora* and *Slow TV*.

The collection of essays from the 2008 series was published in May by Allen & Unwin.

Sydney PEN Voices: The 3 Writers series could not have been realized without the support of the Copyright agency Limited (CAL). We are extremely grateful to Zoe Rodriguez at CAL and her colleagues. We also thank Manning Clark House in Canberra for their logistical support and local marketing on the ground there. In Sydney, working with Rosemary Moon and her team at the State Library has been a delight.

But despite the excellent support of these partner organizations, the series simply could not have happened without the exceptional voluntary work of several committee members. I draw particular attention to Charlotte Wood's efforts in securing the commentators to discuss the lecture following each writer's talk; and to Jane Owen and Jane Palfreyman for their involvement with issues pertaining to contracts and publication. Carol Dettmann's contacts and liaison with people in Canberra was essential to the success of the series' extension to that city, as was Ben Saul's willingness to MC the event on two occasions.

This series draws to a close at the end of 2009. I think we can confidently say that the Voices: 3 Writers series has placed Sydney PEN securely on the map, and we look forward to building on the momentum and profile it has helped us develop.

Customs House Readings

Our series of monthly lunch time readings at Customs House continued through to the end of 2008. Readers for the second half of 2008 were Arnold Zable, Garth Nix, Hanifa Deen, Anna Funder and Helen Garner. We thank the writers for their participation in this series, the City of Sydney and Customs House Library for their enthusiastic support of Sydney PEN. We look forward to working with the City of Sydney on future initiatives.

Other literary events

Sydney PEN was proud to be joint organiser of the Indigenous Literacy Day event held at the State Library of NSW in September 2008, in conjunction with the Indigenous Literacy Project. Two actors from the National Institute of Dramatic Arts performed selections from the *Macquarie PEN Anthology of Aboriginal Literature* as part of a lively panel discussion featuring Wesley Enoch, Tara June Winch and Chris Mead, led by *Griffith Review* editor Julianne Schultz.

In May 2009 we were proud to present Julie Rose in conversation with Evelyn Juers **on** the Art of Translation at Gleebooks, in association with the Australian Association for Literary Translation.

Sydney PEN books

We are delighted with the publication of two Sydney PEN-related books over the past year:

- The *Macquarie PEN Anthology of Australian Literature*, an enormous project spearheaded by Nicolas Jose (then President of Sydney PEN) in 2000. It was published earlier this month (July 2009) and will be published in the US and UK later this year. Five per cent of the royalties are to be paid to Sydney PEN.
- *Courage, Survival and Greed*, the collection of essays by Anna Funder, Melissa Lucashenko and Christopher Kremmer from the 2008 Sydney PEN Voices: 3 Writers Project, published by Allen & Unwin in May. We are grateful to Committee member Jane Palfreyman for her editorial and liaison work on behalf of this project, and to Allen & Unwin for its continued support.

Sydney PEN people

During 2008-09 Sydney PEN made the following awards:

- The 2008 Sydney PEN Award, acknowledging outstanding work by a Sydney PEN member in support of PEN's aims, was made to Chip Rolley in November. The award is made

possible by the generosity of Sydney PEN member Jane Morgan and Charles Wolf of The Pen Shop in Sydney.

- In May 2009, as already mentioned, the Burmese monk and poet, Zargana, was made an Honorary Member of Sydney PEN.

We remain grateful for the continuing support of the Sydney PEN Writers Panel who have assisted us in many ways over the past year. Panel member Helen Garner took part in our final Customs House Reading at the end of 2008, which was extremely popular, while as previously outlined, Tom Keneally conducted the in-conversation with Anna Funder at the November Three Writers event in Sydney, and presented our Day of the Imprisoned Writer commemoration that evening.

3-4. Profile-building, communications, and expanding our base of financial supporters and members

Sydney PEN's activities in these two priority areas identified by the 2007 Strategic Plan are discussed jointly below because 2008-09 has demonstrated that they are inextricably linked.

Magazine

The revamped Sydney PEN Magazine – available online at our website and in printed copies at Sydney PEN events – is now into its third issue. The magazine will be published twice-yearly; the June 2009 issue will be followed by one in November. Thanks to the support of the Copyright Agency Limited (CAL), we have a new design, the ability to commission new writing, and funding through the end of 2010.

Under Susan Wyndham's leadership the November 2008 issue received a lot of positive feedback from readers locally and internationally; several other PEN centres sent their congratulations. We thank Susan for her dedicated effort in producing the magazine under tight deadlines and time constraints. In 2009 we welcomed back Sandy Symons to the committee. Sandy's previous involvement with Sydney PEN and her willingness to take on the editorship and production management of the publication and to involve some of her graduate students at University of Technology, Sydney, is already resulting in a more streamlined process and more reader-friendly format. We look forward to more engagement of UTS students in Sydney PEN's work as a result of this strategic association.

E-news

The Sydney PEN e-news has been the most reliable and regular means of communicating with our members and supporters. It provides information via email about our advocacy work and current campaigns, promotes our publications and events in which we are directly or indirectly involved, and third-party events that support the mission of Sydney PEN.

We plan to integrate the e-news into our redeveloped website, automating some of the background technical work and making the newsletter quicker and easier to produce. We also want to focus more on stories of the imprisoned writers.

Website

An effective online presence is critical for Sydney PEN. During 2009 our current website is finally being redeveloped to facilitate online community-building and communication with members and

stakeholders, and enhance our campaign impact. The redevelopment will occur in stages following approval of the final design in May. Features of the new site will be common to website users – “send to a friend”, online registration to join our mailing list, and e-commerce capability – but they will greatly enhance our capacity to inform people about our activities, encourage them to participate, to tell others, as well as making it easy to become a member or make a donation online.

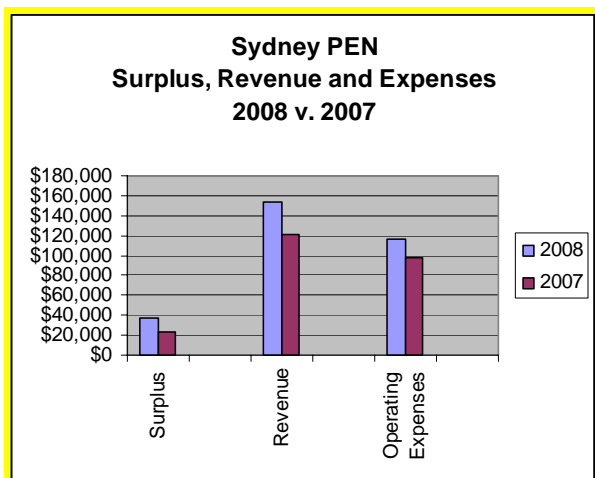
Sydney PEN has been extremely fortunate to have the pro bono support of BarNet. Generously they host our website, provide our broadcast email service, and continue to host the PEN Poem Relay website following their key role in its development. The enthusiasm and support of Michael Green and his team at BarNet is greatly appreciated. Many thanks to Committee members Charlotte Wood and John Beale for their involvement in the website redevelopment project.

Operations

Administration

Thanks to the diligence of our part time executive officer, Kathryn McKenzie, Sydney PEN’s heavy administrative load has been efficiently and effectively managed.

Finances



Financial Summary

	2009	2008	Difference
Revenue	153,240	121,653	31,587
Operating Expenses	116,337	98,164	18,173
Net Surplus	36,903	23,489	13,414
Cash Flow from operations			
Receipts from activities	98,828	115,831	(17,003)
Payments to suppliers	112,485	66,953	45,532
Net cash (used)/provided	(13,657)	48,878	(62,535)
Cash at beginning of year	102,652	53,774	48,878
Cash at end of year	88,995	102,652	(13,657)
Member's Equity	76,105	39,202	36,903

The operating surplus for 2008 was \$36,903, an increase of \$13,414 over 2007.

The result was achieved on revenues of \$153,240 an increase of \$31,597 over 2007. The main increases were: \$18,257 Events and partnerships; \$5,938 Membership; \$5,923 Donations and \$3,433 Interest.

Operating expenses for the year were \$116,337 an increase of \$18,173 over 2007. Main increases were \$4,112 publication of two issues of the Magazine; \$3,730 printing new membership and promotional brochures and \$2,330 in website maintenance and development.

Net cash used by the Centre in 2008 was \$13,657, reducing cash reserves at 31 December 2008 to \$88,994. At year end there was a surplus of \$76,105 of current assets over current liabilities represented by accumulated members' funds of \$76,105.

I'd like to take this opportunity to thank our Treasurer John Beale and our honorary accountant, Peter Walford for working consistently to ensure that Sydney PEN's finances have been kept in order over the past year. This task is sometimes thankless but it is essential to our viability and our reputation, so it is greatly appreciated.

Fundraising and Membership

Growth in our membership and financial support base is essential to ensure Sydney PEN's long-term sustainability and contribution to International PEN.

We are very pleased to report substantial increases in membership income over the past 12 months, due largely to the donations of several major publishing companies who responded to targeted letters of invitation to support our activities. Individual memberships remain around 250, so improving that figure remains a priority for the future.

The year 2008 saw a 58% increase in income from donations over the previous year. Halfway through this year, we are well on track to exceed last year's total income from donations. This is a particularly pleasing result and reflects the increasing public profile of Sydney PEN as well as the generosity of some longstanding as well as new donors.

Support from our sponsors and donors enables Sydney PEN to continue its work promoting literature and defending freedom of expression. We thank our sponsors - the Copyright Agency Limited (CAL), BarNet, Gleebooks, Allen & Unwin, HarperCollins, Book Creator's Circle, the City of Sydney & Customs House Library, UTS, Peachy Print, the Sydney Writers' Festival, NFP Accounting, the Pen Shop and the Sydney Mechanics School of Arts.

We also thank every one of our donors, and in particular Dr Gene Sherman and Brian Sherman AM.

Committee Members

I would like to thank each member of the Management Committee for their commitment to Sydney PEN and their willingness to discuss challenges and new ways of doing things. Over the past year we have become an energetic, cohesive and highly engaged team. While I have already mentioned many individual contributions in this report let me make it clear that while Sydney PEN commitments have sometimes taken up more time than any of us might have preferred, not once did anyone abrogate their responsibilities.

The Management Committee has achieved much over the past year despite a number of unexpected changes and the extensive travel of several members, including myself. Foremost among them was the international relocation in February of our Secretary, Clare Waters, who had provided excellent support and knowledge of governance issues over three years. We thank her for her contribution to Sydney PEN.

Our Treasurer, John Beale, has now completed his maximum term of three years in the role. John's sound business acumen, financial experience and sense of humour have made him not only a delight to work with, but an extremely valuable member of the committee. We thank him for his outstanding contribution over the years.

Unfortunately, changing personal circumstances have led to several other committee members deciding not to renominate for the new committee, but we are fortunate to have many interesting members nominating for the incoming committee.

Jane Palfreyman, Charlotte Wood, and Gaby Naher have respectively made substantial contributions to Sydney PEN's development in recent years and they will remain actively involved in Sydney PEN's work. Gaby will continue as Chair of our Writers in Prison committee. We also thank Ben Saul, who is taking an academic sabbatical, for his valuable legal expertise and his willingness to write submissions to Senate inquiries on issues pertaining to freedom of expression. We acknowledge and thank Carol Dettmann and past President Mara Moustafine, who have shown a rare dedication and loyalty to Sydney PEN over the years of their service, and whose personal and professional contacts have been of great benefit to Sydney PEN. We also thank Susan Wyndham, who as mentioned previously has made in a short time a large impact on the Sydney PEN Magazine; and Rhyll McMaster, for her creative input into our discussions during the year.

While I am not nominating for the role of President of Sydney PEN, my decision is solely the result of my decision to be based in New York. It has been a great honour and privilege to lead a

strong and committed team of highly intelligent and creative people through an important period of the organisation's transition and growth. I have every confidence that Sydney PEN will continue to grow in size and reputation as it increases its focus on advocacy work – the reason that most people become members of Sydney PEN in the first place.

On behalf of the Management Committee I would like to thank you for attending our AGM and for your ongoing support for Sydney PEN and its activities over the past year, and to encourage you to consider ways in which you could help us do more advocacy work and reach more people and attract new members. By writing letters in support of imprisoned writers, attending our events, supporting our fundraising efforts and volunteering your time, you have helped us advance PEN's goals of promoting literature and defending freedom of expression – the freedom to write and the freedom to read.

Virginia Lloyd
President, Sydney PEN
July 2009