

Whoops! A week late, sorry...
I have a good excuse though. Last week I started working on the Aussie edition of *Freelancing for Dummies*, which I have the great honour of writing! It will be out in September next year, which means two more books on the market aimed at our work situation, and written by yours truly! How hilarious! This month we look at hobbies versus business activities, and an interesting question about moral rights. Until next time...

Monica



Freelance F A Qs

*Dear Monica,
I recently wrote a story for a small organisation and when I read the finished version, it was changed totally and expressed opinions that I don't agree with. Is this legal? What can I do?*

Vicki

You have had your moral rights violated, all right. Moral rights are connected to copyright and protect your right to be named as the creator of a work after it's been sold. They exist for 70 years after your death, and can never be bought (unlike copyright). Your moral rights over a work mean that –

- ◆ You're entitled to a credit or attribution for the work;
- ◆ Nobody else can be named as the creator;
- ◆ Your work can't be treated in a derogatory way;
- ◆ You can remove your name if you don't want to be associated with the work.

If you feel your moral rights have been abused, you can ask for a remedy, such as compensation. In reality, though, the best you'll probably get is the right to have your name removed. So far there has been only three test cases of moral rights since they were introduced in 2000. Good luck with the good fight, though!

Fancy an answer? Email faq@freelancesuccess.com.au and we'll get back to you!

Feature Article: Business Versus Hobby

Here's the question everyone asks - how do I define what I'm doing as a business? How do I know if my creative work is actually a hobby? This is a tricky area as there's no set amount of income that defines a business - it ain't that simple!

It's the ATO we need to please here, because if they define you as a hobby (usually through an audit), you won't be entitled to the same generous deductions as a business would.

The ATO consider you a business if you have the desire and the method to make money from your craft. How much money you earn is taken into consideration, but it's not the only defining factor.

This is because people can still make money from a creative hobby, and not automatically be in business. They might star in amateur theatre and get a percentage from ticket sales, or publish the occasional short story for money. That doesn't make them a business to the ATO.

If this was an issue for you, the ATO would decide if you were more than just a hobbyist by assessing whether or not your work has the 'character' of a business. That means you are:

- ◆ Building towards making a profit in time, and treating your work as a commercial venture;
- ◆ Actually doing something about setting up a business, like getting an ABN and a website;
- ◆ Creating a business plan, that outlines how your business will be present and profitable in the longer term (like 5 years);
- ◆ Business-like in the way you manage your time and money. You need a business bank account, a registered business name, and neat financial accounts.
- ◆ Qualified to work in your field, with a bit of professional experience and references.

If you're new to freelancing you may not be able to prove that you are a flourishing business yet, but a proper business plan as well as the previously mentioned documentation can show that you're taking every necessary step to be serious about your craft.

The main thing? Take your business seriously, and others will follow. Plan for longevity - after all, it can't hurt!

AdHoc

The Freelance Success Newsletter

What's Up Freelance Success?

◆ Freelance Success website updated and fabulous!

It's in the same place and looks roughly the same, but the new website is fat with new info and I think it's pretty speccy. Best of all, it's less Sydney-focussed, with more info for our friends not in the Emerald City! Check out...

... A new **events** page, with something for every state. This will be updated in time for AdHoc's publication at the beginning of each month...

... A new **articles** page, with longer-form stories and profiles of other creative freelancers who have found success...

... A new and improved **jobs** page, where you can find links to loads of freelance-friendly job agencies and websites...

... A better **resources** page, with new info on grants and tenders. This bit is not yet complete but have a look anyway!

... A bit of **history** about Freelance Success and me.

You know the place...

www.freelancesuccess.com.au

◆ Let's not forget Perth!

Enrolments for *Running a Creative Business*, based on the *Freelance Success* workshops, will be closing soon!

When? Wed 28 to Fri 30 Nov 07

Where? eCentral TAFE, Perth

Cost? \$100, sponsored by ScreenWest so jump in!

More info? Visit our website and go to the Events page. You'll find WA halfway down the page.

◆ Hello Christmas Party!

Come along and get merry, the lucky door prizes have already started to roll in...

When? Friday 21st Dec, 8pm

Where? Level 1 VIP Deck, Marlborough Hotel, Newtown.

And it's free! Bring friends!

Nibbles, prizes and fun included!

Next mailout... Friday 7th Dec 07

freelance success

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