

Why crime should pay

Tom Noble, author, and news editor of The Sunday Age in Melbourne, argues that existing legislation to curtail crime book publishing threatens vital aspects of free speech in our society

Censorship is not a good thing. Free speech and the expression of ideas - however much you may oppose them - allow society to develop, debate its dilemmas and move on. And this is the crux of why criminals should be allowed to tell their stories - and if necessary profit from them. To have laws that threaten the publication of stories by people with a criminal history is simply regressive censorship.

There are two examples in which I had a direct involvement. In 1993, I was given a manuscript smuggled out of a NSW jail. It was a collection of recollections by Arthur Stanley Smith, better known as Neddy Smith, one of Sydney's leading criminals in the 1980s. The 403 pages he typed in his cell gave a startling account of not only the robberies, bashing and wide-scale drug dealing that Smith had been involved with, but also revealed the equally startling relationships Smith had with certain NSW police.

In 1981, Smith was present when Detective Sergeant Roger Rogerson shot dead a drug dealer, Warren Lanfranchi, a killing that has become part of Sydney's criminal folklore. At the subsequent inquest, Smith's evidence supported that of police and, as a result, Smith said police gave him a "green light" - that is, he could commit any crime he liked with impunity, as long as detectives received their cut and no police were hurt.

Over the years that followed, Smith bashed, robbed and shot his way across Sydney, dealing in millions of dollars of heroin. He was never jailed, and many police inquiries were thwarted when friendly detectives tipped off Smith. Federal Police phone taps caught many conversations between Smith and detectives, some of which led to the police being charged with serious offences.

Smith stayed free until he was finally charged with murder and armed robbery. He was convicted and sentenced to life. At that point he felt his police friends had betrayed him, so he decided to reveal all.

Smith's allegations led to a major Independent Commission Against Corruption inquiry. In its first report in 1994, Commissioner Ian Temby, QC, found Smith's main allegations to be true: "Because of police protection Smith led a charmed existence...was helped by various police officers, who provided him with information, looked after him when charges were laid or threatened, and generally acted in contravention of their sworn duty".

The ramifications for the NSW Police Service of this and subsequent inquiries have been enormous, and determined efforts have been made to rid the force of corrupt officers.

Smith is not an easy character to defend. Many of his actions were illegal, and he is now in jail. Yet it was imperative his story

be told. There has probably never been a book that reveals, from the inside, how and why corruption of this magnitude takes place.

For the record, his profits from the book have been assigned to his family. Yet even if he profited directly, I would have no qualms about it. The importance of the issue far outweighs any potential profit - and besides, Smith's total take from the book is less than he earned in a single day during untold numbers of his corrupt deals.

Some people want to make money by telling their story, and to threaten to limit, censor and restrict a free flow of information by discouraging people from telling their stories is simply stupid - especially from an area about which so much is written from the outside but so little from the inside. Smith is a classic example of this. It would have been tragic had his story not been told.

In 1994, I wrote *Never Give Up*, the story of Graeme Alford, a barrister who became a bank robber. His book tells of a successful man who lost everything - his family, health, liberty, friends and self-respect - and how he struggled to find his feet and rebuild his life. Alford is now a successful businessman and motivational speaker. His track record with helping hundreds of people whose lives have been shattered is extraordinary.

Yet a key element to his story is the crimes he committed - and as a result he profits from this (though, for the record, he gives his royalties to the charity Life Education). If the legislation had threatened this project, it would most likely have been dropped. Again, it would have been a tragedy had his story not been told.

So when the Melbourne County Court ruled in 1994 that Heather Parker, the former prison officer convicted of helping her inmate lover escape from jail, must forfeit \$42,000 paid by *Woman's Day* and Channel Nine for her story, a nasty precedent was set.

The selective prosecution of Parker meant that no more should anyone tell the inside story of how an escape was hatched, a system beaten and how police were evaded - all matters that are clearly in the public interest. To seek to censor them is both repressive and unhelpful. And this selectivity raises key questions: Where is the line drawn? And who decides where the line is? Do you allow a poet who is jailed to write about his experiences in prison, but prosecute a child killer who recounts his memoirs? It is a position fraught with danger.

The answer is to scrap the legislation and let the market decide. A child killer's memoirs is unlikely to be a commercial proposition, let alone mentioning the negative impact such a payment would have on the credibility of any media organisation.

The most troubling concern is where the application of this legislation goes next. What happens if there is more enforcement that eliminates crucial information about the operation of prisons, corrupt police and crime? In 10 years, would the publication of books such as *Neddy* and *Never Give Up* be off the agenda because the would-be authors are unwilling to go unpaid and have to fight their cases in court? This legislation threatens some vital aspects of free speech in our society. <

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Open market

continued from page 13

The publishing contract may stipulate full royalties on Australian sales, but how could that be policed? U.S. wholesalers provide U.S. publishers with details of books sold to foreign markets in return for extra discount. The U.S. publisher can then trigger the export (lower) royalty clause and force the author to effectively subsidise that sale. Call me pessimistic, but I don't believe a publisher in New York will have the development and promotion of Australian writing as a prime objective.

One of the matters for judgement in the earlier PSA inquiries was a measurement of the "value added" by Australian publishers and distributors. It is useful to apply the same criterion today. Confident that timely Australian release will give it access to the bulk of potential sales, an efficient publisher has the commercial incentive to "add value". Retail customers are visited by sales representatives many weeks ahead of publication, shown covers and/or finished books and always presented with marketing plans funded by the publisher. New books arrive freight free, on sale or return, and often supported by merchandising material. The publisher organises book reviews, advertising and author promotion when the book is released to drive buyers into bookshops.

Increasingly, retailers are loath to order enough books on publication to match the representative's advice and enthusiasm, preferring to re-order from the warehouse if a book starts to fly. Publishers and distributors need sales revenue to fund investment in technology and systems, whether for the warehouse or editor's desk. As retailers embrace technology too, they are looking to pass costs, stock man-

agement and service requirements such as JIT back up the value chain to their supplier.

Some economists, certainly those driving the calls for an open market, claim that the more sources of supply, the greater the competition and the lower the potential cost. But they don't understand the likely impact on Australian writers, publishers and, ultimately, retailers and consumers. Prices won't fall for editions other than remainders and, possibly, U.S. mass market paperbacks that don't require local promotion. Some retailers assume that if the rules are further changed, publishers won't again be forced to react. Any business needs profit for investment and shareholder reward.

If Australia ceases to exist as a copyright territory, publishers and distributors will no longer be able to assess the potential of the market. Marketing support will be diluted or abandoned, local stocks will be cut back further, and sale or return on new books will be impossible to sustain. And I don't even want to contemplate the effect on employment throughout the industry. Overseas suppliers will be delighted to take firm-sale orders unencumbered by the costs and responsibilities currently provided by companies like Penguin Australia on behalf of its writers and agencies. They are keen to become "free riders", eager to exploit Australia, yet unable and unwilling to provide service to retailers or lower prices to consumers.

Remember that line "I'm from the Government and I'm here to help you?" Well, the present Government cares about book prices so much that it is going to impose a 10 per cent GST. Who's kidding who? <

Peter Field