



**NZ Equity Supplementary Submission to the  
Commerce Select Committee  
on the  
Television New Zealand Amendment Bill 2009  
July 2010**

**New Zealand Equity and the Media, Entertainment & Arts Alliance**

NZ Actors' Equity is an autonomous part of the Media, Entertainment & Arts Alliance and is the industrial and professional organisation representing performers who work in New Zealand's entertainment industries.

New Zealand Equity (NZ Equity) wishes to make a supplementary submission to the the NZ Parliament Commerce Select Committee regarding the Television New Zealand Amendment Bill 2009.

NZ Equity refers the committee to the attached agreement titled: In the matter of the Engagement in Television Programmes of performing Artists Other than Musicians between the Broadcasting Corporation of New Zealand and Actors' Equity of New Zealand (Industrial Union of Workers), Dated 9 March 1981.

This agreement includes clauses relating to the future use of material. Clause 49 (3) states as follows:

*Repeat Fees*

**49. Within New Zealand**

*(3) In addition to the provisions of subclauses (1) and (2) of this clause, the Corporation shall be entitled to repeat throughout New Zealand a telecast of any performance undertaken pursuant to this part of this agreement at any time after two years from the date on which the programme was first telecast and the fee payable to the artist for such a repeat telecast shall be determined by negotiation between the Corporation and the artist concerned or his appointed agent. The Corporation shall forward a copy of such Agreement to Actors Equity. Where the Corporation and the artist concerned fail to reach agreement on such repeat fees, either party may have the matter dealt with under the provisions of Clause 58 (2) of this agreement.*

Further NZ Equity refers to clause 53:

**53 Continuing Rights**

*The rights conferred on both parties by the provisions of this Part of this agreement shall not be affected by the expiry of this agreement.*

Both of these clauses confer upon NZ performers rights for the future screening of material made pursuant to this agreement. Clause 49 (3) requires a negotiation to take place between TVNZ and performers or "his" appointed agent with respect to the repeating of material two years after its initial screening. Clause 53 means that these rights continue after the expiration of this agreement. There are dispute resolution clauses under clause 58.

NZ Equity reiterates that TVNZ (through the Broadcasting Corporation of NZ) entered into a binding agreement with performers up to 27 May 1989. NZ Equity has provided here the main agreement signed in 1981. There are likely to be a number of individual agreements held by TVNZ. These rights were freely entered into by both New Zealand and non-New Zealand citizens and are ongoing. The Government is now seeking to retrospectively vary these contracts by legislation and alter the contracted rights of performers and other creative contributors. NZ Equity again asserts that this a serious breach of fundamental contractual rights.

NZ Equity insists that these rights be recognised, supported and not removed by the Government. The proposed amendments are highly problematic and completely inadequate for the reasons outlined above and in our original submission. NZ Equity recommends their removal from the Bill and that TVNZ negotiate with performers and other creators on these rights.

Attached/

*In the matter of the Engagement in Television Programmes of performing Artists Other than Musicians between the Broadcasting Corporation of New Zealand and Actors' Equity of New Zealand (Industrial Union of Workers), Dated 9 March 1981*