

spadaNEWS

Q & A on the new

TVNZ Commissioning Structure

In early April TVNZ announced its commissioning restructure. Late last year TVNZ canvassed a number of people and organisations, SPADA included, on their views. We asked SPADA members to comment and the overwhelming response was that people preferred a genre-based system, rather than channel-based, so that the particular needs of genres could receive attention by genre specialists.

This was the structure adopted by TVNZ, with Irene Gardiner working on documentary, Geoff Steven on entertainment, formats and specials, John McRae on drama, John Wright

on factual and Carlyne Meng-Yee on special interest and off-peak. TVNZ's Head Of Television, Shaun Brown, was at pains to point out that any potential areas of confusion would be dealt with quickly, and that if in doubt, people should refer their projects to Irene Gardiner in the first instance.

An unexpected element of the restructure was the appointment of Geoff Steven as Head Of Programme Development in the format and entertainment genre. Shaun Brown called it "a significant step by TVNZ and signals the company's intent to play a more active role in identifying and developing programmes and formats capable of servicing the needs of New Zealand audiences but also of generating overseas sales".

SPADA's phones ran hot that morning with producers wondering if this was code for TVNZ increasing demands for back end participation and beefing up in house production. We decided to go straight to the horse's mouth and spoke to Geoff about his plans:

SPADA: Geoff, tell us about the scope of your new position and what you intend to do.

GS: There are two strands. First, we want to discuss ideas from the creative production community in New Zealand, with a view to identifying the best ones for New Zealand television and then considering how they can best be adapted for the international marketplace.

Second, we will identify overseas formats from offshore producers or sales agents and bring them here for devel-

opment for the New Zealand marketplace.

What this initiative is not, is a move by TVNZ to become a format seller or some kind of agent for formats. We will be dealing with a very small number of ideas from a small range of producers to exploit the potential for projects which have both national and international legs.

SPADA: So what does this mean for NZ producers when they want to pitch formats?

GS: From our perspective, less is more. We imagine we will deal with a small number of companies which have a business plan targeting international growth as a goal. The companies will be those which already have a record of successful prime time production. We will have informal initial conversations about potential projects, and the producer will then go and draw up a detailed proposal co-developed with us. We will then jointly take it to the international marketplace, or the producer can go it alone if they already have relevant contacts, or TVNZ can make the approaches if we have the better contacts. I've already had a number of approaches from offshore broadcasters and producers keen to work with us in this way.

Each project will be considered and negotiated on its merits and on the capability of the producer, but that capability is more related to creative, marketable concepts than, for instance the size of a production house.

(Continued on page 2)

May 2002
Number 68

IN THIS ISSUE...

- The new TVNZ commissioning structure** *an interview with Geoff Steven*Pg 1
- Directors Copyright** *Grant Campbell and Karen Soich with two different positions*Pg 3
- The good the bad and the ugly** *Jane Wrightson looks at the current state of the industry.* Pg 4
- Contractor or Employee?** *Peter Cullen examines a recent case before the E.R.A.*.....Pg 6
- SPADA Submissions** *Why have SPADA been so quietly recently?*.....Pg 9
- NZ Film History Online** *Why you should look at the film archives new website.*.....Pg 9
- And lots more...**



(Continued from page 1)

SPADA: What are you looking for?

GS: Unique ideas. All commissioners get hundreds of proposals. We're not short of ideas, we're short of original ideas. First, producers must be rigorous and highly critical of the ideas they submit. As an industry, we must set the bar high - NZ already has a good profile overseas and we have to build on innovation.

SPADA: So how does a new producer get noticed?

GS: Unsolicited ideas hardly ever get past first base. That's because, as I said, genuinely original ideas are rare. As a baseline, new producers wanting to build a relationship with TVNZ must look at what's currently screening, what's working and what's not, note which companies are making which kinds of successful programmes and decide which programmes you respect and like (production values, ideas, energy, qualities). The best thing you can then do is approach the production companies who you think can best deliver your programme and form a relationship with them. There are virtually no 'must-have' ideas out there: the programmes that get to the screen result from a close relationship between the commissioner and the producer.

SPADA: So if a NZ producer comes to you with a format you like, what's the deal?

GS: It depends on TVNZ's involvement. If the format is nearly or completely developed we would take a minority position. If I did a large amount of development work, which is often the case, TVNZ would expect a larger stake. The beginning position would usually be 50/50.

SPADA: How do you distinguish the normal work of a commissioner for NZ production against the input required for international format sales?

GS: It's horses for courses. The more input we have, the more equity we expect.

SPADA: What about international

formats. Is TVNZ now competing against NZ producers to acquire foreign format rights?

GS: Not necessarily. If the producer comes to us with a project where the rights have been acquired, we will look at it as we always have.

SPADA: Are you actively negotiating for foreign formats?

GS: No more than we always have. We are always on the lookout for a great idea.

SPADA: If you acquire a format, how will you decide who makes it?

GS: The same range of tools we've always used, but always with the judgement of who I think will be the best realiser of the project. It's a competitive business, so of course we'll never advertise in the paper. So we might have a closed tender (selected companies asked to budget and bid), or I might identify a producer who I think best fits the project and ask them to submit, or I might make it in-house. When it's an idea generated by us, I'll approach the most appropriate producer directly.

At the end of the day, my job is to deliver the best-crafted, best-targeted programme to the networks.

SPADA: Will in-house production increase?

GS: TVNZ will always make a programme with the best resources available, independent when that's best and in-house when that's best. Both use NZ creative talent.

SPADA: Was that the rationale for "100 Hours" ? (a series currently being shot around Wellington)

GS: I acquired that format from Europe a while ago and spent a lot of time developing it for the NZ and hopefully the international market. We went with Avalon because the project was complicated - it's a 19 camera shoot - and Avalon has the resources.

SPADA: Not because you need to grow in-house and acquire more rights?

GS: Absolutely not. It was the right

solution for this particular project.

SPADA: So we have nothing to worry about?

GS: Nope. What this is, is a new business opportunity for producers who are looking offshore. It'll be a small group but with my involvement, TVNZ's contacts and the right ideas from a producer, we should be able to increase revenue for both parties. What I can add, after commissioning projects as diverse as "Once Were Warriors", "Punitive Damage" and "The Feathers Of Peace" to "Treasure Island", "Popstars" and "The Chair", is a clear and focused understanding of national and international broadcast needs. We all know that international growth must be the target.

Screen Production Survey

The annual Colmar Brunton screen production survey was distributed to producers and line producers at the end of April. This measures screen production in New Zealand - film, television, commercials and foreign projects shot here. It's a vital measure of the industry's size and weight.

The survey is coordinated by SPADA with funding assistance from Trade New Zealand, the NZ Film Commission and NZ On Air. All individual responses are only seen by Colmar Brunton and confidentiality is guaranteed. SPADA doesn't see individual responses - and doesn't want to!

If your company hasn't received a copy of the questionnaire, and you produced or line produced anything up to 31 March this year (big or small!), please urgently contact Sarah Woollett at

Colmar Brunton tel (09) 919 9228
sarah@cbrak.co.nz



Thank you to SONY for their ongoing support of SPADA

Directors Copyright

In October 2001 the Screen Directors Guild made a submission on the MED's Digital Copyright Paper. The gist of the submission was that Directors be entitled to copyright in their work. SPADA does not as yet have an official position and in an effort to generate some debate on this subject and gather some member feedback we invited Grant Campbell and Karen Soich to set out two positions . Grant – a member of both SPADA and the SDG - has put forward a case for directors copyright and Karen – a member of the SPADA executive and an entertainment lawyer – takes another view.

A few months ago the Screen Directors Guild put in a submission to the Ministry of Economic Development in relation to possible changes to the copyright act. What follows is my own opinion and doesn't necessarily represent the SDGNZ view.

Essentially the submissions boil down to two key recommendations.

- Moral Rights: that the current special exceptions to the right to object to derogatory treatment of films and television be removed from the act; and
- Copyright: that directors be recognised as an 'author' of audio visual works ie/ that copyright in an audio visual work first resides with the director.

I will concentrate solely on the more contentious copyright issue.

Copyright laws were historically setup to protect the book publisher and the backers or investors. As such it protected their primary exploitation (economic) rights. Copyright, as the name suggests, protects the backers/publishers from illegal copying, sale or exploitation of the work.

The author is the original copyright holder by way of creation, who assigns this right to the publisher usually in return for a share in the primary exploitation proceeds.

NZ copyright law is anomalous because it recognises the director as a creator in the moral rights definitions (moral rights are often referred to as author's rights), specifically stating that

the moral rights in a 'film' reside with the director as the moral rights of the screenplay reside with the screenwriter and the moral rights in the score reside with the composer, yet in the definition of author the act states that the screenwriter is legally the 'author' of the script, the composer is 'author' of the score but the director is not the 'author' of the film - weird eh?

If you've ever seen student filmmakers doing an exercise where they shoot the same script with the same actors, in the same set, you'll know the amazing differences that exist between directors, and hence the completed works.

The exact wording:

Section 5. Meaning of "author"

For the purposes of this Act, the author of a work is the person who creates it.

... the person who creates the work shall be taken to be,
- ...

(b) In the case of a sound recording or film, the person by whom the arrangements necessary for the making of the recording or film are undertaken.

This person who 'undertakes the arrangements' is generally regarded by NZ lawyers as the producer, but we have received advice that a case could be made for the production manager or even the director to claim authorship - you can see how vague it is. The SDGNZ want the director to be defined as an author of audio-visual works.

If you continue with the book

publishing analogy, Jane Doe, the publisher, may come up with a great idea for a new Joe Bloggs novel, she pitches it to Joe, pays him a huge fee and also gives him profit points. She pays for Joe's hotel in Bali, air fares, per diems, a new typewriter and forty reams of paper. She also casts her eye over the first-draft manuscript, and being an editor from way back, makes many informed, sensitive and intelligent suggestions. The revised novel is eventually published, the author is credited as Joe Bloggs, not Jane Doe. Clearly the book could never have been published without the support of the publisher, just as clearly Joe has to assign copyright to the publisher to enable Jane to capitalise on her large investment and those of her backers. But Jane is not the author, she is the publisher.

I think the situation is essentially the same in the audio-visual sphere. Although the film clearly would never be made without the producer, providing the financial backing and risk management does not give the producer creative authorship, it does however make it mandatory for them to acquire the copyright. I have heard some concern that a few directors think they can somehow keep copyright and not ever assign it to anyone. This is clearly ridiculous and not the case at all. The main clause of any director's contract will always be to assign the copyright to the producer, without which the film could never be financed yet alone distributed. This is standard practice now, nothing will change.

Putting aside the economic ar-

(Continued on page 4)



(Continued from page 3)

gument, that by investing or underwriting a film somehow makes the producer the creative author, what if the producer feels that it was their creative idea? That the director was only hired for one week on a show that the producer had already conceived, commissioned writers, chosen locations and cast?

The way the cast is handled, the blocking, camera placement, emotional tone, editing style and rhythm are all elements of the director's handwriting, their signature. These and many other factors too subtle to mention are what distinguish the works of directors, their so-called 'vision'. It is this that makes an audio-visual work unique. If you've ever seen student filmmakers doing an exercise where they shoot the same script with the same actors, in the same set, you'll know the amazing differences that exist between directors, and hence the completed works. I am in no way meaning to depreciate the enormous creative input of all contributors to film, the writers, composers, editors, actors, crew and of course the producers, but at the end of the day, the director's vision is the overreaching creative principle that unifies the work.

What will happen if the law-makers act on the SDGNZ's submissions?

Essentially very little in the short-term. I have yet to sight a director's contract that doesn't assign copyright to the producer - that won't change. Long term, these changes just might provide enough financial incentive for our talented directors to stay in this country and make great movies and television - something we would all benefit from.

Grant Campbell

WHAT'S IN A NAME? A ROSE BY ANY OTHER NAME ...

Entertainment lawyer Karen Soich says copyright for directors doesn't make sense.

One of the most common misapprehensions laboured under by advocates of the director being the author of a film is that the Copyright Act equates "author" with some notion of "creative vision".

Aside from the moral rights provisions, which deal specifically with more "qualitative" issues, the Copyright Act primarily deals with economic rights, not creative authorship.

The Act provides protection and redress for those responsible for creating a variety of works. In this context "creation" means "bring into being". Quality, ability, talent, vision or any of these kind of concepts are irrelevant. A compilation of numbers or names receives the same protection as the most complicated work of art or film.

As Grant acknowledges in his piece, it is the producer who carries the financial risk, is the person responsible for pulling all the disparate elements together - from financing, to the securing of cast and crew, to the delivery, marketing and exploitation of the finished film. It is the producer who secures the chain of title and is responsible to all third parties dealing with the film. It is the producer who puts his or her business and sometimes his or her home on the line.

In the UK the producer and the director are joint authors of the film (a point the Directors Guild carefully avoided mentioning in their submissions to the Digital Copyright review by saying "the

United Kingdom has recently recognised the principal director as an author of an audio visual work"). This is not the case in Australia or Canada or the USA where legal 'authorship' resides with the producer.

Any interest or right the director may have has to be assigned to the producer in order to complete the chain of title. This does not negate the respect due for creative contribution.

So what's in a name? Consider the different roles of the producer and director.

The director often gets an authorial credit - "A Sam Pilsbury Film" - and always a prominent one. Anyone can reel off names of favourite directors - Steven Spielberg, Martin Scorsese, Jane Campion, Lee Tamahori etc. Aside from industry insiders, who talks of Dreamworks or Working Title?

As well as their fee, sometimes a director has points or an equity position in a film. This is usually related to the director's bankability, namely a recognition of how crucial they are to the project. This is completely separate to copyright issues.

Directors come onto the job and usually retire from it when the film is delivered and launching is completed. Directors go on to the next job. Producers are like parents-the responsibility for a project never ends: marketing, distribution, accounting and accountability continues down the

(Continued on page 5)

(Continued from page 4)

years to investors and those who have points in the film. Usually this accountability is not recompensed.

Directors stand first in the queue for public adulation; producers stand first in the queue when litigation rears its ugly head.

Directors get the red carpet and the adulation of the fans; producers get to go to meeting after meeting to drum up funding for the next project or to get more finance if the budget blows out. No one's complaining here. The point is that 'authorship' in the creative sense, for the director, is already fully recognised.

Respect for the work and contribution of directors is not being challenged. But it's not the same thing as directors' copyright. Calls for directors' copyright simply don't make sense.

Karen Soich

Feedback in either or both (or another) position welcome. Contact mhairead@spada.co.nz

Vacancy

The Gibson Group Ltd

In-House Production Manager

We are looking for an experienced Production Manager to work on a variety of documentary and information productions.

Please send CV addressed Confidential to:

General Manager
The Gibson Group Ltd
PO Box 6185
Te Aro
Wellington

Or email CV to
stephanie@gibson.co.nz

Editorial: The good, the bad and the ugly

Nothing seems straightforward in the industry at present. Perhaps it has always been so, but in most areas there seems to be an awful lot of heat and very little light.

What's good at present? Continuing recognition, we guess, that the industry is worth a bit to New Zealand in both cultural and commercial terms. A feature or two getting off the starting blocks. TV programmes rating well. International awards. Ian Fraser's stated support of independent production.

The select committee considering the TVNZ Bill recommended some important changes (such as not allowing the Minister to issue a directive to subsidiary companies). But politics being as it is, the committee got bound up in non-issues and failed to recommend specific mention of the independent industry in the Charter. One step forward, two steps back.

What's bad? While the government professes to be supportive of growing the industry, some of its organisations seem hell-bent on doing the opposite. NZ On Air is micro-managing budgets and seems unwilling to recognise basic business needs (like the need to earn an adequate company return so a business can grow its capital base). The new budget rules are good for drama but bad for factual programme makers. The case for the complete abolition of NZ On Air equity in programmes grows stronger by the day.

Treating NZOA's funding as a grant would be the single, most useful innovation the government could introduce to help grow production businesses.

TVNZ seems to want to compete with

producers to acquire international formats (see article in the issue). Maybe it's not as bad as we fear. But it looks like one more step towards depriving producers of avenues for growth.

Investment New Zealand and Industry New Zealand are spending big money on writing reports about the industry. Maybe that's not bad either. But spending that money on targeted film and programme investment and producer upskilling would do far more to achieve the growth those organisations profess to be seeking. Ditto the much-heralded NZIER report funded by the NZFC on the economic impact of The Lord Of The Rings which, as you'd expect, is light on fact and long on guesswork (the report says so itself). Read it on www.nzier.org.nz

And where is quota?

And the ugly? SAG's standover tactics, trying to enforce US domestic terms and conditions for actors in foreign, sovereign territories. It may be that a large production will gladly pay top rate for an A-list actor. But to insist that all SAG members get the rolls royce treatment, when many may simply be glad of some diverse work, a good part and a travel opportunity, is ludicrous. The policy is erratic and ill-thought through, a remarkably anti-competitive move from the land of the free. It's legally unenforceable, of course, but is still a powerful deterrent to NZ producers hiring SAG members.

Jane Wrightson



Contractor or Employee?

In April, the Employment Relations Authority dealt with a case between a production company and a presenter, where an employment relationship was claimed. The following article on the case is reprinted with the kind permission of The Dominion and the article's author, employment lawyer Peter Cullen of Cullen Law (Tel. (04) 499 5534 or enquiries@cullenlaw.co.nz)

In 1993 our Court of Appeal narrowed the test for deciding whether a person is an employee or an independent contractor by placing more weight on the written document between the parties and what it says is the relationship between them. When Labour passed the Employment Relations Act 2000 it set out to shift the balance back to where it had earlier been. The new Act says that in deciding whether a person is an employee or a contractor, it must decide the 'real' nature of the relationship between them. The Court must consider all relevant matters including those that indicate the intention of the parties. However, the Act specifically says that the Court shall not treat as a determining matter any statement made by the parties that describes the nature of their relationship.

Some times the person providing services is in a very weak position and the employer determines that they shall be classified as a contractor if they want work. The benefit for the employer is that there are no employee rights such as protection from unjustified dismissal in such situations. Contract cleaners are sometimes in this position. From a policy perspective one might expect a Court to be more inclined to find such people are employees in recognition of the power imbalance and the reality of what is occurring. But life isn't that simple. Just as many people who are bound by a document describing them as a contractor want that. There may be tax benefits to give but one example. If things go wrong and

they are given notice under the contract, many then claim that they are an employee. Of course there are situations where the parties have just not addressed the issue in a written document and their status may be unclear.

The Courts have developed a number of tests over the years which help them decide whether a provider of services is an employee or a contractor.

Some times the person providing services is in a very weak position and the employer determines that they shall be classified as a contractor if they want work.

If they are integrated into the company they are providing services for and are controlled by that company then they are more likely to be employees. If they are able to delegate their work to others so that they do not personally have to provide services then they are more likely to be a contractor. How tax is paid can be an indication too. PAYE payments indicate they are more likely to be an employee whereas if they render a GST invoice, they are more likely to be contractors.

Pam Corkery, who is a well-known talk back radio host in Auckland and ex-Member of Parliament, featured in the news recently. She took a case against Screentime Comunicado ("Screentime") alleging she had been unjustifiably dismissed. Screentime said that her case could not succeed as she was a contractor, not an employee. Although Ms Corkery's principle job is a breakfast host

radio broadcaster, she also engaged in freelance television work. She did work for the production company Screentime which produced a programme known as "The Panel".

The Panel was a group of individuals who would identify topics of current interest for discussion during the weekly hour long television broadcast by TV3. Each panellist which have a topic of his or her own which would not be known to the others in advance in any detail. Discussion was to be lively, spontaneous and well informed. From time to time the panellist would have invited guests to interview. Panellists would chose topics and guests and drive the content of the broadcast.

Clearly, the relationship between Pam Corkery and Screen Time came to an unhappy end. Pam Corkery claimed she was an employee and that Screen Time had dismissed her. Screen Time said that she was most certainly not an employee, but a contractor and that it presumably had ended the relationship between two contracting parties as it was entitled to do. Because she was not an employee she could not sue for unjustified dismissal.

Unlike your average worker, Pam Corkery formed a company known as Voyager Productions Ltd ("Voyager"), a few days after her agreement with the production company was entered into. All payments from Screentime were made to Voyager. Voyager was to employ her husband as

(Continued on page 7)

(Continued from page 6)

her manager. In practice Ms Corkery was paid on receipt of an invoice from Voyager Productions.

So it was Voyager Productions and not Ms Corkery who was paid direct. Clearly, this is not the method of employment for your average worker. Here there was a written agreement.

A provision in that agreement said that the agreement shall not be deemed to create any employment relationship between the parties. Despite all of this, Ms Corkery claimed she was an employee. She failed.

Her argument was that too much control was exercised over her. She believed she was to be free to propose topics and then provided they were accepted by the producer, to be able to address them on the panel as she saw fit. In practice Screentime took control of topic selection and imposed its own requirements on the way in which the topics were to be discussed, said Ms Corkery. So she was trying to argue that the amount of control exercised over her was so great that the relationship was an employment one.

The Employment Relations Authority said that Ms Corkery was in reality in business for herself. She caused a company to be incorporated for the purpose of managing her broadcasting obligations. So she lost.

The Employment Relationship Act 2000 has improved the position of service providers. They have more chance now of successfully arguing that they are an employee. However, Ms Corkery's position seemed to be very different from that of an employee. Even with the help of the new Act, she failed.

New Film from Fujifilm.

Hanimex New Zealand has announced the introduction of Fujicolor Reala 500D Motion Picture Film. The new Reala 500D is a high-resolution, high-speed (E.I.500) daylight colour negative motion picture film that performs well under a variety of lighting conditions including HMI lighting.

Reala 500D is the world's first motion picture film to feature Fujifilm's exclusive 4th colour layer. The addition of another colour-sensitive layer ensures faithful reproduction of colour as it appears to the human eye. It also minimises the tendency to produce a green cast under mixed lighting. The new film also minimises burnt-out highlights and ensures superior reproduction of shadow details. Its generous latitude contributes to accurate telecine transfers, enabling it to deliver enhanced image quality when directly transferring images from negative to videotape. "Fujifilm has a long and proud history of technological innovation in motion picture film" said John Bicknell,

account Manager for Fujicolor Motion Picture Film at Hanimex New Zealand. "Our goal is to provide filmmakers with as many choices as possible in the pursuit of their artistic vision. We are confident that the new Reala 500D, with its outstanding colour quality, superb adaptability to mixed lighting environments and improved reproduction of skin tones, will give filmmakers greater latitude in achieving that vision".

Fujicolor Reala 500D is particularly suitable for filming in mixed light situations such as hospitals, schools, airports etc. It is excellent for low-light and poor weather conditions- it can be used to shoot from before dawn until after dusk. It is also excellent for hi-speed photography and filming TV & PC monitors and displays.

For further information please contact John Bicknell at Hanimex. Contact details are at the back of this newsletter in the spadaSAVINGS section.

Don't get into tax trouble

If you fudge your tax returns to the IRD you are inviting trouble and the "didn't know" defence doesn't get you anywhere.

We suspect that Non Residents Contractors Withholding tax (NRCWT) is not well understood in the industry.

This tax means if you hire equipment from an overseas supplier you must deduct NRCWT tax from payments to that supplier and pay it to the IRD with your usual PAYE deductions.

The "no declaration" rate of deduction is 30% or 15% if the supplier is from a country with which NZ has a relevant tax treaty. These countries include Australia, US, UK. The rate can be reduced further to 10% if the supplier can provide you with a Special Tax Rate Certificate - gained by the supplier applying to the New Zealand IRD.

So, if you hire or lease equipment from an overseas company, be sure to make the right deductions. If you do not make the correct deductions the payments will be deemed to be net of tax and you will liable for the amount of tax that should have been deducted.

At Panavision we discovered all this the hard way and with penalties and other additions a relatively small exposure grew into a considerable amount of money, that was in spite of reduced penalties due to our voluntary disclosure.

Contributed by Peter Parnham, managing director, Panavision New Zealand

Mark Petrie

Robyn Scott-Vincent contacted SPADA in high excitement about a young musician she's encountered. We asked for elaboration.

If any of you are wondering where and when New Zealand might next achieve an Oscar nomination, then look no further than the talented young musician Mark Petrie.

Mark is a 23-year -old Aucklander who has just completed a Bachelor of Music majoring in film scoring at Berklee in the United States. Berklee is one of the few universities in the world that offer film scoring as a field of study. It is the largest independent music school in the world. Mark graduated from Berklee Magna cum laude (1st class honours).

Mark's work has already featured in three separate projects produced and directed by Robyn Scott-Vincent and screened on New Zealand television. Robyn is busy spreading the word about Mark in the hope that more producers pick up on this talented young musician and support a Kiwi that clearly has a huge future in the film and television industry.

Robyn made contact with Mark when he was a student at Dilworth School in Auckland and Robyn was filming a documentary titled *Boys to Men*. The school is for boys from 'straitened means'. Mark's father died of cancer when Mark was a toddler. His mum Diana then struggled to raise him as a single parent. It was while Mark was at Dilworth that his immense musical talent came to the fore.

His determination to pursue a career as a composer came at a price. His first year's fees were NZ\$50,000. His mum mortgaged her house and Mark did every odd job he could in between study. And that is where RSVP Productions tried to help out, commissioning Mark to write original music for documentaries wherever



possible.

His work featured on the documentaries *The Fighting Spirit* (which told a story of two young New Zealanders with terminal cancer), the three-part series *Smith & Brown*, and *Cindy's Diary*.

Both Robyn and editor Peter Roberts have been hugely impressed by Mark's work.

The work was all done via email with Mark receiving rough cuts of the programmes, writing the music then sending it from America to Auckland.

Says Robyn: "Each time Mark was asked to prepare a theme for the programme. And each time he proceeded to score the entire programme! His work was so great we wanted to use it all. It enhanced every mood we were trying to create visually. On several occasions Peter ended up re-editing segments of the programme, lengthening the footage to ensure the music was not cut."

Having graduated from Berklee Mark is now intending to settle in Los Angeles and seek his fortune. However, Robyn Scott-Vincent is determined to still use Mark "for as long as I can afford him!" and is encouraging others to support young kiwi talent.

Mark's email is

markpnz@yahoo.com

Homegrown 2002 - MiC

CALL FOR ENTRIES

The Moving Image Centre is now seeking entries for the Homegrown programmes in the 2002 New Zealand Film Festival. These programmes will comprise of short films shot on film and video by New Zealanders or film makers living in New Zealand and have a wide variance of theme and style, but which ultimately tell New Zealand stories.

MiC is seeking work from across the country and would appreciate any leads to hot film property. The festival has expanded to cities like Napier, Queenstown, Nelson and Tauranga over the last few years and MiC is actively seeking submissions from these areas which have often been underrepresented in Homegrown programmes.

Submissions of works in progress are welcome, but should be accompanied by production notes. Deadline for submission is May the 10th. Please send all preview tapes, VHS PAL only, to

Homegrown
Moving Image Centre
PO Box 78 172
Grey Lynn
AUCKLAND

Newsletter Contributions

Ask not what SPADA can do for you.....

As well as providing useful (we hope) information on what's happening in New Zealand's screen production industry, SpadaNEWS is intended as a forum for industry views on industry matters.

Whilst recognising you're all insanely busy most of the time we'd like to encourage our readers to contact us or send us a few words on issues they feel need highlighting. We publish every two months and respect all contributors right to anonymity.

So, if you have an issue you think needs a forum or some info the rest of the industry could benefit from contact Mhairéad Connor at mhairéad@spada.co.nz.

SPADA Submissions

As you may have picked up from various email spadaUPDATES, we've been weighed down by various submissions required for relevant draft bills, government discussion papers and the like. The work's finally been completed and all submissions are on the website under spadaINFO/submissions.

The most recent was a comment on the Ministry of Economic Development's discussion paper on **digital television** issues. We argue that without a known switch-off date, the ability of broadcasters to plan is severely fettered, which wastes time, resources and most importantly money, which would be better invested

into programme production. The fate of a diverse and strong level of local content in the multi-channel digital universe is uncertain and an environment without regulation and quotas is unhelpful.

Other submissions included our comments on the Department of Conservation's draft management plan for **Aoraki** which, in its current form, would have adverse effects on filming in the national park (affecting mostly commercials and feature film making, with documentary production also hit). We're now looking at the **Mt Aspiring** preliminary document, with **Tongariro** next on the list. The de-

veloped nature of conservation planning makes this a heavy and potentially expensive workload.

Other submissions include commentaries on the **TVNZ and Maori Television Service Bills**, both of which received detailed attention by the select committees, a submission on the **Health and Safety in Employment Amendment Bill**, which affects all screen production companies and one to Inland Revenue on their **film tax** discussion document.

Grateful thanks to all who provided input and advice.

NZ Film History Online

The film and television industry and the internet have always had a complementary relationship. It would be difficult to think of any major production company or film organisation in New Zealand that does not have their own website, or in the case of a couple of the very cyber keen, two or three websites. As a result of this abundance we can get a little sceptical when yet another website is launched or updated.

So, when the New Zealand Film Archive announced (very quietly) in December last year that it was launching an updated website it didn't exactly send shock-waves across the industry.

But this website is genuinely worth checking out (and I know you've heard it before, just bear with me). There are video clips, including the brilliant music video for the Clean song *Tally Ho* (shot by an inexperienced but very enthusiastic Chris Knox), a clip from *Goodbye Pork Pie* and footage from *Patu*. All of it is

www.filmarchive.org.nz

supported by written commentary, suggested readings and archive references.

The new website is part of an overall project that the Film Archive in conjunction with the Bank of New Zealand will implement over the next three years. Miranda Kaye, from the Archives information services section is co-ordinating the project. Miranda says that the purpose of the site is to increase public access to archive resources - for both New Zealanders and overseas researchers. The Archive aim to have an online database that will contain over 45,000 entries including video clips, stills and essays before the end of this year. When this database is in place, the website will be the first of its kind in the world.

Kaye sees the website as reinforcing one of the primary goals of the New Zealand Film Archive; expanding public knowledge about New Zealand film history.

Even though NZ film is enjoying huge popularity, your average New Zealander could be forgiven for assuming that our screen history began with *Goodbye Pork Pie* in '81 and continued in a straight line up to *The Lord of the Rings*. When the nature of our national screen identity is discussed in a public forum it's these same examples that are used again and again. A quick tour through the Archive website reveals a much richer and older story. The oldest piece of footage in the Archive's collection is a clip titled *The Departure of the Second Contingent for the Boer War*. It was shot in 1900. New Zealanders have been making films for over 100 years.

The website also contains information on the Archive's vaccess (video access) sites across New Zealand, depositing material with the Archive and general information about the archive itself. The website address is at the top of this article.



Meet Harrison Grierson BUREAUCRACY BUSTERS

We welcome a new SPADA sponsor, the delightful team at Harrison Grierson, who specialise in getting rid of red tape.

The film industry operates within diverse physical environments which often require consents and permissions from a range of Central and local government agencies. Consultation with a range of parties and obtaining written approvals from affected persons is often a key part of these processes.

It is critical regulatory consents and approvals are not only obtained but are done so cost-effectively. These processes however can often be complex, challenging and potentially time consuming.

Harrison Grierson's planning and resource team adopts a strategic approach to planning and environmental management issues which, includes developing at an early stage an understanding of our client's project needs and goals.

As part of that approach we pro-

vide initial environmental management and statutory planning advice to those intending to undertake a film project. Harrison Grierson's experience is that our early involvement in our client's pre-project phase provides time and cost savings.

Our planning and resource management division is one of the largest in New Zealand comprised of highly qualified professionals with extensive experience in environmental management, development and statutory planning.

Our planning and resource management division is one of the largest in New Zealand comprised of highly qualified professionals with extensive experience in environmental management, development and statutory planning. We are

able to provide advice on compliance issues relating to environmental and resource management legislation and identify ways to manage regulatory risk.

Contact the Wellington office (04) 385-0005 and ask for either:

Simon F. Gaines
s.gaines@harrisingrierson.com
Office Manager;
or

Nicholas Pryce, Senior Planner
n.pryce@harrisingrierson.com

www.harrisingrierson.com

HARRISON GRIERSON



New Sponsor

SPADA is very pleased to welcome Hanimex as a new sponsor.

Fujifilm is proudly represented in New Zealand by Hanimex New Zealand Limited.

Fujifilm products are widely available in New Zealand and New Zealanders are enthusiastic supporters of the Fujifilm brand in every sector where its products compete.

The Fujifilm product range includes consumer and professional photographic film and cameras, digital cameras and printers, motion picture film, computer media, broadcast and professional video and audio tape.

Contact details for Hanimex can be found at the back of this newsletter on the spadaSAVINGS page.

Farewells

Several notable industry figures have left their positions recently. **Rick Ellis** former CEO of TVNZ, has been replaced by Ian Fraser. We welcome Ian and pay tribute to Rick. While Rick and SPADA have not always agreed on every point - where would the fun be in that? - Rick has been helpful to SPADA in many ways, being both accessible and quick to understand the production sector's point of view. We wish him well. **Susy Pointon** departed the Writers Guild earlier this year for personal reasons and SPADA would like to pay tribute to her enthusiasm, drive and excellent relationship-building skills. And the knowledgeable **Allison Enright** has left Equity for new challenges. Allison, too, was a delight to deal with. SPADA welcomes their successors, Dominic Sheehan at the Guild (stepping up from his legal affairs post) and Teresa Brown at Equity.



FESTIVALS, SEMINARS, MARKETS AND MEETINGS

Edinburgh Film Festival

From 1 February 2002 the Edinburgh International Film Festival welcomes filmmakers to submit feature length and short films in the categories of Fiction, Documentary, Animation & Mirrorball. All submissions must be UK premieres i.e. films will not have received a public screening in the UK before their screening at the 2002 Edinburgh International Film Festival (14-25 August 2002).

Closing Dates for submissions range from the 19th of April to the 14th of June. For more info and registration forms see:

www.edfilmfest.org.uk

Toronto International Film Festival

Submission Date June 15th

The 27th Toronto International Film Festival will take place on the 5th to 14th 2002. The Toronto Film Festival screens a massive amount of films in its 5 day run, many of them world premieres. It has become increasingly important on the world festival circuit in recent years and has a good history of screening Australian and New Zealand Films. For more info see:

www.e.bell.ca/filmfest

Berlin Documentary Prize

Stern Magazine and German documentary channel Planet TV have launched a documentary film prize in co-operation with the 2003 Berlin International Film Festival. Open to documentary makers across the world, submitters will be invited to "pitch summits". Three winners will be selected by August the 15th and not only will their projects be completely financed by Planet TV and Stern but they will be screened on Planet TV and at the Berlin Festival next year.

For more information on submitting contact info@planet-tv.de

Venice International Film Festival

Submission Deadline: 30 June 2002

Considered one of the three most important festivals in the world. The 59th Mostra Internazionale d'Arte Cinematografica will be running from August 29 to September 8 2002. The festival has a wide range of categories and prizes. For more info see:

www.labiennaledivenezia.net

BANFF

Banff is an international television and new media event. It takes place in Canada from the 9th to the 14th of June. The 5 days feature seminars, pitching competitions and master classes. Most importantly, BANFF is a fantastic place for networking and business opportunities. For more info and a registration form see:

www.banff2002.com

MIPCOM 2002

7-11 October 2002, Cannes, France
An international Film and Programme market for TV, Video, Cable & Satellite.

From producers, distributors and buyers, through to TV services and new media companies, **MIPCOM** is the place to do deals, create business opportunities, forge partnerships and stock up on business contacts for the year ahead. For more info see

www.mipcom.com

New Zealand Film Commission Feature Film Production Financing Applications

Application Deadline:

- 13 May 2002
- 15 July 2002
- 16 Sept 2002
- 04 Nov 2002

Meeting Date:

- 10 Jun 2002
- 12 Aug 2002
- 14 Oct 2002
- 02 Dec 2002

NZ on Air Meeting Dates and Application Deadlines

Application Date

- 17 May 2002
- 12 July 2002
- 13 Sept 2002
- 01 Nov 2002

Meeting Date

- 19 & 20 Jun 2002
- 14 & 15 Aug 2002
- 16 & 17 Oct 2002
- 04 & 05 Dec 2002



CONTACT US

The SPADA office:

**P O Box 9567
Wellington, NZ**

Ph +64 4 939 6934
Fax +64 4 939 6935
Email info@spada.co.nz
Web www.spada.co.nz

Jane Wrightson
Chief Executive

Mhairead Connor
Membership Manager

Patricia Rangel
Administrator

SPADA Executive:

Auckland

*Nicole Hoey, President
(Cinco Cine Film Productions)*
09 360 1188

*John Barnett
(South Pacific Pictures)*
09 839 0999

*Rachael Jean
(Isola Productions)*
09 360 0686

*Bettina Hollings
(Imagination Television)*
09 308 0482

*Richard Riddiford
(Messenger Films)*
09 378 0529

Karen Soich
09 376 5739

Wellington

*Brendon Hornell
(Origin One Productions)*
04 570 2129

*Bronwen Stewart
(Ninox 175)*
04 801 6546

Christchurch

*Veronica McCarthy
(Raconteur Productions)*
03 377 7266

*Janine Morrell, Vice President
(Whitebait Productions)*
03 365 5330

SPADA SAVINGS

TECHNICAL

Hanimex NZ Ltd proudly represents Fujifilm in New Zealand. The Fujifilm product range includes consumer and professional photographic film and cameras, digital cameras and printers, motion picture film, computer media, broadcast and professional video and audio tape. For more info please contact John Bicknell on (09) 414 0984 Cell 027 270 7206 email jbicknell@hanimex.co.nz or see www.fujifilm.co.nz or www.hanimex.co.nz

Sony New Zealand is a leading supplier of cutting edge technology. Contact David Colthorpe on (09) 488 6134

Kodak is a major investor in the New Zealand film industry. Internationally Kodak has won eight academy awards for quality and service. For more information about any Kodak product or service, call Grant on (09) 302 8627

LEGAL ADVICE

Members receive first 15 minutes of advice free. For larger inquiries members should obtain a quote.

Buddle Findlay

- Wellington call Alastair Sherriff on 04 498 7327 or 021 430 462 (employment, OSH)
- Auckland call Neil Russ on 09 358 7002 or 021 750 510 (tax) or call Philip Wood on 09 357 9385 or 021 624 356 (entertainment law)

Crengle Shreves and Ratner

- Call Teresa Shreves in Wellington on 04 473 6655
- **Sinclair Black**
- Call Mick Sinclair in Auckland on 09 358 0666

TRAVEL

Budget Rent A Car

- Reservations can be made by calling the Central Reservation Office 0800 652 227, ask for the SPADA Rate.
- For further information call Louise Kelleher on 04 924 9908.

The Corporate Traveller

- 2% discount on all Trans-Tasman airfares, 4% discount on all other International Published airfares.
- Management of existing travel discounts.
- Call Jayne Thornley, 04 495 9575 and tell her you are a SPADA member.

LOCATIONS

DOC

- 10% off all charges (except consents) associated with filming on Department of Conservation land.
- Ask for the SPADA discount at any Conservation office.

ACCOMMODATION

Stamford Plaza Auckland

- Stamford Plaza Auckland has offered a superb hotel accommodation rate to SPADA members. For more details of this offer and to make reservations, please contact Jayne at the Corporate Traveller on 04 495 9575

CDL - Millennium, Quality and Copthorne Hotels

- Discounts vary from 20% to 55% of rack rate, depending on the hotel. Hotels throughout New Zealand, as well as the Millennium in Sydney.
- Quote customer number 684144, rate code CPLUS, when you make your reservation. Call 0800 808 228, email central.res@cdlhms.co.nz or book through your travel

WEB

Spectrum.Net.nz

SPADA members receive a 10% discount off individual subscriptions. Subscribers are also entitled to a free classified ad for one month in Spectrum's email newsletter. Check out www.spectrum.net.nz/spada for more details.

