



directors & editors guild of nz  
ngā kaiwherawhera kiriata

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## PRESIDENT'S REPORT

DEGNZ AGM – 6 OCT. 2018

The last year has been a busy and productive one for the Guild with a growing membership and a full range of activities.

Our work essentially divides into four areas: Lobbying, Advocacy, Professional Development and Membership Services. I will touch on all of them. However before I do, I should deal with one issue that does not fit under any of these headings:

### A UNION – TO BE OR NOT TO BE?

The change of government has affected the industry – and therefore the Guild – in several ways. The most significant is the review of the Hobbit Law and the government's signal that it wants to introduce minimum rates and conditions across all industries. As a result the Board believes it is time to make a constitutional decision – to become (or not to become) a registered union.

Last year, before a change of government seemed possible and a review of the Hobbit Law was just a twinkle in some Labour apparatchik's eye, I investigated the pros and cons of the Guild becoming a registered union, in the same way that Equity and the Writers Guild are. At the time there seemed to be no advantage. That has all changed. The government has signalled its desire to bring in minimum rates and conditions across a range of industries. Assuming that happens, the DEGNZ is the obvious body to negotiate those rates and conditions for directors and editors. Whether or not we want the role, it seems likely that it will be forced onto us. As a result of a lot of work, consultation and discussion, the Board has decided to recommend to members that the Guild become a registered union. My attached paper sets out our reasoning. It is a big step and not to be taken lightly. However it is my recommendation that we take this step.

### LOBBYING

Our interaction with government over the last year has centred around two key issues: copyright and the Hobbit Law.

#### The Hobbit Law Review

The government's promise to review the Hobbit Law prompted the industry guilds to come together and attempt to present a united front to government. This was motivated by the chaos, in-fighting and subsequent bad press when the law was introduced. The Screen Industry Working Group – The DEGNZ, SPADA, Equity NZ, NZ Writers Guild, Screen Industry Guild of NZ (Techos), Ngā Aho Whakaari, the Stunt Guild, and industry and other bodies WETA Digital, Business New Zealand and the Council of Trade Unions – worked through their individual differences and came up with a set of recommendations that will go to government. It is expected that any new legislation will redefine the legal rights of screen industry workers and contractors.

#### Copyright

In regard to copyright, we, along with many other creative sector organisations and bodies, are working through the former Copyright Council, now called We Create. Collectively, we seek to show the government the positive economic impact that the creative sector has on the New Zealand economy.

We Create has made considerable progress in getting in at Ministry and Ministerial level to show how important strong intellectual property and copyright law is to generating real returns, and the importance of

maintaining and strengthening copyright legislation for creators. We Create has formulated a manifesto that has been distributed.

The other key area that We Create is undertaking is to work to ensure that American-style Fair Use and Safe Harbour provisions are not enacted in New Zealand because they harm creators' abilities to fairly profit from their creative endeavour. Google is the formidable foe in this.

The government's Copyright Act Review is proceeding slowly but surely – it is a three-year process. The Guild has met with MBIE, the department running the Review. [This is a significant change – the last copyright review was run by the Ministry of Culture & Heritage, which has a different agenda to MBIE.] MBIE is keeping us informed and, with the Guild an active participant in the Review, I was invited to a hui where the guidelines and MBIE's expectations were spelt out.

At the hui, I put forward our agenda on the importance of recognising directors' authorial rights for audio-visual content and cinematographic film. While this is, in essence, already recognized with directors' Moral Rights as an author, the Copyright Act currently attributes all economic authorship rights to the producer. This partial recognition is patently illogical and denies directors the opportunity to benefit economically from their creative, authorial endeavours. We are actively seeking changes to copyright legislation during the review to recognise directors' moral AND economic rights. Several Board members have met with their electorate MPs to promote our cause. Board member Grant Campbell who was leading the charge on copyright, had to resign from the Board for health reasons soon after the last AGM and I have stepped into the breach. Thank you, Grant, for your work.

#### ADVOCACY

The single biggest advocacy issue we currently face is terms and conditions for directors and editors in the online realm. Established and new producers and commissioners of particularly scripted content are demanding the highest levels of quality for a pittance in compensation, while taking all intellectual property rights associated with the work. DEGNZ has set benchmark pay rates for online content along with our established rate cards for film and TV work. And we now have an online directors' standard contract available for members to use. Where rates do not match our recommended rates for directing scripted digital content we highly recommend directors make use of the provisions within the standard contract to ensure you get copyright in the work or a separate buyout fee, and a share of any revenue earned from the work. We continue to work closely with the New Zealand Writers Guild to protect creators' rights in the digital world.

These aside, we continue to meet with NZFC and NZ On Air on a range of issues affecting our members.

#### Gender Equity

Gender equity for female directors in TV drama and feature film remains another key focus for DEGNZ. The statistics are still appalling. In NZ On Air's recent Diversity Report 2017, only 10 per cent of drama production was directed by women. In feature film in the last five years, only 19 per cent of feature films to receive production funding had a female director.

In 2017 the Guild led the original public debate on how to address the imbalance in the statistics of women directors directing TV drama and feature film, and we have taken a number of steps, both strategic and tactical, to effect change. Our first tactical initiative was to establish the Emerging Women Filmmakers Incubator, which saw 10 women directors complete the inaugural, year-long programme. This year our second Incubator sees eight emerging women filmmakers on the year-long programme.

Last year our TV Drama Director Attachment initiative, kindly funded by NZ On Air, saw five of the eight attachments awarded go to women. The progress on this front in 2018 has been a little slower, but we will see in two new attachments before year's end.

DEGNZ maintains a highly proactive stance in this area and will continue to do so for the foreseeable future.

#### Sexual Abuse Policy

The sexual harassment and bullying issue has been a major focus of the industry during the last year. A group of women formed the Screen Women's Action Group (SWAG) to formulate policies and a proactive education programme for the whole industry. The board responded to SWAG's request for feedback and made some suggestions. While the Guild actively supports SWAG's work, the Board felt the Guild should have its own clearly articulated policy and guidelines.

A sub-committee of Louise Leitch, Roseanne Liang and Michael Duignan – led by Louise - has been looking at the issue, gathering information both domestically and internationally.

One recommendation of the SWAG document is for a new on-set role of Intimacy Co-ordinator for the filming of 'intimate' scenes. Given the potential impact of this role on the work of directors, drama director (and Board member) Michael Duignan was drafted onto the sub-committee and the Guild is working effectively with Equity to come up with a joint policy and tool kit for directors.

#### PROFESSIONAL DEVELOPMENT

DEGNZ continues to offer a comprehensive range of professional development opportunities for directors and editors. Our programme of drama and documentary masterclasses and workshops for directors and editors remains relatively unchanged, although we continue to tweak it based on feedback we receive.

We have ongoing funding for our TV Drama Directors Attachment initiative.

We hope also to secure funding for another Emerging Women Filmmakers Incubator for 2019.

Senior editors within the guild have identified issues in and around training for assistant editors and we have secured funding to help address the issues here.

Thanks go to the New Zealand Film Commission who are the major contributors to our professional development offering, with additional support from NZ On Air, Vista Foundation and the Australian Screen Directors Authorship Collecting Society.

#### MEMBERSHIP SERVICES

All of our other activities at the guild essentially fall under Membership Services and I will note of a number of our efforts here.

##### Contracts

We have been busy revamping the draft contracts that were on our website. In the changing media environment they were no longer fit for purpose. We have focussed, first up, on a contract specific to feature films. Prepared with the help of Dominion Law's Tim Riley, the draft has been through a number of changes and been gone over extensively by the NZFC lawyers and completion guarantors. It is now available on our website.

Second, in response to the major issues around low and no-budget productions in the digital realm, we have introduced a standard online scripted contract.

We will look over the year ahead to phase in additional director contracts for TV drama, non-scripted and documentary, and updated editor contracts.

##### Code of Ethics

Last year we started working on a Code of Ethics for the screen industry. Its genesis lay in our looking for ways to protect low and no-budget filmmakers from continuing exploitation by on-line platforms. An online survey across the industry demonstrated strong support for a Code and we received a lot of input. Consequently a lot of developmental work was done. However the Hobbit Law review and the possible

introduction of increased protections for workers means work on the Code has been put on hold while we await these outcomes.

#### Relationships with International Guilds

The Guild has continued to strengthen ties with the Australian Director's Guild. Our ED Tui Ruwhiu has been in regular discussions with Kingston Anderson, the ADG's ED.

Tui has also liaised with other international guilds including the Directors Guild of America, the Canadian Directors Guild and Directors UK on a variety of issues.

#### Film Festival Hosting – International Directors

We continue to offer a friendly Kiwi face to offshore directors attending the New Zealand International Film Festival, running a hosting programme in conjunction with NZIFF. In Auckland, colleagues Annie Goldson, Kezia Barnett, James Solomon and Nikki Si'ulepa welcomed guests.

In Wellington Annie Collins hosted Gabrielle Brady (Island of the Hungry Ghosts), Jess Feast hosted Tina Brown (United Skates), Jason Stutter hosted Helene Cattet & Bruno Forzani (Let the Corpses Tan), Ness Simons & NZ Film School hosted a session with Eryn Wilson (NZ director of Dog's Best Friend) after his film screening and I hosted Australian director Benjamin Gilmour (Jirga) and moderated the Q&A after the screening. (Thanks Annie for organising these.)

Outside the Festival, the Guild co-hosted a dinner with American director Bryan Fogel (Icarus – bought by Netflix for \$US5million) in Wellington that was well attended and generated great feedback.

#### Guild Staff

I'd like to extend now a big thanks to our Guild staff—Caroline Harrow, our Accounts Manager and Tema Pua, our Marketing and Events Coordinator, who has excelled in her role since taking it up in 2016. And I would like to personally thank our Executive Director, Tui Ruwhiu, for the outstanding job he has done over the last year. The Guild is in such good heart largely due to his efforts. His industry nous and political instincts have been invaluable. His ability to find a new and relevant topic to write about every fortnight in the e-letter's View from the Top is no small achievement. Thank you, Tui.

#### Board

I wish to acknowledge the Guild's Board members without whose dedicated commitment we wouldn't have an effective organisation. A special acknowledgement here to Phil Gore as Treasurer, who keeps an eagle eye on our financials and accounts.

We were sorry to accept Grant Campbell's resignation from the Board during the year. Grant has put a lot of time and effort into the Guild from when it was formed. His irreverent style and sense of humour have been a great asset to the Guild.

We also accepted Kezia Barnett's resignation with regret. On the other hand we welcomed her replacement, Zoe McIntosh. And taking up a board position for the year ahead will be Helena Brooks, making a board comprising 10 members with an equal gender equity split.

#### Funders/Sponsors

Finally, I would like to give a heartfelt thank you to our funders. The New Zealand Film Commission is a major supporter of the guild and a very special thank you goes to them. Thanks also to NZ on Air, Vista Foundation and the Australian Authorship Collection Society who lend financial support to our professional development efforts along with NZFC. And finally, thanks to our sponsors Seresin Wines, Resene Paints, and particularly the accounting firm of Pieter Holl & Associates who ensure we remain financially viable.

Howard Taylor

President