

Spada starter pack —

Supporting new and emerging producers to bring screen stories to life.



Nau mai haere mai ki Spada —

Welcome to Spada, Screen Producers NZ

- the membership organisation supporting screen producers in Aotearoa New Zealand.

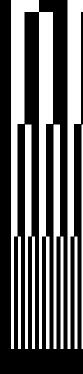
For over 40 years Spada has played a pivotal role in the local screen sector by advocating on behalf of its members for a thriving and dynamic domestic screen industry.

Spada:

- engages with key stakeholders including the government, funding agencies, broadcasters, and international counterparts.
- develops and runs key training initiatives for producers and looks for opportunities to support producers and their work.
- produces the annual Spada Screen Industry Conference, which has been running for over 30 years, and includes the annual Spada Screen Industry Awards.

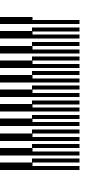
You can learn more about Spada's work here

Spada welcomes members from across the screen sector who are actively pursuing a career in producing or are aligned to the role of the producer. If you're new to Aotearoa New Zealand or are developing your work as a screen producer you can find details of Spada membership here, or please get in touch to talk about how Spada can support you and your work.



The Spada starter pack —

The role of the producer is a key part of any screen project and there are many aspects to the role, many of which vary from project to project. The Spada Starter Pack is designed to support new and emerging producers with information and resources at each of the stages required to bring a screen story to life:



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Before you make your way through the Starter Pack you may find it helpful to understand the Independent Feature Film Value Chain here, which gives a clear overview of the project stages, along with some indicative timeframes based on typical experience for producers.

While the film value chain focuses on feature films, many of the same tasks, relationships, and considerations will apply to short film or web-based projects, along with longer form episodic content for online and TV.

If you are still learning about the sector in general, you may wish to read the Screen Sector Strategy 2030 Report here. The Report was created in 2020 and offers an overview of the sector, key statistics on people and businesses including funders and platforms, along with analysis of the part we all play in the cultural and entertainment landscape of viewers in Aotearoa and abroad.

You may want to revisit the Starter Pack many times as you meet new challenges in your role as a producer. However, if you are unable to find the answer to your question within this resource, please contact us on info@spada.co.nz.

Development —

Development covers the initial stages of a project and the foundational relationships and agreements you may require during this period.

Development resources include:

- Chain of Title
- The Business of Being a Producer
- Spada / NZWG Best Practice Guide
- NZWG / Spada Model (Film) Contracts
- NZ Broadcast Commissioners' List



Chain of Title

Chain of Title (CoT) is the term given collectively to all agreements that give you permission to use other people's material in, and contributions to, your screen project. The "chain" analogy is used to illustrate the line of ownership running from the individual contributors to the production company.

Proof of CoT showing that the producer / production company holds all necessary rights is an essential requirement for investors and funders, along with exhibitors, film festivals, sales agents, distributors, and broadcasters.

Producers should be thinking about the CoT for their project from the very outset. As soon as other people or entities are involved in the creation and development of your project, you will need to ensure that all of the creative material that they contribute to the project, can be used by you.

It's important to get advice from a specialist entertainment lawyer when you want to use creative material belonging to someone else; and it's also important that you maintain written documentation of all agreements and payments made during the development of your project.

The New Zealand Film Commission (NZFC) has created a resource with key considerations for establishing the CoT, however, you will need to ensure your legal documents are fit for purpose for each production and for this Spada recommends seeking independent advice from a specialist entertainment lawyer.

- Read the NZFC Chain of Title Document here
- View the Entertainment Lawyers List here

The Business of Being a Producer

Goals and Strategy

Before you set up your screen production business it's important to spend time developing a business strategy. This can seem a little daunting, but you can get started initially by writing down a three-to-five-year strategy that includes your personal, professional, and business goals.

When thinking about your personal goals ask yourself what you need to survive – what are your monthly outgoings (i.e., mortgage/children/other commitments to consider). Having an adequate cash flow is key and underpins all your other goals. If you know you need to generate 'X' per month that will help clarify the volume and type of projects you need to work on. For example, you may have to accept a few more commercial jobs to offset the cost of the long-term development of your passion project.

When setting your professional and business goals you should also think about:

- your core values
- what are the trade-offs for pursuing certain goals
- how long will it take before you can expand your team/bring on an assistant
- do you want to grow your business, or do you want to keep it small
- what does a successful business look like for you
- what do you want to achieve in the next three to five years

Company structure

These goals will act as a rudder to steer your decision-making process when it comes to setting up the best structure for your business. For some this may be to start off as a sole trader, for others this may be forming a registered company.

With the different structures come different legal and tax obligations, so make sure you talk it through with your lawyer and accountant. MBIE has created an excellent tool for sole traders and those new to operating a business to understand what is involved, and where to look for more information.

This includes:

- Business Structure
- Intellectual Property
- Staff
- Finances including Personal & Company,
 GST, Contractors, and Expenses
- ACC

The IRD has a range of resources to help you understand your obligations and how to ensure you have the correct reporting in place for your income and organisation. While many people may try to avoid interacting with IRD if they don't understand how to manage their tax, IRD are typically interested in supporting individuals and businesses to ensure they know what they need to comply with tax obligations and have the processes in place to report correctly. IRD regularly hold <u>Seminars</u> to address specific aspects of tax, they have a range of <u>Videos</u> addressing different topics, and offer a free <u>Business Advisory Visit</u> to ensure you understand what you need to have in place to meet your tax obligations.

- View the MBIE Becoming a Sole Trader Resource here
- View the IRD Income Tax for Individuals Resource here
- View the IRD Income Tax for Businesses and Organisations Resource here
- View your Duties as a Company Director here

You also need to comply with other legislation as a sole trader/business, such as:

- Health & Safety (more on Health & Safety for the screen sector in the Production Section)
- Insurance (particularly Public Liability Insurance)
- Legal agreements such as contractors, services, equipment hire etc. (more on specific areas throughout this document)

Keeping accurate accounts for your screen business is essential, so, unless you're able to understand everything that is required, Spada recommends you find an experienced accountant to help you operate your business.

Spada / NZWG Best Practice Guide

For most screen projects the first two collaborators are the writer/s and producer/s. Spada worked with the NZWG to develop the Best Practice Guide to help both parties navigate the expectations and roles at the heart of this relationship.

Spada strongly advises all new and emerging producers to read the Best Practice Guide and share it with any writers they are working with to establish the foundations for a positive and robust working relationship. It is also recommended to view the Spada Masterclass 'The Writer Producer Relationship' for tips from writers and producers working together in the local screen sector.

The Best Practice Guide to Writer / Producer Relationships includes:

- How to approach a writer/producer
- Developing stronger communication and collaboration skills
- Copyright, credits, and ownership
- Professional development tools
- Defining roles in a working relationship

An additional supporting document is the Spada Emerging Filmmakers Resource, a concise document with tips and links for writers and directors working with a producer for the first time, which you may wish to share with new collaboration partners.

- Read The Best Practice Guide to Writer / Producer Relationships here
- Watch the Spada Masterclass 'The Writer Producer Relationship' here
- Explore the Spada Emerging Filmmakers Resource here

NZWG / Spada Model (Film) Contracts

How a writer is engaged on a project is determined by the contract agreed between the parties. The intention behind the model agreements is to provide a starting point from which agreements between writers and producers can be negotiated.

The model contracts were negotiated in 2001 between the NZWG and Spada, and we recommend producers read the **Guidelines** before using the templates so that you're aware of the background to the negotiations and the variance in the parties' positions on some of the terms and conditions. Please note, these model contracts are for use on film projects only.

The various model agreements and contract materials are templates and as such they are designed to create a starting point for negotiations. We recommend you seek legal advice when modifying these templates to reflect individual circumstances and the outcome of the arrangements negotiated by the parties.

- Guidelines for Using NZWG Model Contracts here
- Option Agreement here
- Purchase Agreement here
- Screenwriters Agreement here
- Collaboration Agreement here
- Advanced Collaboration Agreement here
- Confidentiality Agreement here

As a producer you *must* also understand and be aware of your obligations as an engager under the **Screen Industry Workers Act 2022** (SIWA). The Act was introduced at the end of 2022, and **includes new mandatory terms for contracts**, as well as a collective bargaining framework.

Please read the Screen Industry Workers Act obligations here

NZ Broadcast Commissioners' List

Producers who have completed several short screen projects may look to step into longer form content for online and TV. The NZ Broadcast Commissioners' List includes names and contact details for key commissioners in the local landscape.

Prior to making contact with commissioners Spada strongly recommends producers view the Spada Masterclass 'The Three C's of TV – Creativity, Clarity, and Courtesy' for some great tips on how to best present yourself and pitch your project.

- Spada Masterclass 'The Three C's of TV Creativity, Clarity, and Courtesy' here
- NZ Broadcast Commissioners' List here

Production —

Production covers the shoot period (including pre-production for key cast and crew) and the process of 'capturing' the project.

Production resources include:

- Screen Industry Workers Act (SIWA)
- Engagement of Crew
- Crew Rate (Unofficial) Guide
- The Blue Book Guidelines
- Working as a Contractor
- Engagement of Cast
- ScreenSafe 'NZ Screen Sector Health & Safety Guidelines'
- ScreenSafe 'Sexual Harassment Prevention Policy + Documentation'
- ScreenSafe 'Child Safety Guidelines'
- Code of Practice for Animal Welfare
- Code of Practice for Filming on Public Conservation Lands
- Links to Regional Film Offices

Screen Industry Workers Act 2022 (SIWA)

As a producer you **MUST** understand and be aware of your obligations as an engager under the **Screen Industry Workers Act 2022** (SIWA). The Act was introduced at the end of 2022, and includes new mandatory terms that must be included in all new contracts.

Please read the Screen Industry Workers Act obligations here



Engagement of Crew

Finding the right people for your project can be a key element of success. This can be tricky when you first get started as crew are typically engaged via word of mouth and existing networks. If you're new to engaging screen crew it is recommended that you:

- Engage key HOD's first (1st AD, Production Manager, Director of Photography (DoP)) as these roles will often have networks and preferred colleagues.
- If your Director doesn't have people in mind for their HOD's then you can research who
 has made similar projects in your area, put a call out via screen groups on social media, or
 contact screen industry organisations like the <u>Data Book</u>, <u>Crew Wellington</u>, <u>Crew Auckland</u>,
 <u>Film Crews</u>, <u>Crewlist</u>, <u>Film Otago Southland Industry Directory</u> or the <u>Ngā Aho Whakaari</u>
 Māori Screen Directory.

Crew Rate (Unofficial) Guide

SIGANZ, in consultation with Spada and other industry parties, recently undertook a soft launch of its rate guide for feature films, TV series and dramas. These cards are still **a work in progress** and need more cross-departmental comparison and confirmation. Until then, these cards are an **unofficial guide** which you may use to inform your negotiations.

The rate guide is broken down into budget tiers – the first tier being Up to \$2.5m for "Very Small Feature or Web-Series, Narrative & Documentary, Short Films, Music Videos". Therefore, rates for short form film and online projects will typically have smaller budgets and this Guide may or may not apply.

Contact SIGANZ to receive a copy of the Guide to NZ Crew Rates here

The Blue Book Guidelines

Produced by SIGANZ in association with Spada and the NZAPG, the Blue Book provides a reference document of best-practice processes for the engagement of freelance crew members in the New Zealand screen production industry.

The Blue Book represents industry guidelines. Its provisions outline legal responsibilities and suggested best practices. Production companies and crew members are free to negotiate different arrangements, within the law, if some provisions do not meet the needs of either party. Nevertheless, the Blue Book outlines many generally accepted ways of working in a manner that is intended to provide useful, mature information in a context that explains why various processes are needed.

Spada recommends you work with an Entertainment Lawyer to ensure your crew contracts are fit for purpose for each project (view list of Entertainment Lawyers here).

Read or download The Blue Book here

Working as a Contractor

If you are engaging new or emerging crew members you may wish to share MBIE's helpful toolkit for working as a contractor.

Read and download MBIE's Going Contracting Guide here

Engagement of Cast

A great cast not only brings the script to life but can also affect the kind of funding and support your project can attract. Once again communication is key, whether this is during the initial contact with casting agents, the auditions, and recalls, or during the process of negotiating the cast contracts – be very clear about expectations of workload and remuneration, along with the legalities of how and where the project may be screened.

Regardless of whether you're making a short film, an online series, a documentary, a feature film or a TV production, each cast member will need to have a contract in place which outlines the details of their engagement for the project, these are typically called Individual Performance Agreements. Given the variable nature of budgets, timeframe, and distribution or exhibition, you will need to ensure your cast agreements are fit for purpose for each production, and again, Spada recommends you engage an entertainment lawyer to assist you with this (List here).

If you are making a **feature film or television drama ONLY**, follow this **link** to the Spada website where you will find background information and terms and conditions of use for the Spada / Equity Individual Performance Agreement.

Health & Safety for the Screen Sector

Health & Safety needs to be considered at every single step of the screen story process. <u>ScreenSafe</u> is an industry-wide collaborative effort founded by SIGANZ with backing from the NZFC, NZ On Air and Spada along with other guilds, industry bodies and regional film offices. Spada recommends any person in a producing role should familiarise themselves with ScreenSafe's work.

On the ScreenSafe website you will find a complete list of Safety Guidelines and Templates relating to each stage of the screen story process. Resources include:

- 13 x H&S Guidelines for Development
- 23 x H&S Guidelines for Production
- 10 x H&S Guidelines for Post-production
- Templates for all H&S preparations and operations including Policy, Harassment, Crew Briefings, Accident & Risk, Induction, Guidebooks and Induction
- Support and Guidance on Mental Wellbeing, Sexual Harassment Prevention, Bullying & Harassment Support, Discrimination Prevention Tools, Cultural Awareness Tools and Drugs & Alcohol Support.
 - View and download All ScreenSafe Guidelines here
 - View and download ScreenSafe Guidelines by Department here
 - View and download ScreenSafe Guidelines by Personnel here
 - View and download ScreenSafe Guidelines by Technical Areas here
 - View and download ScreenSafe All Templates here
 - View and download ScreenSafe Support & Guidance here

Permits and Permissions

Aotearoa New Zealand is typically receptive to screen projects throughout the country, however, it's important producers and productions understand what they need to obtain by way of permits and permissions for every filming location.

Filming within Iwi Boundaries

Each region of Aotearoa New Zealand is affiliated with local iwi and hapū and consideration should be given to their tikanga (customary practices) around filming of land and sites such as maunga (mountain) and ngāhere (forest) which hold cultural significance. Before you begin filming it's important to consult and consider how to approach your shoot with awareness and sensitivity to any cultural needs.

Ngā Aho Whakaari created 'The Brown Book' as the basis for exploring the ways that non-Māori might interact and work with Māori in screen production in mutually beneficial ways, which includes information on how to connect with and consult local iwi and hapū.

- View a map of iwi regions and iwi/hāpu here
- View and download The Brown Book here
- Find NZFC 'Urutahi Koataata Māori Working with Māori in Screen Production' here
- Find Katiaki Māori (Māori Advisory) on the Ngā Aho Whakaari Māori Screen Directory here

Private Premises

Privately owned locations can sometimes be trickier to scout and secure and care needs to be taken to approach private owners lawfully and respectfully for permission to operate on their premises. You will need to ensure contracts are in place which clearly state the obligations and expectations such as duration of use, remuneration, number of people on site, car parking, and of course insurance cover should anything go wrong! Your Location Manager should have contracts for use, however, take care to know the details of what your production is committing to.

Public Property

Public spaces include areas such as parks, streets, waterways and council facilities. You will need to obtain a permit to shoot in any of these spaces, just because they're public does not mean you can just rock up and do what you please! Each area has a dedicated organisation to help you understand what permits and permissions may be required, and they can often help connect you to screen sector people and resources in the region.

The Regional Film Offices for Aotearoa New Zealand are:

- Screen Auckland / Tātaki Auckland Unlimited here
- Venture Taranaki here
- Film Bay of Plenty here
- Eastern Screen Alliance here
- Screen Wellington here
- Screen Marlborough here
- Screen CanterburyNZ here
- Film Otago Southland here

Filming on Public Conservation (DOC) Lands

This code was developed by Film New Zealand and the Department of Conservation (DOC) for the benefit of the screen production sector. It is designed to alleviate concerns about shooting on DOC land and spell out a code of good practice after extensive consultation to ensure that the exemplary record established to date by the New Zealand screen production industry was not damaged.

 View and download the Code of Practice for Filming on Public Conservation Lands 2005 here

Other Releases, Clearances and Licences

You will also need to be thinking about the Chain of Title throughout the production and post-production of your project.

As the producer you are responsible for ensuring you have obtained all the appropriate licences/clearances (in writing) for the right to use elements such as music, video footage, stills, graphics, logos and artwork in your project.

If you don't, your project may not be able to be released/distributed, so if you're not sure, ask your lawyer.

Post-Production —

Post-Production is the period immediately after the shoot which involves working closely with a range of specialists such as editors, visual effects, composers, audio teams, colour graders, graphic designers, and other specialists required to complete the project.

Included in this section:

- The DEGANZ Workflow Best Practice Guide
- Anti-Piracy Guidelines for Producers (NZFC)
- Links to Post-Production Initiatives and Funding Sources

The DEGANZ Workflow Best Practice Guide

The Directors and Editors Guild of New Zealand (DEGANZ) has developed a Guide to help producers and directors understand when and how to engage with everyone involved in the post-production process. The Guide provides an excellent overview of the steps and people involved in finishing a project, as well as information on:

- Relationships
- Specifics / Technology
- Schedule
- Budget & Creativity
- Importance of communication throughout pre-production, production and post-production.
 - Read and download the DEGANZ Workflow Best Practice Guide here

Anti-Piracy Guidelines for Producers

To help producers reduce the risk of piracy the NZFC has developed guidelines that must be implemented in the post-production of a feature film funded by the NZFC.

View and download the Anti-Piracy Guidelines for Producers here

Funding and Initiatives for Post-Production

Post-production is usually included in your production financing budget, however, there are some additional funds which may be available if your project meets the criteria.

NZFC Post-Production Fund exists to support projects which have completed principal photography and need a little support to get across the line. This is broken down into three categories:

- Feature Film Finishing Fund can be accessed by independent filmmakers in the final stages of post-production for feature-length films that require a theatrical digital finish.
 The Grant of up to \$60,000 per project can cover costs associated with picture completion and grading, sound completion (including composition) or with master outputs and deliverables. Criteria and application details for the Feature Film Finishing Fund here
- Feature Film Post-Production Investment is NZFC financing to help finish films for the big screen. This is in the form of equity investment up to \$500,000 (although it is unlikely that funding will be to that amount). Criteria and application details for Feature Film Post-Production Investment here
- The New Zealand Screen Production Rebate for New Zealand Productions may also be accessible for post-production on projects which meet the criteria of the Rebate. Criteria and application details for the NZSPR here

Distribution & Exhibition —

Distribution and Exhibition covers the process of getting your completed screen project to an audience – whether this be in cinema, online, or on TV. It's likely that you will have started your marketing and distribution or exhibition strategy long before you complete your film, and it is essential that you have allowed the time and the budget required to get your project to an audience.

Included in this section:

- NZFC Distribution and Marketing Resource
- Short Film Festival List
- Feature Film Festival List
- Links to Distribution / Exhibition Initiatives and Funding Sources



The NZFC 'Know How - Distribution and Marketing' Guide

The NZFC has created a helpful resource for those approaching the distribution and marketing of their films for the first time, or at a higher level. Spada recommends that those who are new to distributing or marketing a screen project spend time understanding the process at the beginning of the project, so that they have the assets required and the budget in place to ensure they can complete the final steps.

The NZFC's Guide has information on key aspects of the Distribution and Marketing process, including:

- Product & Consumer
- Route to Market
- Communicating to your Target Audience
- Release Goals and Budget
- Marketing Campaign
- Distribution
 - Read the 'Know How' Distribution and Marketing Guide here

The NZFC Resource Library hosts a range of great resources, including:

- Short Film Festival Marketing Guide here
- Local (NZ) Film Distributors List here
- Film Festivals in Aotearoa New Zealand here

Short Film Festival List (Show Me Shorts)

International film festivals provide a fantastic platform and opportunity to showcase your talent and your project outside of Aotearoa New Zealand. International Film Festivals also provide a great opportunity to meet international counterparts and start forging key relationships outside of your domestic market. The team at Show Me Shorts Festival have compiled a comprehensive list of short form festivals throughout the world which is worth reviewing as you create the strategy for your short film.

View the Show Me Shorts List of Internationals Short Film Festivals here

Feature Film Festival & Awards List

There are thousands of film festivals around the world, so you could spend precious time and money on trying to get your project into a festival and in front of an audience to find it's not the right fit. So **DO YOUR RESEARCH**. You should be thinking about your festival strategy before you make your film to ensure you have a targeted approach that will best meet the needs of your project and your creative team.

For detailed information on a number of high-profile International Film Festivals where films from Aotearoa New Zealand have found success, visit NZFC's website and Select 'Film Festivals and Marketing' in the NZFC Resource Library here

MUBI has created a comprehensive list of Festivals and Awards across the globe, including feature films and documentaries, with links to the festivals for more information.

View the MUBI List of Awards and Festivals here

NZ Broadcast Commissioners' List

Online and platform distribution will typically be established at the point of production funding. You may find the NZ Broadcast Commissioners' List helpful when working out who to contact at the network which best suits your project.

View and download the NZ Broadcast Commissioners' List here

Funding and Initiatives for Distribution and Marketing

The **NZFC Distribution Fund** helps distributors of NZFC-funded New Zealand films maximise the domestic theatrical audience. The Distribution Fund has four grants available:

- The Publicity & Advertising Grant of up to \$50,000 to cover up to 25 percent of publicity and advertising spend for the domestic theatrical release of a New Zealand film.
- The Audience+ Grant supports campaigns designed to target audiences who are not regular cinema-goers and/or those who are regular cinema-goers but not for New Zealand films. Up to NZ\$15,000 is available to cover up to 50% of the total spend on promotions or advertising to reach these audiences.
- The Regional Grant supports regional/country cinemas releasing NZFC funded films to embrace local marketing aspects of the main release campaign. Up to NZ\$10,000 is available to cover up to 70% of the total spend on promotions or advertising in regional areas.
- The Premiere Grant offers a flat NZ\$5,000 toward the cost of an NZFC-funded film's New Zealand premiere.
 - View criteria and application details for the NZFC Distribution Fund here

Additional Resources —

Included in this section:

- Funding and Initiatives for Development and Production
- Spada YouTube Channel & Masterclass Series
- NZ On Air Resources for Producers
- List of Entertainment Lawyers
- List of Screen Industry Guilds and Organisations
- NZFC Data Room
- NZ On Air Research

Funding and Initiatives for Development and Production

Here is a range of funding pathways and initiatives for the development and production of screen stories.

View and download the Funding and Initiatives list here

Spada YouTube Channel

The Spada YouTube Channel hosts screen discussions from Aotearoa and abroad, including the Spada Masterclass Series.

View videos and subscribe to the Spada YouTube Channel here

NZ On Air Resources for Producers

NZ On Air have created a Resource for Producers with templates and guidelines for every step of the process, and information to help you meet your obligations to NZ On Air if you receive funding from them. Key sections include:

- Contract Initiation
- Production Funding
- Development Funding
- Drawdowns
- Audits
- Sales Income
- Publicity Resources
 - Read and download the NZ On Air Resources for Producers here

Entertainment Lawyers

It's important that you receive qualified advice when establishing your contracts and managing all the legal requirements for your project as contracts in a creative field can differ from those typically found in the business sector. It is recommended that you deal with a lawyer who is experienced in working within the screen sector and understands the legalities of film and television agreements.

View and download the Entertainment Lawyer List here

Aotearoa NZ Screen Industry Guilds & Organisations

The screen sector is typically ordered into departments, or roles, and each key group has an industry guild or organisation to represent and support them as Spada does for producers. Spada works closely with the screen sector guilds and organisations to ensure a sustainable and robust screen ecosystem that is fair for all. The Aotearoa NZ Screen Industry Guilds & Organisations List includes all guilds, member organisations, funders, platforms and regional film offices.

View and download the Aotearoa NZ Screen Industry Guilds & Organisations List here

NZFC Data Room

The NZFC's data room was designed to inform the industry and ensure information is readily available to anyone wishing to access it. Here you can find key data on funding along with reports and insights as they become available.

Access the NZFC Data Room here

NZ On Air Research

NZ On Air regularly commissions research to inform its work and as a resource for our industry. You can find information on audience ratings, diversity, funding decisions, and insights into viewer behaviour and creator demographics.

Access NZ On Air Research here

Let us know what you think —

We hope you've found the Spada Starter Pack useful as you start out on your career in the screen sector. If you have any feedback or further questions, please contact us on comms@spada.co.nz



