

BEST PRACTICE GUIDE FOR SPADA MEMBERS

1.0 Introduction

SPADA members are professionals in their craft. The Code of Best Practice reflects their professionalism and the generally accepted best practice of the film and television industry.

2.0 Jurisdiction

The issues covered by this code include dealings between;

- SPADA, the organisation, and its members
- SPADA members
- SPADA members and other industry practitioners.

The code will only obligate the organisation and its members. However, it will be made available to the industry as a whole.

3.0 Best Practice for SPADA Members

3.1 Integrity and fairness

Members should conduct their affairs with integrity and fairness. They should be straightforward and honest in their dealings with other parties. Members should conduct themselves in a way which will bring credit on themselves and their profession.

3.2 Conflicts of interest

Members should be free of conflicts of interest in their business dealings and should not allow personal interests to influence them professionally.

3.3 Respect confidences

Members should respect information and knowledge provided to them in confidence. The information and knowledge gained should not be divulged to a third party unless they have permission to do so. It should not be used to harm others or to benefit themselves at the expense of the party giving such information.

3.4 Conduct affairs in a legal and business-like manner

Members should conduct all their affairs legally and in a business-like manner. They should be aware of their business obligations, for example with regard to: NZ Screen Sector Health & Safety Guidelines, the Resource Management Act, the Employment Relations Act, the Official Information Act, the Privacy Act and other relevant legislation; insurance issues, including accident insurance; accounting and other Companies Act requirements.

3.5 Ensure all contracts and agreements are in writing

Members shall ensure that all their significant agreements are in writing. This can be by formal contract, exchange of letters, email notes or other means. It is important to ensure there is a paper trail in the event that issues arise in the future. The terms of such agreements should be easily and clearly understood by all parties and able to "stand the light of day".

3.6 Not misrepresent their qualifications and experience

Members shall not misrepresent themselves or attempt to obtain work by misrepresentation of their qualifications and experience or by other improper means.

3.7 Provide leadership and support to others

SPADA members are leaders in their profession. Members should encourage others to excel, should lead by example and should make themselves available to others within the industry to give advice and support.

3.8 Promote and support the work of their Association

All members should uphold the Code of Best Practice and promote and support the work of their Association.

4.0 Complaints Concerning Alleged Breaches of the Code

From time to time SPADA members will have disagreements with one another, with others in the industry or with SPADA itself. As a membership service, SPADA will offer a voluntary dispute resolution service, including mediation, with the aim of differences being settled fairly and amicably. However, it is recognised that this is not always possible and should no resolution be available through this process then the parties shall be free to investigate other alternatives.

The initial approach to SPADA will be free. If there are cash costs after the initial approach the disputing parties will be expected to share them equally.

The complaint may be resolved or withdrawn at any stage.

5.0 Complaints Procedure

- Complaints in the first instance may be verbal and should be made to the SPADA President, Vice-President, or the Chief Executive. The complainant needs to be prepared to declare full details in confidence.
- The complainant will be asked if they have discussed the subject with the other party and if not, why not. If there seems little or no substance to the complaint this will be discussed. SPADA may, at its absolute discretion and without giving reasons, decline to be involved.
- After the complaint has been discussed, the complainant will be asked to provide their story in writing with as much evidence to support their case as they have.
- When the complaint has been received in writing, the other party will be telephoned, informing them a complaint has been made and the nature of that complaint. The other party will then be asked to respond in writing, stating their position. SPADA will use its best endeavours to persuade the other party to join the resolution process. It is expected that SPADA members will in most cases agree to participate.
- If an agreement to participate cannot be achieved, SPADA will advise the complainant that it has been unsuccessful and that SPADA's involvement will cease.
- When both positions are received, the matter will go to mediation with the aim of a facilitated discussion to resolve the dispute.
- The mediator shall be a person selected and approved by the disputing parties. Any independent mediator may be chosen and the disputing parties will share the costs of the mediator. Alternatively the SPADA President, Vice-President, or Chief Executive may be chosen, in which case there will be no charge for their time provided that at least one of the disputing parties is a member of SPADA.
- The mediator will write up the outcome and send copies to the parties involved and the Chief Executive.
- If no agreement can be reached the parties can either agree to differ, or take their dispute through a different process. In this case SPADA's involvement will cease.
- SPADA undertakes to keep all matters confidential to those directly involved, and to destroy all documentation after its involvement ceases. It may publish numbers and outcome of disputes with which SPADA has been involved but no details which identify the parties.

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