



PANNZ Legal Templates Project

With thanks to Creative New Zealand and McLaughlin Law

Introduction

Our intention is to make available a set of free, flexible legal documents drafted specifically for the professional New Zealand performing arts sector. It is our aim that these documents will cater for the widest possible array of producer needs and still remain legally sound.

The first two templates (Deed for Creative Services & Deed for Services) are suitable for all company members (cast, creative, crew and administration) involved in:

- Developing (but not presenting) a new work
- Presenting a new work
- Remounting an existing work
- Touring a work

We originally set out to develop a third template for contracting a producer to a project. After much consideration it was resolved that in fact a Producer for a specific project or series is best engaged under the Deed for Creative Services. If you plan to engage a Producer to represent your company on an on going basis then it may be more appropriate to use a standard employment contract in combination with an industry specific position description. The Department of Labour offer an online contract service at <http://www.ers.dol.govt.nz/relationships/> You may wish to incorporate some parts of the Producer's task list in your Position Description.

Additional fact sheets are also in development for:

- Partnership/Co-operative Agreements (artist and artist)
- Joint Venture Presentations (artist and presenter)
- Consortia Agreements (presenter and presenter)

Points to Note

- The documents are Deeds as opposed to Contracts as a Deed remains legally binding even if there is no money changing hands.

- Please note that these templates are only relevant to consenting adults. They are not binding on minors.
- The Producer issuing these templates can be any kind of business entity eg individual, sole trader, limited company or trust. However, if the Producer issuing these templates is an entity other than an individual, sole trader or limited liability company (e.g. is a partnership, trust or incorporated society etc) then an amendment will need to be made to how the Deed is Executed. In such case please contact McLaughlin Law (info@mclaughlinlaw.co.nz) to discuss the specifics of your project.
- The Service Provider being contracted using these templates MUST be either an individual, sole trader or limited company or otherwise further changes will also be required to the templates.
- In order to maintain the legal integrity of these documents please do not alter the main body of the Deed in any way. All project specific information should be noted in the Appendix. There is also room in the final paragraph of the Appendix (Paragraph R in the Deed for Services and Paragraph T in the Deed for Creative Services) to note any further amendments to the standard terms of each Deed.
- When choosing whether to use the Deed for Creative Services or the Deed for Services you need to consider whether or not there is likely to be any intellectual property created or any performances actually being given. For example in the case of an operator operating someone else's design they are not contributing any intellectual property to the Production and are not performing on stage as part of the production and therefore a Deed for Services will be sufficient. An actor devising a new work, an actor performing a scripted role, a director or designer on the other hand are all contributing Intellectual Property and/or performance services to the Production and should be issued a Deed for Creative Services.
- Not all Paragraphs in the Appendix of the Deeds will be relevant to your project. That is alright. Just write "Not Applicable" in the spaces provided where that is the case.
- Rather than creating a skeleton template and asking you to add in relevant clauses we opted to include many commonly required clauses as a prompt for Producers.
- For further assistance in using these templates please see the relevant "Guide" for each template or contact the PANNZ Administrator on lauren@pannz.org.nz
- We also recommend you refer to the excellent Legal Fact Sheets available through www.cpc.org.nz.
- For specialised Legal Advice please contact David McLaughlin at McLaughlin Law (david@mclaughlinlaw.co.nz). McLaughlin Law offers an industry concession to PANNZ members.