

House of Representatives  
Supplementary Order Paper

Tuesday, 9 September 2008

Public Lending Right for New Zealand Authors  
Bill

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*Proposed amendments*

Hon Judith Tizard, in Committee, to move the following amendments:

*Clause 4*

To omit the definitions of **chief executive** and **Minister** on page 2 at lines 18 to 24 and substitute the following definitions:

**author** is defined in **section 4A**

**book** is defined in **section 4B**

**chief executive** means the chief executive of the department of State that administers this Act

**Minister** means the Minister of the Crown who is responsible for the administration of this Act—

- (a) under the authority of a warrant; or
- (b) under the authority of the Prime Minister

**New Zealand author** is defined in **section 4C**

**New Zealand library** is defined in **section 4D**

*New clauses 4A to 4D*

To insert the following clauses on page 2 after line 28:

**4A Meaning of author**

- (1) **Author** means a person who—
  - (a) satisfies **subsection (2)**; and
  - (b) satisfies whichever of **subsections (3) to (5)** is applicable to him or her; and
  - (c) is not excluded from being an author by any of **subsections (6) to (8)**; and
  - (d) satisfies conditions applicable to him or her added to this definition by regulations, if there are any such regulations.

- (2) **Author** means a natural person.
- (3) If a book's intellectual content is expressed only in text, **author** means a person who created the text.
- (4) If a book's intellectual content is expressed only in illustrations, **author** means a person who created the illustrations.
- (5) If a book's intellectual content is expressed in text and in illustrations, **author** means both a person who created the text and a person who created the illustrations.
- (6) **Author** does not include a person who writes or illustrates a book as part of his or her duties under a contract of service or a contract for services.
- (7) **Author** does not include a person who receives payment for writing or illustrating a book wholly by way of a fee.
- (8) **Author** does not include a person who paid a third party to publish the person's book.

#### **4B Meaning of book**

- (1) **Book** means a publication that—
  - (a) is listed in the national bibliographic database of the National Library of New Zealand Te Puna Mātauranga o Aotearoa; and
  - (b) is not excluded from being a book by any of **subsections (2) to (5)**; and
  - (c) satisfies conditions applicable to it added to this definition by regulations, if there are any such regulations.
- (2) **Book** does not include a serial publication.
- (3) **Book** does not include a text book intended for use in schools.
- (4) **Book** does not include charts, maps, plans, or tables.
- (5) **Book** does not include sheet music.

#### **4C Meaning of New Zealand author**

- New Zealand author** means an author who—
- (a) is a New Zealand resident as defined in section YD 1 of the Income Tax Act 2007; and
  - (b) satisfies conditions applicable to him or her added to this definition by regulations, if there are any such regulations.

#### **4D Meaning of New Zealand library**

- New Zealand library** means a library in New Zealand that—
- (a) makes its books available for use in New Zealand; and
  - (b) satisfies conditions applicable to it added to this definition by regulations, if there are any such regulations.

*Clause 7*

To insert “New Zealand” after “provide for” on page 3 in line 10.

*Clause 8*

To insert “to New Zealand authors” after “scheme” on page 3 in line 15.

*New clause 8(2)*

To insert on page 3 after line 15 the following subclause:

- (2) If a New Zealand author dies after entering his or her name in the register for the year, the chief executive must make the annual payment to which the author is entitled to the administrator of the author’s estate.

*Clause 9(2)*

To insert “annually” after “register” on page 3 in line 21.

*Clause 10(2)*

To omit the subclause from page 3, lines 26 to 30, and substitute the following subclause:

- (2) Regulations may add conditions to the definitions of “author”, “book”, “New Zealand author”, and “New Zealand library” in **sections 4A to 4D**.

*Clause 10(4)*

To omit “an author’s” from page 4 at line 5 and substitute “a New Zealand author’s”.

*Clause 10(5)*

To omit “an author’s” from page 4 at lines 8 to 9 and substitute “a New Zealand author’s”.

*Clause 10(8)*

To omit “, how he or she is to do it, and how often he or she is to do it” from page 4 at lines 15 to 16 and substitute “and how he or she is to do it”.

*Clause 14(1)*

To omit the subclause from page 5 at lines 21 to 28 and substitute the following subclause:

- (1) The members of the advisory group—
  - (a) must be persons who have appropriate experience, knowledge, and skills, in the chief executive’s opinion; and
  - (b) must include—
    - (i) at least 1 representative of organisations of authors;
    - (ii) at least 1 representative of organisations of librarians;

- (iii) a representative of 1 or more relevant government departments; and
  - (c) may include any other person to whom **paragraph (a)** applies.
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### **Explanatory note**

This supplementary order paper—

- adds definitions of key terms to the bill
  - emphasises that the bill's scheme is for New Zealand authors
  - requires New Zealand authors to register annually under the scheme
  - clarifies the membership of the advisory group.
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