



Employment Relations (Film Production Work) Amendment Act 2010

Public Act 2010 No 120
Date of assent 29 October 2010
Commencement see section 2

Contents

	Page
1 Title	1
2 Commencement	1
3 Principal Act amended	1
4 Meaning of employee	2

The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Employment Relations (Film Production Work) Amendment Act 2010.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Principal Act amended**
This Act amends the Employment Relations Act 2000.

4 Meaning of employee

(1) Section 6(1) is amended by adding “; and” and also by adding the following paragraph:

“(d) excludes, in relation to a film production, any of the following persons:

“(i) a person engaged in film production work as an actor, voice-over actor, stand-in, body double, stunt performer, extra, singer, musician, dancer, or entertainer:

“(ii) a person engaged in film production work in any other capacity.”

(2) Section 6 is amended by inserting the following subsection after subsection (1):

“(1A) However, subsection (1)(d) does not apply if the person is a party to, or covered by, a written employment agreement that provides that the person is an employee.”

(3) Section 6 is amended by adding the following subsection:

“(7) In this section,—

“**film** means a cinematograph film, a video recording, and any other material record of visual moving images that is capable of being used for the subsequent display of those images; and includes any part of any film, and any copy or part of a copy of the whole or any part of a film

“**film production** means the production of a film or video game

“**film production work**—

“(a) means the following work performed, or services provided, in relation to a film production:

“(i) work performed, or services provided, by an actor, voice-over actor, stand-in, body double, stunt performer, extra, singer, musician, dancer, or entertainer (whether as an individual or not):

“(ii) pre-production work or services (whether on the set or off the set):

“(iii) production work or services (whether on the set or off the set):

“(iv) post-production work or services (whether on the set or off the set):

- “(v) promotional or advertising work or services (whether on the set or off the set) by a person referred to in subparagraphs (i) to (iv); but
- “(b) excludes work performed, or services provided, in respect of the production of any programme intended initially for broadcast on television
- “**video game** means any video recording that is designed for use wholly or principally as a game
- “**video recording** means any disc, magnetic tape, or solid state recording device containing information by the use of which 1 or more series of visual images may be produced electronically and shown as a moving picture.”
- (4) To avoid doubt, the amendments made by this section do not affect an employment agreement entered into before the commencement of this section.

Legislative history

28 October 2010	Introduction (Bill 229–1), first reading, second reading, committee of the whole House, third reading
29 October 2010	Royal assent

This Act is administered by the Department of Labour.
