

BEST PRACTICE GUIDE

A GUIDE FOR SCREENWRITERS AND
PRODUCERS WORKING TOGETHER.

NZSWG

New Zealand Writers Guild
Puni Taatuhi O Aotearoa

spada^{nz}
the screen production
and development association

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CONTENTS

INTRODUCTION	2	PROCESSES & DEVELOPMENT	11
TOOLS FOR A STRONG START	2	DEVELOPMENT	
WRITERS APPROACHING PRODUCERS		PROPOSAL MATERIALS	
PRODUCERS APPROACHING WRITERS		TABLE READS	
EXPECTATIONS & NO SURPRISES POLICY		WORKSHOPS	
COMMUNICATION		PROFESSIONAL DEVELOPMENT TOOLS	13
COPYRIGHT & CREDITS		SCRIPT ASSESSMENT & FEEDBACK	
OWNERSHIP & INTELLECTUAL PROPERTY		MENTORING	
CHAIN OF TITLE		EARLY DEVELOPMENT FUNDING	
AGREEMENT BASICS		OTHER WORKING ARRANGEMENTS & FORMATS	15
TALK ABOUT THE END		SUBMITTING UNSOLICITED SCRIPTS	
DEFINING ROLES	8	PITCHING TO MARKET	
ROLES IN COLLABORATION		ADAPTATIONS & TRANSLATIONS	
SCRIPT EDITORS & CONSULTANTS		ANTHOLOGY WORKS	
TE TIRITI O WAITANGI & TANGATA WHENUA	8	ABOUT NZWG & SPADA	17
INCLUSIVITY		ACKNOWLEDGEMENTS	

INTRODUCTION

This Best Practice Guide provides guidelines for screenwriters (writers) and producers to work together in a way that is productive, collaborative, and constructive. The Guide is intended to help establish robust and fulfilling creative collaborations that produce outstanding works.

We have attempted to include all the ways screenwriters and producers engage with each other and offer recommendations for best practice in each of these scenarios.

TOOLS FOR A STRONG START

To ensure everyone is on the same page from the outset, start every creative process with a conversation to discuss expectations, roles, and timelines – the mechanics of how the creative collaboration will develop.

Conversations will differ depending on the projects or partnerships and the extent of each person's involvement. So, ensure everything is discussed and mutually agreed upon up front.

Make no assumptions about expectations, working relationships or prior knowledge of creative collaborations and development processes. No matter what the level of experience, every person will have differing ideas of what constitutes best practice, and every creative collaboration is unique. Ensure you start strong by establishing a creative process that recognises and values everyone's contribution.

“work in a transparent and professional manner, especially if you are friends”

WRITERS APPROACHING PRODUCERS

Writers need to research producers and production companies that are making the types of work that best fit with their ideas. Funding round decisions are a good place to start, as is watching and listening to work that is being made in New Zealand. Alternatively, look at the Membership List on [SPADA's website](#).

A basic start for writers is:

- Have the following materials available for producers to consider: biography, writing slate, treatments of work in development and writing samples.
- Approach a producer via email and ask if they are interested in a meeting about potentially working together. Communicate in a clear, kind, and concise manner. Do not send unsolicited materials in the first email.
- If meeting a producer at an industry event ask for their business card or contact details, and the opportunity to contact them for a follow up meeting to discuss your project.
- The Writer/Producer relationship should be mutually beneficial – keep this in mind when having any meetings with any producers and production companies.
- Once it is established that a writer and producer will work together, the business relationship including any rights assignments need to be established and mutually agreed.

PRODUCERS APPROACHING WRITERS

Whilst producers may source their own material (e.g., option a book, etc) to develop, they are also approached by writers regarding specific projects. In which case they will need to establish whether the person and project is a good fit for their slate and the type of work they want to make.

Some basic considerations for the producer are:

- Read the information provided by the writer (e.g., biography, project outline or writing sample) and consider whether they are interested in and excited by the work.
- Acknowledge the project and arrange the next step to either meet with the writer to discuss the project, or politely decline the offer to collaborate and wish the writer good luck with the project.
- Prior to meeting with the writer, the producer might research possible funding avenues for development or production for the project, and allow this to guide the discussion about next steps.
- The Writer/Producer relationship should be mutually beneficial, keep this in mind when having any meetings with writers.
- Once it is established that a writer and producer will work together, the business relationship, including any rights assignments, needs to be established and mutually agreed.

EXPECTATIONS & NO SURPRISES POLICY

Think ahead and ask each other at the beginning: how does each person define 'success' for the project, and what are the barriers to success? We recommend agreeing to a No Surprises Policy, where all potential barriers are identified and discussed as far in advance as possible.

Things to consider at the outset include:

- What is the most important outcome for every person involved? What do they want to gain from this experience? Individual priorities differ, so give each person the opportunity to identify their bottom line.
- What is the collective creative collaboration vision, or goal?
- Establishing roles and responsibilities – who will be responsible for which elements of the project?
- Deciding how decisions will be made and what the process will be for this.
- Identify any potential issues that could negatively impact the process. Things to consider include project outcomes (market, audience, format etc), funding opportunities, rights agreements, and personal issues with the development process and outcomes.
- How will disputes be resolved?
- Does the proposed budget align with the creative or story requirements? For example, is there money to cover rights assignments of underlying materials or development processes?
- What will each person get paid? Equally, what is each party investing up front and what will be the return on that investment? We strongly recommend equal remuneration for equal work in all cases, and more for the writer if they are doing most of the work on the development.

COMMUNICATION

Good creative collaborations rely on good communication. Commit to staying in contact throughout all stages of development, production, completion, and delivery of the project. Ensure that communication pathways are clear – keep updated contact details and decide on who will contact whom.

Organise in advance:

- How much communication, and about which elements of the collaboration, will be required at each stage of the project.
- Schedules and deliverables, ensure these are mutually discussed and agreed prior to work commencing.
- What happens if there is a break in communication, how will this be resolved?

COPYRIGHTS & CREDITS

This is a vital part of initial conversations in constructing healthy, long-lasting creative collaborations. All contributors in development need to have a clear understanding about Intellectual Property (IP) creation, rights to underlying materials, and authorial rights.

These responsibilities lie with the producer:

- Ensure all required copyright for the work has been obtained, and correctly used for fulfilling crediting requirements.
- Producers have a legal and moral responsibility to ensure contributors are credited appropriately.

Here are some questions and guidelines to assist in this conversation:

- Who is the original creator of the idea? Are there multiple creators?
- Who is performing which role in development i.e.: who is the producer, who is the writer, is more than one writer being utilised in the writing of the works? See the NZWG [Advanced Collaboration Agreement & Collaboration Agreement](#) which are downloadable documents to assist in the basic structure of the initial collaboration.

**“ without appropriate
acknowledgement, creative
partners can become invisible”**

OWNERSHIP & INTELLECTUAL PROPERTY

A key discussion to have at the beginning of the development process is the ownership of the work. Ultimately, the ongoing future of the work will depend on a clear and binding ownership agreement. The discussion and subsequent agreement should cover how IP will be treated and acknowledged with regards to future rights usage, fees, profit share, credits, and ownership.

It is important to note:

- Writers own copyright, moral rights, and licencing rights to the material they have originally written.
- A producer can option the rights for development, but they do not own these rights until they are assigned.
- Rights agreements covering work created by all parties need to be established and agreed in advance of any work commencing.
- These agreements should be in writing.

CHAIN OF TITLE

Chain of Title (CoT) is the legal term covering all rights agreements of copyright holders linked to the works, from creation through to distribution. Examples of these types of agreements can be creator's rights, writer's rights, music rights, life rights, adaptation rights, and performers rights.

Depending on the format of the project (TV, Feature Film, Web series, etc) there can be multiple agreements that make up the rights and writer's portions of the CoT.

- A project cannot be funded without all rights agreements in place.
- Every agreement creates a link in the CoT. If one agreement is missing the chain is broken and requires remedy, retrospectively setting up rights agreements can be difficult.
- Original feature film writer's CoT can be made up of the following types of agreements:
 - Option Agreement
 - Purchase Agreement
 - Writers Agreement(s)

AGREEMENT BASICS

There are some agreement basics that must be included in any rights agreements. These must be agreed upon in writing by the producer and writer prior to any work commencing.

Keep all contract negotiations respectful through fair and transparent dealings.

Rights agreements must include the following:

- Correctly spelt and attributed parties (i.e: the writer and producer) and script or story title.
- Background – briefly outlining the history of the works and its future intentions under this agreement for example: an original story treatment to be developed into a TV series.
- Deal Terms – this can include the schedule of delivery, timeframe, fees, credits, grant of rights, format, territory, warranties, indemnities, reversion of rights, termination clauses, breach of agreement, and other terms that suit the individual project.
- Fees, profit share and payment structures – these will be different depending on the type of works being created. Fees need to be fair and reasonable and set at a level that is appropriate for the work being undertaken. Profit share is generally reserved for the creator of the works and are a part of most writer's agreements. Payment structures can reflect the funding received, for example: a first payment of 50% will be on signing of the agreement and the remaining 50% on delivery of the script. Any deferred payments will usually occur at funding or production milestones.

AGREEMENT BASICS

Rights agreements should include a Non-Disclosure Agreement(s) (NDA's) – these agreements set out the binding confidentiality measures to be agreed to. Sometimes they include binding confidentiality about the project in its entirety or in part (i.e. agreements, people, and processes).

When presented with any agreement, all parties have the right to:

- Seek advice
- Time to seek advice
- Negotiate
- Say no

TALK ABOUT THE END

As hard as it might be to predict the future when developing work with your creative partners, it is an important thing to consider. Develop an action plan before the work begins, so it can be referred to throughout the development process and at the end.

Some points to cover:

- Decide how feedback will be managed within the creative collaboration.
- Termination clauses and exit plans – who will take the project forward if any parties leave the development process and, how those rights in the work will be assigned.
- See the previous link to Advanced Collaboration Agreements to assist in the structure of this conversation.

**“to solve collaboration issues,
an impartial arbitrator may
be needed”**

DEFINING ROLES

Decide together on the definition of every role, its responsibilities, and expectations, before the process starts. Disputes occur because people have different ideas about what their role entails and what is expected of them.

Make sure everyone understands who oversees what and be as detailed as possible. Writers and producers should also respect each other's process and parameters.

ROLES IN COLLABORATION

These roles differ depending on the format of the work and the creative collaboration team structure.

Some questions to ask in helping to define these roles:

- To what extent will the writer be involved in the pitch and proposal materials for funding?
- To what extent will the writer be involved in the selection of the director, cast, and overall production design decisions?
- What will the writer be entitled to give feedback on? And to what extent will the creative collaboration team be required to take their feedback on board?
- Collaborators may end up contributing to the script in the development process. Ensure these contributions are reflected in any further writer's agreements and are mutually agreed. NZWG can offer advice on appropriate credits and advise on processes in this situation.
- Decide who can give notes to whom, and how this feedback process will work.

“changes to the script cannot be made without the screenwriters approval”

SCRIPT EDITORS & CONSULTANTS

These roles are generally applied later in the development process when funding is secured, or in early pre-production. Agreements will need to be in place before commencing any work.

Here is a description of those roles:

- Script Consultant / Advisor – A person who provides feedback and in-depth script analysis on screenplays or script materials. Production companies may hire script consultants to provide notes on a script. A consultant does not modify the script.
- Script Editors – As above, but a script editor will modify a script.

TE TIRITI O WAITANGI & TANGATA WHENUA, INCLUSIVITY

TE TIRITI O WAITANGI & TANGATA WHENUA

The principles of Te Tiriti o Waitangi provide the framework for how producers and writers will meet their obligations under Te Tiriti in day-to-day work.

They are the principles of partnership, participation, and protection.

- Participation – acknowledges sovereignty/governance. This means ensuring equal participation at all levels of the creative collaboration, and that Māori have input into decision-making that directly affects them.
- Protection – acknowledges the protection of rights, benefits, and possessions. It means that Māori tikanga (culture and protocols) and taonga (treasures) such as Te Reo Māori (Māori language) are respected and given equal footing to the tikanga and taonga of other cultures.
- Partnership – acknowledges sovereignty/governance and working together with the same rights and benefits as subjects of the Crown. This means working together at all levels of the creative collaboration and having a say in the processes and management of the collaboration. It also means engaging with Māori in the community when you plan work that affects them.

For more detailed information about creative collaborations involving Māori key creatives and / or Māori content and themes, please refer to [Urutahi Koataata Māori](#), a guide to working with the Māori screen industry published by New Zealand Film Commission and Ngā Aho Whakaari.

Some basics to start the conversation of Māori and non-Māori collaborations:

- Writers and producers need to give careful consideration to Māori content and the manner in which the writing is researched, developed and realised.
- When anyone of non-Māori background writes Māori content, or works with Māori, they should involve appropriate advisors who have authority to navigate cultural issues. Māori artistic collaborators should also be involved at all stages of development of the work.

Resource: [Ngā Aho Whakaari](#)

INCLUSIVITY

When telling stories that are considered culturally specific or diverse, it is essential to be inclusive, aware, and respectful of all people, experiences, and practices, throughout the creative collaboration process. This could include working with people of diverse ethnicity, gender, sexuality, age, location, physical and neurological ability.

Some key questions to ask and points to consider before starting development on work that would be considered diverse, niche, or culturally specific:

- Why do you want to write and produce this story?
- Do you have authority or permission to speak, write, record, or represent certain people, cultures, or experiences?
- Do you have appropriate cultural advisors to work with?
- Could this story cause harm to certain people or cultures?
- Aim to challenge the status quo of gender and ethnic inequality, and ensure that there are strong character and production roles for all peoples.
- Create a commitment to authenticity, accuracy and respect of cultures, identities, experiences, and practices.
- Honour other people's areas of expertise.

To tell stories about another person or culture requires consent and consultation. Consent is a process whereby permission is given, based on a relationship of trust. Consultation is the process of working together, exchanging views, information, knowledge, and opinions.

Stories, myths, legends, songs, dances, and other cultural expressions may not necessarily be in the public domain, even if previously portrayed in books or films. These may be taonga of specific groups such as families, clans, or tribes. Permission to use any of these representations is required. This may take additional time and budget, plan for this as part of the development process, and before applying for funding or seeking other attachments.

A cultural advisor is a person with cultural competency and authority to provide advice. They would ideally have experience in the screen industry, and expertise in writing assessments and providing feedback. Your consultants can provide specific advice on how to connect and work with individuals and communities. Budget for cultural advisors at rates comparable to other technical advisors.

When considering a partnership with people from cultures represented in a project, here are some key questions to consider:

- Who makes creative decisions?
- Who has final authority over the content?
- Who receives economic benefit and how is profit shared?
- Ensure fair remuneration for all cultural advisors.

Resources: [Pan-Asian Screen Collective](#), [Proud Voices on Screen](#)

PROCESSES & DEVELOPMENT

Following are some of the processes and development tools within creative collaborations, and ways to ensure they are beneficial for the growth of both the collaborations and the projects.

Continue to talk openly about expectations throughout the process. If misunderstandings or confusion arises, communication is the best way to resolve them. Start at the beginning and work through each step to ensure all parties are on the same page.

DEVELOPMENT

- Collaborators should engage in creative dialogue from the outset to ensure everyone agrees on the intent of the story being told.
- Establish clear protocols about script and story development. Parameters should be set regarding the sharing of ideas and notes with the screenwriter(s) on all written materials throughout the development process.
- Schedules and deliverables should be established through contracting, and agreed by all parties around delivery, notes, and re-writes.
- Collaborators should mutually agree on the process for input on all writing elements from script consultants, editors, and others providing script notes.

PROPOSAL MATERIALS

Proposal materials are the foundational documents used in funding applications, pitches to broadcasters, platforms, sales agents, and other commercial entities. Proposal materials include, but are not limited to: treatments, pitch decks, series bibles, and sometimes sample scripts.

Television and feature film formats require different materials to receive development support and funding. Writers and producers must agree about the purpose of creating any proposal materials, who they are for and what is required.

- There should be remuneration to the creators for any proposal materials created, and this must be agreed to prior to creating and writing.
- Both parties need to formally agree on the ownership (copyright) structure for the life of the developed materials.
- Copyright of the materials remains with the author if the idea originated from the writer. If further development is not pursued the writer may utilise the materials for other purposes.
- Ownership of the idea and future use, needs to be mutually agreed well before the material writing occurs.

TABLE READS

The main purpose of a table read is for the benefit of the script and for the writer to further develop that script. Protocols need to be followed to ensure it runs smoothly, the expectations and goals of the writer and producer should be discussed before the reading.

Discussion points may include:

- Why does each party want the reading, and what do they want to get out of it?
- What stage does each party think the work is currently at?
- Will the table read be recorded and who will be invited?
- After the reading, how will the producer give feedback to the writer?
- Will there be participant feedback, and how will this be managed or moderated?
- Within the development process, when will the writer need to deliver their post-read draft to the producer?

“it should be made clear to the actors, that performing in a table read is not a commitment to be cast in the production”

WORKSHOPS

Depending on the work and the time at which the workshop takes place, a development workshop can mean different things. As with a Table Read, it is for the benefit of the story and the script, and for the writer to further develop the story into the script.

- Producers and writers should discuss if and how a workshop is useful, and what they expect to gain from it.
- The timing of the workshop should be carefully considered to ensure it is as useful as it can be – e.g. Is it too late to make any changes to the script that the workshop generates?
- As soon as possible after the workshop, writers should inform the producer of any significant changes in the works – character, structure, tone etc. A timeline should then be agreed for delivery of any re-writes.

PROFESSIONAL DEVELOPMENT TOOLS

There are a variety of professional development tools to progress the story and script through funded development, following are some of those elements.

SCRIPT ASSESSMENT & FEEDBACK

Script assessment and feedback is utilised as a development tool to ensure a script is, from a craft and storytelling perspective, where it needs to be to progress into funding.

Here are some handy points for this development tool:

- Unless otherwise indicated and mutually agreed between the writer and the producer, scripts submitted for assessment / feedback should not be shared in any other context or with any other parties without the writer's permission.
- Assessments and feedback should be conducted by experienced script consultants and editors who are able to deliver a constructive report or verbal feedback.
- In funded early development it is the producer's responsibility to arrange and resource readers and reports.
- If a producer's practice is to obtain script assessments, it should be stated from the outset that a script may be subject to this process and the details of the process clarified e.g. Who reads the script? Is the assessment available to the writer?
- Any further writing based on the assessment or feedback needs to be clearly defined and deliverables agreed between both the writer and the producer.

MENTORING

Mentoring can come in many forms but should always be professional and related to the pursuit of healthy and sustainable craft and good business practice. Mentoring is viewed as an independent relationship in which the mentor advises the mentee. Mentoring may, but will not necessarily, include career, process, script advice, and life coaching.

- Mentor and mentee should have an initial meeting to decide if they both want to take the relationship forward before committing to the mentorship.
- Both parties should begin with a clear sense of how they will work together and what outcome they are aiming for.
- Ensure a Confidentiality Agreement is in place between the parties, that covers the material and any payment for mentoring services.

EARLY DEVELOPMENT FUNDING

Early development funding is offered in a range of places and at different levels of support, depending on the format and project requirements.

Funding sources include:

- [Early Development Funding](#) (Feature Film) from the New Zealand Film Commission is available to teams (writers and producers) to develop treatments or early drafts of scripts that have the potential to make great New Zealand feature films.
- [He Ara Development Fund](#) (Feature Film) from the New Zealand Film Commission supports established filmmakers to tell authentic and exciting Māori and/or Pacific Island stories on screen.
- All New Zealand Film Commission funding programmes can be found [HERE](#).
- NZ On Air has some [development funding](#) available for researching or writing scripts or treatments, primarily for TV drama, and occasionally for documentary development.
- All NZ On Air funding programmes can be found [HERE](#).
- Te Māngai Pāho fund Māori media projects. Funding programmes can be found [HERE](#).
- [NZWG Seed Grants](#) are writer only feature film script development grants, funded by the New Zealand Film Commission.

**“in all creative scenarios,
written agreements should be
agreed and signed in advance
of work commencing”**

OTHER WORKING ARRANGEMENTS & FORMATS

Below are some other formats and areas of work where creative collaboration can blossom. Best practice principles apply to these formats and scenarios.

SUBMITTING UNSOLICITED SCRIPTS

The term 'unsolicited material' refers to scripts, proposal documents, or story ideas that producers, production companies, or any other producing partner have not asked for. Simply put, they will not accept any emails or other communication from writers or producers that include these materials. This is especially so if there is no established working relationship, or (in the case of some international territories) they have not come through an agent or manager.

To protect all parties, producing and funding partners say no to unsolicited materials primarily for copyright reasons. However, most production companies and funders will have general submission processes for how they would accept these materials, either through Request for Proposals (RFPs) or funding rounds.

When submitting any materials writers and producers should:

- Research the best people and companies to approach, to ensure projects align with the kaupapa of the people and companies being approached.
- Follow the submission process instructions exactly. If you are unsure, contact the company directly.
- Ask when you can expect to hear back from them.
- Writers can ask for feedback if the script is unsuccessful, however it is up to the producer or production company whether they will provide this or not.

PITCHING TO MARKET

Once the project is ready for pitching to the wider market (broadcasters, funders, sales agents etc.) the writers and producers are encouraged to go back to the original guiding communication that formed the creative collaboration. Ensure everyone is telling the same story and speaking to the same audience and that the format, scale, and market, are aligned for all parties on the project.

- When pitching to multiple parties, parties should be transparent to all involved.
- The writer and producer should agree prior to pitching about attaching other creative partners to pitches e.g.: attaching another writer, producer, or director.
- The writer and producer should also agree who will deliver the pitch and how e.g.: will this include both the writer and the producer?
- Ownership of developed materials should be settled well before pitching begins.

ADAPTATIONS & TRANSLATIONS

Unless the original work is out of copyright, adaptations and translations always require permission from the originating authors, their agent or estate. This should be investigated before any work happens. Be aware that permission may not be granted to utilise the underlying material, no matter what stage the adaptation is at, either development or quality-wise.

- Be clear on who has the responsibility of looking into and acquiring copyright permissions, prior to any work commencing.
- Ensure all copyright licences and assignments are confirmed in a written agreement prior to any adaptation, or translation work commencing. These agreements should cover credits, fees, and any profit share.
- The writer and producer should be clear with the originating author or estate / literary agent about the intention of the adaptation, how faithful, or not, to the original the new work will be.
- Originating authors, estates, or literary agents, may require sign off on the shoot script prior to filming commencing.

ANTHOLOGY WORKS

An anthology work consists of a collection of shorter works, sometimes around a selected theme, created by several different writers and/or makers.

- Writers invited to write for an anthology project should negotiate with the director and producer whether their script is to be presented as a discrete entity or intercut with other scripts.
- Writers and producers should be clear on the process, expectations, financial arrangements, copyright, credits, and other parameters of the project before commencing e.g. cast size, length, the number of writers and directors involved, what script consultant and dramaturgical support is attached.
- Writers should ensure that they have an individual contract for their script and that it covers their right to approve changes, credits, fees, percentage of profits, viewing of edits at specified stages, and right to remove their name.
- Writers should know up front how many writers are involved in the project and who they are and ensure they have a right of notification and approval of any changes beyond the initial agreement.
- Writers should be clear, before commencing, on whether the project can be licensed or assigned in the future separate to the full collection.

ABOUT

NEW ZEALAND WRITERS GUILD PUNI TAATUHI O AOTEAROA

New Zealand Writers Guild Incorporated - Puni Taatuhi o Aotearoa ([NZWG](#)) is the professional association and registered trade union of New Zealand script writers, established in 1975.

Representing the professional interests of writers in the fields of film, television, theatre, radio, comics, and new media. This is achieved through informing all levels of government on matters concerning writers, including policy, legislation, and status of the artist. NZWG members include most of the professional script writers working in New Zealand.

SCREEN PRODUCTION AND DEVELOPMENT ASSOCIATION OF NEW ZEALAND

The Screen Production and Development Association of New Zealand ([SPADA](#)) is the professional membership association of New Zealand screen producers, established in 1982.

SPADA represents the interests of producers and production companies on all issues that affect the commercial and creative aspects of independent screen production in Aotearoa New Zealand. Its membership includes leading independent producers and production companies working in film, television, TVC, animation and interactive media, as well as professional service providers.



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