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Ministry
for Culture
& Heritage

New Zealand Screen Production Grant

ONE-YEAR REVIEW REPORT
April 2015

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Executive summary

Key findings from the NZSPG Review

The New Zealand Screen Production Grant (NZSPG) has had a successful first year, with early indications of the grant's economic, industry development, and cultural objectives being achieved.

The screen industry has seen increased productions as a result of the NZSPG, and business confidence has improved. The New Zealand Film Commission (NZFC) is expecting a three-fold increase in applications for funding.

The International Grant¹ has increased New Zealand's competitiveness as a screen production location, as a result of the competitive combination of the incentive and other benefits, such as the current exchange rate and attractive shooting locations. The International Grant has created the basis for successful negotiations that provide wider marketing opportunities for New Zealand.

Both the New Zealand Grant and the International Grant (through the 5% uplift)² have encouraged an increase in the inclusion of on-screen New Zealand content, such as lead characters and settings, as well as a confirmed commitment to the use of New Zealand creatives in the production process.

The New Zealand Grant has enabled development of a wider breadth of content, including internationally attractive formats for which New Zealand production companies maintain intellectual property rights.

The review was conducted by the Ministry of Business, Innovation and Employment (MBIE) and the Ministry for Culture and Heritage (MCH), working with NZFC and Film New Zealand (Film NZ), and in consultation with the screen industry.

MBIE and MCH would like to acknowledge the New Zealand and international screen industry's contribution to the review.

Criteria changes

In response to feedback obtained during the review process, and in consideration of the objectives of the NZSPG, some changes to the NZSPG criteria have been introduced to ensure the requirements are clearly communicated, are in line with the original policy intent, and to enhance delivery of the desired outcomes. These changes will take effect from 1 August 2015.³

The material amendments are:

1. For the International Grant:
 - a reduction in the qualifying expenditure threshold for the Post, Digital and Visual Effects (PDV) Grant from \$1 million to \$500,000, in order to stimulate demand for post-production and smaller visual effects companies.

¹ For clarity, the NZSPG for international productions is referred to as the International Grant and the NZSPG for New Zealand productions is referred to as the New Zealand Grant.

² A 20 per cent baseline rebate is available for international productions, with an additional five per cent grant (known as the 5% uplift) available for international productions that are able to meet the significant economic benefits points test.

³ Productions which have been financed in reliance on the 1 April 2014 criteria are invited to apply to the NZSPG Panel by 1 January 2016 to have their application considered under those criteria.

2. For the New Zealand Grant:

- an increase in the qualifying points threshold for Significant New Zealand Content for television and other non-feature film productions, in order to align with the threshold for feature films
- a new requirement for television and non-feature film productions to meet a 10 per cent market attachment threshold⁴
- a new provision to allow children's drama productions to access both NZSPG and other screen agency funding, to support increased production in this area
- a limit on the amount of funding available for stock or archive footage to ensure grant funding is provided only to productions which further the grant's cultural and industry development objectives.

This report summarises the key findings of the review, provides detail on the material criteria changes, and summarises technical enhancements to the International and New Zealand Grants.

Background

In April 2014, the Government introduced the NZSPG to support the development of a sustainable and resilient domestic screen industry and to increase the competitiveness of our incentives for international productions in the short- to medium-term.

The NZSPG brought together two existing grants – the Large Budget Screen Production Grant (LBSPG) for international productions and the Screen Production Incentive Fund (SPIF) for New Zealand productions.

The NZSPG's objectives are, over time, to help:

- build a more resilient domestic screen industry that has greater control of its creative intellectual property and is less dependent on incentives for future business growth
- build the sustainability, scale and critical mass of the domestic screen industry
- facilitate the making of more New Zealand productions in the middle production budget bracket (i.e. \$15-50 million) that will attract international as well as local audiences
- increase New Zealand's competitiveness as a screen production location for international productions in the short- to medium-term
- attract international productions that support an underlying level of activity in the domestic industry
- generate valuable direct and indirect economic benefits, including spill-over benefits for other areas of economic activity, for example through international brand recognition, tourism, export education, innovation and technology transfer
- enrich and inform the lives of New Zealanders by enabling them to see their own stories on screen
- enhance the perception of New Zealand, its culture and its creativity.

The NZSPG is divided into two parts: the NZSPG for New Zealand Productions and the NZSPG for International Productions. The New Zealand Grant provides a 40 per cent rebate on qualifying New Zealand production expenditure (QNZPE). The International Grant provides a 20 per cent rebate on

⁴ The production must have market attachments that comprise 10% or more of the production budget.

QNZPE, and for international productions which generate significant economic benefits (as per specified criteria), an extra 5% rebate on QNZPE is available.

The International Grant is primarily focused on economic benefits, direct and indirect. The New Zealand Grant is primarily focused on industry development (specifically New Zealand production companies) and cultural outcomes. There is large overlap and alignment between the objectives of the two grants.

“The intention [of the NZSPG] is also to develop New Zealand’s own film scene, shifting it from a service-based industry to one which creates intellectual property that feeds into other sectors. What we’re trying to do is see if we can actually build sustainable infrastructure off the back of it and do other things... to lead to some sort of alteration in the way the industry operates, so that the industry over time begins to create more of its own intellectual property and be a little bit more sustaining in its own sort of business models. That’s a nice balance that we didn’t see before.”

– Dave Gibson, CEO of the NZFC

“The new NZSPG sent a very welcome message to our major overseas markets that New Zealand was open for screen business. It also showed an understanding of how mutually beneficial relationships can be built between the international screen industry and New Zealand. The opportunities here are sizeable.”

– Gisella Carr, CEO of Film NZ

Review process

In April 2014 the Ministers for Economic Development and for Arts, Culture and Heritage agreed that MBIE and MCH would conduct an initial review of the NZSPG one year after its introduction.

MBIE and MCH undertook this review in 2015, working with NZFC and Film NZ, and in consultation with the screen industry.

This review assessed whether the NZSPG is operating as expected in support of the economic, industry development, and cultural objectives set out above. At the time of the review, only two initial applications for the International Grant had been received and few of the productions applying for the New Zealand Grant had been completed. The review therefore focuses on the situation in April 2015 as a ‘snapshot in time’, noting that it is too soon to draw conclusions about the overall effectiveness of the NZSPG.

A combined qualitative and quantitative approach was undertaken to assess the early impact of the NZSPG and identify the key themes and trends that have emerged. Quantitative data on the number of enquiries and applications received formed part of the review. Qualitative feedback was sought from New Zealand and international studios and production companies, screen advisors, screen producers, guilds, consultants, screen-related agencies and domestic industry stakeholders involved in the NZSPG consultation in February 2014. The review also drew on case studies, news articles, press releases, and supporting documentation, including NZSPG applications and memoranda of understanding (MOUs) with Walt Disney Pictures, Saban Brands, and Lightstorm Entertainment/20th Century Fox. The review took account of environmental factors such as the exchange rate and any movement in incentives in competitor countries.

A full evaluation of the NZSPG will be completed in April 2018.

NZSPG activity to date

In the 12-month period from 1 April 2014 to 31 March 2015, the NZFC received 18 provisional applications (eight feature films and 10 television productions) for the New Zealand Grant, at least 14 of which are expected to be processed as grants in 2015/16. This is a marked increase from the previous year, where six provisional applications for SPIF were processed.

The NZFC has processed six applications (under the LBSPG) in 2014/15, and anticipates 18 applications for the International Grant in 2015/16. Of these 18, there are 13 films and five television series from 14 different studios or production companies.

In relation to the 5% uplift under the Significant Economic Benefits (SEB) test, the NZSPG SEB Verification Panel assessed three applications in the 12 month period from 1 April 2014 to 31 March 2015 (in addition to *Avatar*). Two of these were successful in being eligible for the 5% uplift (*Pete's Dragon* and *Power Rangers: Dino Charge*). MOUs relating to these productions have been completed. Information on the key elements of [Pete's Dragon](#) MOU is available on NZFC's website.

Key findings

General

- The screen industry has seen a significant increase in both international and New Zealand productions as a result of the NZSPG, and business confidence has improved, as demonstrated by feedback from regional film offices such as: *"It has changed the level of business confidence – the mood of the crew is more optimistic regarding the longevity of the industry. This is a big turnaround in 18 months"*.
- Both the New Zealand Grant and the International Grant (through the 5% uplift) have encouraged an increase in the inclusion of on-screen New Zealand content, such as lead characters and settings, as well as a confirmed commitment to the use of New Zealand creatives in the production process. New Zealand content has been positively received, as demonstrated by feedback from a Power Rangers fan reflecting on the New Zealand character, Chase: *"It'll give us, as an audience, a chance to experience more of the country we've watched in Power Rangers since 2003, but through the eyes of the characters on screen"*.
- The industry and some regions are thinking about the role of and need for increased screen infrastructure in light of the increased activity in the sector over recent months.

The NZSPG for International Productions

- The International Grant has increased New Zealand's visibility as a screen production location. Several international productions have located in New Zealand as a result of the competitive combination of the incentive, favourable exchange rates, and other benefits such as attractive shooting locations.
- The International Grant, through the 5% uplift, has created a basis for successful negotiations for securing wider marketing opportunities for New Zealand.
- The positive perception of New Zealand as a base for international production, and the quality of its industry, continues to attract business. This is also reinforced by the positive experiences of international production companies while they are in New Zealand, and the continued commitment to the use of New Zealand creatives on international productions.
- The International Grant, through the 5% uplift, has provided new development opportunities for the New Zealand industry. One New Zealand screen industry member describes the benefit

of working on international productions as follows: “Of biggest value to me was being fully immersed for three solid months ... I think that in the future when I look back at this opportunity, I will see it as the point in my career when I really took a leap forward.”

- Agreements which showcase New Zealand and provide marketing opportunities of significance have been achieved.
- Film NZ saw a significant increase in interest from live action production from the United States market after the NZSPG was announced, which has since translated to productions on the ground.
- Few post-production and smaller visual effects companies have yet seen an increase in activity (either undertaking post/VFX on live action production, or attracting standalone post/VFX work) to the same extent as others in the domestic industry.
- Attracting international screen productions to New Zealand produces a range of direct and indirect economic benefits, including on-the-ground production expenditure and spill-over benefits to other areas of economic activity. In addition it can help promote tourism, facilitate know-how and technology transfer to other industries and generate international recognition of the New Zealand brand. Whilst it’s not possible to credit the NZSPG directly, there have been examples of spill-over benefits from the screen sector announced recently, such as those in *Box 1*.

Box 1: Examples of spill-over benefits from the screen sector

- Henderson-based special effects company **Main Reactor** has created realistic body parts for a newly-developed research project for researchers at the University of Auckland. The project recreates simulated surgical cases so that operating theatre teams can practice their skills without risk to patients.⁵
- Wellington company **8i** is using Oculus Rift virtual headset technology, designed for 3D gaming, to produce a new trademarked medium called Holographic Virtual Reality (HVR).⁶
- BCS Group, an Auckland-based company providing baggage handling, self-service check-in and other technology to airports and airlines, has paired up with **Oscar-winning New Zealand engineer Dr Mark Sagar** to bring the self-service check-in experience to life with avatars.⁷
- **Callaghan Innovation** has launched the C-Prize, an innovation competition designed to drive Kiwi development of Unmanned Aerial Vehicle (UAV) technology for use in the screen industry.⁸
- **14 per cent** of holiday/vacation visitors to New Zealand selected *The Hobbit* Trilogy as one of the factors that first stimulated their interest in visiting New Zealand. Seeing the scenery depicted in the films or wanting to see if the scenery was like it was in the films, were the two main factors that encouraged these visitors to consider visiting New Zealand (results are for the year ended September 2014).

⁵ <http://www.stuff.co.nz/national/health/66342990/cutting-edge-mannequin-will-help-save-lives>

⁶ <http://www.stuff.co.nz/technology/gadgets/60052202/kiwi-company-8i-puts-viewer-in-movie.html>

⁷ <http://idealogue.co.nz/venture/2014/07/real-life-avatars-check-near-you-soon>

⁸ <http://idealogue.co.nz/tech/2015/04/callaghan-innovation-creates-c-prize-encourage-drone-tech-development-film-industry>

- As part of applying the criteria and in discussions with the assessment panels over the past year, we have identified a small number of enhancements that can be made to the supporting information relating to the 5% uplift criteria. This includes providing more specificity and examples about each of the points in Section D (wider economic benefits) of the criteria test – for example, what qualifies as a benefit under marketing, promoting and showcasing New Zealand.

The NZSPG for New Zealand Productions

- The New Zealand Grant has seen a threefold increase in applications in comparison with the previous year (under the SPIF regime). It has enabled the development of a wider breadth of content, including internationally attractive formats. Some production companies have widened their focus as a result, as demonstrated by feedback such as: *“The incentive makes us have more robust thinking – what can we make that will have international appeal?”*
- New Zealand producers have seen immediate benefits such as new relationships with international production companies, and new and improved negotiating opportunities. These benefits have been attributed particularly to the increase in the rebate for television to 40 per cent from 20 percent for New Zealand productions and official co-productions.
- Feedback from the industry such as: *“there are so many important New Zealand stories to be told and we now have the opportunity to do this”*, suggests that the New Zealand Grant is further enabling New Zealanders to see their own stories on screen, and productions which access the New Zealand Grant are playing an active role in the process of national identity – forming, marketing and understanding ‘New Zealand’.
- The New Zealand Grant is providing greater freedom to develop content that may not meet other government screen agency funding criteria, in particular, content that is less culturally specific and more internationally marketable. There are signs that the domestic industry is starting to build its own intellectual property, but it is too early to know the impact this will have and how sustainable it will be.
- However, there are genres where the grant alone is not a strong enough incentive for production, such as children’s drama where there is low commercial value, but high cultural and sector development value.
- Consultation feedback suggested some revision of the technical aspects of the New Zealand Grant criteria could provide greater clarity for applicants and the NZSPG Panel determining applications.
- In addition, the review highlighted some areas where changes would help focus the grant on delivering the intended objectives of supporting industry sustainability and enhancing New Zealand culture on screen. It also highlighted the different treatment of film and television with regard to the significant content requirements.

Criteria changes effective 1 August 2015

In response to feedback obtained during the review process, and in consideration of the objectives of the NZSPG, some changes to the NZSPG criteria have been designed to clarify the requirements and ensure it is delivering its objectives.

In addition to the changes arising directly from the one-year review, the government is also implementing a number of changes that had previously been agreed by the Minister for Economic Development and the Minister for Arts, Culture and Heritage.

The material amendments are as follows:

1. For the International Grant:
 - a reduction in the qualifying expenditure threshold for the PDV Grant from \$1 million to \$500,000, in order to stimulate demand for post-production and smaller visual effects companies.
2. For the New Zealand Grant:
 - an increase in the qualifying points threshold for Significant New Zealand Content for television and other non-feature film productions, in order to align with the threshold for feature films
 - a new requirement for television and non-feature film productions to meet a 10 per cent market attachment threshold
 - a new provision to allow children's drama productions to access both NZSPG and other screen agency funding, to support increased production in this area
 - a limit on the amount of funding available for stock or archive footage to ensure grant funding is provided only to productions which further the grant's cultural and industry development objectives.

These changes are discussed in further detail below. Minor, technical enhancements to the International and New Zealand Grants are also summarised.

It is expected that these changes will help to meet the objectives of the grant as detailed at the start of this report.

The revised criteria will take effect from 1 August 2015 and can be accessed on the NZFC website at <http://www.nzfilm.co.nz/funding/feature-films/production-funding>.

In order to ensure these changes do not have retrospective effect, productions which have been financed in reliance on the 1 April 2014 criteria are invited to apply to the NZSPG Panel by 1 February 2016 to have their application considered under the 1 April 2014 criteria.

NZSPG criteria for International Productions

For the International Grant, the qualifying expenditure threshold for the PDV Grant has been reduced from \$1 million to \$500,000 in order to stimulate demand for post-production and smaller visual effects companies. This change is discussed in further detail below and summarised in *Table 1*.

Some minor, technical changes have been made to improve the clarity of the criteria. We have also identified a small number of enhancements that can be made to the supporting information relating to the 5% uplift criteria. These changes are summarised in *Table 2*.

The full NZSPG – International Criteria dated 1 August 2015 is available on the NZFC website at <http://www.nzfilm.co.nz/funding/feature-films/production-funding/nzspg-international-productions>.

PDV Grant

The PDV Grant was incorporated into the criteria for the NZSPG effective from 1 April 2014 with a threshold for QNZPE at \$1 million. However the list of eligible PDV activity was not updated at that time (and the current terminology and criteria date back to 2007 when the PDV Grant was introduced as a subset of the former LBSPG).

Following consultation with the industry in late 2014, the Minister for Economic Development agreed to update the definitions and criteria, as below. Subsequent consultation undertaken as part of this one-year review noted that many PDV businesses were yet to feel the impact of the new incentives under the 2014 changes to the NZSPG, as they had not been able to attract the level of business required to access the grant. This change is designed to stimulate demand for post-production and smaller visual effects companies. *Table 1* summarises the changes to the PDV Grant.

Table 1: changes to the PDV Grant

PDV threshold reduced to \$500,000 (clause 9.2)	To lower the qualifying expenditure threshold so that a PDV Production must have a QNZPE of \$500,000 (down from \$1,000,000)
PDV Activity definition amended (clause 2) and PDV Appendix updated (Appendix 3)	To update the existing definitions and criteria in line with modern technologies and (among other things) to add physical effects that are integral to making visual effects to the list of eligible PDV activities.

Table 2: minor technical changes to the NZSPG criteria for International Productions

Effective Date, Transitional Provisions and Historical Costs (clause 5)	Confirming that the effective date for the new criteria is 1 August 2015, with transitional provisions for international productions commencing Principal Photography or PDV Productions that have started PDV activity before 1 August assessed under NZSPG criteria dated 1 April 2014. In general, costs paid more than ten years prior to the start of Principal Photography or PDV activity cannot be claimed as QNZPE.
Bundling provisions amended (clause 10.3)	Clarifying that each production within a bundle must either have an applicant that is the same entity or a related entity to other applicants in the bundle, or have the same Creative Producer who is a NZ citizen or permanent resident.
Clarification to non-arm's length expenditure (clause 20)	Clarifying what can be claimed for services that are charged between the applicant and any associate entities.
Provisional applications for 5% uplift to be submitted prior to Principal Photography (clause 26)	Clarifying that a complete provisional application must be received before commencement of Principal Photography.
More detail on assessment of 5% uplift applications	To include, for example, the requirement that MOUs arising from the Significant Economic Benefits Test must be completed within 12 weeks of the provisional certificate.
Amendments to Significant Economic Benefits guidelines (Appendix 2)	For example: <ul style="list-style-type: none"> clarifying that the scale of the benefit to New Zealand should meet or exceed the amount of the 5% uplift clarifying what is required to obtain points, particularly in Section D – Wider Economic Benefits requiring fast-track applicants to meet the mandatory production expenditure threshold i.e. \$25 million for TV, \$30 million for film.

NZSPG criteria for New Zealand Productions

For the New Zealand Grant, the four material changes will take effect from 1 August 2015. These changes are summarised in *Tables 3 and 4*.

Table 5 also summarises some additional minor, technical changes made to improve the clarity of the criteria and ensure they are delivering the objectives of the New Zealand Grant.

The full NZSPG – New Zealand Criteria dated 1 August 2015 are available on the NZFC website at <http://www.nzfilm.co.nz/funding/feature-films/production-funding/nzspg-new-zealand-productions>.

Significant New Zealand Content test

The Significant New Zealand Content points threshold for non-feature film productions has been raised from 15 to 20 points (including a mandatory 3 points in section A of the test). This change brings the threshold into alignment with the threshold for feature film productions. The change is designed to ensure the New Zealand Grant is delivering both cultural and industry development benefits sufficient to justify a 40 per cent rebate on QNZPE and that the criteria are platform neutral.

Table 3 summarises the changes to the ‘Assessment of Projects’ provisions which gives effect to this change.

Table 3: changes to Significant New Zealand Content points test

Assessment of Projects	A production that received at least 20 points out of 32 would generally be considered to have significant New Zealand content for the purposes of the NZSPG. All productions would generally be expected to receive a minimum of 3 points related to New Zealand Subject Matter (Section A). There is no longer a distinction in the requirements for television or other non-feature film productions, and the requirements for feature film productions.
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Other screen agency funding for children’s drama

The NZSPG criteria for New Zealand productions dated 1 April 2014 prohibit television or other non-feature film productions from accessing both the NZSPG and other government agency funding, with the exception of animation productions.

The review process has highlighted that children’s drama is a high cost genre of strong cultural value, but low commercial value, as it is targeted at a special interest audience. The genre also provides particular opportunities to develop skills in the industry, and for New Zealand children to see themselves on screen. The genre cannot currently be adequately funded by other government agencies. For these reasons, the exception allowing animated productions to access both NZSPG and other screen agency funding has been expanded to also include children’s drama.

It is intended that this exception will incentivise producers to consider ways to create content with high production values that simultaneously serves New Zealand audiences and is attractive to the international market. It is not expected that this exception will extend further.

Table 4 summarises the changes to the ‘Other New Zealand government funding’ provisions.

Table 4: change to criteria regarding other New Zealand government funding

<p>Other New Zealand government funding for television or other non-feature film production (clause 8.6)</p>	<p>A television or other non-feature film production may not receive production funding from a New Zealand government screen agency (including for example funding through NZFC, NZ On Air, or Te Māngai Pāho) and a New Zealand Grant, unless it is an animated production or a children’s drama production, in which case it may receive both.</p> <p>Children’s drama productions are scripted programmes made specifically for children or groups of children (industry-standard definitions will be applied).</p>
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Table 5: other technical changes to the NZSPG criteria for New Zealand Productions

<p>Purpose updated (clause 3)</p>	<p>Clarifying that the industry development and cultural impact objectives are of equal importance.</p>
<p>Effective Date, Transitional Provisions and Historical Costs (clause 5)</p>	<p>Confirming that the effective date for the new criteria is 1 August 2015, with transitional provisions for New Zealand productions that have started principal photography before 1 August to be assessed under the NZSPG criteria dated 1 April 2014.</p> <p>Transitional arrangements may apply for television and non-feature film productions where the applicant applies to the NZFC before 1 February 2016 to have the production considered under the 1 April 2014 criteria, the production has been fully financed based on the 1 April 2014 criteria, and the production has not started principal photography by 1 August 2015.</p> <p>In general, costs paid more than ten years prior to the start of principal photography cannot be claimed as QNZPE.</p>
<p>Television and other non-feature film productions are required to have at least 10 per cent financing from market attachments (clause 8.5)</p>	<p>Requiring television productions demonstrate market attachments (e.g. sales and distribution advances, licence fees) of at least 10 per cent of the budget, to recognise that a purpose of the NZSPG is to support productions which are commercially attractive.</p>
<p>Majority owner must meet residency status provisions (clause 10.2)</p>	<p>Clarifying that where the applicant is majority-owned by another company, the majority owner must also meet the residency status criteria.</p>
<p>Cap on QNZPE for stock or archive footage (clause 17.3(l))</p>	<p>Excluding from qualifying expenditure the costs of stock or archive footage above 20% of QNZPE or \$500,000, whichever is the lesser, except in exceptional circumstances as determined by the NZSPG Panel, at its sole discretion and on a case-by-case basis.</p>
<p>Clarification to non-arm’s length expenditure (clause 21)</p>	<p>Clarifying that in considering the commercial rate for goods or services, factors such as the length of hire, and overall cost-effectiveness will be taken into account.</p> <p>Where parties providing goods or services to the production are also investing in the production, the charges for their goods or services should also be at commercial rates.</p>

Interest added to non-accrual exception (clause 22)	Clarifying that to be QNZPE, a cost must have actually been incurred and the applicant must have discharged in full its liability to pay at the time of final application (for example, paid in cash, by cheque, or electronic transfer).
Re-application fee to be charged (clause 26)	A re-application fee will be charged to applicants who submit a new application for a Provisional Certificate. The amount of the fee will be as published on the NZFC website.
Amendment to TPE definition (Appendix 2)	Clarifying that pre-production expenditure and certain historical costs are excluded from TPE.
Significant New Zealand Content points test: clarification to A3 (creative material)	Clarifying that this section refers to the creative material upon which the story of the production is based as opposed to the actual script, screenplay or teleplay.
Significant New Zealand Content points test: changes to roles for documentaries (A2, B4, C5, C6, C7), and clarification to B4, C1, C2 and C3	Clarifying how the criteria apply to documentaries. Clarifying the definition of 'Concept Design and Physical Effects', and definitions of qualifying directors, producers, and scriptwriters.