

**screenrights**

**Submission in response to:**

**AMPLIFY**  
**A Creative and Cultural Strategy for**  
**New Zealand**

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**Submission by Screenrights**

**12 December 2024**

*This submission may be published*

## Introduction

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1. Screenrights welcomes the opportunity to respond to this important report.
2. Screenrights is a non-profit collecting society representing creators in the screen production sector. Screenrights has more than 5,000 members in 69 countries worldwide. Our members are writers, artists, producers, directors, sales agents, broadcasters and distributors.
3. Screenrights is a licensing body established within the terms of Part 8 of the Copyright Act 1994 (NZ) ('the Act'). Screenrights operates a licensing scheme that authorises the copying of licensed communication works and the communication of such copies by New Zealand educational establishments in the circumstances set out in section 48 of the Copyright Act. Screenrights' licences cover schools, polytechnics, universities and other educational establishments.
4. The Screenrights Educational Licence provides teachers and their students with access to films, documentaries, news and current affairs, and other screen content for teaching purposes.
5. We collect royalties ("equitable remuneration") on behalf of our members who own the rights in the copyright material made available under the licence.
6. Screenrights works with online resource centres to deliver licensed material to educators. Resource centres provide Screenrights with records of the programs used in licensed schools, universities and other tertiary institutions which enables us to accurately remunerate the rights holders for the use of those works.
7. In the last financial year, Screenrights collected over 1.1 million records of program usage through the resource centres in New Zealand.
8. Our submission is built on the experience since 1998 of licensing New Zealand educational establishments. This has given us a unique perspective on the key role the creative sector plays in supporting education, and how the licensing of content for education also supports the creative sector in a virtuous circle.

## Investing for maximum impact

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**Work across government to enable the creative and cultural sectors to support cross-portfolio outcomes, for example supporting improved health outcomes, or supporting rehabilitation and reducing reoffending in the justice system.**

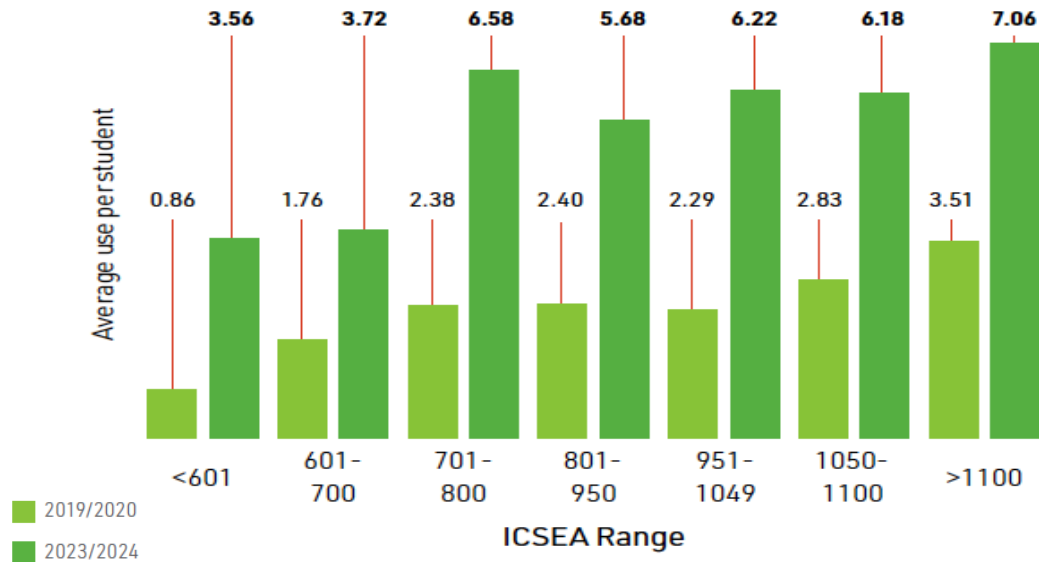
9. Education benefits strongly from the creative sector. Teachers rely on local content to reflect cultural identity and values, and material that reflects the cultural diversity of New Zealand is relatable and engaging for students, making it highly effective in teaching. Educational copyright licences provide unparalleled access to New

Zealand's creative content, notably works that convey subject matter aligned with the foundational curriculum, including science, history, English and the arts. Usage of content under the Screenrights licence in New Zealand schools has more than tripled over the last five years.

10. Current legislation for the use of copyright material in education simplifies access to creative content in schools and universities, however the procurement of copyright licences are currently at the discretion of individual educational establishments, which can limit access, particularly in schools. This inequity of access is inevitably experienced most directly for less advantaged schools and students.
11. There are three copyright licences available to schools, covering print, music and screen. Today, there are 830,000 children enrolled in schools nationwide. Approximately 450,000 children are *not* covered by a screen licence, 230,000 music and 200,000 print.
12. To solve this inequity, a government funded copyright licensing regime for schools would provide access to New Zealand's creative resources for all school students, fully leveraging the existing copyright framework to deliver maximum impact for education, while ensuring fair payment for creators. Such a cross government approach would provide benefits both to the creative sector and to education.
13. In the spirit of 'Amplify', a government funded approach to copyright licensing for schools would greatly increase the reach of locally produced material for use in education, amplifying the impact of investment that taxpayers and Manatū Taonga Ministry of Culture and Heritage have already made in local content through agencies such as New Zealand On Air. The copyright licences enable content to be made available outside primary media channels, providing a second window for availability that extends the lifecycle of the material for use in education without limit.
14. Centralised government funded copyright licensing models for education already exist in the UK and Australia, with demonstrated success in delivering equity. The following case study provides evidence of how the Australian licence has had a dramatic positive impact on the equity of access to resources in schools.

### **Case Study: ICSEA and The Australian Education Licence**

Schools' usage of the Australian Education Licence by ICSEA  
[Index of Community Socio-Educational Advantage]



The Australian Government has funded copyright licensing for all state schools in Australia for a number of years; overall 98% of school students are licensed nationally. This universal licensing approach has substantially improved resource equity for schools as demonstrated in the chart above.

The Index of Community Socio-Educational Advantage (ICSEA) is a scale of socio-educational advantage that is computed for schools in Australia. National licence usage data shows that over the past five years schools across all ICSEA ranges are using much more content.

Critically, the gap between schools' advantage status has narrowed. In fact, schools in the lowest ICSEA range (under 600) classified as "extremely educationally disadvantaged" are using more content per student in 2024 than the most educationally advantaged schools were using in 2020.

This experience demonstrates the extraordinary impact on equity of access that the investment in a national licensing approach has created.

15. The ongoing fragmentation in how resources are accessed is leading to additional cost for schools, with a greater potential for negative impact on those that are more educationally disadvantaged. A centralised copyright licensing system helps to ensure that all schools have equitable access to resources while ensuring fair payment for creators.

## Nurturing Talent

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### **Develop a creative education work programme to increase learners' exposure to New Zealand creative and cultural activity through the school curricula, working with sector partners.**

16. Exposure to New Zealand's creative works at every stage of education is essential in building passion for the Arts in young people, empowering the next generation of creative practitioners to continue to reflect New Zealand's cultural identity in their work.
17. In 2021 New Zealand On Air commissioned research<sup>1</sup> into the use of NZ produced audio-visual content in the classroom. That research clearly demonstrated the need for local voices to be used in teaching. Teachers rely on local content to reflect cultural identity and values. Films, documentaries, television and radio programmes that reflect the cultural diversity of New Zealand were highlighted as being relatable and engaging for students, and highly effective in teaching.
18. Existing copyright legislation for education provides the building blocks for access to New Zealand's creative works at all levels of education, while ensuring that creators are compensated fairly. However, in the absence of centralised purchasing, the current administrative regime is cutting across the objectives of equity of access and cultural support.
19. A government funded copyright licensing regime for schools would ensure that these works can be accessed by all school students, in support of the new arts curriculum in 2027. Furthermore, it could make more New Zealand content available through existing government channels for education, including NZ On Screen<sup>2</sup> and the Ministry of Education's own curriculum resource platform Tāhūrangi<sup>3</sup>.

## Reducing barriers to growth

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### **Work across government to identify and update regulation that impacts on the creative and cultural sectors' ability to grow and produce creative work, such as the Public Lending Right for New Zealand Authors Act, the Copyright Act, and liquor licensing legislation**

20. The provision in section 48 of the Copyright Act that permits the use of communication works in education only applies to educational establishments that are not conducted for profit. This denies commercial Private Tertiary Enterprises

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<sup>1</sup> <https://www.nzonair.govt.nz/research/nz-screen-content-use-schools-2021/>

<sup>2</sup> <https://www.nzonscreen.com/>

<sup>3</sup> <https://tahurangi.education.govt.nz/>

(PTEs) access to important resources that are otherwise made available to educational establishments under the Screen education licence.

21. Screenrights proposes an amendment to s48 of the Act to include a deeming provision that would extend the existing provision to include commercial educational establishments. This inclusion would provide greater equity of access to New Zealand's creative works across education, importantly in arts programmes at PTEs that are currently not able to benefit from the Screen licence.

### **Explore initiatives to support increased investment in and access to local screen content**

22. The Screen licence is extremely well-utilised where it is available in education. Online educational streaming services Education Television (ETV)<sup>4</sup> and ClickView<sup>5</sup> (resource centres) provide schools with access to audio-visual content copied under the Screen licence. Approximately 10% of schools in New Zealand subscribe to resource centres.
23. Since 2019, usage of content by schools through resource centres under the Screen licence in New Zealand has more than tripled, while the number of schools with access to resource centres has remained steady.
24. A centralised copyright licensing regime could enable Screenrights to collaborate more closely with the government to support greater access to local screen content through existing government channels, such as NZ On Screen and the Ministry of Education's curriculum resource platform Tāhūrangi.
25. Screenrights looks forward to the consultation on the Media Modernisation work programme.

**For further information:**

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<sup>4</sup> <https://etv.nz/>

<sup>5</sup> <https://online.clickview.co.nz/>