

'Know Your Rights' for Child Actors (16yrs & under) and Families in NZ

On-screen acting is wonderfully enriching and satisfying for children and young people.

No doubt as parents, you will be excited for your kids when they start getting auditions and bookings for acting jobs. However, if (like most people), you're not familiar with the internal workings of the world of film and TV, you'll probably have lots of questions, too.

You've come to the right place. We've compiled all the info you'll need about conditions and rights for kids working in front of the camera in NZ.

We've also put some tips together to help ensure you are well-informed and well-prepared for all steps of the process. Whether you're the Child Actor, or the supporting family of that child, we want to help everyone enjoy the experience fully.

And if you're an industry professional wanting to check in and make sure you're covering all the bases in relation to working with Child Actors, welcome! We hope this info will be helpful for you as well.

Auditioning FAQs

Q. How do I hear about an audition?

A. Your agency will notify you when an audition comes through.

It's a big deal to get an audition!

On average, several HUNDRED child profiles are put forward for any one role. Maybe 20 or 30 actors are selected to audition. It's a privilege, not a right, and an amazing opportunity.

So – it's really important to make the most of it in terms of preparation, i.e. reading notes and memorising scripts.

You'll be sent all of the relevant information about the audition by your agent, but as a guideline, this is what will generally happen:

You'll go to the casting studio.

You'll arrive in plenty of time allowing at least ten minutes beforehand to complete your ID form with your contact details. You'll sign an agreement relating to recalls, shoot and wardrobe dates.

Please take this form very seriously, as it is a commitment on behalf of yourself and your agent.

You'll do the audition, and leave. All up, this whole process should take about half an hour.

Your agent will let you know if you're needed for a recall (second audition for shortlisted actors), and if this is the case, you'll usually hear within a few days. Casting Directors have agreed, where possible, to let agents know when a job has been cast so they're able to update their actors. It's important though to check with your agent about their notification policy.

Managing Expectations – and enjoying the journey!

The reality is, auditions are hard to get and only one person can get the job. It's important to remind our kids that it is the *audition process* that is important for them and will keep them fit as actors. Every audition is a wonderful learning experience and develops their skills further. Help them acknowledge disappointment when they don't get jobs, but then channel their energy and focus into looking forward to the next audition!

On the Job FAQs

The following should be scheduled and approved with the Child Actor's agent, prior to the shoot.

Q. How long will my kids work for at any one time?

A. The maximum recommended work hours for Child Actors:

- Six hours a day for up to and including 8 year olds (DOOR TO DOOR)
- Eight hours a day for 9-11 year olds (DOOR TO DOOR)
- 10 hours a day for 12-16 year olds (**PLUS TRAVELLING TIME**)
- It's recommended that child actors do not work additional hours, however there are occasions where the production company will ask to go over time. If this should happen the parent needs to assess their child's ability to continue. This is also the job of the chaperone but the parent must make this decision for themselves and over-rule the chaperone if necessary or ask their agent to on their behalf. Allowing a short amount of overtime to avoid the production having to book the location and crew for another shoot day just to finish a scene is something production companies value, so seldom abuse.
- Child Actors can only work for five consecutive days and no more than five days in a calendar week. It is expected that young children will work fewer days.

Q. Will my child work at night?

- The approved code of practice for child actors in the film industry (screen) is that 'night work must be negotiated between the Production Company and the Child Actor's agent and parents. The production company shall inform in detail its schedules as far in advance as possible'.
- With live performance, Health & Safety legislation states that 'the principal must take all practicable steps to ensure that the contractor does not work between the hours of 10pm and 6am unless this is in accordance with an "approved code of practice" that is in place (there is currently none but this is under review).

Q. Will my child get proper breaks?

A. Absolutely.

- The Producer must provide age-appropriate rest and meal breaks.
- Child Actors must have at least a twelve hour overnight break exclusive of travel time. For example, a Child Actor cannot arrive home at 7 p.m. and be asked to be back on set at 7 a.m. the following morning.

Q. Can you describe the facilities in more detail?

A. Sure can!

- The Producer must provide off-set toilet, washing, recreation, study and (where applicable, for longer engagements) accommodation facilities.
- Specifically, an employer must ensure that clean and accessible toilet, hand-washing and hand-drying facilities, and a suitable area for doing schoolwork are provided at each place of work of the child.
- An employer must ensure that facilities exist so that any child is able to dress and undress in private.

Q. Are Parents allowed on set?

A. No – unless your child is a baby/toddler.

- Parents are welcome at the shoot, in fact your child will be more comfortable with you being there especially if it's only the first or second job they've worked on. However, you'll be expected to sit in a designated resting area away from the actual set. Don't worry your child will have their set chaperone to look after them while they're shooting.

Q. Will my child be living on junk food?

A. Definitely not (sorry, kids!) 😊

- The Producer must provide age-appropriate and nutritious food for the Child Actors. For example, it is not appropriate to provide Child Actors with only sugar or salt-loaded snacks or meals only during a working day. Nor it is suitable to only offer children food that could be defined as overly 'adult' in style.
- The Producer must also provide appropriate and nutritious food for parents and chaperones.
- Both actors and chaperones may ask for food or drinks during the day.

Q. Is it different for babies?

A. Yes.

- Professional baby care will be present and parental access to the baby **GUARANTEED** at all times.
- Babies must be attended at all times.
- Babies less than 12 weeks of age must be cared for by a parent or parent's approved alternative, however it's recommended that babies under 6 weeks of age shouldn't be on set at all.
- Babies must not be exposed to harsh light, extreme temperatures, irritants including makeup, infections, or excessive handling or stimulation.

- No more than four people may handle a baby during any single period of employment.

Q. Who supervises the kids on a shoot?

A. Producers must engage and pay a suitably experienced chaperone with knowledge of the NZ production industry.

- This person will have teaching, childcare qualifications or appropriate experience and/or nursing qualifications and a clean driver's license, and have undergone a police background check.
- A chaperone will be required to:
 - Coach the Child Actor with their lines;
 - Supervise schoolwork, rest periods and meal breaks;
 - Be responsible for the Child Actor's general wellbeing during the working day;
 - Be present at all times when the Child Actor is on set, whether during pre-production or production;
 - Drive or travel with the Child Actor to and from set. If arrangements are made for a parent/guardian to drop the child off on set, the chaperone must be waiting to receive the Child Actor. Under no circumstances should the chaperone arrive later than the Child Actor they are supposed to be looking after.
- It's advised that for Child Actors aged 3 and under, the parent is hired as the chaperone.
- An agent, parent or guardian must be easily contactable during the shoot.
- Where five or more Child Actors are working at any one time, two chaperones should be engaged. For more than ten Child Actors, the number of chaperones will be dependent on the number of Child Actors, their ages, their roles, the time of day, the location and circumstances of the shoot.

Q. What happens if the shoot is out of town?

A. 'House Parents' (also sometimes referred to as chaperones) are contracted by the Producer.

Often the house parent on an overnight shoot will be the parent or legal guardian.

Chaperones/ 'house parent(s)' (where the Child Actor is required to travel out of town for a shoot), will be required to:

- Provide for the support and general wellbeing of the Child Actor (and other children) including meals, all laundry (personal items, bedding etc);
- Supervise after hours and weekend recreation, homework and script work;
- Act as liaison between the Child Actor and the Producer if necessary;
- Be available day and night and able to care for the Child Actor during an emergency (e.g. illness)
- The house parent will have emergency contact numbers for production personnel.
- The Producer will liaise frequently with the parents and the house parent to monitor the safety and wellbeing of the Child Actor.
- Accommodation and travel costs are both covered for the Child Actor (and accompanying adult), and each receives a per diem allowance.

Q. Will my children have to face things they're not ready for?

A. No, absolutely not!

- Child Actors may not be exposed to scenes which are harmful or likely to cause distress. This includes scenes that the actor is not acting in, but which he or she may see while on set. These scenes must be scheduled for a time when the Child Actor is not on set.
- An employer may not require or ask your child to take part in or watch anything they or you disagree with.
- At no time shall the production company expose a Child Actor to any situation that could be deemed detrimental to the child's mental, physical and moral wellbeing. This includes extreme weather (cold without warm clothing, heat without shade or sunblock)
- Child Actors may only be asked to do things that are appropriate and within their capabilities, in relation to their age, maturity and experience.
- If you feel uncomfortable on set or feel that the rights of your child are not being met, call your child's agent and speak to the onset chaperone.

Q. This is going to take my kids out of school. Will they have time for their schoolwork?

A. Yes, and on long term engagements, school work will be an official part of the production schedule.

- There is a legal responsibility for parents to seek permission from the school for any absence.
- The actor must not be engaged in work in such a way that it has a detrimental effect on their education.
- The Producer will allocate the necessary time, facilities and supervision for the completion of schoolwork for the Child Actor. Methods of complying include:
 - Short term engagements: school work can be set by school, supervised by an appropriate tutor or chaperone.
 - Long term engagements: Correspondence School can be a suitable way of complying, however the Producer will consider in good faith any other alternatives as reasonably suggested in regards to appropriate schooling activities.
- Tutors or chaperones must supervise schoolwork set by the Child Actor's school on short term engagements.
- On long term engagements, the Producer will ensure that the Child Actor is allocated 10 hours per working week for schoolwork (exclusive of production days off).
- Please note: it is the responsibility of the parents to apply to the New Zealand Correspondence School if they wish the Child Actor to be educated by correspondence.

Q. How does my child get paid?

A. Your agent will sort this out for you.

Your agent will invoice the client on your child's behalf, and you will receive payment in due course. Depending on the job, times vary, but as a gauge, most TVCs pay within 4-8 weeks, and TV series and films involving ongoing work generally pay in regular instalments, from 7-14 days.

Some families put their kids' on-screen earnings into an Education Trust Fund for their child, which is a positive way to use it, but of course, you'll choose whatever works for you. The sky's the limit!

Q. My child is an employee , right?

A. No. And this is really important to understand. Your child is an independent contractor.

In New Zealand, child actors are not classified as employees - they are independent contractors, who are *not* protected by the Employment Relations Act.

This means that the default legal position is the contractual agreement negotiated between the production company and your child's agent, for each job the child is contracted for.

Without a *solid* contractual agreement, there's nothing to prevent child actors from being made to work long hours for a low contract fee – so it's important your child's agent is vigilant about contract negotiations.

There are guidelines for production companies but these *are not set in law*.

Q. Who will look out for my child?

A. Your child's agent.

It is the job of your child's agent to ensure they're looked after and not exploited.

A recommended list of reputable agents can be found on the Actors Agents Association of NZ (AAANZ) website <http://aaanz.co.nz>

Q. Does my child need an IRD number?

A. Yes, absolutely!

Child actors *must* have an IRD number so their agent can process their withholding tax, and you can file annual tax returns on their behalf.

Child actors work under the WT (withholding tax) code. This code indicates that the child is an independent contractor and may be able to claim expenses, such as agent's commission and other work-related expenses.

Your child's agent will deduct 20% withholding tax from any earnings made by your child. The agent then pays those deductions to the IRD on a monthly basis.

Every person on the WT code is required to file a tax return. At the end of each tax year, the IRD should issue a summary of earnings. If you haven't received one by the end of May, you can request one.

Q. Do we have to pay anything to ACC?

A. Yes.

Your child's earnings will be subject to the payment of ACC levies. This is because your child is an independent contractor.

After your child's tax return has been filed and processed, ACC should send you an invoice. This invoice is based on the information they have listed for your child.

The correct classification is: **Creative Artists, Musicians, Writers and Performers – 92420.**

You must also specify that it is only a **part-time** activity. If the invoice doesn't show this code, or reflect the part-time nature of the activity, you need to contact ACC to get it changed and to ensure you are invoiced correctly.

This document has been compiled by *LBF* Kids and Teens Management, 2015

Endorsed by AAANZ (Actors Agents Association of NZ) and Equity New Zealand

Resources used:

SPADA & Equity NZ's Individual Performance Agreement; The Code of Practice for Engagement of Cast in the NZ Screen Production Industry; Health & Safety in Employment Act 1992; NZ Ministry of Business, Innovation & Employment; Inland Revenue – Tax Policy & Legislation.