

# Remuneration Policy for Artists and Arts Practitioners: Summary of Consultation Report

Ko te Mahere Utu mā Ngā  
Kaitoi, Kaiwaihanga Toi: tuhinga  
whakarāpopoto o ngā kōrero  
i kohia

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## **Mā te huruhuru, ka rere te manu.**

*Adorn the bird with feathers so it can fly.*

The COVID-19 pandemic, and its devastating effect on the arts sector, is by no means over.

The response we've received to this consultation and the situation the sector faces as a result of COVID-19, together underscore the need for action now to improve the sustainability of arts sector careers.

In October 2020, we committed to developing a remuneration policy to establish good-practice principles for those working in the arts. The responses we've received are overwhelmingly supportive of this move and the proposed principles.

It is our hope that the policy will answer the call from the sector to shift long-entrenched practices and ensure the value of the arts is recognised, and artists are fairly remunerated for the work they do.

The development of the policy has already prompted the sort of discussions we need to be having. Do we continue producing more work at the expense of paying people properly? What is the role of arts organisations as the major employers in the sector in leading change? How do we ensure working in the sector is accessible to Māori, Pasifika and diverse communities? What is the role of funders in setting clear expectations and establishing funding models that support sustainability?

We recognise that change will take time.

We welcome the opportunity to work with the sector to make the shifts required to ensure that working in the arts is seen as a viable career option. A lot of work is needed, and we hope a remuneration policy will be a positive step along the way.

We would like to thank all who took part in the consultation process, who responded to the survey and took part in the consultation meetings, including the hui of senior Māori practitioners and the talanoa of senior Pasifika practitioners.

Your experiences and comments will help shape the final policy that will be released in the coming months and help us as we start implementing the policy in 2022.



Stephen Wainwright  
Chief Executive | Tumu Whakarae  
Creative New Zealand



Caren Rangi, ONZM  
Chair | Tiamana  
Arts Council of New Zealand Toi Aotearoa

# INTRODUCTION *TĪMATANGA KŌRERO*

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This report summarises feedback received on a proposed set of remuneration policy principles for the arts sector that were included in the discussion document *A remuneration policy for artists and arts practitioners: Ko te Mahere Utu mō Ngā Kaitoi, Kaiwaihanga Toi*, released on 22 July 2021. The consultation period ran until 3 September 2021.

Feedback on the proposed principles was received through an online survey and consultation meetings with:

- senior Māori practitioners and organisations (Toi Māori Aotearoa, Te Matatini Kapa Haka Aotearoa, Te Waka Taki Kōrero Māori Literature Trust and Ngā Hua Toi representatives of contemporary Māori theatre and dance) through a hui held on 6 August 2021
- senior Pasifika practitioners representing different artforms and communities through a talanoa held on 11 August 2021
- unions and representative sector bodies (E tū, Equity New Zealand, New Zealand Society of Authors, New Zealand Comedy Guild)
- organisations funded through Creative New Zealand's Investment programmes (Toi Tōtara Haemata and Toi Uru Kahikatea)
- key government arts and culture funders (including Manatū Taonga Ministry for Culture and Heritage, the New Zealand Film Commission, NZ On Air, Te Māngai Pāho, New Zealand Music Commission)
- organisations and individuals representing specific communities (including Arts Access Aotearoa, Art Makers Aotearoa, Youth Arts New Zealand, Satellites, Rekindle – a community arts group)
- key individuals active in the remuneration space.

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## Summary of key findings

Feedback indicated a high-level of support for the principles and notion of taking active steps to improve arts sector remuneration. Feedback from work done in 2019 on sustainable careers, that the sector is no longer prepared to accept the status quo, was reinforced throughout the consultation.

Main results from the survey include the following:

- Support for the individual principles was high: those who strongly agreed or agreed ranged from 81 percent to 97 percent.
- In terms of the impact of adopting the principles, results were:
  - 29 percent reported that adopting the principles would have little or no impact: I/we already consider most of these principles in the way I/we work
  - 40 percent reported moderate impact: I/we consider about half of these principles in the way I/we work
  - 30 percent reported significant impact: I/we consider only a few of these principles in the way I/we work.

The most commonly selected means of support required to implement the principles were (in order of most selected):

- more funding (68 percent)
- sample contract templates (62 percent)
- guidelines on copyright and intellectual property rights (61 percent)
- sample budget templates showing recommended new budget lines, for example, promotional work, cultural advice (58 percent)
- sample pay policy (56 percent)
- online hub to access resources that are already available (55 percent).

Interestingly, only 8 percent of respondents selected Agreement to reduce our programme of work.

Responses from the hui with senior Māori practitioners focused on:

- the need for clear, practical guidance (such as templates, pay guidelines) and education with pastoral care (provided by staff, community advisors or mentors) to empower Māori artists and arts practitioners

- the importance of tikanga being included in the development of the principles and implementation of the policy (for example, traditional practices of acknowledgement, reciprocity and exchange such as koha)
- recognising the mātauranga, skills and expertise held by senior Māori artists, tohunga and mātanga in remuneration scales and pay guidelines
- Māori artists' and arts practitioners' contribution to broader community wellbeing (social, cultural, environmental, economic) being requested a lot but often not valued, treated with respect or remunerated appropriately
- concern about a 'paying more but doing less' approach because it would mean fewer opportunities for Māori artists and ngā toi Māori, where opportunities are already limited
- a lack of equity in government investment in ngā toi Māori and Māori arts infrastructure and the effect on several Māori artforms now critically endangered or at risk
- the amount of arts funding required to pay for arts administration and infrastructure leaving little for artists to pay themselves.

Similar themes emerged through the talanoa with senior Pasifika practitioners, which highlighted:

- the need to value expertise and experience acquired through lived experience rather than qualifications
- a desire for the principles to recognise the inequity and real barriers faced by Pacific artists
- a request to consolidate the principles to three or four, using meaningful terminology and language and separate the aspirational from the operational
- the need for tool kits of resources as well as 'community navigators' and mentors who provide support for creatives to find information and share expertise
- a desire for ongoing involvement in the policy and its implementation.

Overall, issues grappled with in consultation meetings and in the feedback included:

- how to find a balance to manage what was described as the "potentially chilling effect" of requiring remuneration at the early stages of careers, or where a training or apprenticeship component is included, with ensuring the sector is accessible to diverse New Zealanders and not just those with support systems to enable them to work for little or no pay
- how to manage concerns regarding the 'inflationary impact' of paying more, and, if remuneration levels are to be lifted without a significant increase in funding, the reality of 'doing less and paying better' would likely lead to a reduction in available work and opportunities for engaging with audiences
- how and whether the policy could or should reflect the amount of 'creative work' done for community benefit that is not necessarily remunerated; this was raised in the hui around work done for marae, hapū and iwi, and in the talanoa (for example, how do you value what we value?)
- how to ensure the policy is flexible enough to incorporate differences in size of organisations, artforms and business models and that principles are recommendations rather than rules
- how to manage the prevalence of low pay affecting not only artists and arts practitioners but arts administrators who are trying to balance budgets and ensure those they work with are paid fairly while maintaining programmes of work.

A significant amount of the feedback received related to:

- how the principles would be implemented
- what support would be available to help the sector implement the policy; the results above suggest a reasonable level of support will be needed
- general issues relating to remuneration and remuneration practices, including transparency and the need for detailed pay scales rather than guidelines that establish a minimum rate.

# SECTION 1: BACKGROUND AND NEW ZEALAND CONTEXT FOR THE PROPOSED REMUNERATION POLICY

## WAHANGA 1: KUPU WHAKAMĀRAMA MŌ TE MAHERE

### UTU-A-HAORA E IRI ANA



In May 2019, Creative New Zealand Toi Aotearoa released research undertaken in partnership with NZ On Air titled *A Profile of Creative Professionals* (the research). To better understand barriers to sustaining a creative career, the research recorded the views of around 1,500 people working in creative professions about their income, training, means of support and wellbeing.

The creative professionals who took part in the research told us the following:

- Most have difficulty making a sustainable living from their principal artform or creative practice.
- The median income from creative work alone was \$15,000 per year.
- Most (63 percent) do not feel their remuneration is fair.
- Many rely on other sources of financial support or 'safety nets', such as their partner's income, non-creative work or savings, and most cannot dedicate as much time to their creative practice as they would like.
- Satisfaction with their career was lower than for all working New Zealanders (53 percent and 66 percent respectively).

As a result of the research, Creative New Zealand and NZ On Air agreed a set of joint priorities:

- Fair reward: We'll work towards ensuring lower-paid creative professionals are paid in line with technical professionals, lifting pay to the point where creative professionals start to feel it is a fair reward.
- Sustainability: We'll work to make the careers of mid-career and established creative professionals more sustainable through more continuous creative endeavours.
- Emerging creative professionals: We'll work with the sector (including peak bodies and guilds) to find better ways to support creative professionals at the start of their career.

Following the research and identification of these priorities, in August 2019 we released the discussion document *Sustainable Careers for Artists and Arts Practitioners: Umanga Toitū mō ngā Ringa Rehe Toi, me ngā Tohunga Toi* (the discussion document).

This discussion document continued the conversation about what the research findings meant. It also explored how Creative New Zealand could work with government (central and local), the arts sector and other stakeholders (including funders) to advance more sustainable careers for artists and arts practitioners in Aotearoa New Zealand.<sup>1</sup>

Creative professionals were asked questions around six proposed principles that, if embedded, could improve the sustainability of creative careers. Overall, support was expressed for the principles, with a clear indication given it was no longer sustainable for the sector to continue working in the way it has and that things need to change.<sup>2</sup>

<sup>1</sup> By a 'sustainable career', we mean a pathway of creative work over the course of an individual's working life that lets them earn a viable living to support themselves and their family.

<sup>2</sup> The summary of the consultation report was published in October 2020 (publication was delayed due to the COVID-19 pandemic).

# Creative New Zealand’s sustainable careers principles

## Principles of Sustainable Careers for Artists and Arts Practitioners in Aotearoa

	1. Artists and arts practitioners feel their creative practice is valued and regarded as ‘real work’
	2. Artists and arts practitioners are remunerated fairly for their work
	3. Artists and arts practitioners are well positioned to adopt a portfolio approach to achieving a sustainable career <sup>3</sup>
	4. Artists and arts practitioners are prepared for a career in the arts and cultural sector
	5. Artists and arts practitioners can access support to grow and develop a sustainable career
	6. Artists and arts practitioners’ careers contribute positively to their wellbeing

To give effect to these principles, particularly Principle 2, Creative New Zealand undertook to do two things:

- a. We will develop a **pay policy** that sets out good-practice principles for those working in the arts (artists and arts practitioners and those in associated roles) that would build on and complement our existing fair pay guidelines for Arts Grants.
- b. We will facilitate an industry-led process to develop **pay guidelines** to set benchmarks for what creative professionals in various roles and career stages should be paid.

## Wider context

Work on a remuneration policy is taking place in a wider context and includes changes Creative New Zealand has made already to its own practices, along with the introduction of fair remuneration guidelines for Arts Grants and internships.

A “... **cultural sector [that] is supported and growing sustainably**” was identified as a government priority for the Arts, Culture and Heritage portfolio. Across government, various initiatives affect or contribute to more sustainable careers for artists and arts practitioners.

These include:

- Creatives in Schools administered by the Ministry of Education
- Creative Careers Service administered by the Ministry of Social Development
- a review of the Copyright Act 1994 being led by the Ministry of Business, Innovation and Employment
- a review of the Public Lending Right for New Zealand Authors led by the Department of Internal Affairs
- the development of six new workforce development councils being led by the Tertiary Education Commission, including the ‘Toi Mai Workforce Development Council’, which covers the creative and cultural workforce
- the Arts and Culture COVID Recovery Programme (\$374 million over four years) being administered by Manatū Taonga Ministry for Culture and Heritage to provide short-term relief as well as longer-term support for the sector affected by the COVID-19 pandemic through the:
  - Te Tahua Āki Auahatanga Cultural Sector Innovation Fund
  - Te Tahua Whakahaumarū Creative Arts Recovery and Employment (CARE) Fund
  - Te Tahua Whakakaha Cultural Sector Capability Fund
  - Mātauranga Māori Te Awe Kōtuku programme – part devolved to Creative New Zealand
  - Pasifika Festivals Initiative – devolved to Creative New Zealand.

<sup>3</sup> A portfolio career in the arts sector is one in which artists and arts practitioners are unlikely to have a single permanent job, and may be balancing their creative practice with related creative work, such as teaching and/or non-creative work.

Central government's intention is to establish the public service as an exemplar employer in New Zealand. The priorities in the Government Workforce Policy Statement<sup>4</sup> relevant to a remuneration policy for artists and arts practitioners are:

- Employ people fairly, equitably and in a way that allows them to live good lives and participate in the economy.
- Create an inclusive environment for all workers with the aim of achieving a diverse workforce.

Work is underway to introduce fair pay agreements for the public sector. The objective is to improve labour market outcomes by enabling employers and employees to collectively bargain for industry or occupation-wide minimum employment terms.

A move is also being made to adopt social procurement practices in the public sector, including local government. Social procurement means using procurement as a tool to generate benefits beyond the goods and services required. This could lead to increasing opportunities for involvement of the sector in the provision of services.

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<sup>4</sup> As an autonomous Crown entity, Creative New Zealand must have regard to this policy in the work it does.

## SECTION 2: DETAILED CONSULTATION FEEDBACK

### WAHANGA 2: KO NGĀ HUA I PUTA I TE UINGA KŌRERO

#### Proposed value statements and good-practice principles

The following sections present the survey results on the proposed values and good-practice principles as outlined in the consultation document. Feedback from the consultation meetings is reported after the survey results.<sup>5</sup>

The number of responses is an indication the proposed policy has struck a nerve with the sector. In total, 780 respondents, out of the 1,151 who accessed the survey, answered more than the first three questions. The following analysis is based on those 780 respondents.

Respondents to the online survey were asked to indicate their level of agreement with a set of 21 good-practice principles. The principles were grouped under eight value statements or conditions that, if achieved, Creative New Zealand believes will contribute to sustainable careers for artists and arts practitioners.

Overall, the level of agreement is extremely high with both the values and principles, and with the intent of the policy.

The eight value statements (1-8) and the supporting good-practice principles (a,b,c) are listed below.

	<p><b>1. The value of the arts and creative work to society is recognised</b></p> <p>The important role artists and arts practitioners play in the lives and wellbeing of all New Zealanders should be recognised in remuneration (and employment) practices.</p> <p>(a) The value of the contribution of arts and creative work to New Zealand society and the economy should be recognised and rewarded fairly.</p>
	<p><b>2. Cultural and creative practices are recognised and valued</b></p> <p>Cultural and creative practices from Aotearoa New Zealand and the wider Moana-nui-a-Kiwa (Pacific), including an understanding of mātauranga, whakapapa, connection with communities and mana tuku iho (identity and belonging), are valued and acknowledged for the contribution they make to our wellbeing (social, cultural, environmental and economic).</p> <p>(a) Like all forms of creative work, cultural and creative practice should be valued and acknowledged, and, where appropriate, remunerated accordingly.</p>
	<p><b>3. Remuneration practices reflect good practice rather than minimum standards</b></p> <p>Improvement in remuneration standards for artists and arts practitioners should acknowledge the typically low base at which they currently sit.</p> <p>(a) Better than minimum standards of remuneration is the goal for the arts sector. (b) All remuneration must consider the status and experience of the artist and arts practitioner and the value of their contribution to a project.</p>
	<p><b>4. All creative work is, by default, to be paid work</b></p> <p>Remuneration practices should recognise that unpaid work by artists and arts practitioners is a hidden subsidy for the sector and falls on those who can least afford it. From time to time situations may arise where remuneration does not apply. In these instances, the rationale for this approach should be clearly articulated and understood.</p> <p>(a) No artists and arts practitioners should be expected to work for little or no pay. (b) Where artists and arts practitioners agree to work unpaid, for low pay or 'in kind' compensation, agreement must be reached about the benefits and/or value for each party.</p>

<sup>5</sup> Two consultation meetings were conducted face-to-face with senior Māori and Pasifika artists. Because of COVID-19 restrictions, online meetings were conducted with funding organisations, Creative New Zealand's Investment clients, organisations representing sector interests (including unions and sector organisations), community arts organisations and regional arts organisations.



#### 5. Remuneration practices must comply with relevant legislation and sector organisations' standards

- (a) All employment must conform to relevant New Zealand employment legislation and other legal requirements.
- (b) Where sector organisations have established guidelines for that sector, these should be referred to and implemented.



#### 6. Remuneration practices recognise artists' and arts practitioners' rights and interest in the work they create

- (a) Artists' and arts practitioners' copyright and intellectual property should be protected as both a moral and an economic right.
- (b) Contractual arrangements should allow for artists to benefit appropriately from the future exploitation of their work.



#### 7. Remuneration practices are equitable

- (a) All artists and arts practitioners should receive equitable remuneration. Where appropriate, experience and seniority should be considered.
- (b) Equitable access to employment opportunities should be available for diverse communities irrespective of age, gender, ethnic affiliation, physical or other disability, sexual orientation or religion.



#### 8. Remuneration practices should be transparent

- (a) Where an organisation receives funding through Creative New Zealand's Investment programmes, it should have its own remuneration policy agreed by its governing body and made publicly available.
- (b) All communications between an artist and arts practitioners and the party engaging their services should be open and transparent to both parties, to avoid misunderstanding around the expectations of both parties.
- (c) All work and roles in a project should be covered by a contract.
- (d) All contracts should be negotiated in good faith, setting out the full nature and scope of a project, the status of an engagement, associated taxes and benefits, and obligations of the employer as well as the artist and arts practitioner.
- (e) If they wish, artists and arts practitioners must be able to seek advice on any contract agreements they are party to.
- (f) All payments or fees for all roles involved in a project must be visible in application budgets and post-project reports.
- (g) All aspects of a project, including research, development, cultural advice or promotional work such as media calls, must be visible and included in budgets.
- (h) Artists' and arts practitioners' fees should be ring-fenced to ensure they are protected against budget over-runs.
- (i) Conditions of payment must be clear (eg, per word, per event, per season, weekly/fortnightly).

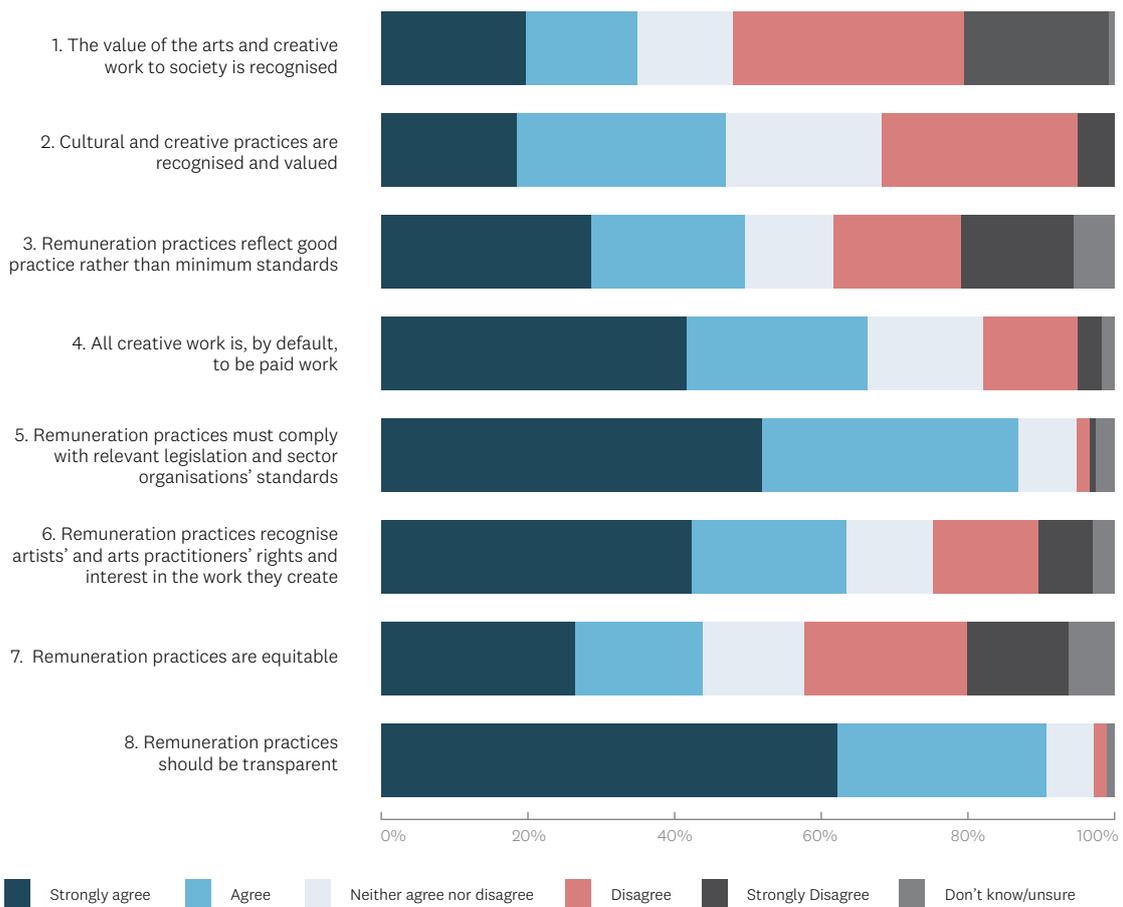
## Value statements

The mixed responses to the value statements indicate that, in many cases, the desired conditions either do not currently exist or could be improved.<sup>6</sup> Nonetheless, feedback from discussions with artists, organisations and others confirmed that those values should be aspired to, and work should be done to move towards achieving them.

For this reason, the agreement with the proposed good-practice principles was substantially higher than it was with the value statements. Figure 1 (over the page) shows the level of agreement with the value statements.

<sup>6</sup> Comments in the final question of the survey indicate some respondents interpreted the value statements under which the good-practice principles were grouped as conditions that currently exist rather than aspirational statements.

Figure 1: Survey respondents' response to the value statements



## Proposed good-practice principles

### Overview

Well over three-quarters of survey respondents agreed or strongly agreed with each of the proposed good-practice principles.

While no additional principles were suggested, 240 respondents made comments relevant to the principles.<sup>7</sup> General comments included reducing the number of principles and separating the aspirational and operational principles.

Senior Māori and Pasifika artists saw the proposed principles as a positive move forward. They also suggested consolidating the principles, using language that would resonate with artists and communities. They also suggested separating aspirational and operational aspects in the final policy.

On the following pages we provide the consultation feedback received on the good-practice principles that underpin each of the proposed value statements.

<sup>7</sup> Comments in the final question of the survey indicate that some respondents interpreted the value statements under which the good-practice principles were grouped as conditions that currently exist rather than aspirational statements.

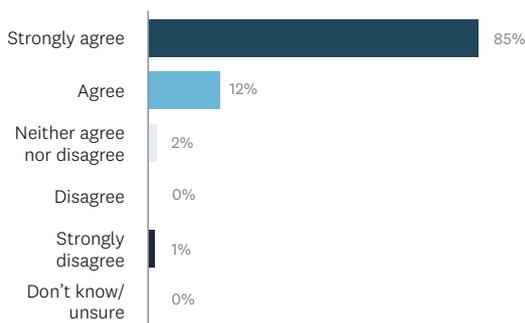
# Value Statement 1: The value of arts and creative work to society is recognised

**Principle 1a: The value of the contribution of arts and creative work to New Zealand society and the economy should be recognised and rewarded fairly.**

Achieving this principle would ensure the important role artists and arts practitioners play in the lives and wellbeing of all New Zealanders is recognised in remuneration (and employment) practices.

Overall, 97 percent of survey respondents agreed or strongly agreed with this good-practice principle.

**Figure 2: Survey respondents' agreement with Principle 1a**



## Survey respondents' comments on Principle 1a

The need for advocacy to raise awareness of the value of creative activity was raised by **22 respondents**.

Comments emphasised the need for public education about the value of the arts in everyday life and to New Zealand society, and about the real cost of making art. Suggestions were that this could be done through increased media exposure as well as through the education system.

*“We need a campaign to educate the public about the value of art, that artists’ work is important and that we contribute significantly to NZ. I would love to see art have as much exposure as sport.”*

*“Perhaps a campaign to raise the general awareness of how much artists contribute to communities would be a nice start. It’s easier*

*to pay fairly when you appreciate and I think most people don’t know how much time and energy some things take.”*

Other comments suggested advocacy was needed for increased funding and increased private sector investment in the sector, protection of artists’ copyright and intellectual property and for similar principles to be adopted by any organisations, promoters and individuals hiring New Zealand performers.

## Feedback from consultation hui with senior Māori practitioners

Participants in the Māori consultation hui discussed:

- the need for stronger advocacy about the positive contribution of the arts to the wellbeing of communities and Aotearoa and value of the creative sector within wider society
- that the principles need an overlay of tikanga, recognising that traditional cultural practices of reciprocity and exchange, such as manaakitanga and koha, are still practised and should be visible.

## Feedback from consultation talanoa with senior Pasifika practitioners

Participants in the Pasifika consultation talanoa discussed:

- the need to recognise the contribution of specialist cultural knowledge holders
- the need to acknowledge the real barriers in the system: structural inequity, racism, classism, bias and prejudice that affects artists’, practitioners’ or knowledge holders’ contribution as not being valued or remunerated appropriately
- the need to recognise voluntary input
- that it is important the remuneration principles align with [Te Hā o ngā Toi – Māori Arts Strategy 2019–2024](#) and the [Pacific Arts Strategy 2018–2023](#).

## Feedback from consultation meetings

Comments relevant to Principle 1a focused on advocacy. Two strands of advocacy were suggested:

- The first strand saw a need for a cultural shift that engaged the New Zealand public in understanding the contribution the arts made to individual New Zealanders, the wellbeing

of communities, and the country as a whole. One suggested that the COVID 19 pandemic provided a prime opportunity to highlight that contribution.

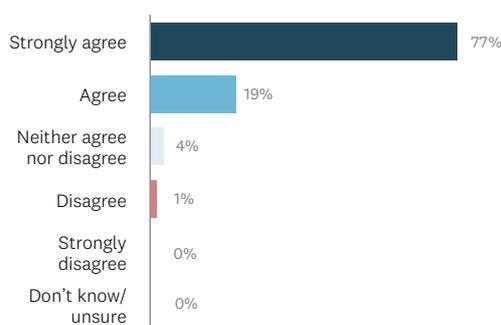
- The second strand focused on advocating for the right of artists to receive fair remuneration. The public expectation needs to change that they can engage with artists' work for not much cost, to require organisations to adhere to standards and be accountable in their treatment of artists, and to empower artists to value themselves. These comments are also relevant to Principle 4.

## Value Statement 2: Cultural and creative practices are recognised and valued

**Principle 2a: Like all forms of creative work, cultural and creative practice should be valued and acknowledged, and, where appropriate, remunerated accordingly.**

Overall, 95 percent of survey respondents agreed or strongly agreed with this good-practice principle.

Figure 3: Survey respondents' agreement with Principle 2a



### Survey respondents' comments

**Twelve respondents** commented on this principle. Comments here aligned with those on Principle 4 and Principle 6.

The strongest theme was the need to recognise that the skills and expertise of many artists working in traditional artforms and cultural practices are frequently not recognised through formal qualifications. This makes it difficult to place a value on using qualifications as a benchmark.

*“Acknowledgement of Māori practitioners e.g. Kapa Haka tutors are recognised for their cultural value and the whakawhanaungatanga that they bring to their practice... and not their educational status. [For example] They may not have formal training – but they have a huge cultural knowledge and cultural practice which needs to be paid for accordingly. There is very little understanding of acting in a Te Ao Māori way by funders and organisations and the tokenism is no longer acceptable. Māori practitioners’ cultural practice needs to be recognised as valuable and paid accordingly.”*

Another theme was that works are often produced collectively, so how this is taken into account needs to be considered in finalising the principles.

*“There is no provision for cultural or customary practice, especially in communities where work is collectively made, or collectively owned. Curious oversight for CNZ!”*

### Feedback from consultation hui with senior Māori practitioners

Feedback on Principle 2 from participants in the Māori consultation hui noted the following:

- Māori and Pasifika artists should not be joined under the same principle. Māori have different obligations as tangata whenua to their whanaunga from Te Moana-nui-a-Kiwa. It is important to amplify the importance of Māori artforms and expression to Aotearoa and acknowledge Māori rangatiratanga.
- It is important to provide appropriate support for artists working on the marae and with hapū and iwi, to retain and value the mātauranga behind the artforms.
- The principles should acknowledge pūkenga (expertise, specialist knowledge, skills).
- Consideration is needed on how artists and practitioners, who are the only people with expertise in specific fields nationally and internationally, will be valued and remunerated against those with Western qualifications and experience in institutions.
- The significant voluntary work and contribution made by artists (with aroha) to serve their communities, marae, hapū, iwi also needs to be acknowledged.
- Māori artists are often asked to contribute to cultural, spiritual or community wellbeing, however, their mātauranga, expertise and work is often not remunerated or treated with dignity or respect.

## Feedback from consultation talanoa with senior Pasifika practitioners

Participants in the Pasifika consultation talanoa discussed the importance of the language used in the principles and asked how Principle 2 will be measured. For example, how would someone with significant and rare arts practice knowledge developed through lived experience and knowledge passed down through family be valued versus a person with a doctorate?

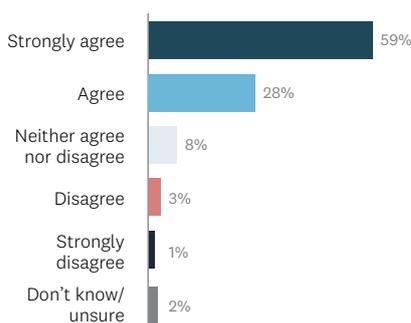
## Value Statement 3: Remuneration practices reflect good-practice rather than minimum standards

Improvement in remuneration standards for artists and arts practitioners should acknowledge the typically low base at which they currently sit.

### Principle 3a: ‘Better than minimum standards of remuneration’ is the goal for the arts sector.

Overall, **87 percent** agreed or strongly agreed with this good-practice principle

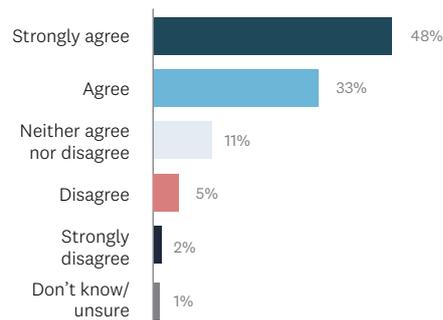
Figure 4: Survey respondents’ agreement with Principle 3a



### Principle 3b: All remuneration must consider the status and experience of the artist and arts practitioner and the value of their contribution to a project.

Overall, **81 percent** of survey respondents either strongly agreed or agreed with this good-practice principle.

Figure 5: Survey respondents’ agreement with Principle 3b



### Survey respondents’ comments on both principles

Ten respondents commented on these principles. These comments also relate to Principle 4, Principle 7 and Principle 8.

Three respondents highlighted the need for pay scales or guidelines, if a better than minimum standard is to be a goal for the sector.

A further two respondents suggested that different operating models of arts organisations need to be considered when implementing the policy, particularly when minimum pay rates are being suggested.

*“There is a general fee[ling] of unease about minimum pay rates – having an impact on people who are producing their own work and aren’t funded enough to pay everyone e.g. profit share shows.”*

A further five respondents wanted clearer definitions for terms such as ‘emerging’, ‘mid-career’ or ‘established’ artists, and ‘seniority’ and/or ‘status’ of artists. Four respondents suggested a better way to determine what artists were paid was to consider skills, qualifications and experience. As noted in comments under Principle 2, not all artists have a formal qualification that can be taken into consideration when assessing payment levels, so experience might be a better measure.

Respondents also noted the difficulty in defining ‘emerging’. The term did not necessarily mean the artists were young. Another example given was an artist who is working across different roles, for example, performing and directing, who might be considered a senior performer but an emerging director.

*“Also please don’t forget that ‘emerging’ artists can be middle aged or older (esp women) having returned to their true calling after half a lifetime serving families and surviving by working other jobs to pay bills. They will have mid-life financial commitments that are very different to young emerging artists, so ‘seniority’ can often severely disadvantage this group. There may be many ‘senior’ artists who are way younger than them and who have had more opportunities to get where they are because they haven’t had the same societal/patriarchal pressures and obligations holding them back.”*

The need to be clear about the type of employment arrangement, that is, employee or contractor, under which artists are engaged should also be considered.

*“CNZ needs to make it very clear in the funding process whether companies/collective/producers are engaging artists as contractors OR employees. Contractors should be entitled to a higher rate of pay than employees, as contractors must cover their own: ACC, Kiwisaver, Annual Leave, Sick Pay etc. Ideally artists should be on a living wage (at minimum) + any costs on top of that ...”*

### Feedback from consultation hui with senior Māori practitioners

Participants in the Māori consultation hui provided the following feedback on Principle 3:

- Participants generally supported the principle but noted pay guidance and industry standards need to be developed with arts communities because a huge disparity exists between artforms and even between roles within artforms.
- The main issue for this sector is it is administration heavy so a significant portion of any funding is directed to infrastructure and support, leaving little for the artists.
- Remuneration scales must recognise the tohungatanga and pūkenga of artists.

### Feedback from consultation talanoa with senior Pasifika practitioners

Participants in the Pasifika consultation talanoa asked why remuneration practices would reflect only good practice rather than best practice? They also asked for a definition of minimum standards and that this be consistently established across artforms.

### Feedback from consultation meetings

Comments from the consultation meetings reflected the survey responses. During the discussions, the question was asked about where accountability lies. Often, funders do not have a complete overview of a project. They may work with agents or producers, for example, rather than the artist, and budgets do not necessarily show artists’ fees separately from production costs.

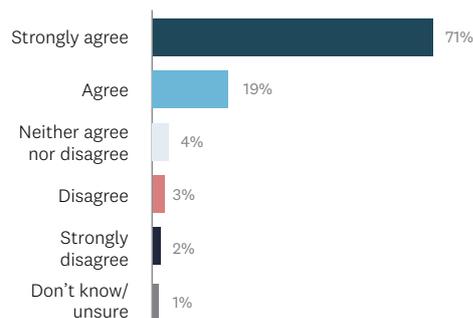
## Value Statement 4: All creative work is, by default, to be paid work

Remuneration practices should recognise that unpaid work by artists and arts practitioners is a hidden subsidy for the sector and falls on those who can least afford it. From time to time, situations may arise where remuneration does not apply. In these instances, the rationale for this approach should be clearly articulated and understood.

### Principle 4a: No artists and arts practitioners should be expected to work for little or no pay.

Overall, **90 percent** of respondents strongly agreed or agreed with this good-practice principle.

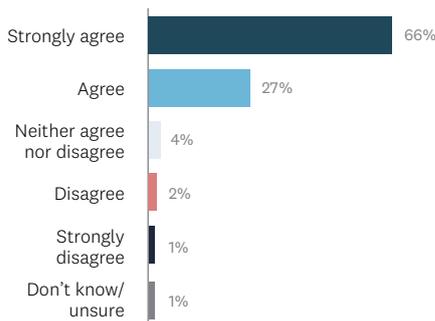
Figure 6: Survey respondents’ agreement with Principle 4a



**Principle 4b: Where artists and arts practitioners agree to work unpaid, for low pay or ‘in kind’ compensation, agreement must be reached about the benefits and/or value for each party.**

Overall, **93 percent** of survey respondents strongly agreed or agreed with this good-practice principle.

**Figure 7: Survey respondents’ agreement with Principle 4b**



**Survey respondents’ comments on Principle 4a and Principle 4b**

**24 respondents** commented on these principles.

An implication running through the comments relevant to Principle 4 was that respondents felt the current Creative New Zealand funding levels and guidelines were set too low. Paying people better, or for all aspects of a project, would reduce the number of work opportunities, given current funding levels.

Five respondents commented on the difficulty of developing project budgets that ensured everyone was paid fairly.

*“Most projects are impossible to quote accurately beforehand because creative projects do not follow a standard recipe like baking a cake...and there is no standard time they ‘should’ take.”*

*“Rehearsal periods for theatre and opera should be paid. The pay-per-performance model is crucifying individual artists.”*

*“I think the problem is that funding caps are often too low, and facilitator fees do end up being eaten into just to ensure the project takes place – to make a project viable you have to estimate revenue that may never come in or may not be paid for months.”*

Two further related comments suggested the parties who funded creative activities should be educated. For example:

- independent artists can create awareness of how long a project takes and should avoid working extra hours because this lowers the hourly rate
- local authorities should actively encourage the payment of artists and event organisers and stop supporting applications where event staff are volunteers and artists are unpaid (in relation to Creative Communities Scheme applications).

Two respondents questioned the practice of either not paying artists or expecting them to cover the costs of things like exhibitions themselves.

*“CNZ could be proactive and approach directors/curators of public exhibitions that charge the public to visit the exhibition but don’t pay the artists nor give any funding towards installation/travel costs.”*

*“Where arts organisations have sponsors, artists should not have to pay a fee for, say, exhibitions, on top of the considerable costs of producing their works.”*

Unpaid internships were of concern for four respondents. While some respondents had valued their time in unpaid internships, comments noted that interns should be paid or, at the least, have some of their costs met. Otherwise, unpaid or low paid internships could be a barrier to those entering creative occupations. Where learning outcomes are part of an individual’s engagement these should be clearly set out, and any responsibilities should be appropriate to the individual’s level of experience.

*“Please call out and make policies around unpaid internships. Unpaid internships are exploitative, unethical and they are actually barriers for people who cannot afford to do unpaid work entering the creative sector. It is an unsustainable practice that is detrimental to our industry ... Interns should be paid a minimum wage, or at the very least have things such as their transport and meals covered so they are not paying to get work experience.”*

Four respondents stated that working for free was unacceptable.

*“Our time is worth money. Exposure doesn’t help us eat.”*

A further two commented on feeling powerless when it came to negotiating better terms or taking on a contract that they knew was unfair because they needed the money.

*“It would be helpful to provide artists with more negotiating power and/or protection from contracts that might find ways to work around these policies ... We had no negotiating power and had to take the work anyway knowing the project would realistically take [more] hours because we needed the money ... My peers and I continue to encounter countless contracts like these regardless of our experience.”*

Other comments included:

- the need for mechanisms to deal with breaches of contract where an artist’s work is used but they are not paid
- hidden unpaid work, such as time spent filling out funding applications and filing reports, either as an independent artist or working for small organisations that cannot afford administrative support
- securing bookings by paying artists 50 percent of the budget in advance
- using alternative terminology, for example, ‘pro bono’ rather than ‘unpaid’.

### **In-kind and other forms of payment, recognition or reciprocity**

While the proposed principle is that all ‘creative work is, by default, paid work’, a small number of survey respondents suggested that thought should be given to other practices of reciprocity and exchange that recognise and value artists, practitioners and their creative work.

### **Feedback from consultation hui with senior Māori practitioners**

Participants in the Māori consultation hui were concerned about the impact of ‘doing less to pay more’ because Māori opportunities are already limited due to the size and fragility of the Māori arts infrastructure. A call was made for Creative New Zealand to seek additional investment, to

ensure remuneration is appropriate and activity levels continue or increase to deliver to regional and national needs.

### **Feedback from consultation talanoa with senior Pasifika practitioners**

Participants in the Pasifika consultation talanoa discussed how Creative New Zealand will address institutional behaviour to support artists and practitioners being paid. Participants noted that education and upskilling is required to support young or emerging artists to better understand the value of themselves as artists and their work and what to expect in a commercial context.

### **Feedback from consultation meetings**

The fact the sector has so much unpaid work was raised in all the meetings, and participants noted that this affects the sector’s diversity. It is not just artists and art practitioners who were expected to work for either low or no pay. Concern was expressed that many administration staff, particularly in smaller arts organisations, were poorly paid, and Board members of organisations were often unpaid, which again affects the sector’s accessibility and diversity. Discussion covered the need for greater transparency about what is or is not paid and why.

Noting that artists sponsor a lot of work, one participant suggested a way of educating those commissioning work is to make clear its true cost. If they are not being paid at their normal rate, they advise artists to note, when invoicing the client, what the normal cost is as part of the invoice and then what they are being paid. This would highlight in many cases the substantial discount the client is receiving.

Getting work, and getting paid work is a challenge in the sector. That said, it was suggested there is a need to look at unpaid roles, such as internships and apprenticeships. While many are happy to work for little or no pay to prove they have talent, doing so tends to privilege those who can afford to. This impacts on accessibility to and diversity in the sector.

It was suggested working for little or no pay as an emerging artist might sometimes be acceptable, so long as there is no power imbalance and people are empowered, know how they are benefitting and are not being exploited.

During the discussions, comments were made about reducing programmes of work or size of productions staged, or changing the focus of a work programme, to ensure sufficient revenue generation to be able to continue to pay everyone. This was followed by the question of how to continue to do this without reducing work opportunities in the sector, the visibility of artists and opportunities to develop audience and other stakeholder bases.

Other points raised by the groups included the need for guidelines on internships, volunteering and mentoring. One organisation noted that having a mentor is a condition of their funding to new artists. The mentor’s role is to teach the artist how to use their talent to build their business. The mentor is paid for the work they do. Community arts organisations noted they rely on volunteers because not enough money is available to pay them.

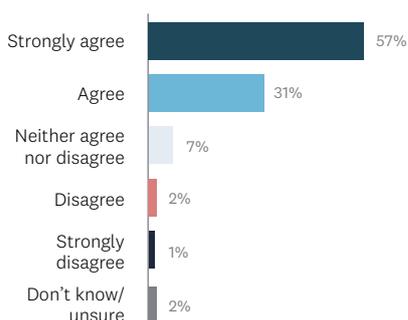
In some cases, the market sets the pay rate because of the demand for certain skills and experience. However, artists often find it difficult to value themselves and their work, or to establish a realistic budget for a project.

## Value Statement 5: Remuneration practices must comply with relevant legislation and sector organisations’ standards

**Principle 5a: All employment must conform to relevant New Zealand employment legislation and other legal requirements.**

Overall, **88 percent** of survey respondents strongly agreed or agreed with this good-practice principle.

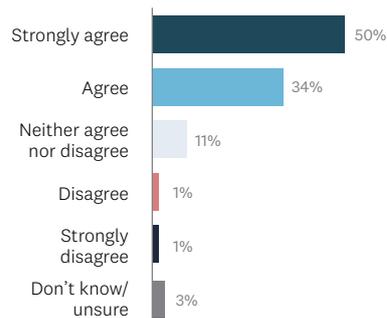
Figure 8: Survey respondents’ agreement with Principle 5a



**Principle 5b: Where sector organisations have established guidelines for that sector, these should be referred to and implemented.**

Overall, **84 percent** of survey respondents strongly agreed or agreed with this good-practice principle.

Figure 9: Survey respondents’ agreement with Principle 5b



### Survey respondents’ comments on both principles

Only **two respondents** made comments relevant to these principles. One simply supported the principles while the other stated:

*“We need an update on the employment legislation to accurately capture and protect the unique employment style artists face.”*

### Feedback from consultation hui with senior Māori practitioners

Participants in the Māori consultation hui supported this principle. They noted, however, that some ‘sector organisation standards’ do not include consideration of Māori and that tikanga and cultural practices should be considered in developing standards, considering equity and the removal of bureaucratic barriers.

### Feedback from consultation talanoa with senior Pasifika practitioners

Participants in the Pasifika consultation talanoa discussed:

- the need to define terms such as ‘equitable’
- how remuneration standards will relate to the living wage
- the importance of Creative New Zealand setting a standard, as a lead agency in arts, culture and creativity

- the support needed to make it easier for organisations to employ artists and practitioners with disabilities
- the need to consider manaakitanga and work that is done for love.

### Feedback from consultation meetings

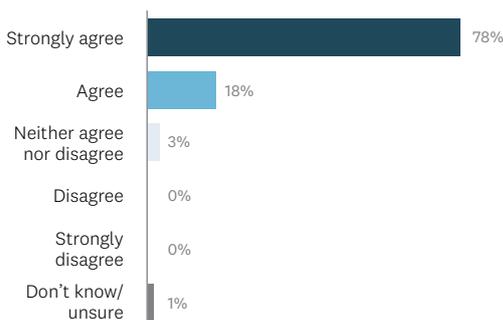
One participant noted that current standards in employment legislation, including the right to collective bargaining, do not currently apply to independent contractors.

## Value Statement 6: Remuneration practices recognise artists’ and arts practitioners’ rights and interest in the work they create

**Principle 6a: Artists’ and arts practitioners’ copyright and intellectual property should be protected as both a moral and an economic right.**

Overall, **96 percent** of survey respondents strongly agreed or agreed with this good-practice principle.

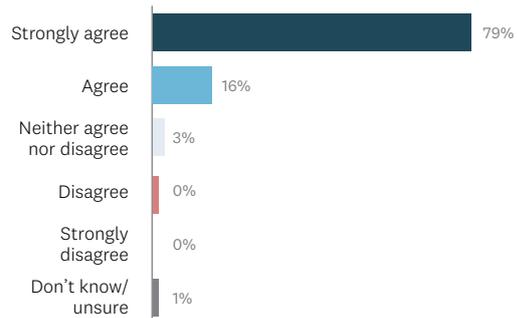
Figure 10: Survey respondents’ agreement with Principle 6a



**Principle 6b: Contractual arrangements should allow for artists to benefit appropriately from the future exploitation of their work.**

Overall, **95 percent** of survey respondents strongly agreed or agreed with this good-practice principle.

Figure 11: Survey respondents’ agreement with Principle 6b



### Survey respondents’ comments on both principles

Comments relevant to these principles were made by **21 respondents**.

Who owned copyright and intellectual property was raised by nine respondents. Comments covered works produced while an artist is contracted or commissioned to make works; in these cases, the ownership sits with the commissioner, person or organisation contracting the artist. The sentiment expressed by respondents was that this was unfair

Further comments on ownership noted simply that all artists should be recognised for the role they play in a project.

*“Artists’ names, aliases or identities should be published clearly respecting and securing authorship of works, this needs to be in contracts. [The] Right of the artist over their own work need to be secured.”*

The question of who is paid royalties was raised by six respondents, with five comments referring to resale royalties for visual artists. The sixth comment asked who should receive royalties when a new work that had been commissioned was changed on the rehearsal floor.

The need for changes to copyright legislation and the reuse of others’ work were commented on by three respondents. The changes to legislation were linked to dissatisfaction with the commissioning rule in the Copyright Act 1994.

### Feedback from consultation hui with senior Māori practitioners

No comments were made in the hui on these principles.

### Feedback from consultation talanoa with senior Pasifika practitioners

Participants in the Pasifika consultation talanoa:

- asked that the word ‘exploitation’ be removed from the good-practice principle
- discussed the need for public education about how much artists are earning (for example, 25 percent of the total fee for work sold at a gallery)
- asked if Creative New Zealand could support other mechanisms to generate income for artists, for example, resale royalty rights for visual artists
- discussed that this principle should be about fair reward and ensuring artists have some control in contracts, to ensure their artwork is not misused or inappropriately presented.

### Feedback from consultation meetings

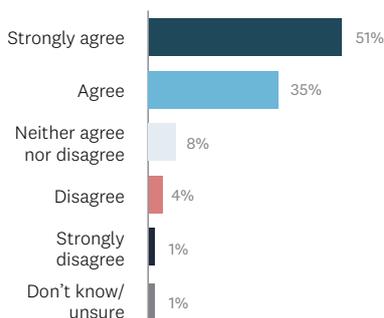
No comments were made on these principles in the consultation meetings.

## Value Statement 7: Remuneration practices are equitable

**Principle 7a: All artists and arts practitioners should receive equitable remuneration. Where appropriate, experience and seniority should be considered.**

Overall, **86 percent** of survey respondents strongly agreed or agreed with this good-practice principle.

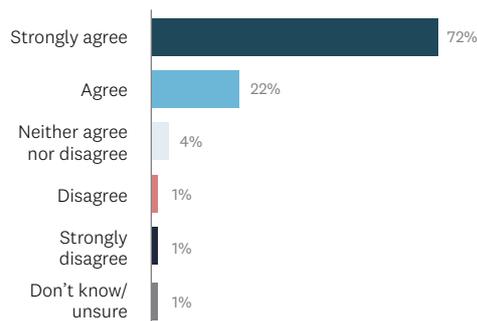
Figure 12: Survey respondents’ agreement with Principle 7a



**Principle 7b: Equitable access to employment opportunities should be available for diverse communities irrespective of age, gender, ethnic affiliation, physical or other disability, sexual orientation or religion.**

Overall, **94 percent** of survey respondents strongly agreed or agreed with this good-practice principle.

Figure 13: Survey respondents’ agreement with Principle 7b



### Survey respondents’ comments on both principles

**Sixteen comments** were relevant to these principles. These comments are related to those recorded under Principle 2, Principle 3 and Principle 4.

Several comments suggested that guidance is needed on ensuring equity. One suggested that, as a start, Creative New Zealand should develop guidelines to ensure funded projects are equitable, inclusive and diverse.

Another commented that ensuring the principles are inclusive of deaf, disabled and other marginalised artists, and that they receive fair pay for their work, aligns with Outcome 2 (employment and economic security) of the [New Zealand Disability Strategy 2016–2026](#).

One comment asked for clarity on “*benchmarking experience and seniority to ensure equitable remuneration at different stages of an artist’s career*”, and whether this could be achieved through the use of pay bands.

Two further respondents suggested that academic qualifications should not be the only determinant for how an artist is remunerated.

*“How [do] you value mātauranga Māori in mahi toi (art practices) or other forms of cultural and indigenous knowledge that is not formalised under a formal qualification framework. Same*

*goes with artists in general who might not have formal education etc. How will you recognise their remuneration level fairly?”*

As noted, comments recorded under Principle 3 indicated a need for clear definitions of terms used, such as ‘emerging’, ‘mid-career’ and ‘senior artists’. A further three comments under Principle 7 suggested terms such as ‘seniority’, ‘value’ and ‘experience’ need to be carefully defined and to take into account that seniority and experience do not necessarily equate with value in a project. One respondent suggested that sometimes less experienced people might contribute greater value to a project.

*“I am not sure if experience level should preclude the financial remuneration. In some instances people with little experience bring more value to a business than those with experience because they think outside the box. Value isn’t always doing things as they have been done. Sometimes it’s being different and bringing that new point of view.”*

Two comments referred to gender equity. A further comment wanted to see equity across artforms.

*“Addressing variations in artist fees across the different artforms eg, dancers and musicians historically have been less well remunerated.”*

Two respondents suggested political affiliation and parental status should be added to the second good-practice principle 7b.

### **Feedback from consultation hui with senior Māori practitioners**

Participants in the Māori consultation hui commented on the lack of equity in the level of government investment in ngā toi Māori and Māori arts infrastructure. Participants noted, for example, the difference in funding between Te Matatini, the Royal New Zealand Ballet and other arts organisations that receive direct Crown funding. They also discussed the effect of inequity in funding for theatre, film and television, and attraction and retention of arts practitioners in the arts sector.

The lack of equity has affected the retention of artform mātauranga and opportunities to transmit knowledge to the next generation of practitioners. This is especially so in artforms where no formal education, training courses or pathways exist to ensure emerging practitioners can access the knowledge and train with

appropriately skilled and experienced senior practitioners. Also, there is no sustained investment to support tohunga and pūkenga to be employed to train others.

### **Feedback from consultation talanoa with senior Pasifika practitioners**

No comments were made on these principles in the talanoa.

### **Feedback from consultation meetings**

Throughout the discussions, a concern was expressed about lack of transparency of practices and pay rates across the sector, which can ultimately lead to inequality. Opportunities to come together to discuss practices in the sector were suggested as a means of ensuring things become more equitable.

Concern was also expressed about the potential power imbalance in negotiating contracts and setting fair pay rates across various artforms. These concerns were noted in relation to Principle 8 but are also noted here because they also refer to equity.

*“We ... note that the first point in Principle 8 requires organisations that receive funding through Creative New Zealand’s Investment programmes to have their own remuneration policy agreed by its governing body – but there is no mention of collective bargaining as an independent mechanism for setting remuneration scales which addresses the inequality in the balance of power between those who engage or employ the artist or arts practitioner and those who are engaged or employed.”*

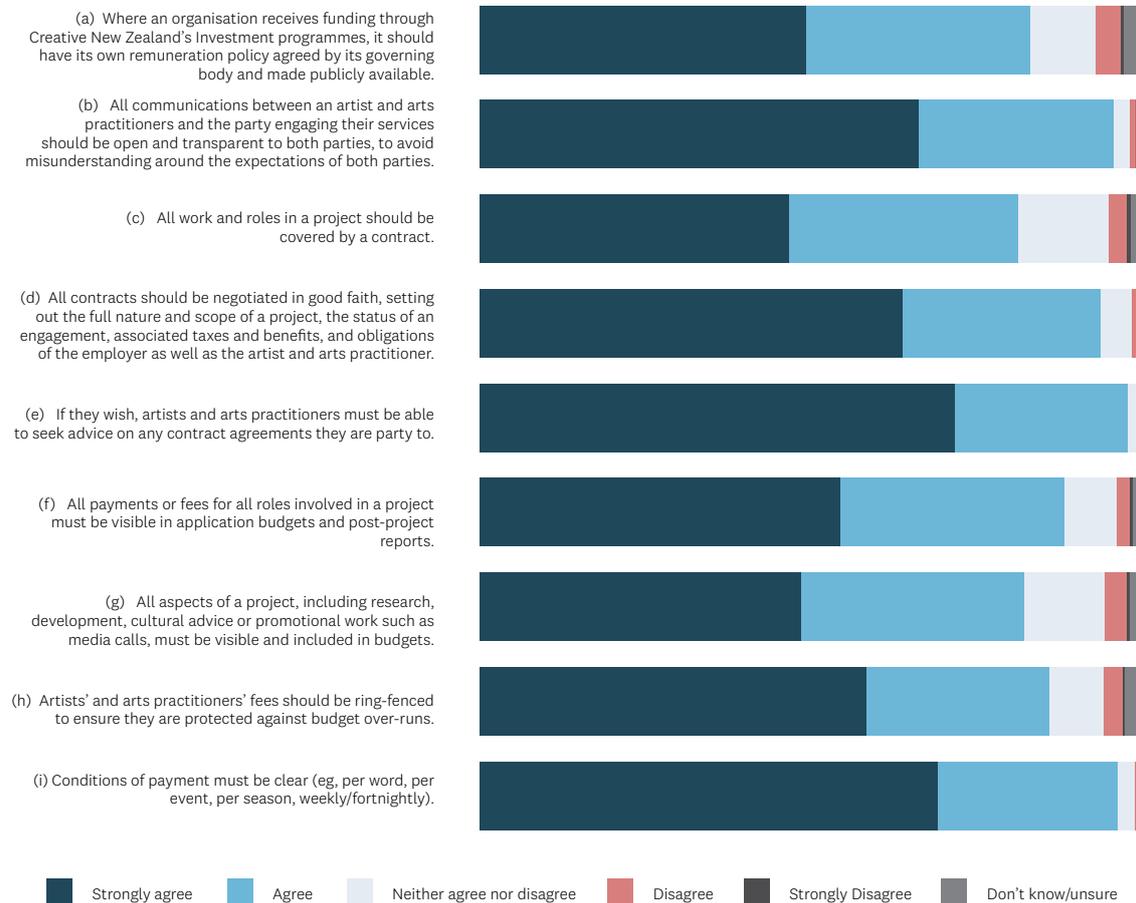
*“Similarly, while there is a requirement for all contracts to be negotiated in good faith, there is no recognition of the imbalance of power inherent in the employer/employee or engager/engage relationship and the requirement for the organisation to already have a remuneration policy agreed by its governing body removes the ability for negotiations to happen in good faith between the engager and the engage or employer/employee.”*

*“We suggest that Creative New Zealand support collective bargaining as a mechanism to negotiate in good faith and create remuneration scales and settings that are clear and transparent and that this be promoted as a criteria for accessing Creative New Zealand funding.”*

## Value Statement 8: Remuneration practices should be transparent

As figure 14 shows, levels of agreement are high with the proposed good-practice principles 8a to 8i.

Figure 14: Survey respondents' levels of agreement with the proposed good-practice principles 8a to 8i



### Survey respondents' comments on the principles

**Forty-one respondents** made comments related to the good-practice principles. These were often part of a longer comment linking these principles with Principle 4 (all work should be paid work), and the need for pay scales, and to Principle 6 (recognising artists' rights in the work they create).

Comments on transparency were the most common, with 11 respondents commenting. Nine comments indicated reservations saying, while transparency was important, sometimes commercial sensitivity or personal privacy will need to be respected.

*"Sometimes commercial sensitivity may be a valid consideration, vis a vis transparency, but it shouldn't be an excuse/cover for unfair and/or inequitable remuneration practices."*

*"Be wary of unintended consequences – for example, while transparency of payments sounds laudable, as a practitioner I view my payments as commercially confidential and so may prefer NOT to offer my services to organisations which have to declare these."*

However, one respondent suggested transparency across organisations was valuable.

*"I think there's a strong value in transparent remuneration policies across organisations, especially in regard to artist fees and project production costs."*

*Cross-sector sharing of budget information and stronger expectations about fair rates of remuneration for artists would create an environment where artists can fairly assess rates of remuneration for the work required and feel confident in negotiating their rate of pay as a contractor or salaried staff member.”*

Four comments suggested greater transparency was a good thing especially where there is a potential power imbalance such as in the contracting and employment process.

*“There is a lack of transparency with publishers and how their author contracts are established and implemented. Authors are often ‘hungry’ to be published and publishers exploit this vulnerability. Publishers have the power, their author contracts are a minefield of sub clauses, and there is a lack of accountability even though NZ publishers are often funded by CNZ.”*

*“Would be excellent to set an industry standard for challenging pay/ contracts – creatives are usually afraid to ask for more money or negotiate contracts for fear of producers blacklisting/abusing their power.”*

With reference to proposed good-practice Principle 8g,<sup>8</sup> eight respondents commented that flexibility in project contracts was needed.

*“Acknowledge that creative work can change during the process of creation and it is important not to be too rigid in holding the artist to the original plan.”*

In some cases, comments were coupled with caution about the need for additional paperwork. This sentiment is reflected in the lower level of strong agreement with good-practice Principle 8c and Principle 8g in figure 14.

*“Projects evolve and are not always easy to establish at the outset and administering projects according to many of the statements above actually sounds impossible. There is already a lot of paperwork involved that makes it harder to pay artists, rather than easier.”*

Three respondents would like to see intellectual property, per diems and on-the-ground costs included in contracts. Two stated that

employment agreements should be in place before work starts, and a further two wanted to see consequences for employment breaches being put in place.

### **Feedback from consultation hui with senior Māori practitioners and senior Pasifika practitioners**

Both Māori and Pasifika practitioners commented on the need for clear guidance about what good implementation of the policy would look like. They also noted the need for pay guidance for emerging, mid-career and senior artists (pay bands and the skills and experience expected for each band).

### **Feedback from consultation meetings**

While all those involved in the consultation meetings supported the proposed principles, no one wanted to see an increase in paperwork because of the principles being put in place.

Comments about emerging artists also noted that often their expectation is they will put their fee back into the production, and a “strong conversation that this is not a good idea” is needed. Fees and production costs need to be transparent, and the fee is what an artist should have in hand at the end of a season or project.

A further comment noted that young and emerging artists often don’t want a contract for small amounts of money. Another comment noted that contracts can be a lot of work for small jobs when expectations could be set out in an email. It was suggested guidance be developed on when contracts are required (and possibly different formats that could be used).

As mentioned elsewhere, projects evolve and costs can be hard to predict in advance, so making all aspects of a project visible in a budget can be problematic. One organisation noted it paid its tutors at a rate that took into account the potential for extra work.

<sup>8</sup> Proposed good-practice Principle 8g: All aspects of a project, including research, development, cultural advice or promotional work such as media calls, must be visible and included in budgets.

## SECTION 3: LIKELY IMPACT OF USING OR ADOPTING THE PROPOSED PRINCIPLES ON WHAT RESPONDENTS DO

### WAHANGA 3: KO NGĀ HUA PEA KA TAU KI RUNGA I NGĀ KAIMAHI E HĀPAI ANA E WHAI ANA I NGĀ WHANONGA PONO NEI

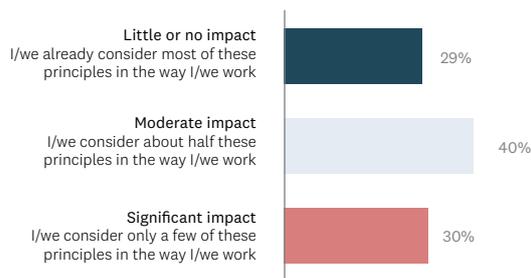
#### Survey respondents

For just over two-thirds (69 percent) of the 780 who responded to this question, introducing the proposed remuneration policy principles in their own work would have little to moderate impact on what they do (figure 15). For the remaining third, it would have a significant impact.

#### Feedback from the hui, talanoa and consultation meetings

Participants at these meetings did not specifically discuss the impact of the proposed principles on what they do.

Figure 15: Impact of using or adopting the proposed principles on what survey respondents do



Responses from **Creative New Zealand-funded organisations** indicated that, for 77 percent, introducing the proposed principles would have little to moderate impact on what they do because they already consider the principles in the way they work.

**Māori- and Pasifika-led organisations** showed a similar pattern to the Creative New Zealand funded organisations, with 78 percent indicating they already considered half to most of the proposed principles in what they do. Māori and Pasifika responses are combined because the numbers responding were small.

For **individual artist respondents**, 75 percent indicated the principles would have a moderate to significant impact because they considered half or fewer of the proposed principles in the way they work.

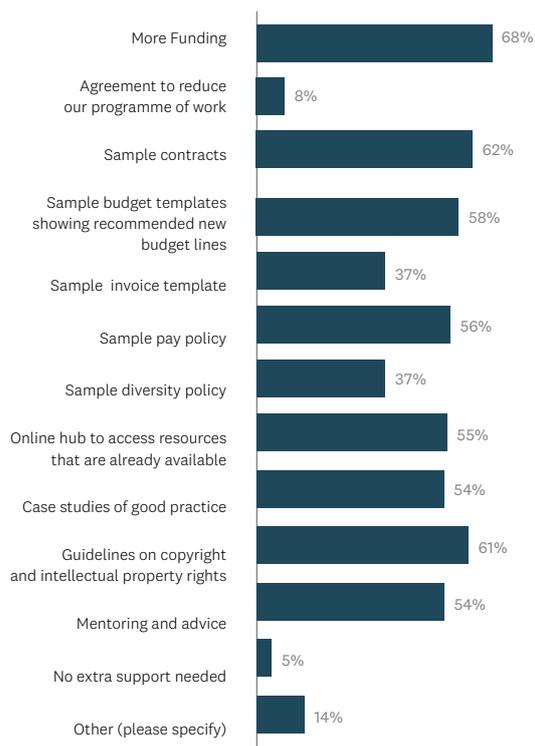
## SECTION 4: SUPPORT NEEDED TO ADOPT OR USE THE PRINCIPLES IN THIS POLICY

### WAHANGA 4 : KUPU AWHINA KIA TUTUKI PAI NGĀ MĀTAPONO O TE MAHERE

#### Survey respondents

Figure 16 summarises responses from the 763 respondents who answered this question, about what support is needed to implement the proposed principles in what they do. Most felt that extra support is needed and 5 percent (35 respondents) felt they did not need additional support. (Comment: Only seven of the 35 respondents receive Creative New Zealand funding.)

**Figure 16: Summary of responses identifying support needed to adopt or use the principles in this policy**



All but three of the suggested support areas were seen as useful by over half of all respondents to this question. The areas least likely to be seen as useful were ‘agreement to reduce our programme of work’ (8 percent of respondents), ‘sample invoice templates’ (37 percent) and ‘sample diversity policy’ (37 percent).

Unsurprisingly, given comments made in earlier responses about the need for increased funding,

or that funding levels were too low to ensure everyone is fairly remunerated for all the work they do, just over two-thirds of respondents (68 percent) felt more funding would support them to adopt or use the principles in what they do. Related to the need for additional funding, an agreement to reduce their programme of work was suggested by 8 percent of respondents, most of whom had also indicated that increased funding would be helpful.

Sample contracts (62 percent), guidelines on copyright and intellectual property (61 percent) and sample budget templates showing recommended new budget lines (58 percent) were identified as being most helpful.

Individual artists (641), and organisations and funders (110), identified each area of support in similar proportions to the overall response to this question.

#### Other forms of support and additional comments<sup>9</sup>

**Thirteen respondents** indicated that access to, or education about, legal services would be useful.

*“Access to free/subsidised legal advice and/or representation as a go-between between artists and commissioners to ensure artists are both fairly remunerated and protected in contracts and agreements.”*

*“Copyright negotiation training with artists and art practitioners. This is an area where ignorance of possibilities restricts the fair conversations that can occur.”*

**Ten respondents** indicated that help in advocating for the value of the arts would contribute to ensuring artists are paid well for the work they do.

*“My request would be for some help, to help New Zealanders learn to value original art more, or to understand the value of what the*

<sup>9</sup> Comments from Question 10 relating to support needed to adopt the proposed principles are included in this section.

*artists produces and be ok to pay for that, artists in New Zealand consistently undervalue their work, because they do not believe New Zealanders will pay.”*

A further **seven respondents** suggested there is a need to improve financial literacy in the sector. These comments included understanding tax obligations; setting remuneration rates to include ACC levies, Goods and Services Tax, statutory holidays and sick leave, and insurance; building contingency into budgets; and basic accounting.

*“Financial Literacy Courses for Young + Emerging Creatives – getting their invoice books ready to go therein helping their ability to deliver a contract ... Sometimes that is all a bit much for someone who just wants to get to work and gain experience – yet once the structures are in place it’s very simple ... Certainly some general taxation education too so young creatives know they have a liability and or possible rebate on the table if they comply with taxation requirements.”*

*“Guide for self-employment focused on basic accounting including cash flows, GST, Annual tax returns.”*

A need for dispute resolution or mediation services was identified in seven responses. This could be through a specific mediation service or ensuring dispute clauses are included in contracts.

Other comments included the need for pay guidelines, to ensure remuneration is consistent across the sector and fairly reflects the status and experience of artists. The guidelines should cover:

- different cultural settings
- funding for and access to cultural advisers
- support and advice on promoting work
- guidance on calculating pricing
- advice on best practice for internships
- support for organisations and guilds to regularly review their guidelines.

Respondents commented on the need for support for emerging artists, such as access to relevant information so they don’t get taken advantage of, targeted funding to support their professional development, and that they should be fairly compensated.

Comments on contracts emphasised they should be standardised, clear, simple and easy to understand, and clear about whether someone is engaged as a contractor or employee.

A few comments expressed concern about the potential for paperwork to overwhelm them if the principles were introduced.

*“I’m scared it means more paperwork and lawyers and even more challenging to get funding.”*

### **Feedback from consultation hui with senior Māori practitioners and talanoa with senior Pasifika practitioners**

Both groups identified two important areas of support for artists, and saw these areas working together rather than being ‘either/or’ options.

- (a) **In person support**, or ‘pastoral care’, included ‘community navigators’ or ‘touchstones’ who can support creatives to find information and act as mentors, sharing knowledge and support. Access to ongoing education and learning opportunities, workshops and talanoa were also suggested as opportunities to bring people together to learn, develop business skills and share experiences.
- (b) **Tool kits and resources** to support creative businesses included templates for contracts, budget templates (that explain how to plan for contingency, labour versus cost of goods and appropriate remuneration), infographics with clear guidance, benchmarking tools, case studies and guidelines on copyright and intellectual property protection. Guidance on tax, intellectual property, and how to price work and negotiate royalties were also highlighted as being helpful for supporting effective implementation of the policy.

Like many survey respondents, senior Māori and Pasifika artists also wanted clear definitions of terms such as ‘equitable’, ‘artist’ and so on, that are used in the proposed policy.

### **Feedback from consultation meetings**

Participants in the consultation meetings generally identified similar areas of support to those suggested by survey respondents.

While some parts of the sector have a representative body, other areas do not. This group noted a lack of industry representative

bodies for the live arts. Where this support exists, an industry can be held to account. For example, the film sector's Code of Practice (Blue Book).

Representative bodies also play an important role in advising artists on contracts, legal issues, negotiation and other areas affecting their careers.

## SECTION 5: FINAL COMMENTS ON THE PROPOSED POLICY

### WAHANGA 5 – KUPU WHAKAMUTUNGA MŌ TE MAHERE I WHAKATAKATO

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While the final question in the survey gave respondents the opportunity to make additional comments on the proposed policy, similar comments were made at every opportunity in the survey. Where not related to the principles, those comments are reported here.

In total, **212 respondents** commented. Where relevant, comments from the consultation meetings are also included in this section.

**Forty-two respondents** expressed support for the proposed policy, with some stating it is long overdue.

#### Increased funding for the sector

Comments in the survey responses were frequently linked to a need for more funding, so creatives can be remunerated at a higher level and current work programmes and employment opportunities be maintained.

Overall, respondents were reluctant to reduce programmes of work to pay people more because they felt that doing so would reduce work opportunities in the sector. Despite this, some organisations gave examples of reduced work programmes. The consultation meeting participants also asked if more funding would be made available to support an increase in remuneration because even a small change in remuneration levels could make a significant difference to budgets.

#### Development of pay scales or guidelines

From the survey, **49 respondents** commented on the need for pay scales or guidelines. These would help ensure artists are remunerated fairly and that career stage and experience are taken into account. Such guidelines could help ensure rates are more or less comparable across sectors and should take into account experience and status, and different types of projects and employment conditions (noting that contractors need to also cover additional costs, such as ACC, KiwiSaver, annual and sick leave).

*“Publishing the policy for best practice when it comes to all forms of remuneration is a good idea because it means all practitioners have*

*a document to point to, when negotiating with commissions or contracts. The Dutch version of this has a calculator, which is helpful but not comprehensive [<https://kunstenaarshonorarium.nl/en/>]. Local authorities also have guide amounts for project fees, and often refuse projects where artists do not include enough of a fee for themselves. As a basis, I know that I should ask for €1500 per month to work full-time on a project (excl GST). This figure can then be worked out pro-rata. Transparency and a government-mandated set of figures makes it much, much easier to avoid being overly modest, in a field where we artists are often undervalued and overworking*

A small number of respondents pointed to international examples that could be explored, such as the Dutch one provided in the comment above.

Some comments directly related to the difficulties in determining what people should be paid or, as artists, what remuneration they should ask for when accepting work opportunities. Comments mostly related to the need for pay scales that are more detailed than Creative New Zealand’s current guidelines that, while good, provide only a minimum rate that then becomes the default rate.

**One respondent** suggested any pay scales developed should apply not only to creative roles but also to administration roles in arts organisations.

Another respondent suggested pay rates should be part of the budget template provided by Creative New Zealand.

*“If you want good pay practice in the sector CNZ have to lead by example in how you fund. For a start if you have a standard pay rate expectation it should be pre-set into your budget templates so there is no way to make an application that doesn’t meet this expectation.*

*An artist or practitioner can then simply put in their proposed hours, duration of project and it self calculates.”*

Access to expert advice to improve financial literacy and opportunities to discuss remuneration levels were also seen as important and would:

*“... encourage solidarity amongst individuals to insist on better conditions.”*

**Four respondents** were critical of the current \$25 an hour minimum guideline, which is seen as inadequate and not enough to change public perception of the value of art as work.

*“The minimum pay suggestion does not indicate best practice and \$25 is far too low and is not enough to change public perception. It’s fair to say that if the job doesn’t pay then it mustn’t be worth much ... Therefore, if the arts is to be seen as valuable it must be viable.”*

*“This means that practitioners are generally working low paid jobs alongside their practices, barely scraping by because both their day-job and art-jobs are under-paid compared to rent and food prices.”*

*“To offset this, CNZ should be proposing respectable best practice scenarios, stated within the policy, with calculated adjustments. The policy talks about the difference in clout that a practitioner might have and how they should be paid accordingly but as there is no standard that an institution can check against, there is no way to make that adjustment ‘accordingly’ in a logical manner.”*

Participants in the consultation meetings were also critical of the \$25 an hour rate, saying it is too low and does not take experience into account. In the consultation meetings, the need for pay scales and guidelines was linked to the need for greater transparency in practices, and opportunities to share information across the sector.

### Universal basic income or living wage for artists

Access to a universal basic income or living wage for artists was raised by **25 respondents**. Two responses also raised concern that, without some kind of back-up or private support, the arts risk becoming elitist.

*“Implementing universal basic income for all artists and arts practitioners – would eliminate the practice of undercutting other artists by saying yes just in order to get work.”*

*“CNZ could be part of a movement lobbying for a universal basic income – this would help not just artists but other low socio-economic earners. If ‘all creative work’ is to be ‘paid-work’ there is a concern about how that will impact projects which are not funded by CNZ and do not have the privilege of personal investment. This point leads to the possibility of creative work becoming even more elitist – so thorough policy around unfunded work which is unpaid needs to be considered.”*

One respondent noted, however, that developing the eligibility criteria would be a challenge.

*“The best outcome here will be some sort of basic income for artists and arts practitioners ... That would be wonderful, but of course the criteria of eligibility (or, barrier to entry) is a nearly impossible question ... Can’t make art until you[‘re] paid to make art. Can’t get paid to make art until you prove you make art.”*

Participants in the consultation meetings also suggested the introduction of a universal basic income for artists.

### Unpaid or low-paid work

Unpaid or low-paid work, unpaid interns, and the practice of devaluing one’s worth or undercutting others to secure a work opportunity, were the subject of 23 comments.

*“... raises the question of internships/voluntary roles/work experience. This is a complex area that needs addressing since unpaid work experience, for more than 3-4 days, favours those who can afford to spend time doing unpaid work. It is not an equitable system, even if the person giving free labour is rewarded through learning/experience.”*

*“There is a power imbalance between arts organisations and the individual (CNZ included). So we often discount or under-value ourselves in order to get the funding grant or the exhibition ‘opportunity’ ... Arts organisations provide secure employment opportunities, but rely on those in precarious employment positions (contractors – artists etc.) to exist. In order to rebalance the system, arts organisations need to be more transparent, and contractors need to be supported to hold them to account and insist on change.”*

As one respondent stated “the practice of undercutting others in order to secure work is a slippery slope to the bottom and is difficult to climb out of”. This was linked to comments that

many artists do not have benchmarks against which to establish their own value.

As noted under Principle 4, payment for work is not always expected or appropriate. The policy needs to take this into account.

## Role of volunteers

**Seven respondents** commented on the use of volunteers in the sector. Comments were mixed, with two respondents being against using volunteers.

*“Public and private arts organisations should not utilise volunteers for the delivery of services fundamental to their procedures and purpose.”*

An additional negative comment is recorded under Principle 4.

Three comments supported the use of volunteers in the sector but thought they should receive better recognition for the contribution they make.

*“Artists who do volunteer work should get recognition or [a] courtesy announcement where possible.”*

While volunteering wasn't raised as part of the hui or talanoa, it plays a huge role in sustaining the Māori and Pasifika arts sector and infrastructure. For example, the voluntary effort that goes into preparing for and delivering the biennial Te Matatini National Kapa Haka Festival is significant as well as the regional festivals where teams are selected for the national event.

While volunteering was not specifically mentioned in the consultation meetings, this does not signal its level of importance to the sector.

## Policy implementation, flexibility and accountability

**Seventeen comments** related to implementation of the policy: how, when and over what timeframe it will be implemented, and what will be expected of Creative New Zealand's clients. Respondents noted implementation should be done in consultation with the sector, and communication with the sector will need to encourage widespread adoption of the policy.

*“It's important to consider how this policy will be implemented and communicated to artists and arts practitioners in a way that ensures*

*widespread adoption and impactful changes to the sector.”*

Participants in the hui, talanoa and consultation meetings wanted ongoing consultation as the policy is implemented. Some were keen to be involved in the implementation and in developing case studies and other resources. The funding organisations consulted were also keen to look at their own practices to see what they could do to ensure consistent practices are put in place.

Senior Māori and Pasifika artists wanted to see ongoing consultation as part of the implementation phase of the policy and that, as part of this process, the inequity already faced by Māori and Pasifika artists is addressed.

**Eleven comments** relating to the implementation of the policy indicated the need for it to be flexible, because a one-size-fits-all approach would not work, and that it should take into account different artforms and ways of working.

*“Financial structures, budgets and context are all very different between projects so [I] think [it] will be problematic to have a ‘one size fits all’ model for rem and a published policy per organisation. The contexts for work and the scope of roles vary hugely and people need to have flexibility ...”*

*“The kaupapa would be that artists should always be respected and remunerated but without formal and insistent expectations around full contracts, reports etc. So many beautiful creative moments in this country are still very DIY and if we lose that because it's too hard to comply then that would be tragic.”*

Likewise, participants at the hui, talanoa and consultation meetings wanted to ensure the policy was flexible enough to account for artform differences, the diverse business models operating in the sector and differences between employees and contractors or gig workers.

Other comments focused on ensuring what is required of organisations and individuals is simple and easy to adopt, and doesn't result in additional paperwork or constrain creativity. Another comment noted that 'neuro diversity' within the sector should be recognised.

*“... and there should be support for artists in this space including how to understand and use the ‘support’ documents referred to in this survey.”*

*“I think to be careful no[t] to overload the project managers and admin is vitally important. Changes like this are awesome but people managing the artists will have more work to do and will need support to manage. Level of project needs to be taken into consideration ... e.g a smaller project paying two artists may be super simple and levels of admin could overly complicate it?”*

Participants in the consultation meetings asked how organisations would be held accountable for implementing policy principles in what they do.

## Other comments

Sixty other comments covered a range of topics.

Eight respondents indicated that an increase in funding would be needed if people were to be paid properly. Other comments included:

- a review of tax and Goods and Services Tax requirements for self-employed artists because their income is unstable and unpredictable
- the desire to just make a reasonable living as an artist
- reference to international models and resources that could be used and adapted
- collaboration with those organisations that already provide services
- that the policy should extend to include arts administration roles
- reference to gender pay equity and parity between performers and technicians
- insecure or unreliable funding and the difficulties of offering top dollar if the venue is only half full and the event will lose money
- some scepticism that the policy will change things
- irregular employment and the challenge of finding ongoing work.

*“... I observe that artists are not at all well remunerated, work is patchy, and opportunities are not fairly spread – the same people keep getting awarded the very small pool of funding, opportunities, awards, commissions, university positions etc. While I’d like to see that pool of opportunities grow bigger, I’d also like to see a more equitable allocation of these resources across the community, which in turn would grow the*

*portfolios of a bigger percentage of composers on the whole.”*

*“It is a challenge to make a living when working on irregular short-term gigs WHETHER OR NOT employment practices are fair. The irregular & temporary nature of the work is the problem. When I started my working life as a performer, there were professional theatres the length of the country that offered long-term contracts (at least a year) to a company of actors. There was also radio drama being made every week. This work was ongoing & reliable. It no longer exists.”*

# APPENDIX 1: SURVEY RESPONDENTS

## TĀPIRINGA 1: KO TE HUNGA UIUINGA

In total, 1,151 people accessed the online questionnaire. Of these, 780 respondents answered more than the first three questions. The report is based on these 780 responses. The numbers answering each question are given as part of the figure for that section. Figure 17 shows the proportion of responses by respondent type.

**Figure 17: Responses by type of respondent to the online questionnaire**



## APPENDIX 2: METHODOLOGY

### TĀPIRINGA 2: TE ARA RANGAHAU

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#### Desk research

The Paying the Artist policy from the Arts Council of Ireland/An Chomhairle Ealaíon provided a starting point for developing this policy. Statements from other arts councils and artists' collectives were also drawn on.

Several codes of practice or guidelines developed by New Zealand organisations were identified, including a number behind paywalls and only available to members. Some are more detailed than others but, overall, they align well with Creative New Zealand's proposed principles. However, significant parts of the creative sector in New Zealand do not have codes of practice or policies and those working in these areas have little if any support.

As part of developing the proposed principles, we have endeavoured to ensure they are fit for purpose in the Aotearoa context. We did this by ensuring the proposed principles align with Creative New Zealand's *Te Hā o ngā Toi – Māori Arts Strategy 2019–2024* and its *Pacific Arts Strategy 2018–2023* and consulting with senior Māori and Pasifika artists.

#### Consultation

##### Survey

Creative New Zealand's online mailing list was used to distribute a link to the consultation document proposing a set of remuneration policy principles for the arts sector (A remuneration policy for artists and arts practitioners: Ko te Mahere Utu mō Ngā Kaitoi, Kaiwaihanga Toi, July 2021) and the online survey.

The online survey was accessed via Survey Monkey and took around 10 minutes to complete. It was available for four weeks between 23 July and 22 August 2021.

#### Consultation meetings

All meetings were held in August and early September 2021. While they were conversational in format they traversed the questions asked in the survey: agreement with the principles, and any suggested changes; the impact on the way people worked; and what support they would need to implement the principles in the way they worked.

#### Hui and talanoa

We were fortunate to be able to engage face-to-face with senior Māori and Pasifika artists before going into the Level 4 lockdown in response to the COVID-19 pandemic. The hui was held in Wellington and the talanoa in Auckland, and both were facilitated by independent facilitators.

#### Other meetings

Consultation meetings with funding agencies, Creative New Zealand's investment clients, industry organisations and unions, community arts organisations, and regional arts organisations were conducted via Zoom.

#### Analysis

No one suggested new or additional principles.

The two open-ended questions in the survey resulted in a variety of responses, not all of them relevant to the question under which they were recorded. Some comments related to the principles while others were relevant to refining the proposed principles or to the implementation process.

Where appropriate, responses have been recorded against the relevant principles in the report. Comments related to implementation have highlighted issues that will be considered as we develop the implementation plan and associated resources to support organisations adopting their own policies.

In some cases the totals in the bar charts may add to 99 or 101 percent. This is due to rounding.