

House of Representatives
Supplementary Order Paper

Tuesday, 9 September 2008

**Public Lending Right for New Zealand Authors
Bill**

Proposed amendments

Hon Judith Tizard, in Committee, to move the following amendments:

Clause 4

To omit the definitions of **chief executive** and **Minister** on page 2 at lines 18 to 24 and substitute the following definitions:

author is defined in section 4A

book is defined in section 4B

chief executive means the chief executive of the department of State that administers this Act

Minister means the Minister of the Crown who is responsible for the administration of this Act—

- (a) under the authority of a warrant; or
- (b) under the authority of the Prime Minister

New Zealand author is defined in section 4C

New Zealand library is defined in section 4D

New clauses 4A to 4D

To insert the following clauses on page 2 after line 28:

4A Meaning of author

- (1) **Author** means a person who—
 - (a) satisfies subsection (2); and
 - (b) satisfies whichever of subsections (3) to (5) is applicable to him or her; and
 - (c) is not excluded from being an author by any of subsections (6) to (8); and
 - (d) satisfies conditions applicable to him or her added to this definition by regulations, if there are any such regulations.

- (2) **Author** means a natural person.
- (3) If a book's intellectual content is expressed only in text, **author** means a person who created the text.
- (4) If a book's intellectual content is expressed only in illustrations, **author** means a person who created the illustrations.
- (5) If a book's intellectual content is expressed in text and in illustrations, **author** means both a person who created the text and a person who created the illustrations.
- (6) **Author** does not include a person who writes or illustrates a book as part of his or her duties under a contract or service or a contract for services.
- (7) **Author** does not include a person who receives payment for writing or illustrating a book wholly by way of a fee.
- (8) **Author** does not include a person who paid a third party to publish the person's book.

4B Meaning of book

- (1) **Book** means a publication that—
 - (a) is listed in the national bibliographic database of the National Library of New Zealand Te Puna Matauranga o Aotearoa; and
 - (b) is not excluded from being a book by any of subsections (2) to (5); and
 - (c) satisfies conditions applicable to it added to this definition by regulations, if there are any such regulations.
- (2) **Book** does not include a serial publication.
- (3) **Book** does not include a text book intended for use in schools.
- (4) **Book** does not include charts, maps, plans, or tables.
- (5) **Book** does not include sheet music.

4C Meaning of New Zealand author

New Zealand author means an author who—

- (a) is a New Zealand resident as defined in section YD 1 of the Income Tax Act 2007; and
- (b) satisfies conditions applicable to him or her added to this definition by regulations, if there are any such regulations.

4D Meaning of New Zealand library

New Zealand library means a library in New Zealand that—

- (a) makes its books available for use in New Zealand; and
- (b) satisfies conditions applicable to it added to this definition by regulations, if there are any such regulations.

Clause 7

To insert “New Zealand” after “provide for” on page 3 in line 10.

Clause 8

To insert “to New Zealand authors” after “scheme” on page 3 in line 15 .

New clause 8(2)

To insert on page 3 after line 15 the following subclause:

- (2) If a New Zealand author dies after entering his or her name in the register for the year, the chief executive must make the annual payment to which the author is entitled to the administrator of the author’s estate.

Clause 9(2)

To insert “annually ”after “register” on page 3 in line 21.

Clause 10(2)

To omit the subclause from page 3, lines 26 to 30, and substitute the following subclause:

- (2) Regulations may add conditions to the definitions of “author”, “book”, “New Zealand author”, and “New Zealand library” in sections 4A to 4D.

Clause 10(4)

To omit “an author’s” from page 4 at line 5 and substitute “a New Zealand author’s”.

Clause 10(5)

To omit “an author’s” from page 4 at lines 8 to 9 and substitute “a New Zealand author’s”.

Clause 10(8)

To omit “, and how often he or she is to do it” from page 4 at lines 15 to 16.

Clause 14(1)

To omit the subclause from page 5 at lines 21 to 28 and substitute the following subclause:

- (1) The members of the advisory group—
 - (a) must be persons who have appropriate experience, knowledge, and skills, in the chief executive’s opinion; and
 - (b) must include—
 - (i) at least 1 representative of organisations of authors;
 - (ii) at least 1 representative of organisations of librarians;
 - (iii) a representative of 1 or more relevant government departments; and

- (c) may include any other person to whom paragraph (a) applies.
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Explanatory note

This supplementary order paper—

- adds definitions of key terms
 - emphasises that the bill establishes a scheme for New Zealand authors
 - provides for New Zealand authors to register annually under the scheme
 - clarifies the membership of the advisory group.
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