

NEW ZEALAND WRITERS GUILD

SUBMISSION: COPYRIGHT (PARODY AND SATIRE) AMENDMENT BILL

Submitted by: New Zealand Writers Guild | Puni Taatuhu o Aotearoa (NZWG)

Date: 18 May 2026

EXECUTIVE SUMMARY

1. New Zealand Writers Guild (NZWG) opposes the Copyright (Parody and Satire) Amendment Bill April 2026.
2. NZWG supports fair dealing exceptions for expressive uses, including parody and satire, as a matter of freedom of expression and democratic discourse. However, consistent with NZWG's broader copyright reform position¹, we submit that this issue should be considered through a coherent, government-led review of the Copyright Act 1994 rather than through a narrow Member's Bill.
3. Copyright reform should be modern, balanced, and creator centred. It should protect expressive freedoms while also safeguarding authorship, attribution, remuneration, moral interests, and sustainable careers for writers and other creators in Aotearoa New Zealand. If Parliament decides to proceed with this Bill, the exception should be clearly framed, carefully limited, supported by clear definitions and public guidance, and designed so that misuse can be challenged through accessible and meaningful remedies.
4. Any exception should also be assessed against New Zealand's international obligations, including the Berne Convention three-step test, and should be considered alongside wider copyright reforms, including urgent term extension and protections that respond to digital exploitation and AI-related uses.

WHO WE REPRESENT

5. The New Zealand Writers Guild is the union and professional organisation that represents professional screenwriters across Aotearoa New Zealand.
6. Our members depend on copyright not only as a formal legal entitlement, but as the foundation for authorship, credit, income, and long-term career sustainability. Copyright settings directly affect whether writers can build viable creative careers, participate fairly in the markets, and retain recognition for the works they create.

NZWG POSITION ON THE BILL

7. NZWG supports, in principle, fair dealing exceptions for expressive uses, including parody and satire. In its June 2025 copyright reform position, NZWG expressly supported fair dealing exceptions for satire, parody, and quotation.
8. NZWG nevertheless opposes this Bill. The issue is not whether parody and satire can ever justify a copyright exception, but whether a narrow Member's Bill is an appropriate vehicle for reforming one aspect of copyright law in isolation. NZWG submits that it is not.
9. Any reform in this area should instead be considered through a comprehensive, government-led review of the Copyright Act 1994, in which the balance between freedom of expression, creator rights, licensing

¹ NZWG Copyright Reform Position Paper June 2025: https://cdn.prod.website-files.com/6657baa1880112d6adcaf91e/68d4ddfeb26a2560b2b0f317_Copyright%20Act%20Roundtable%20June%202025%20NZWG%20Draft%20Position.pdf

markets, cultural interests, technological change, and enforceable remedies can be assessed in a coherent way.

NZWG SUBMISSION ON COPYRIGHT (PARODY AND SATIRE) AMENDMENT BILL

A NARROW MEMBER'S BILL IS NOT THE RIGHT FORUM FOR THIS REFORM

10. This Bill is procedurally and substantively the wrong vehicle for reform. It would introduce a new copyright exception through a Member's Bill process that is too narrow to address the wider statutory context in which creators and users operate.
11. Copyright law is an interdependent framework. Exceptions cannot sensibly be expanded in isolation from the rights, remedies, licensing structures, and enforcement mechanisms that give the system balance and legitimacy. A piecemeal amendment of this kind risks creating further distortion in a copyright regime that already requires broader modernisation.
12. NZWG submits that these issues should be addressed through a government-led review of the Copyright Act 1994, supported by full consultation and informed consideration of the economic, moral, cultural, and technological implications for creators and rights holders.

NZWG SUPPORTS PARODY AND SATIRE IN PRINCIPLE

13. NZWG does not oppose parody and satire as concepts. They are recognised forms of expression that can serve legitimate purposes of criticism, commentary, and democratic discourse.
14. However, support in principle for such an exception does not justify the enactment of an inadequately framed provision. If Parliament chooses to proceed despite the concerns set out in this submission, the exception must be drafted narrowly, clearly, and with effective safeguards.

CULTURAL INTERESTS, MĀTAURANGA MĀORI, AND TAONGA WORKS

15. NZWG submits that the Bill, as currently framed, gives insufficient consideration to the status of mātauranga Māori, taonga works, and collectively held cultural expression in Aotearoa New Zealand.
16. Copyright law in New Zealand does not adequately recognise or protect forms of authorship that are communal, intergenerational, and grounded in tikanga Māori. In this context, a broadly framed parody and satire exception creates a material risk that culturally significant works, narratives, and expressions may be reproduced, transformed, or repurposed in ways that are offensive, misleading, or inconsistent with tikanga, yet asserted to be lawful under the exception.
17. This risk is heightened by the nature of parody and satire themselves, which often involve distortion, juxtaposition, or critique. Where such uses intersect with taonga works or mātauranga Māori, the consequences may extend beyond economic harm to include cultural misappropriation, reputational damage, and breach of collective guardianship obligations (kaitiakitanga). The Bill does not currently provide sufficient safeguards to address these risks.
18. More broadly, this issue reinforces NZWG's submission that parody and satire should not be addressed in isolation. Questions of cultural protection, collective authorship, and the appropriate treatment of mātauranga Māori cannot be resolved through a narrow amendment. They require consideration within a coherent, government-led review of the Copyright Act 1994 that is capable of engaging with Aotearoa New Zealand's legal, cultural, and constitutional context.
19. Without consideration, there is a material risk that the Bill would expand user rights in a way that disproportionately affects Māori creators and communities, compounding existing gaps in the protection of Indigenous knowledge and cultural expression.
20. NZWG therefore submits that:
 - a. The Select Committee should expressly consider the Crown's obligations under Te Tiriti o Waitangi in relation to the protection and use of taonga works and mātauranga Māori.

- b. The scope of any parody and satire exception should be clarified so that it does not inadvertently authorise uses that undermine cultural integrity or collective rights.
- c. The interaction between the exception and moral interests — including integrity — should be strengthened, recognising that for many works these interests are not solely individual but collective.
- d. There should be consultation with Māori rights holders, including relevant iwi, hapū, and sector bodies, on the potential cultural impacts of the proposed exception.
- e. Consideration should be given to whether additional safeguards or limitations are required for taonga works or culturally sensitive material.

ANY EXCEPTION MUST BE NARROW AND CONSISTENT WITH INTERNATIONAL COPYRIGHT OBLIGATIONS

- 21. Any parody and satire exception must be capable of compliance with New Zealand’s international obligations, including the Berne Convention three-step test. It should be confined to certain special cases, must not conflict with the normal exploitation of the work, and must not unreasonably prejudice the legitimate interests of rights holders.
- 22. That discipline matters particularly in New Zealand, where copyright enforcement is often prohibitively costly for individual creators. In a low-enforcement environment, legislative ambiguity tends in practice to favour unlicensed use over authorship and investment.

DEFINITIONS OF PARODY AND SATIRE ARE NEEDED

- 23. The Bill should not proceed without clearer limits on the meaning and scope of “parody” and “satire”. Those concepts are related but not identical, and failure to articulate their boundaries risks turning a targeted exception into a broadly available defence for unlicensed reuse.
- 24. At minimum, the legislation or accompanying authoritative guidance should make clear the intended scope of the exception, its relationship with existing fair dealing provisions, and the circumstances in which reliance on the exception will fall outside lawful use.

ANY NEW EXCEPTION MUST PRESERVE CREATORS’ RIGHTS AND SUSTAINABLE CAREERS

- 25. NZWG’s principal concern is that this Bill would take away from creators without addressing the areas in which copyright protection in New Zealand is already deficient. Writers are operating in an environment characterised by weak bargaining power, opaque digital exploitation, platform asymmetry, and increasing AI-related use of copyrighted works without consent, transparency, or compensation.
- 26. In that context, it is neither balanced nor strategic to expand exceptions through an isolated Member’s Bill while deferring reforms that are more urgent to creators, including term extension, protection of human authorship, transparency around AI training and use, and practical mechanisms for remuneration and enforcement in digital markets.
- 27. Any reform in this area must therefore be assessed against its cumulative effect on authorship, attribution, integrity, remuneration, and the sustainability of professional writing (and other rights holders) careers in Aotearoa New Zealand.

REFORM SHOULD NOT EXPAND EXCEPTIONS WHILE LEAVING CORE CREATOR PROTECTIONS BEHIND

- 28. New Zealand remains out of step with comparable jurisdictions on core copyright protections, including copyright term. NZWG has previously supported term extension with conditions, while emphasising that longer protection must be matched by real income pathways for creators.
- 29. It would be poor legislative policy to prioritise expansion of exceptions through piecemeal reform while leaving unresolved the more basic reforms needed to protect creators in modern markets. If Parliament

is to revisit the balance of copyright law, it should do so in a way that does not require creators to surrender rights in advance of receiving any corresponding strengthening of protection.

THE BILL SHOULD PROVIDE GREATER CLARITY ON GUIDANCE, FAIR DEALING, AND ENFORCEMENT

30. If the Bill proceeds notwithstanding NZWG's opposition, Parliament should ensure that the provision is accompanied by sufficient legal clarity and practical safeguards. That includes clarity as to the relationship between any new exception, existing fair dealing provisions, and moral rights, particularly attribution and integrity.
31. It also includes accessible means of challenge where purported parody or satire is in truth commercially exploitative, damaging, misleading, or otherwise outside the intended scope of the exception. A right without an affordable remedy is, for many creators, no right at all.

RECOMMENDATIONS

32. The Select Committee should recommend that the Bill not proceed.
33. The Committee should recommend that parody and satire be considered, if at all, within the wider government-led review of the Copyright Act 1994.
34. The Committee should recommend that wider copyright reform be prioritised, including term extension, protection of human authorship, AI transparency and compensation, and effective creator remuneration and enforcement mechanisms.
35. If the Bill nevertheless proceeds, the Committee should recommend a narrow and clearly defined exception, with express regard to the Berne Convention three-step test, moral rights, cultural interests, and accessible remedies for misuse.

CONCLUSION

36. NZWG opposes this Bill. Although parody and satire may properly be considered within copyright law, this Member's Bill is not an adequate or balanced vehicle for doing so. It addresses only one proposed exception while leaving untouched the wider deficiencies in New Zealand's copyright framework that continue to disadvantage creators, including outdated term settings, weak practical enforcement, and the growing challenge posed by AI-related uses of copyrighted works.
37. The preferable course is for Parliament to reject the Bill and address parody and satire through a wider government-led review that properly considers creator rights, cultural interests, freedom of expression, and sustainable remuneration in a coherent legislative framework.

On behalf of the writers of Aotearoa New Zealand,
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