

Hello, for those of you who don't know me, my name is Daniel Janks. For those of you who do know me my name is still Daniel Janks. I am an actor and the SAGA EXCO legal chair.

It's been an interesting year for SAGA and the industry. We continue to see productions across the board failing to honour contracts, meet obligations and treat actors fairly.

And these problems are getting harder and harder to resolve. Productions now regularly experience funding failures which they are unable or unwilling to plan for or withstand. Despite the frequency of these situations productions still do not make allowances in budgeting and upfront fund procurement, and so find themselves unable to pay cast and crew. This leaves everyone in precarious positions. Before we would find productions taking chances, not paying actors despite funds being available. In these cases some pressure from SAGA and our legal team would invariably see the chancers pay up. Now things are different. Without funds the productions ignore our demands, which leaves you, the actor with few options.

One of the major obstacles we're seeing is the inclusion of mediation and arbitration clauses in contracts. This means that actors need to first try and solve disputes through laborious and expensive conflict resolution mechanisms before they can litigate. And the costs of those mechanisms are almost always prohibitive to actors in SA.

That coupled with the costs of actual litigation and the threat of penalties being levied against those parties who bring law suits to the court, make taking action against delinquent productions very very hard.

The answer? In the short term the answer is that, in an unregulated industry, your contract is your ONLY form of defense. SAGA will fight your battles, we will stand up to the bullies and demand fair treatment for actors exploited and victimized by productions. But we cannot fight without weapons and armor. Your contracts are those weapons and that armour.

What can you do? The most basic step is this: you have to read your contracts. And you have to understand your contracts. Your agents are your best allies in this endeavor. Make sure you have a reputable, experienced agent that understands the intricacies of performance contracts. Sit with your agents and go through your contracts. If you do this enough you'll come to understand the contracts yourself and you'll rely less on your agents on future jobs. If there are things in your contracts that you and your agents don't understand, come to SAGA, we will help. We cannot negotiate with productions on your behalf, but we can advise you on what clauses mean and what the current trends are.

One major victory we've had in the past year is that the Competition Commission, that oversees the enforcement of anti-competitive laws in SA, has granted SAGA and the PMA an exemption for 5 years from the competition laws that prohibited

SAGA and the PMA from pursuing collective bargaining negotiations. Under competition law we could not even discuss issues like standardized contracts, minimum rates and certain employment conditions within the industry. Now with the exemption we can! We can begin to draft contracts and present them to industry to be standardized. We can meet with productions and producers to negotiate minimum rates guidelines. We can begin to collectively bargain, and then take those bargained agreements to the Department of Employment and Labour for ratification. All without running afoul of the Competition laws in SA. This is a huge win!

Of course it doesn't come without its own complications. The CPA and the ACA, both organisations representing commercial producers in SA, have filed an appeal with the Competition Commission Tribunal to have the exemption overturned. SAGA and our legal professionals will appear at the tribunal and restate our case for the vital need for the exemption. We believe we have a strong argument and have high hopes for a favourable outcome.

How do we solve all these problems in the long run? Legally speaking we have two major objectives. Firstly, we need self-regulation in the industry. We need collective bargaining in the industry. Collective bargaining allows all players in the industry to form representative organisations and collectively set standards and regulations for the industry that can then become enforceable under legislation. SAGA is, and has been, working tirelessly to get collective bargaining established in our sector. It's a long and arduous process that requires the department of employment and labour to amend the labour laws in SA to allow us to collectively bargain. Not only is the process itself excruciating but we face fierce opposition from producer organisations who desperately want to keep the industry un-regulated to protect their interests and profit margins.

These opposition organisations will constantly tell you that regulation in the sector will kill the industry and drive all foreign work away. SAGA is a member of FIA, the International Federation of Actors, and through FIA we communicate with actors' unions and guilds across the globe, from SAG AFTRA and EQUITY UK to smaller unions in smaller territories. And the truth is that regulations DOES NOT destroy local industries, it never has, it only strengthens them. All the examples all over the world show that regulation is always good for business. It provides certainty and stability where there was risk and volatility. It protects the industry from local and global political upheaval. It allows productions to confidently budget and plan productions. And it protects ALL players in the industry: cast, crew, investors, **and** producers. All of this while ensuring fair treatment for **everyone**.

All the talk about the end of world is simple fear mongering and gate keepers protecting their gates, their power and their profits.

The second and most urgent thing that you can do now is to join SAGA. The facts are simple. In order to protect you we need majority representation. Without it we have no teeth. Our opponents have no vested interest in listening to what we're saying. They have the power and they have the money and they can do whatever they want. Until SAGA represents the vast majority of actors in SA, and has the power to force productions to listen and negotiate, we have no teeth. If you're a

member, stay a member, if you're not a member, join. If you meet actors who aren't members get them to join. It really is as simple as that. If we represent most of the actors in SA we can force productions to meet international norms and standards. We can force fair treatment for actors in SA. You literally have the power to change the industry. And all you have to do is sign up for it and get everyone else to sign up for it. We owe it to ourselves and we owe it to each other.

Thank you.