

MINISTRY FOR  
CULTURE AND HERITAGE  
03 NOV 2015

Arts Culture and Heritage  
Briefing Tracking sheet

BR2015/606 *The Ballad of Maddog Quinn*

Deadline: N/A

Action required: Provided fyi – on a ‘no surprises’ basis – as there could be a media risk

① Carrie Lake  
→ ②  
FYI

9(2)(a)

This is the material I gave the Minister.  
It should not be retained as the BR because it includes material not sent to the Minister's office

by MCH KB 3/11/15

| Reviewer            | Date        | Comments   |
|---------------------|-------------|--|
| Private Secretary   | 21 Oct 2015 | <p><i>The Ballad of Maddog Quinn</i> is a NZ film initiated in 2013 which has since run into production and financial difficulties resulting in several creditors not being paid and the film not being completed.</p> <p>The NZ Film Commission was a major investor in the film and, although not obliged to do so, has engaged in several activities to try to resolve the situation.</p> <p>Recently while you were in Queenstown, Brett Mills, who was lighting and camera supplier for the production of the film, approached Brent indicating he wished to meet with you to discuss a complaint re his view that the Film Commission did not step up to resolve the outstanding debt issues.</p> <p>Mr Mills has called me on at least three occasions. At my request he sent material detailing his concerns (see attached) including his strong view that the NZ Film Commission has not taken sufficient responsibility for resolving the issues arising from collapse of the film. Mr Mills is a persistent communicator. He is considering taking his complaint to the media with his complaint.</p> <p>I passed the information received to the Ministry to investigate. The attached paper provides the outcome of that assessment, drawing on information provided by the NZ Film Commission.</p> <p><b>Next steps:</b> MCH advises that neither the Ministry nor you, as Minister, should engage on this matter. However, I do need to reply to Mr Mills noting his complaint and conveying the view that this is an operational matter to be pursued directly with the Commission. I will ask the MCH Legal team to draft the response.</p> |
| Ministerial Advisor | 21 Oct 2015 | Copy provided to Cat re potential political risk   |
| Press Secretary     | 21 Oct      | Copy provided to Alex re potential political risk  |

Released under the Official Information Act

Soon as possible

Carrie and 9(2)(a)  
Refer action noted on briefing. We do need to reply to Mr Mills to close this off.



## Minister for Arts, Culture and Heritage

### AIDE MEMOIRE

#### THE BALLAD OF MADDOG QUINN

|            |                 |                           |  |
|------------|-----------------|---------------------------|--|
| Date:      | 22 October 2015 | MCH Contact:              | Carrie Cooke<br>Manager, Media Policy<br>9(2)(a) |
| BR Number: | 2015/606        | TRIM Ref:<br>TRIM Folder: | D-0627524<br>2010-24172                          |

#### Purpose

- 1 This aide memoire provides the history and current status of the production of short film, *The Ballad of Maddog Quinn*.

#### Background

- 2 On 1 October 2015 your office was contacted by Mr Brett Mills, lighting and camera supplier for the production of short film, *The Ballad of Maddog Quinn*. Mr Mills raised a number of concerns about the production of *The Ballad of Maddog Quinn*, particularly its incomplete status and the number of crew and suppliers who have yet to be paid for their services.
- 3 The information provided in this aide memoire has been collated from records held by the New Zealand Film Commission.

#### Role of the New Zealand Film Commission

##### General

- 4 Production funding is the primary mechanism used by the New Zealand Film Commission to support the New Zealand film industry. The New Zealand Film Commission enters into contracts with special purpose production companies in order to provide funding. The New Zealand Film Commission has no relationship with the cast and crew of the film production. Instead, the funded production company enters into contractual agreements with suppliers, cast, and crew.

##### Involvement in the production of *The Ballad of Maddog Quinn*

- 5 In July 2013, the New Zealand Film Commission entered into a Production Funding Agreement for *The Ballad of Maddog Quinn* with the production company Little Dragon Pictures Limited, and executive producer group Blue Harvest. The New Zealand Film Commission provided a majority of the funding for the film, with an equity investment of \$90,000.
- 6 Regular progress reports were provided to the New Zealand Film Commission by producer, Melissa Dodds.

- 7 In June 2014, a New Zealand Film Commission staff member became aware that a number of the production's suppliers had not been paid for their services. This had not been reported to the New Zealand Film Commission; reports received from the film's producer indicated the production was on budget.
- 8 In response, New Zealand Film Commission staff met with a representative of the executive producer group, Blue Harvest. It was agreed that an independent line producer would have access to the production's financial records, and provide an updated cost report to the New Zealand Film Commission. The report indicated that the film was \$124,000 over the budgeted cost of \$90,000.
- 9 In July 2014, producer Melissa Dodds appointed Bronwen Stewart as an independent consultant to assist with resolving the outstanding payments to creditors and the completion of the film. The New Zealand Film Commission agreed to pay Ms Stewart, and an accountant. At this point, the New Zealand Film Commission reiterated to all interested parties that, under its funding contract, the New Zealand Film Commission has no obligation to provide any additional funding, and does not believe it is appropriate to intervene to pay the production's creditors.
- 10 On 11 July 2014 a group of the production's creditors indicated they would file a statutory demand for payment if full payment was not received within a week, in addition to claiming injunctive relief and legal costs.
- 11 The New Zealand Film Commission sought legal advice on options for seeking a compromise.
- 12 Ms Stewart developed a potential settlement package to pay the creditors and allow for completion of the film. The offer was contingent upon the film's completion, and acceptance from all creditors, in order to ensure no legal action was taken.
- 13 Several of the film's creditors did not accept the settlement offer. The New Zealand Film Commission continued for several months to work with the film's creditors to try to reach an agreement.
- 14 On 8 February 2015 Ms Stewart sent an update to all creditors, stating that the private investors, who had intended to contribute to the settlement, had withdrawn their offer as not all creditors had accepted.
- 15 In May 2015, Mr Mills contacted the New Zealand Film Commission to inform the Commission of his intention to contact the media about the unresolved situation, however subsequently decided not to.

### **Current situation**

- 16 The creditors of production The Ballad of Maddog Quinn are still yet to be paid, and filming has not been completed. The New Zealand Film Commission remains open to possible resolutions, provided that the film is completed and distributed, and no legal action is taken.
- 17 It appears that the New Zealand Film Commission's involvement – paying for an independent consultant and accountant to assist with the development of a settlement offer – has created an expectation on behalf of Mr Mills that the New Zealand Film Commission has a level of responsibility for ensuring the production's creditors are paid the full amounts they are owed. The New Zealand Film Commission is under no such statutory or contractual obligation.

- 18 We understand that the New Zealand Film Commission has continued to engage with interested parties to establish a proposal that would allow for the completion of the film, and obtain the agreement of all creditors.
- 19 Although the New Zealand Film Commission's attempt to support a resolution has unfortunately created an expectation in this case, we support the New Zealand Film Commission's approach to finding a resolution.
- 20 We believe there is no need for intervention at this stage, and further, that it would be inappropriate for MCH or you, as responsible Minister, to intervene in individual production issues.

*C. Cooke*

Carrie Cooke  
Manager, Media Policy

Seen by Hon. Maggie Barry ONZM  
Minister for Arts, Culture & Heritage

*2/11/2015*

## File Note

MCH - just to close this off can you please send a draft letter (vetted by legal) explaining that the Minister has no role in this operational matter and Mr Mills needs to direct his complaint to the Chair of the Film Commission (should he wish to continue with this matter).

*KMB  
3/11/2015*

## Katherine Baxter

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**From:** Penny Gault <Penny.Gault@mch.govt.nz>  
**Sent:** Thursday, 1 October 2015 11:39 a.m.  
**To:** Mark Field-Dodgson; Carrie Cooke  
**Cc:** Katherine Baxter; Temp1 Barry (MIN)  
**Subject:** RE: 'It's election year and we have to bury this" said Dave Gibson CEO NZ Film Commission.

Hi Mark,

Thanks for sending this through. We also received the notes attached to your email from Katherine last week, after Mr Mills presented them to Minister Barry's Doc Private Sec at an event in Queenstown. I'm currently liaising with the NZFC and will have an AM to you by the end of next week.

Cheers  
Penny

**From:** Mark Field-Dodgson [<mailto:Mark.Field-Dodgson@parliament.govt.nz>]  
**Sent:** Thursday, 1 October 2015 8:43 a.m.  
**To:** Carrie Cooke <[Carrie.Cooke@mch.govt.nz](mailto:Carrie.Cooke@mch.govt.nz)>; Penny Gault <[Penny.Gault@mch.govt.nz](mailto:Penny.Gault@mch.govt.nz)>  
**Cc:** Katherine Baxter <[Katherine.Baxter@parliament.govt.nz](mailto:Katherine.Baxter@parliament.govt.nz)>; Temp1 Barry (MIN) <[Temp1.Barry@parliament.govt.nz](mailto:Temp1.Barry@parliament.govt.nz)>  
**Subject:** FW: 'It's election year and we have to bury this" said Dave Gibson CEO NZ Film Commission.

Hi Carrie and Penny,

Please see below and attached for an issue to do with the Film Commission. Can you please liaise with the Film Commission to get a clear outline of the history of this project and answers to the questions Mr Mills has raised.

Once we have that we can work out the best way to respond (eg a letter from Minister Barry, or simply Katherine or I emailing Mr Mills).

Thanks

Mark Field-Dodgson  
Private Secretary - Arts, Culture and Heritage  
Office of Hon Maggie Barry  
Parliament Buildings | Wellington | New Zealand  
Phone: 04 817 9928  
Email: [mark.field-dodgson@parliament.govt.nz](mailto:mark.field-dodgson@parliament.govt.nz)

**From:** Brett Mills [<mailto:brett.mills@localaction.co.nz>]  
**Sent:** Thursday, 1 October 2015 7:07 a.m.  
**To:** Katherine Baxter  
**Cc:** Mark Field-Dodgson  
**Subject:** 'It's election year and we have to bury this" said Dave Gibson CEO NZ Film Commission.

Hi Katherine  
The Ballad of Maddog Quinn.  
As I said to Maggie I am coming to you as I feel I have nowhere else to go.  
Attached is the notes of Matt Inns the director of the film.  
Matt is a young director based in Invercargill, a graduate of the SIT film school and he and his friends have labored long and hard on this project.

I have also attached some photos and publicity material so you can gauge.

Basically what happened was the producer Mel Dodds mismanaged the 90K budget and blew it out to over 240K.

She also allegedly committed fraud by using some of the money to pay off a previous film commission project which has been repaid.

When the Film Commission or more specifically the CEO Dave Gibson became aware of the situation he decided that it had to be covered up because it was election year.

He dismissed the supervising producers Steve Barr, Daniel Story, Paul Swadel and placed the production in some form of illegitimate statutory management.

He came up with a rescue plan.

It failed.

He subsequently distanced himself and the film commission from the project and has left Matt Inns on his own to try and resolve the situation.

Therefore the film lies unfinished, the majority of the crew and suppliers unpaid, the director technically bankrupted by the film commission's actions and the film commission held in low repute in this part of the country.

I would like Maggie to ask Patsy Reddy to following questions,

Why did the supervising producers not supervise.?

Why were the crew and creditors denied their legal right of a creditors meeting?

Why have the supervising producers not been held to account?

Why has Mel Dodds not been sanctioned in any way?

Why was Mel Dodds given new funding when her previous film commission projects were still in debt?

Why did Dave Gibson forbid Mladen Ivancic the CFO to speak to me on the subject?

Why did Dave Gibson ambush Matt Inns with a conference call consisting of himself, Mladen Ivancic and Chloe McLoughlln when Matt wrote asking the status of his film rather than replying by email?

Why do some employees of the film commission know about the situation when others do not when within the producer circles it is common knowledge?

Why is Mel Dodds not entitled to a fair trial as she is being condemned by rumor and innuendo?

On what authority did Dave Gibson act on ?

Why is the film commission not transparent or accountable in this situation?

What is she going to do about it?

All the questions above point to an organisation ruled by a bully who is in no way contained buy his staff. indeed while discussing the situation with Mladen Ivancic he told me that he had to be very careful not to make Dave angry.

I am able to provide other examples of bullying and impropriety if required but at this point I am mainly interested in getting the film finished and the crew paid.

About the writer

I have been in the industry for over 30 years, worked on early NZ films such as UTU, Virgil, The Quiet Earth, Heavenly Creatures and Illustrious Energy.

I own a lighting company, a camera company, and are involved in other industry related companies all based in Queenstown.

Over the years I have been a benefactor to many aspiring film makers and would like to remain so but have been soured by the present regime.

I provided the lights and camera for Maddog Quinn and was one of the few paid. I would be happy for any money I was paid to be clawed back when we get to have a creditors meeting.

Yours sincerely

Brett Mills

On 30/09/2015, at 12:26 PM, Katherine Baxter wrote:

Greetings Brett

This is just to let you know that I'm currently out of the office for the extra two weeks with the Minister. If you do send further info can you please copy in Mark-Field Dodgson (see above). Nth is dealing with ACH portfolio matters in my absence.

Regards

Katherine Baxter

Sent with Good ([www.good.com](http://www.good.com))

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**From:** Brett Mills

**Sent:** Thursday, 24 September 2015 11:05:49 p.m.

**To:** Katherine Baxter

**Subject:** Re: Making contact

Hi Katherine

Thank you for remembering and taking this time out of your long day to come back to me.

I am touched and impressed.

I too have had a busy time of late but I do have a story to tell so I will do it over the weekend.

cheers

Brett

On 24/09/2015, at 10:11 PM, Katherine Baxter wrote:

Hi Brett

You called on Friday in the midst of a busy period in this office - isn't that always the case!

My recollection of our call is that you have some information to send me. Please see the email address below. You are welcome to forward your communication when you have time.

With best wishes

Katherine

**Katherine Baxter**

**Private Secretary - Arts, Culture and Heritage**

Office of Hon Maggie Barry

Parliament Buildings | Wellington | New Zealand

DDI: 04 817 9916 Cell Ph: 027 371 3580

Email: [katherine.baxter@parliament.govt.nz](mailto:katherine.baxter@parliament.govt.nz)

<image002.png>

[WW100.govt.nz](http://WW100.govt.nz) [facebook.com/WW100nz](https://www.facebook.com/WW100nz)

Provided to DoC Put Sec in Queenstown 10/9/15

Notes from Matt Inns, Director

Provided by Brett Mills, 1 October 2015

2013

- The Ballad of Maddog Quinn short film green lit by NZFC Premeire Shorts exec producer group Blue Harvest (Steve Barr, Paul Swadel, Dan Story) for \$90k.
- \$15k already received by ILT, making total cash budget \$105k.

2014

- March, shot in Tekapo over five days
- April, edit in Wellington. No suggestion of financial problems from producer at this stage.
- May, a couple of crew informed me they were yet to be paid after multiple promises from producer Melissa Dodds. I followed up urgently, and was assured by Mel there were no issues and their payment would be sorted immediately, which it wasn't.
- I contacted a number of other crew to discover they were also unpaid. Mel now informed me she was waiting on the next drawdown from NZFC, and was meeting with exec producer Steve Barr to discuss.
- I contacted Steve Barr informing him that I believed there were serious issues with the management of the project, that a number of crew had not been paid, and that I believed I was being misled. I spoke to him about this the next day, and learned Mel had lied to me about meeting him, as this never took place.
- From this point, Steve approached Mel about the matter, and consequently brought it to the NZFC's attention. NZFC hired an independent accountant who determined Mel had committed to unpaid debts of approx \$240K.
- At this point, Blue Harvest informed me they were fully supportive of myself, resolving the issues and seeing the film to completion
- Several days later I got a call from Dave Gibson (CE of NZ Film Commission) to inform me of the full extent of the situation, that the exec producers had been removed (Blue Harvest), and that the NZFC was stepping in with a plan to resolve the matter
- I was advised by NZFC to stand back and let them take care of things. Bronwen Stewart (an experienced production manager) was appointed to oversee a settlement with creditors. NZFC had helped source 'private' funds to go toward the settlement. Creditors were not involved in determining the terms of settlement.
- The offer was: creditors would be paid 100% reimbursements (for any out of pocket expenses such as fuel etc), 100% per diems and 50% labour. It required 100% of creditors accept. Some completely waived fees, most accepted but for two.
- During this time I also learned Mel had used funds from Maddog Quinn to pay



debts on her previous NZFC short film 'Dancers' (approx \$20k), before paying the money back later. Although completed, 'Dancers' was therefore left with unpaid debts (unsure of total amount).

2015

February, NZFC advised that the 'private funds' had been withdrawn and the settlement offer now void. They advised they would no longer be handling the matter, and the rest was up to me.

I was told \$25,000 still remained from the original NZFC investment, and \$7,500 from the exec producers refunded fees (total \$32.5k), that could be made payable on certain conditions, including Mel Dodds has no further association with the project or property, there is no risk of legal action and that the film is completed to a 'satisfactory quality level'. After seeking clarification on how the film was expected to be completed without first having those funds released to pay crew (and then clearing us to proceed with raising finishing funds via crowdfunding etc), I was told verbally by the NZFC those funds could not be used for a settlement with crew, although these funds made up the majority of the original settlement offer.

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