



GENERAL GUIDELINES AND TERMS OF TRADE





Acknowledgement of Country

We acknowledge the Tasmanian Aboriginal people as the traditional owners and continuing custodians of lutruwita/Tasmania. In paying our respects to their Elders, past and present we extend this to acknowledge those who did not live to make Elder status.

We acknowledge their connection to the land, sea, sky and waterways and their unbroken commitment to care for Country for over 40,000 years. By committing to listen deeply to Story and be respectful of Country in our collaborations with Tasmanian Aboriginal People we demonstrate the value of the history, culture and strength of the lived experiences within the Tasmanian Aboriginal community.

We will continue to honour their stories, songs, art, and culture, and their aspirations for the future of their people and these lands.

Image: Gordon River,
courtesy Tourism Australia

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Cover image: *Bay of Fires* filming in Zeehan's main street.
Photo by Brook Rushton

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GENERAL GUIDELINES

These guidelines apply to all Screen Tasmania funding programs and set out the application and assessment processes, general eligibility criteria, and other relevant matters. They should be read in conjunction with the Terms of Trade below and the relevant Program Guidelines.

1. What we fund

Screen Tasmania provides funding support for the development and production of video games, animation, television drama and comedy series, factual and documentary series and one-off documentaries, and feature films (for cinemas and other platforms). Screen Tasmania also provides industry and professional development support. Our programs are approved under the *Cultural and Creative Industries Act 2017* (the Act). Specific funding amounts and caps are outlined in the relevant Program Guidelines. All amounts and caps are subject to available funds.

2. What we do not fund

Screen Tasmania does not fund retrospectively and does not fund the following projects or associated activities:

- advertising or marketing campaigns, infomercials, sports broadcasts, current affairs, news and community television programs

- projects solely intended for corporate, curriculum-based educational, training or promotional purposes
- projects intended for non-commercial purposes (for example, community television), or productions which are not intended for national and/or international broadcast or distribution
- interstitials, although variations may be considered in regard to animation and non-traditional forms where a genuine market interest can be shown
- projects that are, or are likely to be, classified X18+ or RC (Refused Classification) as described in the guidelines for the Classification of Film and Computer Games available from www.classification.gov.au

Screen Tasmania does not fund the following activities or components of projects:

- activities associated with a course of study or which are predominantly funded by an educational institution
- websites unconnected with a production.

Screen Tasmania does not fund purchasing or costs for equipment or capital works, acquiring an option, or publication of film journals, books or magazines.

On the set of Rolf de Heer's *The Survival of Kindness*.
Photo: Vertigo Productions



3. Application and assessment process

Screen Tasmania generally conducts four funding rounds each financial year. Details of application submission information and funding round dates can be found on our Screen Tasmania website. Some initiatives, notably under the Industry Development and Traineeships and Attachments programs, may be offered outside of these rounds, where opportunities are identified.

3.1 Assessment process

The Act prescribes ‘peer assessment’ of applications for Tasmanian Government support from Screen Tasmania. A panel of industry experts, the Screen Tasmania Expert Advisory Group (STEAG), has been appointed under the Act to assist in this process.

Depending on the program, and as approved by the Minister for the Arts, an application may or may not be considered by the STEAG, and may be decided by the Minister or Departmental officers.

The STEAG considers applications for the higher budget programs (Project Development, Production Support and Games Development). Because of the relatively low value and fast turnover of applications, applications under the Industry Development and Traineeships and Attachments programs are considered by Screen Tasmania without reference to the STEAG.

Reports for the STEAG may be sought from external readers under the Project Development, Production Support and Games Development programs, and will be provided to applicants for comment as, while they inform the decision-making process, they do not determine the outcome.

The STEAG assesses applications, taking into account any external readers’ reports and the advice of a Screen Tasmania project officer, and recommends whether the application should be approved by the decision-maker; either the Minister for the Arts (for Production Support) or the Departmental Executive (for Project Development and Games Development).

3.2 Application process

Those intending to submit an application must read the relevant program guidelines available on the Screen Tasmania website and contact the relevant Screen Tasmania officer prior to submission.

Applications must be lodged electronically through Screen Tasmania's online SmartyGrants application portal. The portal will automatically acknowledge a completed and lodged application.

During the application, assessment and contracting process, we may contact the applicant to seek further information. We aim to work closely with applicants to ensure the best possible funding outcomes within the parameters of particular funding programs.

We reserve the right to contact and discuss an application with other parties associated with the application, including (but not limited to) broadcasters, Screen Australia, other state agencies, distributors and/or sales agents and any companies/organisations included in the applicant's finance plan.

If Screen Tasmania determines that a project is not ready for consideration, we may advise an applicant to withdraw the project and resubmit at a later stage.

However, the final decision will rest with the applicant. Under no circumstances will we or the STEAG publicly discuss the reasons an application was successful or not, except with applicants.

4. Eligibility criteria

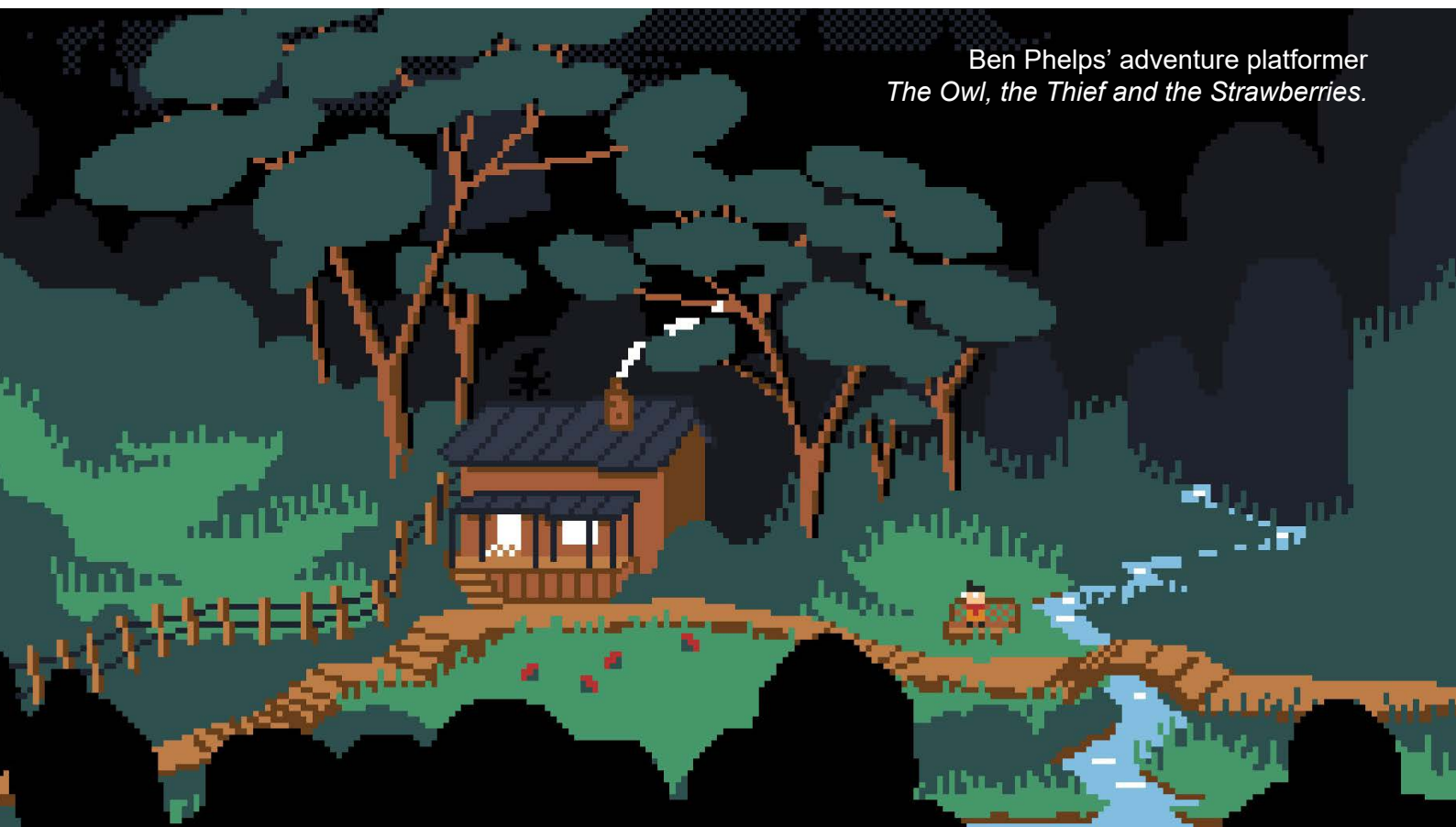
An applicant may be an individual or a company, depending on the program. Applicants for all programs except for the Industry Development and Traineeships and Attachments programs must be independent; not a broadcaster, acting on behalf of a broadcaster or a government agency.

Applicants must have an Australian Business Number (ABN). In some rare cases, this requirement may be waived for applications for Attachments and Traineeships, but only where the production company is hiring the attachee under a PAYE arrangement.

All applicants must satisfy all of the following.

- Not be in breach of any obligation under any agreement they have with Screen Tasmania, unless an alternative arrangement is agreed with us prior to the application; this requirement also applies to all key principals included in the application.

Ben Phelps' adventure platformer
The Owl, the Thief and the Strawberries.



- Always act in good faith in all dealings with Screen Tasmania.
- Have the capacity and resources to carry out the project that is the subject of the application.
- Have the right to carry out the project that is the subject of the application (including any relevant copyright and appropriate clearances from all significant participants). If the application is based on an underlying work, we will expect, at the least, that the applicant has an appropriate option to the work.
- Have a meaningful creative involvement in the project that is the subject of the application. Individual applicants must:
 - Be an Australian citizen or Australian resident, defined as a person who is domiciled in Australia,
 - and who has actually been in Australia, continuously or intermittently, during more than one half of the year immediately preceding the application
 - be at least 18 years of age
 - be a professional in the industry, or be able to show evidence of a commitment to a professional career in the screen industry
 - not be a full-time secondary or tertiary student.

An applicant which is a company must:

- be a company or association that is incorporated in Australia
- be carrying on business in Australia with central management and control in Australia
- be represented by a professional in the industry, or be able to show evidence of a commitment to a professional career in the screen industry.

Projects that have been previously unsuccessful in securing Screen Tasmania funding will only be eligible to reapply if the project has changed significantly, or if Screen Tasmania specifically invites such

an application. If resubmitting after an unsuccessful application the applicant must clearly demonstrate how the project has changed. Projects that have unsuccessfully applied twice will not be eligible to reapply.

4.1 Non-Tasmanian applicants

Non-Tasmanian applicants are eligible to apply for some of Screen Tasmania's programs. Eligibility requirements are as follows.

- **Industry Development:** There is no requirement for a genuine partnership with a Tasmanian resident production company or creative.
- **Production Support:** Where practicable, applicants are encouraged to form a genuine partnership with a resident Tasmanian production company. Projects with genuine partnerships will be favoured above other projects.
- **Project Development:** Applicants are required to be in a genuine partnership with a Tasmanian resident production company or key creative.
- **Games Development:** Applicants are required to be in a genuine partnership with a Tasmanian resident production company or key creative.

4.2 Expatriate Tasmanians

Expatriate Tasmanians are eligible to apply for Production Support and Project Development (without a partnership), but are ineligible to apply for all other programs. A person who is not a Tasmanian resident, but who has previously lived in Tasmania for at least 10 years is an expatriate Tasmanian for these purposes.

5. Glossary

Terms used throughout Screen Tasmania Program documentation are defined as follows.

- **Digital media:** Content that is created for platforms other than traditional media including computer games, mobile devices and the web.
 - **Interactive:** non-linear projects, where the user has a direct and meaningful impact on the events on screen throughout the experience, beyond simply 'point and click to play'.
 - **Linear:** narrative storytelling that is not interactive, but which may screen on any platform including broadcast television, online or mobile devices.
- **Emerging practitioner:** A person with at least one, and not more than five, credits as a key creative or head of department for a screen project that has been shown at a recognised festival or been commercially distributed. For interactive projects, a person with at least one, and not more than five, credits as a developer, designer, artist, animator or programmer on any completed project.
- **Entry level practitioner:** A person with no credits but who has demonstrated a commitment to a career in the screen industry.
- **Expatriate Tasmanian:** A person whose principal place of residence is not in Tasmania, but can prove to have previously lived in Tasmania for at least 10 years.
- **Experienced practitioner:** A person with at least one feature film or television broadcast credit or a track record that is appropriate to the type of project seeking funding. For interactive projects, at least one credit as a lead developer, designer, artist or programmer on a commercially released project.
- **Genuine partnership:** A genuine and demonstrable creative and/or financial partnership between a Tasmanian resident or production/game development company and a non-Tasmanian applicant.
- **Key creative:** A writer, director or producer in linear production, or a lead role in production, design, art or programming in interactive production.
- **Tasmanian resident:** A person whose principal place of residence is in Tasmania at the date of application and has been so for the six consecutive months prior to submitting the application.
- **Tasmanian resident production company:** An established Tasmanian resident production company must be registered under the Corporations Act 2001 (Cth) and:
 - have its principal place of business in Tasmania
 - have at least 50% beneficial ownership by a Tasmanian resident(s)
 - derive a significant proportion of income from original screen-based content creation.



TERMS OF TRADE

1. Funding Information

Screen Tasmania funding is provided by way of a grant, or pro rata equity investment (recoupable investment) depending on the type of program applied for. Some grants are recoupable, others are not.

Funding decisions are determined by the terms of, and available funding for, the relevant program as well as the number and quality of competing qualifying applications. Eligibility requirements apply to both applicants and projects for which funding is sought.

Screen Tasmania will usually cap the amount it invests in any one project. In some programs, Screen Tasmania may also cap the amount available to any entity in any financial year.

Due to limited funds, Screen Tasmania strongly encourages applicants to seek Screen Australia funding as an alternative source of project development funding.

Specifically, if a project has already received development funding from Screen Tasmania it is expected that applicants will (if eligible) apply to Screen Australia for the next tranche of development support.

Screen Tasmania will as a matter of policy facilitate producers to access Screen Australia funds wherever possible.

Tasmanian applicants are welcome to seek assistance from Screen Tasmania staff when preparing submissions to Screen Australia.

2. General matters

2.1 Terms of Trade applicable to your project

Screen Tasmania's Terms of Trade may change from time-to-time. The Terms of Trade in force at the time Screen Tasmania decides to invest in the project will continue to apply for the life of that project.

Matt Sloane in a segment for ABC TV's *Artworks*.
Photo: Elise Vout



2.2 Fees

Screen Tasmania charges a flat two per cent (2%) administration fee on any investment under the Production Support program funding to cover some of its legal and administration costs (i.e. only those over \$50,000).

The amount charged in relation to any one production investment is capped at \$10,000 and is to be paid prior to the second drawdown of funds. Please note that the second drawdown will not be made until the fee is paid. No fees are payable on development investments or grant funds.

2.3 Acting in good faith

Screen Tasmania acts in the public interest and must exhibit the highest levels of propriety in its dealings with applicants. Screen Tasmania requires applicants to act in the same way by being honest and open in all dealings with Screen Tasmania. Applicants must not mislead or deceive Screen Tasmania by act or omission.

Screen Tasmania also expects all successful applicants to act fairly and reasonably to all third parties involved in their project. Fairness and reasonableness includes:

- paying at least award minimum rates for all work performed by third parties on their project, including cast and crew fees, and/or by offering deferrals or revenue participation, and
- respecting the rights of all relevant persons, whether those rights be copyright or other intellectual property rights, moral rights or Indigenous cultural and intellectual property rights.

2.4 Audit rights

Screen Tasmania may require the right to audit expenditure (costs and receipts) of its investment to ensure compliance with contract requirements.

In the case of Production Support, an independent audit is generally required of all

production expenditure at project completion including details of Tasmanian spend. Audit costs shall be the responsibility of the applicant.

2.5 GST

GST is payable on Screen Tasmania's investment and fees. Screen Tasmania requires the applicant to:

- Have an Australian Business Number (ABN); and
- Register for GST, if required by law.

Screen Tasmania will require the applicant to issue a tax invoice as a precondition to drawdown of Screen Tasmania's funds.

2.6 Screen Tasmania contracting process

Successful applicants across all funding programs will be required to enter into a contract with the Tasmanian Government. The contracting entity is 'The Crown in Right of Tasmania'.

Screen Tasmania encourages successful applicants to seek independent legal advice. For successful applicants of Production Support over \$50,000, Screen Tasmania requires the applicant to be represented by a qualified entertainment lawyer.

Failure by the applicant to sign and return final agreed execution copies of the contract within 30 days of receipt of the contract will mean that Screen Tasmania is no longer obliged to invest in and or support the project and may retract their offer.

It should be noted that the Tasmanian Government's policy in relation to confidentiality provides that in any contract between the Crown and any other party, confidentiality requirements in relation to the provisions of the contract are not to be included.

The restriction on confidentiality applies only to the contract itself, including annexures or schedules but not to the services or products that flow from the performance of the contract.

This policy is contained within the Treasurer's Instructions issued under section 23 of the *Financial Management and Audit Act 1990* and section 114 of the *Government Business Enterprises Act 1995* relating to the Confidentiality of Government Contracts. Further details can be found on the Department of Treasury and Finance website: www.treasury.tas.gov.au

This policy has a direct impact on the Screen Tasmania contracting process in relation to production investment projects. Due to the restriction on confidentiality, Screen Tasmania for example may be unable to be party to a Production and Investment Agreement (PIA) and therefore there may be a requirement for successful applicants to enter into a separate Screen Tasmania Interparty Agreement (IPA).

Within Screen Tasmania contracts (excluding production investments and where appropriate) a standard minimum of six months is allowed for delivery of agreed materials for which program funding is provided.

2.7. Screen Tasmania delivery process

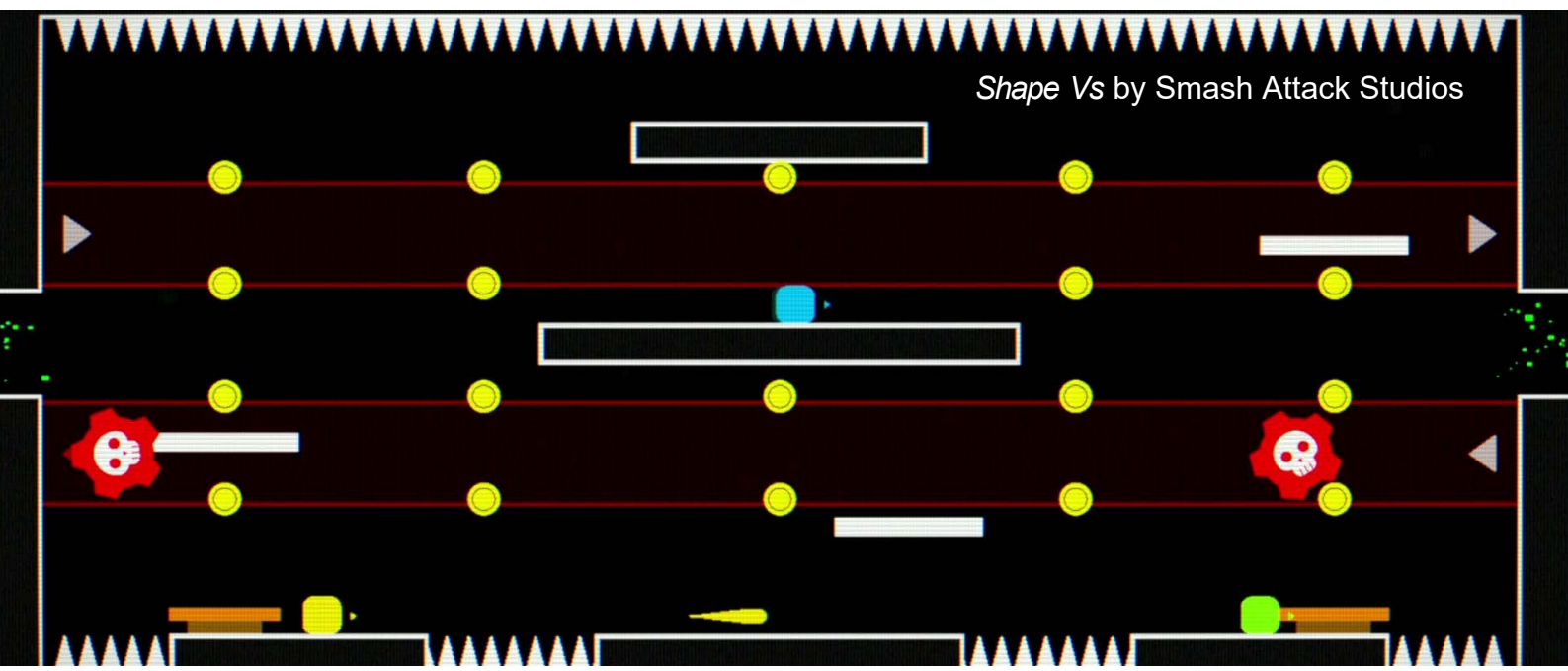
Whilst delivery within a shorter time frame is encouraged, should the applicant be unable to meet the contracted delivery date the procedure is as follows:

- The applicant must advise the relevant Project Officer at least 14 days before the delivery date that the delivery date will not be met.

- Following consultation with the relevant Project Officer an extension period up to a maximum of six months may be granted and a revised agreed delivery date shall be approved in writing by Screen Tasmania. No further extensions shall be given unless the Applicant can prove extenuating circumstances that are acceptable to Screen Tasmania.
- Failure to deliver by the revised agreed delivery date will result in the applicant forfeiting any outstanding funding and further, Screen Tasmania will take action to have the funds repaid in full or alternatively require that partially completed materials be provided to Screen Tasmania.
- Screen Tasmania reserves the right to not accept any further funding applications from an applicant who has failed to deliver until delivery on the late project is fully acquitted.

3. Crediting Screen Tasmania

Screen Tasmania requires acknowledgement of its support, for example by way of a credit on the finished project and its publicity materials. Guidelines for logo usage can be accessed [here](#). Credit requirements vary according to the nature of the support. Further queries should be directed to Screen Tasmania.



4. Indigenous content

Where there is Indigenous content or participation in any production, Screen Tasmania requires that the producer complies with the following:

- i. Screen Australia's protocols, including those relating to treatment of Indigenous Cultural and Intellectual Property Rights. For more information, see 'Indigenous Content and Participation' in Screen Australia's program guidelines and 'Pathways & Protocols: a filmmaker's guide to working with Indigenous people, culture and concepts'.
- ii. Guidelines outlined in Arts Tasmania's 'Respecting Cultures' booklet.

For productions that involve Tasmanian Aboriginal content, producers are required to engage a recognised Tasmanian Aboriginal consultant at both development and production stages.

The consultant shall be employed by the Producer at standard industry rates and is required to advise Screen Tasmania in writing that they have complied with the relevant indigenous protocols.

5. Terms of funding and gross receipts

5.1 Non-recoupable grants

Screen Tasmania provides funding in the form of a non-recoupable grant to eligible legal entities that apply for funding under several of Screen Tasmania's funding programs and initiatives. Screen Tasmania's contribution to a project by way of a grant does not have to be repaid other than in the case of breach of contract.

In relation to the non-recoupable grants provided for support as part of the Industry Development and Traineeships and Attachments programs, Tasmanian applicants only are eligible to apply.

Grants are either paid 100 per cent on execution of the grant deed, or 80 per cent on execution and 20 per cent on acquittal, depending on the size of the grant.



5.2 Project Development funding

Screen Tasmania provides project development funding to assist with the development of digital content, feature films and series television across a range of genres (including comedy, drama, factual and light entertainment, format TV and animation) as well as documentaries. Project Development funding is provided in the form of a recoupable grant and is only available to Tasmanian practitioners or companies unless non-Tasmanian practitioners or companies can demonstrate they are in a genuine creative or financial partnership with a Tasmanian practitioner or resident production company.

Project Development grants are recoupable by Screen Tasmania in the event that the project goes into production:

- If a project has received project development funding from Screen Tasmania and then proceeds into production in Tasmania, on the commencement of principal photography, the producer will reimburse all of the development funds plus a 10 per cent premium.
- If a project which has received development funding and is to be produced entirely outside of Tasmania, on the commencement of principal photography, the producer will reimburse all of the development funds plus a 25 per cent premium charge.

Tasmanian production companies will be entitled to rollover their project development funds plus the premium if requested and provided that their project goes into production in Tasmania. If the majority of the production does not go ahead in Tasmania then we will require that the development investment plus the 25 per cent premium charge be repaid in full to Screen Tasmania.

Non-Tasmanian production companies may also apply for a rollover of their project development funds plus the premium into the production provided that the project goes into production in Tasmania.

The amount Screen Tasmania will fund depends on available funding, the terms of the particular program and the quality of the application. Information on funding caps and eligibility for each funding program is available under the relevant guidelines on the Screen Tasmania website www.screen.tas.gov.au

Funding provided as a recoupable development grant will typically be paid in two drawdowns:

- 80 per cent of the value of grant on execution of the Development Grant Deed, and
- 20 per cent on delivery of the development materials and acquittal.

5.3 Games Development

Funding in the Conceptual Development stage is provided as a non-recoupable grant.

Funding for the Production and Release stage is provided as a recoupable grant. The recipient must pay back 25 per cent of funds received from sales of the finished game until the grant plus 10 per cent is repaid. After that time, Screen Tasmania ceases to recoup. There is no need to pay down any funds outside of recouped funds from the game. All games development grants will be paid 80 per cent on execution of the Grant Deed and 20 per cent on delivery and acquittal.

6. Production Support terms

Screen Tasmania's production support funding is provided in the form of a non-recoupable grant if the amount is up to \$50,000, and an equity investment for amounts over \$50,000.

For finance provided by way of recoupable investment, Screen Tasmania will participate in gross receipts commensurate with its investment. Recoupment is calculated on a pro-rata pari-passu basis with other investors. Screen Tasmania invests in productions where the Tasmanian production company has an equity position in the production or where there is demonstrable significant economic and cultural benefit to the state.

Screen Tasmania requires that the producer provides evidence of how the production budget is to be cash-flowed where the producer offset forms part of the finance plan.

Funding provided as a production investment will be cash flowed on terms to be negotiated on a case-by-case basis.

Screen Tasmania requires the right to use the project and promotional materials (in whole or in part) for its corporate and promotional purposes.

Screen Tasmania requires approval rights as set out in the project's Production Investment Agreement (PIA) or Grant Deed.

Every production is required to register with The Everyone Project at www.theeveryoneproject.org/

6.1 Recoupment, Reversion and disbursements

Generally, Screen Tasmania will not subordinate its recoupment right to other equity investors other than the producer.

Should the project go into profit then Screen Tasmania shall share in profits in accordance with the PIA or Interparty Agreement. Profit participation is a matter for negotiation.

In relation to offset projects, the recoupment

entitlement will be calculated as if the total value of the producer offset cash flowed into production (less funding costs) is contributed towards the production budget and the applicant has equity in the production equal to the value of the producer offset.

In relation to third party grants secured by the producer, Screen Tasmania will generally consider such grants as Producer's Equity.

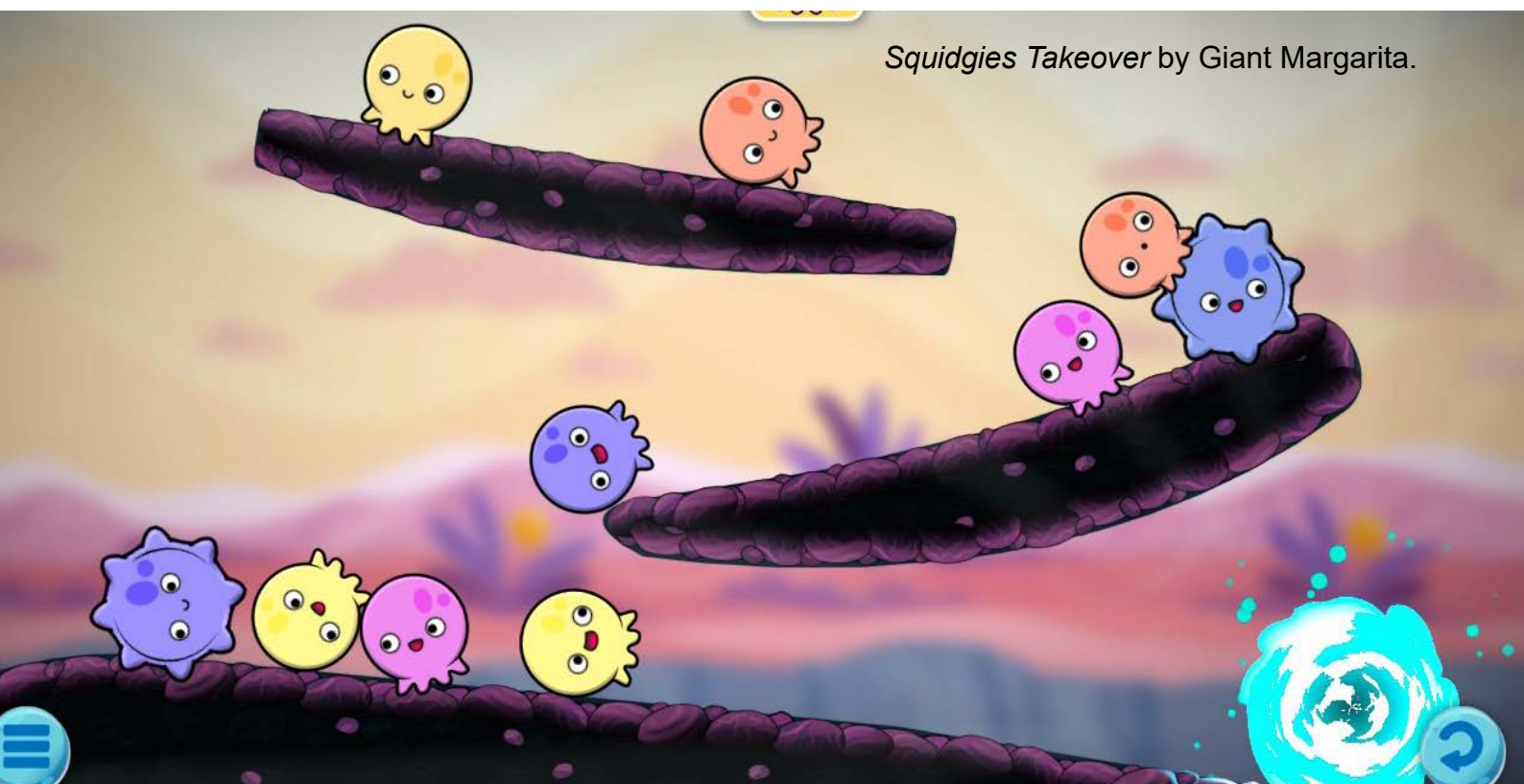
Screen Tasmania shall revert its recoupment rights in all projects after five years but usually shall maintain one per cent copyright ownership in perpetuity. Screen Tasmania requires annual reporting on sales and exploitation of the project for research and analysis purposes for seven years.

The producer is ultimately responsible for the collection, disbursement and reporting of all gross receipts. The applicant is entitled to all revenue from Screenrights. It is mandatory for successful production support recipients to sign up with Screenrights organisations.

6.2 Copyright and chain of title

Screen Tasmania requires a 1 per cent copyright interest in perpetuity for all projects for which it provides equity investment through the Production Support program.

No copyright is required for grants of any kind.



The producer must be able to demonstrate clear chain of title in their project. This will usually involve providing a series of documents which establish that the producer owns or controls all necessary underlying rights in order to fully develop, produce and market their project.

For example, where the applicant is not the originator of the underlying work, the producer must be able to demonstrate a secure option on the work, renewable for an appropriate period and on terms agreeable to Screen Tasmania. Other examples may include agreements for writers, script editors, producers and/or directors (as applicable).

All relevant chain of title documents should be provided to Screen Tasmania at the commencement of contracting.

6.3 Exploitation

In the case of all recoupable funding, Screen Tasmania requires prior approval of every agreement granting a licence (or an option to acquire a licence) to make a Sequel, Spin-off, or Remake. A Sequel includes a project based on the format of the original project.

This approval right applies regardless of the identity of the licensing entity (for example, the licence to make the Sequel, Spin-off or Remake which requires Screen Tasmania's prior approval may be offered by the original producer or a marketing licensee such as a sales agent or distributor).

In the case of all recoupable production funding of documentary, TV drama and feature films, where the right to make a sequel, spin-off or remake (including a program based on the format of the original program) is optioned or acquired, the following applies:

- if the sequel, spin-off or remake is to be produced by the original producer or a Related Entity (see glossary for a definition of Related Entity), whether in Australia or elsewhere, Screen Tasmania requires the right to receive a fee in the

production budget of each and every Sequel, Spin-off or Remake on the equivalent terms as outlined in Screen Australia's terms for Sequels, Spinoff and Remakes: www.screenaustralia.gov.au/about-us/doing-business-with-us/terms-of-trade unless Screen Tasmania provides Production Support to the sequel, spin-off or remake.

7. Completion guarantee

Generally, Screen Tasmania requires the appointment of a completion guarantor for production investment projects. However, Screen Tasmania may waive the requirement for a completion guarantor in relation to productions in which it invests if some or all of the following conditions are satisfied:

- The budget includes a substantial contingency (Generally no less than 10 per cent of the Below the Line budget costs).
- The production team is experienced.
- The producer can assure Screen Tasmania they have the required funds, insurances and/or an arrangement with a broadcaster or distributor that ensures any unforeseen overages can be covered to deliver a satisfactory product to the market.
- The nature of the subject matter being proposed means there is limited risk in the project being completed on time and on budget.
- The nature of the project means key creatives and/or core subject matter can be replaced with alternatives if necessary.
- If required by Screen Tasmania a qualified and approved consultant is employed at the production company's expense to oversee Screen Tasmania's interests in the production in terms of budget expenditure.

Regardless of the above, Screen Tasmania retains the right to require a completion guarantor if it identifies any risk it believes will be alleviated by having a completion guarantor.



8. Delivery materials

In relation to project development and games development funding, Screen Tasmania will determine the delivery materials for each development project depending on the stage of work and the grant.

As a condition of production support, the producer must deliver the following delivery materials:

- One unwatermarked copy of the film as a high resolution MP4 file, preferably 4K where available
- One electronic press kit and written publicity pack for the film.
- One complete crew contact list for the film.
- One copy of the master set of production stills from the film.
- If applicable, one copy of the film's posters for Australia, to be supplied as soon as available.
- If applicable one digital copy of the soundtrack of the film, to be supplied as soon as available.
- One copy of any other marketing materials, to be supplied as soon as available.

Screen Tasmania requires marketing reports to be provided annually for the first five years after delivery of the project and on disbursement of gross receipts when those gross receipts are more than \$5,000.

Producers must register master materials as required:

- National Film and Sound Archive (NFSA)
- International Standard Audiovisual Number, and
- Screenrights.



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