



Screenwest (Australia) Ltd Terms of Trade



Overview

Terms of Trade Effective Date: 01 January 2021

Screenwest (Australia) Ltd (“Screenwest”) is a not for profit company limited by guarantee which provides funding and screen sector support programs and initiatives to assist in the areas of Development, Production, First Nations Special Initiatives, Equity Initiatives, Digital Games, Screen Culture and Industry Skills and Business Development.

The Screenwest Terms of Trade apply to all Screenwest funding and support programs, providing guidance to Applicants on how Screenwest will transact its business. It underpins the Program guidelines (“Program Guidelines”) applying to each Screenwest program and initiative and its terms are reflected in Screenwest's contracts.

Applicants should read the Terms of Trade in conjunction with the specific Program Guidelines prior to applying to Screenwest.

Successful Applicants are required to enter into a legally binding contract with Screenwest. These contracts will reflect both the Terms of Trade and the specific requirements relating to the program as set out in the relevant Program Guidelines.

The Screenwest Board reserves the right to vary or modify its Terms of Trade and/or any Program Guidelines at its discretion on a case by case basis where it feels that such changes benefit or favour the Western Australian screen industry or Screenwest’s position.

The Terms of Trade and Program Guidelines in effect at the time an application is submitted to Screenwest shall apply to that application.

To the extent of any inconsistency between the Terms of Trade and Guidelines, the Guidelines shall apply.

Terms of Trade

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1. Minimum Eligibility Requirements

The following paragraphs set out minimum eligibility requirements of Applicants of Screenwest funding.

Unless individual Program Guidelines state otherwise:

An Applicant that is an individual must:

- be a Western Australian Resident applying in its own capacity with a registered Australian Business Number (ABN) for tax purposes; and
- not be an employee of a Broadcaster, commissioning platform or a company owned or controlled by a Broadcaster or commissioning platform; and
- not be a present employee of Screenwest.

An Applicant that is a company must be a Western Australian Resident Company that is registered under the Corporations Act 2001 (Cth) applying either:

- a. in its own capacity as sole producer; or
- b. as a co-producer in a Genuine Co-Production or an Official Treaty Co-Production relationship, and must not be a:
 - i. a broadcaster, government agency, distributor, telecommunications company; or
 - ii. a holding company or subsidiary of any of the companies referred to in (i); or
 - iii. be jointly owned by one or more of the companies referred to in (i) or (ii).

The Applicant, whether as an individual or a company, must not:

- be in breach of any contractual obligations relating to any prior Screenwest funding agreement
- have any key personnel with overdue acquittals from previous Screenwest funding. This applies to Applicants and all key principals on a project, such as Key Creatives or executive producers.
- Screenwest also reserves the right not to accept an application where a Key Principal (including a Key Creative) on a project, such as a director or executive producer, is a person who would be ineligible by reason of a breach of agreement with Screenwest or its predecessor agencies by that person or a related party.

- be currently engaged in any legal proceedings or dispute in relation to the project.
- be insolvent or a declared bankrupt or committed an act of bankruptcy. be a full-time secondary student or full-time student at a tertiary educational institution.

Part-time and post-graduate students are eligible only where the project does not form part of the assessable material for the course and where the Applicant holds all the Copyright.

To substantiate their eligibility, the student must submit the following additional documents when applying:

- A one-page synopsis on the subject of the post-graduate studies
- A signed letter from their academic coordinator confirming the following:
 - that the project will not contribute to their academic work, and
 - that the tertiary institution will not hold any copyright interest in the project.

Co-Productions (Genuine and Treaty with a Western Australian Resident Producer)

Funding may be provided to a Western Australian Resident Producer entering into either a Genuine Co-Production or an Official Treaty Co-Production provided that:

- the Western Australian Resident Producer must have a producer credit on a minimum of:
 - two (2) broadcast hours of television; or
 - one (1) feature film; or
 - two (2) hours of digital screen production; or
 - an equivalent to the above
- Western Australian Producers that do not meet the minimum credits or equivalent may still be considered where the project brings demonstrated strong economic and/or cultural opportunities to the State, or that favour the Western Australian screen industry or Screenwest's position.
- The Western Australian Resident Producer **must** be the Applicant and a party to the Screenwest funding agreement.

- the Western Australian Resident Producer is credited on the project as a producer in line with the non-Western Australian Resident Producer.
- the Western Australian Resident Producer is entitled to a copyright interest that is at least in proportion to the total funding provided from Western Australian sources in the project's total budget, including but not limited to, funding from Screenwest and the WA Regional Screen Fund.
- the Western Australian Resident Producer is entitled to a profit share that is at least in proportion to the total funding provided from Western Australian sources in the project's total budget, including but not limited to from Screenwest and the WA Regional Screen Fund
- the Western Australian Resident Producer has meaningful creative consultation rights in the project.
- Variations to these requirements may only be considered in exceptional circumstances and with Screenwest Board approval.

The terms of the co-production agreement between the Western Australian Resident Producer and the non-Western Australian Resident Producer are to be approved by Screenwest prior to confirming funding approvals in order to ensure that above requirements are met.

2. What Screenwest does not fund

Unless individual Program Guidelines state otherwise, Screenwest does not provide funding for:

- applications that do not satisfy the applicable Program Guidelines.
- projects that do not have a clear pathway to an Australian audience.
- applications that are late, incomplete or for retrospective funding or without substantial change if submitted and declined previously.
- Projects must clearly demonstrate substantial changes (as determined by Screenwest Management) if the project has previously been declined twice for funding.
- documentaries that do not meet the definition under the [Australian Communications and Media Authority \(ACMA\) Documentary Guidelines](#).
- short films and interstitials.

- productions primarily intended for corporate, educational, training, or promotional purposes.
- digital games are not eligible if it is:
 - a gambling service (within the meaning of the Interactive Gambling Act 2001) or substantially comprises gambling or gambling-like practices; or
 - a game containing elements that are likely to lead to the game being refused classification under the Classification (Publications, Films and Computer Games) Act 1995; or
 - a game that is primarily developed for industrial, corporate, or institutional purposes; or
 - game that is primarily developed to advertise or promote a product or entity or service.
- applications which include the purchase of equipment, hardware, software or platform developer's kits, capital works, publication costs of film journals, books, or magazines. Digital games applications, however, made only through the Games & Interactive Funding Program, may use funding towards a platform developers kit.
- television programming (other than drama and documentary) such as commercials, music videos, infotainment, Sketch comedy shows, reality television, game shows, quiz panels, corporate sponsored lifestyle, magazine style, sport, news or current affairs, variety and light entertainment, and general children's programming that does not comply with the **Children's Television Standards Act 2009**.
- applications for eBooks, non-narrative experimental, performance and video art. Applications for digital games, however, including narrative and non-narrative formats, funded specifically through the Games & Interactive Funding Program may be considered for support.
- applications that relate to the travel and marketing activities of actors; or projects that could attract an X18+ or RC (Refused Classification) as described in the guidelines available through the [Australian Classification website](#).

3. Application, Assessment, Approval and Appeal Process

Applying

Applicants considering Screenwest funding should read the relevant Program Guidelines available on the Screenwest website. Special attention should be paid to application materials required. It is strongly encouraged that Applicants contact the nominated Screenwest representative to discuss their project prior to submitting.

Applications for finance made to any source in relation to the project must be disclosed in the finance plan for the project. Where other finance has been obtained, the conditions attached to that finance must also be provided.

Assessment

The specific assessment process for each funding program will be outlined in the relevant Program Guidelines. Applicants must comply with the Program Guidelines available on the Screenwest website.

Screenwest will give preference to projects that align with the Screenwest Strategic Plan.

In addition to the relevant assessment criteria within the individual Program Guidelines, Screenwest may also consider the following:

- the cultural and economic benefits to Western Australia including the spend in Western Australia and the employment of key crew, in particular Western Australian heads of department
- the likelihood of the project being financed and the proposed financing structure
- the market potential of the project, including the strength and reliability of any Market Attachments
- the track record of the Western Australian Resident Producer
- the career development benefits to the Western Australian Resident Producer, the principals, and the Western Australian industries development
- the diversity of the project being assessed and how that sits alongside the diversity of other projects in the same round or previously supported by Screenwest; and
- the terms of and availability of funding for the relevant program or initiative and the number and quality of competing eligible applications.

During the application, assessment and contracting process and at any other phase as appropriate, Screenwest may contact the Applicant to seek further information regarding the project.

Screenwest will not fund projects that in its opinion contains material that will bring or is likely to bring the Western Australian Government or Screenwest into public disrepute, contempt, scandal, or ridicule, or which might tend to reflect unfavourably on Screenwest.

Assessment Panel

Where appropriate, Screenwest may commission an independent assessment panel (“Assessment Panel”) to review the applications in a particular funding round.

Prior to a decision being made, Screenwest and/or the Assessment Panel may request an interview or meeting with the creative team applying. In the case of applications for production finance, the creative team may also request an interview or meeting, prior to the application being formally assessed.

Screenwest may contact and discuss a project with all parties associated with the project. This is including but not limited to broadcasters, Screen Australia, other state agencies, distributors and/or sales agents and private equity investors approached by the Applicant, and companies/organisations included in the Applicant’s finance plan.

Approvals

If an Applicant is provided an offer for funding, Screenwest’s involvement and the level of funding in the project is not to be publicised by the Applicant without prior notification and written approval from Screenwest Management.

Screenwest’s approval of funding for a project does not imply an obligation on Screenwest to provide any further funding for that project or any other projects of the Applicant. For example, Screenwest’s approval of development funding for a project does not guarantee Screenwest’s approval of production funding for that project.

Screenwest will publish all funding approvals for all projects on the Screenwest website:

- Project name

- Applicant Details: Western Australian Resident Producer Name and any Co-Production Partners
- Genre of the project
- Funding Program

Screenwest may also publish additional details about the project including:

- Key Creatives names
- Identification of the commissioning broadcaster, distributor or platforms; and
- Project synopsis

Approvals – Exemptions

As details of some projects, including the name and synopsis of some projects receiving development funding may need to remain confidential, an Applicant may request an exemption to this in writing, within seven days of the offer being sent.

Appeals

Applicants can formally appeal a Screenwest decision if the Applicant believes there has been a breach in the assessment process and a breach of the process can clearly be established.

- The request for a formal review must be received in writing by the Screenwest Chief Executive Officer within 10 business days of receiving the funding decision notification in writing. To be eligible for review, the request must state the ground(s) on which the Applicant believes the assessment process was breached and give reasons for claiming that ground.
- Funding decision reviews are carried out by the Screenwest Board. The Applicant will be notified of the decision to review the process and an outcome of the appeal process as soon as appropriate.
- Screenwest reserves the right to refer an appeal to an independent assessment if the appeal could compromise Screenwest Board or any key staff.

4. First Nations Australian Content

Where there is First Nations Australian community participation or content involved in the project, Screenwest requires the Applicant to comply with Screen Australia's protocols, including those related to the treatment of Indigenous Cultural and Intellectual Property Rights.

First Nations Australian content means a film or program based on an Aboriginal or Torres Strait Islander story, with Aboriginal and/or Torres Strait Islander subjects or featuring Aboriginal and/or Torres Strait Islander culture and heritage in any form. For more information, visit Screen Australia's [First Nations Content Page](#) and [Pathways & Protocols: a filmmaker's guide to working with Indigenous people, culture and concepts](#).

5. Funding, Fees and Caps

Funding is provided as follows, depending on the funding program.

Production Funding Grants

Screenwest provides production funding for all projects by way of grant. Screenwest does not require any recoupment or profit share from projects receiving grant funding.

Where a Western Australian Resident Producer is entering into a Genuine Co-Production or an Official Treaty Co-Production, the grant funding shall be provided as part of the Western Australian Resident Producer's contribution to the cost of production and shall be determined as the Western Australian Resident Producer's equity.

Development Funding

Unless other stated through a special initiative and/or program guidelines, Screenwest Development funding for all projects is provided as a repayable investment, should the project go into production.

A project in receipt of Screenwest development funding that proceeds to production, will repay all of the development investment funds plus a ten (10) % premium fee back to Screenwest, on commencement of principal photography.

Development funding must be repaid no later than the commencement of principal photography of the project. Development funding will not be 'rolled over' into production funding. Production funding

applications and production budgets must include and accommodate for all development funding amounts to be repaid.

Should the Applicant not comply with the terms of the Development Investment Agreement (DIA) for the project in relation to the agreed level of production to be undertaken in Western Australia, an additional amount of one hundred percent (100%) of the Screenwest investment will be charged.

For development funding, Screenwest will hold 1% copyright interest in the project until the investment plus a 10% premium has been paid. Once repaid, the copyright interest will revert to the Applicant.

Applicant Equity

The Applicant's equity entitlement is to be calculated taking into account the Applicant's investment in the project, which includes the Producer Offset and Screenwest's grant contribution/s.

Where the Applicant proposes to provide a cash investment, Screenwest requires an Accountant's Opinion as evidence of the Applicant's ability to cashflow the investment. Screenwest expects the Applicant to drawdown on its cash investment during production in the same proportions and on the same milestones as Screenwest's grant funding.

Application Fees

Screenwest does not charge funding application fees for applications for development or production funding.

Production Fees

Screenwest requires an Administration and/or Legal fee to be allocated within the production budget for all Screenwest Documentary and Scripted production funding totalling:

- 2% of the total approved Screenwest production funding amount, capped at \$5,000.

Special production funding initiatives do not incur a fee unless specifically outlined in the Program Guidelines.

Caps (applicable to Film & TV Funding Programs only)

The funding amount Screenwest will provide depends on available funding, terms of the funding program, the number of Applicants satisfying the program's requirements, and the assessment of the application against the outlined criteria and the following production company and project caps:

Development Funding Caps

- An Applicant can access a maximum total of \$50,000 per financial year (with a \$25,000 cap per application) through all Screenwest development programs, excluding the **Screenwest Matched Development Fund**.
- There is no Applicant cap through **Matched Development** funding.
- Individual projects can access a maximum total of \$50,000 through the **Screenwest Matched Development Fund**. An increased cap for Scripted TV Series applies, being \$75,000 per individual project.
- Individual projects can only access one tranche of Emergency Development funding in perpetuity.
- Special initiative development funding (including funds attributed to **West Coast Visions**) do not apply towards caps outlined above.

Production Funding Caps

An Applicant can access:

- A maximum of \$1.2 million per financial year across all Screenwest production funding programs (including **Scripted**, **Footloose** and **Documentary** funding).
- A maximum of \$1.2 million per financial year from Screenwest **Scripted Production** funding.
- A maximum of \$1.2 million per financial year from Screenwest **Footloose Production** funding.
- A maximum of \$800 000 per financial year from Screenwest **Documentary Production** funding. If an Applicant has reached this maximum cap, the Applicant is still eligible to access further funding from **Scripted** and **Footloose** funding to total the \$1.2million financial year cap.
- Production companies can access additional production funding through the **WA Regional Screen Fund**. Funding through this program will not apply towards caps outlined above.

- Special initiative funding (including funds attributed to **West Coast Visions**) does not apply towards caps outlined above (unless otherwise stated in the program guidelines).

Screenwest Investment Funding Option

Projects with a total budget of \$15 million dollars and over may be eligible for funding outside of Production Funding Caps and the Screenwest Board may exercise its discretionary option to provide funding as an investment on terms to benefit or favour the Western Australian screen industry or Screenwest's position.

6. Business Terms

Acting in Good Faith, including Payment of Cast and Crew

Screenwest acts in the public interest and must exhibit the highest levels of propriety in its dealing with Applicants. Screenwest requires Applicants to act in the same way in their dealings with Screenwest. Applicants must be honest and open in all dealings with Screenwest. They must not mislead or deceive Screenwest by act or omission.

Screenwest also expects all successful Applicants to act fairly and reasonably to any third parties involved in their project. Fairness and reasonableness includes, but is not limited to:

- complying with all applicable laws relating to the production of the project including all those relevant to the employment or engagement of personnel, including paying at least award minimum rates or, where applicable, any minimum agreed between the relevant guilds, for all work performed by third parties on their project, including Key Creatives, cast and crew.
- complying with all applicable Working with Children laws in Western Australia, or in which state or country the work is taking place.
- meeting legislative occupational health and safety requirements;
- maintaining appropriate insurance cover as required by law, industry standard or best practice;
- 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.

Audit Rights and Final Cost Statement

All successful Applicants will be required to provide proper cost reporting and acquittal on their funding.

Individual funding agreements shall set out specific audit and reporting requirements for each project including any requirements of the Program Guidelines.

In the specific case of production funding where:

- the project's budget is of \$500,000 or more; and/or
- Screenwest provides funding to a Western Australian Producer in a Genuine Co-Production or an Official Treaty Co-Production with a non- Western Australian Resident Producer

a full independent audit of all production expenditure at project completion, including final **Qualifying Western Australian Expenditure (QWAE)** is to be undertaken and provided to Screenwest, the cost for which must be included in the project's budget.

In all cases, Screenwest reserves the right to audit at Screenwest's cost any funding provided to a project or practitioner to ensure recipient's compliance with contractual obligations, including QWAE.

Chain of Title

It is the applicant's responsibility to obtain and keep current, all necessary permissions, permits and Chain of Title documentation for the development, production and exploitation of the Project. Screenwest reserves the right to sight and approve the above at any time, upon written request to the Producer.

Completion Guarantee

Where the project is a feature film and/or funding is provided by way of investment, Screenwest requires the appointment of a completion guarantor.

Documentary projects will not require a completion guarantor to be appointed.

Applicants may submit a request for a waiver of a Completion Guarantee for a project at Assessment stage. Requests must be made in writing to Screenwest at the time of Application and will be considered by Screenwest having regard to the nature of the project, the level of the budget, Screenwest's assessment of the risk of completion of the project, the timing of payment of producers' fees and the size and timing of production overheads.

For documentary productions and in circumstances where a waiver request may be approved, Screenwest will generally require:

- an appropriate contingency of 10% below-the-line costs
- budgeted insurances appropriate to the proposed project
- demonstrated capacity of the Applicant to cover any overages and meet delivery requirements; and/or
- adequate budget provision for delivery items to all overseas entities
- agreement to provide additional cost reports if required by Screenwest

Crediting Screenwest

Screenwest requires acknowledgement of its support, in the form of a credit on the project and its publicity materials. [Credit requirements](#) vary according to the nature of the support and are reflected in the respective funding agreements.

Delivery Materials and Completion Materials

As a condition of Screenwest grant and/or investment funding, the Applicant must forward to Screenwest the delivery materials as set out in the individual executed funding agreement on the scheduled, contracted delivery date/s.

If the project goes into production, the Applicant must produce and preserve any completion materials in accordance with the conditions as set out in individual funding agreement.

The cost of Screenwest delivery materials must be included in the project budget.

Discrimination, Harassment, Sexual Harassment and Bullying

All employees and industry practitioners have the legal right not to be discriminated against, harassed, sexually harassed, or bullied in the workplace. Workplaces should be non-threatening, respectful, safe, and free from all forms of harassment. Each state and territory has its own laws that prohibit discrimination, harassment, sexual harassment and bullying in the workplace.

Screenwest expects all Applicants (including their employers and contractors, if applicable) to:

- comply with all legislation relating to providing a safe workplace including state and federal harassment and discrimination legislation; and
- to use reasonable efforts to follow the recommendations of the Australian Screen Industry Code of Practice: Discrimination, Harassment, Sexual Harassment and Bullying and create and maintain a satisfactory policy or procedure in place to prevent discrimination, bullying and harassment in the workplace.

Screenwest may require applicants to demonstrate evidence of their safe workplace practices and this may be taken into consideration in assessment of applications.

Accessibility of Screen Content

Screen Australia requires all feature films (scripted and non-scripted) that it funds to be captioned and audio described to provide access for the hearing and/or vision impaired, for cinemas. If Screenwest is also funding the project, this requirement will be the same. Applicants will need to budget for these requirements.

For all feature films with budgets of \$1.5 million and over without Screen Australia funding, Screenwest requires they be captioned, and audio described. Applicants will need to budget for these requirements.

Applicants are also required by Screenwest to use reasonable endeavours to ensure that all Australian distribution agreements include access for the hearing and/or vision impaired via captioned and audio-described theatrical screenings.

Screenwest also encourages producers of all other non-feature film content to budget for captioning and audio description, and for accessible web design, to provide access to their projects for both hearing and vision impaired audiences.

Reporting and information provision

All projects and activities with funding from Screenwest will require reporting, acquittal information and/or deliverables, by the delivery date/s, as specified within the funding agreement.

Failure to fulfill reporting, acquittal and/or meet deliverable requirements as specified within the funding agreement is a breach of contract. If contractual obligations are not met, Screenwest has the right to cease any scheduled payments, recover any funds paid out to the Applicant to date and it may disqualify the Applicant from being eligible for future Screenwest funding until the matter has been resolved with Screenwest management.

Copyright and Underlying Rights

The Applicant must have or be in the position to acquire on appropriate terms all Underlying Rights required to develop, make, and exploit the project that is the subject of its application.

Screenwest reserves the right to sight and approve the above at any time, upon written request to the Applicant.

Screenwest development funding cannot be used to purchase or renew options or rights to a project. Screenwest reserves the right to contact and discuss a project with all the parties named on a funding application that are associated with the funding, broadcast, distribution sale or release of the project. This includes but is not limited to market partners, other screen agencies, private equity investors and gap lenders.

Prior approval of the Applicant for the disclosure of specific deal terms shall be obtained before Screenwest takes this step, if required.

Producer Offset

Screenwest recognises that the Producer Offset is an entitlement due to the Producer. Projects eligible for the Producer Offset are required to incorporate a part of the Producer Offset in the finance plan for the project.

Where an Applicant or a non-approved third-party lender proposes to cashflow the Producer Offset in the finance plan for the project, Screenwest reserves the right to request an Accountant's Opinion or a form of security, depending upon the particular circumstances of the project.

Outstanding Obligations

Screenwest reserves the right to withhold payment due to the Applicant, if the Applicant or a related party has not complied with any terms under any agreement with Screenwest.

Promotional Material

Screenwest requires the right to use the project and promotional materials (in whole or part) for its corporate, publicity and promotional purposes as specified in the relevant agreement. The Applicant will ensure the appropriate rights clearances for such use are obtained.

7. Glossary of Terms

Accountant's Opinion

Where the Applicant proposes to provide an investment or is to cashflow the Producer Offset, Screenwest reserves the right to require an opinion from the Applicant's accountant in relation to its business, verifying that the Applicant is able to meet its obligation to cashflow the relevant contribution.

Applicant

A Western Australian Resident Producer unless approved by Screenwest in its absolute discretion having regard for the type of project or as outlined within the funding program or initiative guidelines and the value to the Western Australian screen industry.

Broadcaster

Broadcaster means a company providing television broadcasting services in Australia (including subscription television services) under the **Broadcasting Services Act 1992 (Cth)**.

Chain of Title

The set of documentation that establishes the Applicant's ownership of the Underlying Rights in the script (and any underlying work such as a novel or stage play, if relevant), which entitles the Applicant to produce and exploit the film or other funded project.

Collecting Society Income

Is the revenue which may become payable to the owners of copyright or copyright related to the project from Australasian Performing Rights Association, the Australasian Mechanical Copyright Owners Society, the Copyright Agency Limited, the Audio-visual Collection Society Limited trading as "Screenrights," and other comparable organisations in Australia or overseas.

Completion Guarantor

For either a flat fee or a percentage of the below the line budget of a film, a completion guarantor will guarantee or "bond" a project, meaning it will meet budget overages to ensure that the film is completed and delivered.

Copyright

The exclusive right to copy, broadcast, perform, exhibit and otherwise commercially deal with and exploit works such as novels, stage plays, scripts, music, film, and sound recordings as defined in the **Copyright Act 1968 (Cth)**. Copyright is personal property and can only be transferred in writing. Copyright assignments and licenses relating to the script form part of the Chain of Title.

Digital Games

For Screenwest funding purposes, a digital game is one that is developed to be made available to the general public and is not an ineligible game.

A digital game is defined in section 995-1 of the ITAA 1997 as a game in electronic form that is capable of generating a display on a computer monitor, television screen, liquid crystal or similar medium that allows the playing of an interactive game. While an interactive game is not defined in the Act, it is generally understood to be a game where the sequence of events is determined in response to the decisions, inputs and direct involvement of the player(s).

Genuine Co-Production

A genuine co-production relationship between a non-Western Australian Resident Company and a Western Australian Resident Company. Please see page 4 for further information.

Market Attachment

Some funding programs and schemes may require the Applicant to include market attachments. These include:

- licence fees
- pre-sales
- distribution guarantees or advances provided by reputable distribution companies

NFSA

Is the National Film and Sound Archive NFSA website at nfsa.gov.au.

Official Treaty Co-Production

A production between two or more countries that is certified as made under a treaty, or another form of government or quasi-government arrangement (typically, a Memorandum of Understanding (MOU)).

In addition to meeting the requirements of the treaty or MOU, in order to be certified as an Official Treaty Co-Production, the project must comply with Screen Australia's official International Co-Production Guidelines. Please see page 4 for further information.

Producer Offset and Non-Offset Projects

The producer offset is a refundable tax offset (rebate) for producers of Australian feature films, television, and other projects, based on expenditure on goods and services provided in Australia ("Producer Offset").

Please refer to the Producer Offset section of the Screen Australia website for detailed information about eligibility and qualifying expenditure.

Underlying Rights

The bundle of rights that must be acquired in order to be able to produce and commercially exploit the project.

Western Australian Resident

A Western Australian Resident is defined as a person who is domiciled in Western Australia, and who has actually been in Western Australia during more than one half of the year immediately preceding the application, and who is registered on the Western Australian electoral role.

In extenuating circumstances where a person is a Western Australian resident but is unable to be registered on the Western Australian electoral role, proof of residency in Western Australia for more than one half of the year preceding application must be provided.

Western Australian Resident Company

A Western Australian Resident Company must be registered under the **Corporations Act 2001 (Cth)** and:

- a. be incorporated in Western Australia
- b. Have its principal place of business and central management and control in Western Australia;
and
- c. Have at least 50% beneficial ownership by Western Australian resident(s).