

Film Development Practitioner Support Funding Guidelines 2008

Australian Film Commission
www.afc.gov.au

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Australian Government



About the AFC's Film Development Funding Programs

The AFC's Film Development funding programs support creatively ambitious projects and people, and imaginative, resonant Australian stories. We aim to assist the career development of talented writers, directors and producers who have the potential to make a significant contribution in their chosen fields.

Project development funding is designed to ensure that projects achieve their potential and are as strong as possible when competing for production finance.

Production investment is focused on low-budget projects and is principally designed to provide opportunities for the professional development of producers, directors and writers.

The AFC supports:

- feature drama – development and production
- short TV series – development and production
- short films – production only
- documentary – development and production
- animation – development and production
- digital media – development and production.

In addition, the AFC provides:

- screen business venture programs (producer support). Guidelines for this program will be released in February 2008.
- internships and fellowships
- bridging finance and cash flow loans
- support for practitioners invited to reputable international script workshops.

The AFC also supports numerous **special development and production initiatives** each year in partnership with broadcasters and other industry groups. These programs are announced on the AFC website (www.afc.gov.au) and in industry media.

Indigenous Australians are encouraged to apply for all AFC funding programs. However, separate programs are available to facilitate the participation of Indigenous Australians in the Australian industry (see 'Indigenous Branch' at www.afc.gov.au).

The AFC and the Producer Offset

Under the film package announced by Australian Government in the May 2007 Budget a new Producer Offset has replaced the 10BA and 10B schemes. The Film Finance Corporation (FFC) is administering the Producer Offset in the 2007/08 financial year with Screen Australia assuming that function following its establishment from 1 July 2008.

AFC CO-INVESTMENT WITH THE PRODUCER OFFSET

Please note that the information below is current at the time of publication. Please check the FFC and the AFC websites for any updates on the Producer Offset when drafting finance models.

The AFC may invest up to 100 per cent of the production budget of AFC-funded productions.

The AFC is able to co-invest in the production of projects using the new Producer Offset. However, the Offset is not applicable to development investments. Combined AFC and Producer Offset support will be capped at 75 per cent of the total Australian Production Expenditure.

Where the AFC does invest with the offset (to a maximum of 75 per cent of Australian Production Expenditure), it is expected that the offset will form a part of the finance plan/budget and be cashflowed during production.

Where the producer intends to access the Producer Offset, the AFC expects that private sector sources will be used to cash-flow it. In the event that the AFC is requested to cash-flow the Offset, this can be reviewed on a case-by-case basis. However, the AFC does not have a discrete fund from which this cash-flow can be sourced.

8 easy steps to applying for AFC Film Development funding



CHOOSE YOUR PROGRAM...

...from the summary of funding programs on page 4.



CHECK YOUR ELIGIBILITY

The general eligibility criteria for AFC funding are on page 7. Specific criteria can be found under each funding strand.



READ THE SPECIFIC STRAND GUIDELINES

Read the guidelines pertaining to your chosen strand as well as the budget, financing and legal requirements on pages 20–22 before making your application. There is also further information about AFC funding processes in the FAQ section on page 11 and about Indigenous content on page 24.



CHECK THE FUNDING CRITERIA FOR YOUR CHOSEN STRAND

Applications are ranked against the published criteria for each funding program. The success of the application rests on the merits of the proposal as measured against these criteria and in competition with other applications.



COMPLETE YOUR APPLICATION FORM

All application forms can be downloaded from www.afc.gov.au. Hard copies can also be ordered from the AFC (see AFC Contact Details on page 12).



CHECK THAT ALL REQUIRED MATERIALS ARE SUBMITTED

Refer to the 'What you need to submit with your application' checklist on the application form. Applications that have not supplied all requested materials cannot be assessed for funding. Submitted material will not be returned so please do not send any originals or masters.



SUBMIT YOUR APPLICATION ON OR BEFORE THE PUBLISHED CLOSING DATE

Check your program deadline and submit on time. Only applications postmarked on or before the closing date can be accepted. Applications can be received at any AFC office up to 5pm in your state on the advertised closing date.



UNDERSTAND THE ASSESSMENT PROCESS

Familiarise yourself with the assessment and funding process on page 8 in order to understand how and when you will be informed of funding decisions.

If you have any questions regarding this information please contact the AFC Administration Officers (see AFC Contact Details on page 12).

Funding Program Summary

<i>Strand</i>	<i>Who Can Apply</i>	<i>Minimum Credits</i>	<i>Submitted Script Stage</i>	<i>Deadlines</i>
PRACTITIONER SUPPORT				
Internships PAGE 13				
May involve feature, documentary, animation, digital media, TV drama/comedy series Up to \$10,000	Individual	Internships: At least one significant produced and released credit in the same field in which the applicant is seeking an internship.	Work plan	15 Feb 2008 16 May 2008
Fellowships PAGE 15				
May involve feature, documentary, animation, digital media, TV drama/comedy series Up to \$20,000	Individual	Fellowships Producers, directors, script editors: at least 5 hours of broadcast TV or two feature credits. Documentary and animation filmmakers, digital media practitioners: a significant body of work.	Work plan	N/A
Experimental Production (Professional Development Strand) PAGE 16				
Digital projects Up to \$20,000	Individual Team	All team members: Film credit in their respective role that has been released, broadcast or screened at a recognised film festival.	Script and/or other documentation or materials	15 Feb 2008
Short-term Development Investment Facility PAGE 17				
Feature or One-off documentary or Documentary series or Animation or Interactive digital media Up to \$50,000	Applications assessed on case-by-case basis	Applications assessed on case-by-case basis	Full draft script	N/A
Production Cashflow Facility PAGE 18				
Feature or One-off documentary or Documentary series or Animation or Interactive digital media Up to \$300,000	Applications assessed on case-by-case basis	Applications assessed on case-by-case basis: Loans given against committed investor drawdowns, distribution guarantees and pre-sales. Producer must demonstrate urgency of loan.	N/A	N/A

Definition of Terms

WHAT IS A TEAM?

DEVELOPMENT teams may consist of various combinations of writer or writer/director, director and producer.

PRODUCTION teams are considered to be either a writer, producer and director or a writer/director and producer.

WHAT IS A BROADCAST CREDIT?

A program that has screened on a free-to-air or pay television channel in Australia or internationally. Community television is generally not considered an eligible broadcast credit.

WHAT IS A RECOGNISED FILM FESTIVAL?

Recognised film festivals are considered to be those that attract both industry and international press. Such festivals are not simply about screenings for the general public; they are characterised by the nature of industry and press attention and the sales/distribution, professional development and promotional opportunities that are extended to the filmmakers who are invited to screen their films. Australian examples of such events are the Melbourne, Sydney, Adelaide, Brisbane and Perth Film Festivals, as well as festivals such as St Kilda, Reel Screen and Flickerfest. Internationally the list is more comprehensive. Details on the main recognised film festivals can be found under 'International Festival Profiles' at www.afc.gov.au.

WHAT IS A THEATRICAL 'RELEASE'?

A release is defined as a theatrically distributed film that has been publicly exhibited for paid admission in a commercial cinema for a run of at least seven days, in a minimum of three Australian cities, including Sydney and Melbourne. Alternatively, the FFC definition of a theatrical release is acceptable.

Please see the FFC website for details.

WHAT IS A SHORT FEATURE?

A short feature is a drama with a total running time of between 45 and 55 minutes.

WHAT IS A CURRICULUM VITAE (CV) OR RESUME?

A CV outlines your previous experience and career trajectory, and illustrates your skills.

Your CV should include:

- a list of projects you have worked on. Only projects that have been completed and released should be listed, **not** projects in development
- the year each production was completed

- your role on each project
- the running time and type of production (eg short feature, feature, documentary)
- the key creative personnel on each project (writer, director, producer).

Please see the 'Sample CV Layout' at www.afc.gov.au.

WHAT ARE SCRIPT DEVELOPMENT NOTES?

Script development notes from the script writer should provide a detailed critical analysis of the project, briefly outlining its creative strengths and potential, and clearly identifying its flaws. The notes should be specific rather than general and should demonstrate an understanding of the current structure and meaning of the script. If you have already identified the theme, it should be discussed. If no theme has yet been identified, you should outline possible themes to explore.

The notes should also demonstrate an understanding of whose journey forms the central story of the script (if it is a single-protagonist story) or in the case of an ensemble story, what theme or element unifies the different characters' journeys. Most importantly, script development notes should identify current problems in the script, including, but not limited to, unresolved story issues and issues related to structure, plot, tone, length, dialogue, characters, character arcs, theme and resolution. Specific strategies should be detailed for how these problems are to be addressed. The notes need to show that you can see the problems in your own work and have an idea of how to tackle them. Potential difficulties which may arise in the further development of the project should also be discussed.

Finally the notes should identify the intended or targeted audience and demographic for the film and describe why the film might appeal to that audience.

WHAT IS A DIRECTOR'S STATEMENT?

A director's statement should describe in detail the directorial approach to the project and demonstrate the director's understanding of the themes of the script. It should also demonstrate an understanding of whose journey forms the central story (if it is a single-protagonist story) or in the case of an ensemble story, what theme or element unifies the different characters' journeys.

Ideally, the notes should outline the relationship between the meaning/idea of the work and the form in which the meaning/idea is to be expressed. A director's statement may move beyond the scope of the script development notes, but both sets of notes should be founded on a unified creative vision. The director's statement should also address issues such as tone, performance style, visual style (incorporating the envisioned approach to design, camera and editing) and the style and treatment of sound and score.

Definition of Terms cont.

WHAT IS A PRODUCER'S STATEMENT?

A producer's statement should describe in detail the producer's understanding of the themes of the script and demonstrate an understanding of the production methodology required to realise the film. It should describe the way in which the key creative team of writer, director and producer will be working together in order to realise the vision of the film.

The producer's notes should expand on the writer's notes about the intended or targeted audience and demographic for the film and describe any strategies for reaching that audience.

WHAT IS A MARKETING PLAN?

A marketing plan is a strategy for maximising exploitation of the program and should include:

- details about the intended audience(s)
- ways in which the program will appeal to the intended audience(s)
- ways in which the program will reach the intended audience(s) through festivals, sales agents, distributors and broadcasters
- a USP (unique selling point) describing what is special about the program, and what it says or does that hasn't been said or done before
- a one-liner describing the project that not only does the story justice but also sells the film.

WHAT IS A FINANCING PLAN?

A financing plan describes the strategy to secure maximum finance and participation in your project – who you will target and how, suggested sales agents and distributors, broadcasters, film funding agencies and private sector finance.

WHAT IS A READER'S REPORT?

As AFC Project Managers may not be able to read funded scripts when delivered, the AFC provides funding for a Reader's Report to allow the writer to receive frank critical feedback on the revised draft script. It is expected that Reader's Reports will be undertaken by experienced readers at genuine arm's-length from the team. Reports should cover strengths and weaknesses, work still to be done, and potential audience.

Eligibility for AFC Programs

To be eligible for AFC assistance, applications must meet the following criteria.

APPLICANTS

Applicants and all key creative team members (the producer, director and writer) must be Australian citizens or permanent residents of Australia and be 18 years of age or older.

The applicant can be an individual or a team of individuals, depending on the eligibility requirements of each particular strand.

No more than one application from the same applicant or the same team of applicants will be accepted for any one assessment round. An individual applicant may, however, be a member of more than one team.

An applicant (a key creative member of the team) or legal entity must hold the copyright or have an option to acquire the copyright in the script and any underlying works on which it is based.

Applicants, whether individuals or legal entities, cannot be in default of any previous contractual obligations to the AFC.

The AFC reserves the right to restrict any single applicant's access to funding subject to the level of investment previously provided to that applicant.

An applicant cannot be a full-time student at a film school or similar tertiary film, television or interactive digital media course. Applications from part-time students will be considered on a case-by-case basis.

An applicant cannot be a full-time employee of a state or federally-funded film or television agency or organisation (including the ABC and SBS). Applications from part-time employees will be considered on a case-by-case basis.

The AFC does not negatively discriminate on the basis of race, culture, language, gender or physical impairment or intellectual disability.

PROJECTS

The AFC is bound by the terms and conditions of the *Australian Film Commission Act 1975* (the *AFC Act*) and the *Commonwealth Authorities and Companies Act 1997*, and provides support to projects defined as 'Australian programs' within the terms of the *AFC Act*.

'Australian programs' are determined according to their ability to meet some or all of the following criteria:

- nationality of the principal creative positions
- nationality of the copyright holders
- content and location of the story
- likely sources of production finance
- likely location for the production and post-production of the project
- the subject matter of the program
- nationality of the production company's shareholders.

Applications that do not include all the required submission materials listed in the application form will be considered ineligible and cannot be assessed for funding.

A project may be submitted to only one strand or funding program at a time, with the following exceptions:

- Projects submitted to the documentary production strand may also submit an application for shooting time-critical material, if an event has to be shot before production funding decisions are made.
- Projects submitted to any drama development strand can also be submitted to SP[®]RK or the IndiVision Project Lab and Script Development strand. However the timing of the Lab and of the draft will be considered when assessing both proposals.

A project that has received funding cannot be submitted again until the obligations of the previous funding have been fully acquitted.

Film and television projects must be primarily intended for theatrical release, broadcast or pay television. However, online distribution and release proposals will be considered where applicants can demonstrate viable strategies for finding an audience.

How Film Development Assesses Applications

THE ROUND SYSTEM

Film Development funding is competitive and applications for most strands are accepted in rounds, with applications submitted according to published deadlines.

Approximate turnaround times for each strand are published in these guidelines, but are subject to change depending on the number of applications submitted and assessors' workloads.

If project committee meetings are delayed by more than two weeks, applicants will be notified by email or mail.

ROUND CLOSING DATES

The closing dates for rounds are set out in these guidelines under each funding strand.

Rounds close at 5pm in your state on the published closing date. Applications cannot be accepted after that time. Posted applications will only be accepted if they are post-marked on or before the closing date.

Closing dates are fixed in fairness to all applicants and to allow the AFC to manage the processing and assessing of large numbers of applications in a reasonable amount of time.

APPLICATION MATERIALS

The materials you are required to submit with your application are set out in the application form for each strand, available at www.afc.gov.au.

Applications that do not include all the requested submission materials are considered ineligible and cannot be assessed.

Additional material cannot be accepted after the closing date, except information about confirmed funding (letters of offer etc), although you may be asked for other information or material during the assessment process.

Application materials for all eligible submissions, successful or unsuccessful, will not be returned to applicants. The AFC keeps one copy of all paper-based application materials for its records. All other material, including audiovisual items, are destroyed by secure document and media destruction. Please do not send any originals and ensure that you keep copies of your application.

ACKNOWLEDGEMENT OF APPLICATIONS

You will receive written acknowledgement of your application within two weeks of the closing date. If

you do not receive notification within this time, please call us immediately.

Acknowledgements are sent out before applications are checked for eligibility. Therefore, your project may still be assessed as ineligible after acknowledgement letters are sent.

Project Managers and administrative staff cannot give any indication of the likely success of your application before a final decision is made by the project committee.

ELIGIBILITY CHECK

Administrative staff, with assistance from Project Managers, will assess applicant and project eligibility according to the general criteria listed under Eligibility for AFC Programs (page 7), as well as the specific eligibility requirements listed under 'Eligibility' in each strand.

Ineligible applicants will be advised by letter or email, and cannot be assessed for funding.

If you have queries about your possible eligibility for a particular strand, you can talk to Film Development administrative staff and/or email fd@afc.gov.au prior to the round closing date.

ASSESSMENT

The following describes the standard assessment procedure for AFC funding. Any variation to this process is set out under 'Assessment process' in each funding strand.

- **Logging:** Applications are logged by administrative staff and distributed to the assessors.
- **Assessors:** All applications are read by two assessors, at least one of whom is an AFC Project Manager. The other might be a second AFC Project Manager, a relevant specialist within the AFC, or an outside consultant with experience specific to that funding strand. The composition of the assessor teams changes every round and from strand to strand. It is the role of the assessors to read all the applications for that specific funding round, and rate them against the published funding criteria.
- **Funding criteria/ranking:** Each application is evaluated according to the specific funding criteria published under each strand. The proposal is ranked against the weighted criteria and a final score calculated. So while an application may meet the stated criteria, it may not score as highly as other proposals that also meet the same criteria.
- **Recommendation Papers:** Written by both of the assessors, these papers provide a reason for the ratings given for each application. The purpose of the recommendation papers is to ensure adequate records are kept of funding decisions.

How Film Development Assesses Applications cont.

- **Short lists:** On production rounds, a short list of the highest ranked projects will be created. The number of projects short-listed will vary from round to round and strand to strand, depending on the number of projects submitted and how many projects are able to be supported within the available budget.
- **Interviews:** For some strands, short-listed applicants may be interviewed. Check your strand for details. Interviews can be by phone or the AFC may organise a meeting between the key creatives and the assessors. Any approved travel costs associated with interviews will be met by the AFC. The purpose of the interview is to further examine the ability of the team to achieve the stated goals and vision of the project. Rankings of short-listed projects are revised after the interview.
- **Funding Decisions:** After the assessments have been finalised, the recommendation papers are provided to the Director of Film Development. The papers may also be provided to other Project Managers to allow them to be informed of the evaluation process and the thinking behind the recommendations.

Funding decisions are made, within delegation, by the Director of Film Development, taking into account the assessors' recommendations, the ranking of each project and the budget for the round. Decisions for amounts above the delegation of the Director of Film Development will be made by the Chief Executive of the AFC. Decisions for amounts above the delegation of the Chief Executive will be made by the AFC Board of Commissioners.

THE LIMITED NATURE OF AFC FUNDS

Funding decisions are made in the context of fierce competition for limited financial resources and will necessarily take into account the relative merits of competing projects against the stated criteria for each strand.

As funding is limited, most applications will be unsuccessful and there are invariably projects that the assessors would have liked to support had funds been available.

Funding is not automatic even if films have been invited to festivals, or co-finance and/or broadcast or theatrical deals have been secured.

BUDGET AND SCHEDULE ASSESSMENTS

The budgets and production schedules of all projects short-listed for production funding will be assessed by a budget specialist to determine whether:

- The schedule is feasible and appropriate to the crew size, and length and type of project.
- Submitted budgets are correctly calculated.
- The budget figures can be substantiated with quotes and are sufficient to enable the successful realisation of the script's ambitions.
- The AFC budgeting requirements are met (see page 20).

The budget assessor may contact you to query or clarify budget issues and may request substantiation of budget figures.

The budget assessment will be provided to assessors prior to the interview with short-listed applicants, and budget issues may be discussed at the interview. Funded applicants will generally need to provide a revised budget/schedule before contracting can commence.

For more information about AFC budget requirements, see AFC Budget and Financing Guidelines (page 20).

NOTIFYING APPLICANTS OF FUNDING DECISIONS

Notification period: You are notified of the project committee meeting results by mail or email as soon as possible. Notification can only be sent when the formal delegation of funds is signed off. Because of this notification can sometimes take up to 10 days.

Publication: After notification of all applicants, funding approvals are published at www.afc.gov.au.

Statement of reason: Upon written request, you can be provided with a statement of reasons explaining why your application was unsuccessful.

Talking to AFC staff about funding decisions: Information about funding decisions can only be given if you are listed on the application form. Administrative staff and Project Managers who have not assessed a particular strand or funding round are unable to provide any information about funding decisions.

Feedback: Successful applicants will be contacted by an AFC Project Manager who will provide them with feedback on their application in order to assist in making the project as strong as possible during the next stage of development. Due to the high number of applications received annually and limited AFC resources, Project Managers are unable to give verbal or written feedback to all unsuccessful applicants.

(continued) 

How Film Development Assesses Applications cont.

MANAGEMENT OF AFC-FUNDED PROJECTS

If your application is successful, a Project Manager will be assigned to your project through its development or production phase. You are expected to maintain contact and provide information to the AFC via your Project Manager.

If a Project Manager leaves the AFC, their projects are assigned to another Project Manager. You can contact administrative staff if you are unsure who is administering your project.

APPLICATION ASSESSORS

Film Development Project Managers: Project Managers are industry practitioners with a broad range of filmmaking experience in key creative positions. There are no specialist Project Managers assessing only one type of funding program.

Outside Consultants: Outside consultants engaged by the AFC to assess applications are always reputable, experienced and respected filmmakers with significant credits in the type of projects being assessed. Due to the AFC's limited space and resources, these assessors work from their own offices and use their own email addresses.

CONFLICT OF INTEREST AND CONFIDENTIALITY

The AFC has a conflict of interest policy applicable to staff and consultants. This policy is available at www.afc.gov.au.

Staff and consultants sign an agreement acknowledging that access to applications and AFC records is granted only on the basis that all information contained therein is confidential and any information, whether obtained through access to AFC records or otherwise, concerning the affairs of the applicants will not be disclosed to any third party.

Assessors are contractually obliged to withdraw from the assessment process if they have any personal or professional association with the project or key personnel that might compromise their ability to make fair and reasonable judgements, and/or that might provide grounds for a conflict of interest.

WHAT OTHER AFC PUBLICATIONS ARE USEFUL IN PREPARING MY APPLICATION?

The following documents, available at www.afc.gov.au, may be useful:

- the AFC publication *What is a Synopsis? An Outline? A Treatment?*
- the AFC publication *Suggested Script Layout*
- A-Z Budgets (for production funding only)
- *AFC Development Investment in International Co-productions* (where relevant).

There is also sample production paperwork available under 'Filming in Australia' at www.afc.gov.au

Applicant FAQs

WHAT IS AN ELIGIBLE PRODUCTION CREDIT?

Film/television program credits are considered eligible when they have been screened at a recognised festival and/or released theatrically or broadcast on a free-to-air or cable channel.

HOW SHOULD I SUBMIT MY APPLICATION TO THE AFC?

You must provide TWO PAPER copies of your application and all supporting material, including any relevant visual material such as DVDs or video tapes, photographs or storyboards.

If your application has Indigenous content, please send THREE copies of everything.

Please print all submission materials on white A4 paper (one side only), number and collate your pages.

Please do not bind or staple your application as the AFC may photocopy some material.

The AFC is happy to respond to email enquiries, but please do not email any part of your application.

WHY DO I NEED TO PROVIDE TWO (OR THREE) COPIES OF EVERYTHING?

All applications are read by two assessors. If the project has Indigenous content, it is also read by one of the Indigenous Branch Project Managers.

ARE CLOSING DATES FLEXIBLE? CAN I SEND IN A LATE APPLICATION?

Late applications cannot be accepted. Closing dates are fixed in fairness to all applicants. This also allows the AFC to manage the workload of processing and assessing large numbers of applications in a reasonable amount of time.

WHAT ADVICE CAN THE AFC GIVE ME ABOUT PREPARING MY APPLICATION?

There is no secret and no guarantee of success for any application. Due to the large number of applications received and the limited funds available, applications for AFC assistance are assessed in a highly competitive environment. Most applications will be unsuccessful even though there will be projects that the assessors would have liked to support had funds been available.

The quality and relevance of supporting material, rather than its sheer volume, should be the guiding factor in formulating an application.

SHOULD I TALK TO A PROJECT MANAGER BEFORE SUBMITTING MY APPLICATION?

Film Development administrative staff can answer queries regarding the application process, the eligibility of your application and the most appropriate funding strand for you to apply under. Project Managers do not have the time to read or view applications in advance to advise on whether they

should be submitted or not. As funding is competitive, they are also unable to predict the likely success of your application.

DO I NEED A SCRIPT EDITOR ON MY DRAMA DEVELOPMENT APPLICATION?

Some writers like to work with script editors or script and story consultants. With the exception of the New Screenwriters Program, the AFC leaves the choice of whether you wish to work with a script editor to the writer and/or team. The AFC would need to approve the selected script editor.

WILL MY APPLICATION MATERIALS BE RETURNED TO ME?

No application materials will be returned to applicants. The AFC keeps one copy of all paper-based application materials for our records, while all audiovisual materials are destroyed by secure document and media destruction. Applicants should not send originals of any materials.

DO I NEED COMMITMENTS FROM BROADCASTERS, OTHER FUNDING AGENCIES OR INVESTORS?

In most cases, the AFC does not require any interest or commitment from other funding sources prior to putting in an application for AFC funds. However, this can vary and applicants should consult the guidelines for each particular strand for more information. In all cases interest in, or commitment to, a project will strengthen an application and documents substantiating this should be provided with your submission.

For AFC production funding, co-finance does not have to be sourced before applying to the AFC. However, AFC funds will not be released until the full budget has been raised.

HOW MUCH SHOULD I ASK FOR?

AFC funds are limited and demand is high. The amount you request should be based on what you require for the relevant stage of development or production. The AFC will determine the amount of investment it will provide to you.

The AFC now publishes a range of fees for key principles of varying experience on our website. These are not prescriptive but are intended as a guide for your application.

The sections on budgeting, financing and legal requirements, and the AFC's recoupment policy on page 23 are essential to your understanding of the AFC's assessment and funding procedures.

WHAT DOES INDIGENOUS COMMUNICATION, CONSULTATION AND CONSENT MEAN?

See page 24 of these guidelines.

AFC Contact Details

APPLICATIONS AND ENQUIRIES CAN BE ADDRESSED TO:

Film Development
Australian Film Commission
GPO Box 3984
Sydney NSW 2001

Level 4
150 William St
WOOLLOOMOOLOO
NSW 2011
Fax: +61 2 9357 3737

Film Development
Australian Film Commission
PO Box 404
South Melbourne VIC 3205

or delivered to:

Level 1
144 Moray St
SOUTH MELBOURNE
VIC 3205
Fax: +61 3 9696 1476

Film Development
Australian Film Commission
PO Box 835
Fortitude Valley QLD 4006

Level 3, Judith Wright Centre
420 Brunswick St
FORTITUDE VALLEY
QLD 4006
Fax: +61 7 3620 3610

Toll Free (available nationally):

1800 507 901

Email: fd@afc.gov.au

General Information

- Applicants are advised to read other key areas of these guidelines including:
 - Eligibility for AFC Programs (page 7)
 - How Film Development Assesses Applications (page 8)
 - Applicant FAQs (page 11)
 - AFC Budget and Financing Guidelines (page 20)
 - AFC Legal Guidelines (page 22)
 - AFC Recoupment Policy (page 23).

Internships

Internships assist practitioners whose careers would benefit from an attachment to a person, production or organisation. This program is designed to assist the career development of talented filmmakers who have already showcased their skills in previous work. It is not an entry-level scheme.

AMOUNT

Up to \$10,000

NB: Intern funding is not recouped by the AFC.

Total notional annual allocation: \$80,000

DEADLINES

15 February 2008

16 May 2008

TURNAROUND

Approximately 3 weeks

FUNDING IS FOR

An Internship may take many forms and involve features, documentaries, animation, interactive digital media, TV drama or comedy series. For example:

- A director might attach themselves to a more experienced director on a production.
- A producer might spend time in a TV production house to observe the script development and creative management process, or they may wish to work with a more senior producer developing a financing plan for a project of their own.

- An animation filmmaker may wish to enhance specific technical or creative skills.
- A filmmaker may want to hire a more experienced producer or director as a consultant on their own funded production.

ELIGIBILITY

All applicants and projects must meet the general eligibility criteria on page 7, in addition to the following specific eligibility requirements:

- Only individuals may apply.
- This strand is for producers, directors, script editors, animation filmmakers and interactive digital media producers who have at least one significant key creative credit on a project that has been released, broadcast or screened at a recognised film festival.
- Credits should be in the same field in which the applicant is seeking an Internship (eg an applicant seeking an attachment with a director should have directorial credits).

NB:

- The AFC is not able to fund more than one Internship for any individual practitioner.
- Applicants applying for funding to attend an international script workshop should consult the *Film Development Drama Funding Guidelines* at www.afc.gov.au.

- Internships are not available for script development proposals.
- Preference will be given to practitioners who have previous credits in the same area as the Internship (eg drama credits for those applying for Internships with a drama mentor).

FUNDING RECIPIENTS MUST DELIVER

- A report after completing the Internship which includes an update on any career developments which have arisen as a result of the Internship.
- Internship reports may be published, with the permission of the intern, in part or in full on the AFC website.

ASSESSMENT CRITERIA

When assessing applications for this program, the AFC uses the following criteria:

1. The potential of the intern as evidenced by previous work (30%).
2. The quality of the mentor or mentor organisation and the level of access the intern will have to the person or organisation (25%).
3. The quality of the proposed program the intern and mentor have negotiated (25%).
4. The strategic benefit of the program to the intern at this stage of their career (20%).

ASSESSMENT PROCESS

Please refer to the general process for assessing AFC funding applications on page 8.

SPECIFIC ADVICE TO INTERNSHIP APPLICANTS

Internships may take many forms. They can involve features, documentaries, animation, interactive digital media, TV drama and comedy series, and can include programs of travel in Australia and/or overseas. They may take the form of high-level attachments, specified programs of study or an individual program designed to enhance or significantly alter the course of a career.

It is up to each potential intern to design their own program. Interns are expected to negotiate their own attachments and must have a specific career rationale or strategy to back the proposal.

(continued) 

Internships cont.

SPECIFIC BUDGET ADVICE TO INTERNSHIP APPLICANTS

The Budget and Financing Guidelines on page 20 apply to all Internship funding applications. In addition:

- It is anticipated the grant will cover some of the intern's wages, plus on-costs (WorkCover and other insurances where necessary) and, if appropriate, a fee for the person to whom the intern is attached.
- There is no obligation for interns to pay the mentor and/or the mentor organisation. These arrangements should be worked out and agreed upon by both parties prior to submitting the application.
- Where the intern does not have their own workers compensation or other insurance, it is preferable that they arrange to be insured by the mentor.
- The budget can include any ancillary costs incurred in the course of the Internship program, such as travel, location expenses, etc.

LEGAL INFORMATION

The Legal Guidelines on page 22 apply to all Internship funding applications.

Fellowships

Fellowships are awarded to acknowledge the work of experienced industry practitioners and to enable them to undertake a course of work or study which will further develop their careers and, by extension, the Australian film and television industry.

Fellowships are available to producers, script editors, directors, animators and interactive digital media practitioners who have a significant body of work and are well established in the Australian industry.

AMOUNT

Up to \$20,000

NB: Fellowships funding is not recouped by the AFC.

Total notional annual allocation: \$40,000

DEADLINES

Applications for Fellowships are not assessed in rounds and do not have deadlines. Applications are accepted at any time.

TURNAROUND

Approximately 4 weeks

FUNDING IS FOR

- A program of work or study either in Australia or internationally.

ELIGIBILITY

All applicants and projects must meet the general eligibility criteria on page 7, in addition to the following specific eligibility requirements:

- Only individual directors, producers and script editors may apply.
- Applicants must have at least five x 1 hour broadcast television credits or two feature film credits in their respective roles that have been released, broadcast or screened at recognised film festivals, while documentary, animation and digital media practitioners must have a significant body of work.

NB:

- The AFC is not able to fund more than one Fellowship for any individual practitioner.
- Applicants applying for funding to attend an international script workshop should consult the *Film Development Drama Funding Guidelines* at www.afc.gov.au.
- Fellowships are not available for script development proposals.

FUNDING RECIPIENTS MUST DELIVER

- A report after completing the Fellowship which includes an update on any career developments which have arisen as a result of the Fellowship.
- The report should include a plan for how the knowledge gained through the Fellowship may be shared with the industry.
- Fellowship reports may be published, with the permission of the Fellow, in part or in full on the AFC website.

ASSESSMENT CRITERIA

When assessing applications for this program, the AFC uses the following criteria:

1. The experience of the potential Fellow as evidenced by previous work (30%).
2. The quality of the proposed program of work or study (30%).
3. The strategic career benefit to the potential Fellow (20%).
4. The potential benefit to the industry (20%).

ASSESSMENT PROCESS

Please refer to the general process for assessing AFC funding applications on page 8.

BUDGET, FINANCING AND LEGAL INFORMATION

- The Budget and Financing Guidelines on page 20 and the Legal Guidelines on page 22 apply to all Fellowship applications.

SPECIFIC ADVICE TO FELLOWSHIP APPLICANTS

- AFC funds are limited and it is not possible to automatically support all projects applying for Fellowship funds.

Experimental Production (Professional Development Strand)

This strand supports the production of experimental media projects that are innovative in form and content, for the purposes of professional development. This strand is primarily aimed at assisting the creation of highly innovative digital projects that experiment with form and content, and incorporate unconventional narrative structures. Applicants are encouraged to explore new and hybrid image making in projects that may be interactive or non-interactive, narrative or non-narrative.

AMOUNT

Up to \$20,000

NB: Funding is not recouped by the AFC.

Total notional annual allocation: \$100,000

DEADLINE

15 February 2008

TURNAROUND

Approximately 5 weeks

FUNDING IS FOR

Production and/or post-production of experimental and innovative projects that utilise digital technology to maximise and enhance the creative, aesthetic and technical elements of the project.

ELIGIBILITY

All applicants and projects must meet the general eligibility criteria on page 7, in addition to the following specific eligibility requirements:

- Individuals or teams may apply.
- The minimum level of experience for all members of the team is a film credit in their respective roles (short, documentary,

television or feature) that has been released, broadcast or screened at a recognised film festival.

- One-off multi-screen or site-specific installations or performance works intended primarily for exhibition (and the visual documentation of such projects) are not eligible.
- Where there is Indigenous community participation or content involved in the project, written confirmation of the willingness of both the subject(s) and the community to be involved in the project is essential. (See Indigenous Communication, Consultation and Consent on page 24.)

ASSESSMENT CRITERIA

When assessing applications for this program, the AFC uses the following criteria:

1. The strength and distinctiveness of the idea and concept and its potential to reach its target audience. (25%)
2. The experimental and innovative ambition of the project. (25%)
3. The skills, ability and experience of the key principals to undertake the proposed project as evidenced in previous work and the professional development benefits, particularly for the director. (25%)

4. The viability of the proposed budget and the strategy for raising the remaining finance, where applicable. (15%)
5. Whether the project is ready to go into production. (10%)

ASSESSMENT PROCESS

Please refer to the general process for assessing AFC funding applications on page 8.

BUDGET, FINANCING AND LEGAL INFORMATION

The Budget and Financing Guidelines on page 20 and the Legal Guidelines on page 22 apply to all applications, except that funding is not recoupable and the AFC takes no copyright share in the project. As a result, the AFC may be more flexible regarding budget requirements for experimental productions. However, the following principles should be maintained:

- Budgets must include any necessary expenditure required to adhere to any state or federal laws and obligations, including Occupational Health and Safety, employment, tax, insurance, etc.
- A provision for marketing costs must be included in the budget.
- AFC and National Film and Sound Archive delivery items must be budgeted. For further

information, check the AFC website list of delivery items or contact the NFSA.

SPECIFIC ADVICE FOR APPLICANTS

AFC production funding for experimental production is provided in the form of a grant that is non-recoupable. Copyright holders are required to sign a production agreement with the AFC and all revenue from the exploitation of the film will be recouped by the producer and, where required, other investors.

The grant should be used to fund production of the project to completion, and may not be used for development.

Short-term Development Investment Facility

In some circumstances, the AFC is able to provide development investment to projects where production financing commitments have been made but the project requires cash flow for immediate further development such as a final script polish or pre-production elements such as casting or time-critical shooting. Funding is in the form of a development investment and the normal AFC terms of trade apply.

Applications for this facility will not be accepted after Friday 30 May 2008.

The AFC's expectation is that all Short-term Development Investments will be repaid by Friday 20 June 2008.

AMOUNT

Up to \$50,000

Total notional annual allocation: The Film Development budget does not include an allocation for Short-term Development Investments. It is anticipated that these are a form of investment that will be repaid in the short term. The Film Development Division is able to commit up to \$600,000 in total at any one time to projects under this program and the Production Cashflow Facility.

DEADLINES

The Short-term Development Investment Facility is not assessed in rounds and does not have deadlines. Applications are accepted at any time.

TURNAROUND

Approximately 3 weeks

FUNDING IS FOR

- Feature, documentary (one-off or series), animation or digital media productions.

ELIGIBILITY

All applicants and projects must meet the general eligibility criteria on page 7.

ASSESSMENT CRITERIA

When assessing applications for Short-term Development Investments, the AFC uses the following criteria:

1. The degree of risk that the AFC will assume if it makes the investment in regard to the strength of the proposed finance structure (40%).
2. The skills and experience of the producer(s) to raise finance at the proposed level (25%).
3. The strength and distinctiveness of the idea and story and the quality of the script. Where further script draft funds are required, this criterion will include assessment of the quality and rigour of the development notes, and whether they articulate the issues to be faced in the next stage of development (25%).
4. The long-term opportunities for the filmmakers that might arise as a result of the production of the proposed project (10%).

ASSESSMENT PROCESS

Applications are assessed according to the general process for AFC funding applications set out on page 8. In addition:

- Short-term Development Investment applications are read by one Film Development Project Manager who assesses the applications against criteria 2-4. A member of the AFC's Legal Affairs Branch reviews the financing and chain of title documentation and assesses the application against criterion 1.

SPECIFIC BUDGETING AND REPAYMENT INFORMATION FOR SHORT-TERM DEVELOPMENT INVESTMENT APPLICATIONS

- Funding will be limited to \$50,000 per project.
- Administrative, legal, travel, casting, location recces and shooting costs may be included in the budget for a Short-term Development Investment.
- It is normally expected that the investment will be repaid either on or before the first day of principal photography.

LEGAL INFORMATION

The Legal Guidelines on page 22 apply to all Short-term Development Facility applications.

Production Cashflow Facility

The Production Cashflow Facility provides bridging loan finance to fully-financed films that require urgent pre-production funds prior to finalising their investment agreements. The loan is provided against committed investor drawdowns, distribution guarantees and presales.

Applications for this facility will generally not be accepted after Friday 28 March 2008.

Repayment loan amount for this Cashflow Facility will need to occur by Friday 20 June 2008.

AMOUNT

Up to \$300,000

Total notional annual allocation: The Film Development Division budget does not include an allocation for the Production Cashflow Facility. It is anticipated that these are a form of loan that will be repaid in the short term. However, the Film Development Division will commit up to \$600,000 in total at any one time to projects under this facility and the Short-term Development Facility.

DEADLINES

The Production Cashflow Facility is not assessed in rounds and does not have deadlines. Applications are accepted at any time.

TURNAROUND

Approximately 4 weeks if all appropriate paperwork is submitted on application.

FUNDING IS FOR

- Cashflow for feature, documentary (one-off or series), animation or digital media productions.

ELIGIBILITY

All applicants and projects must meet the general eligibility criteria on page 7 in addition to the following specific eligibility requirements:

- The applicant must complete the *Film Development Production Cashflow Facility Application Form* and pay an application fee of \$250.
- The applicant must be able to establish an urgent need for the loan.
- The loan must be required for pre-production assistance.
- There must be committed investor drawdowns, distribution guarantees and/or pre-sales to enable the producer to repay the AFC once the principal production and investment agreement is executed.
- The applicant must not have defaulted on repayment to the AFC of a previous bridging loan.
- Finance must be fully committed and the chain of title secured.

TERMS AND CONDITIONS OF THE AFC PRODUCTION CASH FLOW FACILITY

- The AFC will take a 25 per cent copyright interest in the script (or in such other copyright material related to the project as may be appropriate to secure the AFC's loan) until the loan is fully repaid.
- Interest is set at the AFC's current variable interest rate of 7.75 per cent per annum (as at 1 July 2007).
- It will normally be expected that the loan will be repaid either on or before the first day of principal photography.
- Where a loan has been approved by the AFC and where the FFC is an investor in the film, the AFC will require the entire loan amount, interest and a legal and administration fee of 3 per cent of the loan amount up to a maximum of \$5,000 ("Fee") to be repaid from the first FFC drawdown. The producer should ensure that the amount of the first drawdown is increased accordingly to cover the AFC's loan amount, interest and Fee.
- The AFC expects to be acknowledged with a single card credit in the end credits of the film. Please refer to your funding contract for required wording for crediting the AFC in conjunction with the logo.

ASSESSMENT CRITERIA

When assessing applications for this program, the AFC uses the following criteria:

1. The degree of risk that the AFC will assume if it provides the loan (70%), including:
 - The strength of the proposed finance structure.
 - The likelihood that production funding will commence by the time the AFC's loan funds are expended.
 - The skills and experience of the producer(s), and his or her ability to complete the financing of the film in the required timeframe.
2. The loan's degree of urgency (30%).

ASSESSMENT PROCESS

- Production Cashflow Facility applications are read by the AFC's Legal Affairs Branch, or an external lawyer contracted for the purpose, who reviews the financing and rights documentation and makes a risk assessment.
- A budget assessment will be undertaken either by an appropriately skilled AFC officer or by an experienced outside consultant.

(continued) 

Production Cashflow Facility cont.

- The risk and budget assessments are circulated to the members of a committee made up of the:
 - Manager, Legal Affairs
 - Director, Corporate Services
 - Director, Film Development
 - Chief Executive Officer.
- The committee meets to discuss the application, the risk assessment and the budget assessment and a decision is made.

SPECIFIC BUDGETING INFORMATION FOR PRODUCTION CASHFLOW FACILITY APPLICATIONS

- With limited funding available, only budget items relating specifically to the period for which the cashflow is required will be considered.
- The AFC does not fund options on rights.
- The AFC is unable to fund retrospectively.
- A legal and administration fee of 3 per cent of the loan amount up to a maximum of \$5,000 will be charged.

AFC Budget and Financing Guidelines

BUDGET/SCHEDULE ASSESSMENTS

Project teams short-listed for production rounds will be interviewed. The submitted budgets and schedules of these projects will be assessed by a budget specialist.

The purpose of budget assessments is to determine whether:

- submitted budgets are correctly calculated
- the budget is sufficient to enable the successful realisation of the script's ambitions
- the budget figures supplied are realistic and can be substantiated with quotes
- the AFC contracting requirements are met (see the Financing Guidelines for development and production below)
- the film can be produced in a professional manner.

The budget assessor may contact applicants to query or clarify budget issues and may request substantiation of budget figures.

The budget/schedule assessment will be provided to the script assessors prior to the interview. Budget issues raised in the assessment may be discussed at the interview.

BUDGET GUIDELINES FOR AFC DEVELOPMENT FUNDS

- All key creatives (writer, director, producer, script editor, animator) attached to the current stage of development must receive fees from the AFC funds. A range of appropriate fees is published at www.afc.gov.au
- The AFC will consider exceptions to this requirement when the applicant is applying for funds to shoot time-critical material (see *Film Development Documentary Funding Guidelines*) because funds for this program are very competitive and applicants are requested to maximise their opportunity to shoot the required material by minimising their costs for short shoot periods.
- For feature drama development, applicants must include an allocation for a professional reader's report on the completed script in the development budget in order to receive feedback on their work. This report is an AFC delivery requirement.
- Where cast and crew are employed, at least MEAA minimum rates must be paid.
- The purchasing of hardware or software cannot be included in the budget.
- The AFC will determine the amount of investment it will provide to applicants.
- The AFC does not fund options on rights.
- The AFC is unable to fund retrospectively.

BUDGET GUIDELINES FOR AFC PRODUCTION FUNDS

- Please see AFC Budget Requirements for Production Investment at www.afc.gov.au.
- Applicants should use the relevant A-Z budget for their project available at www.afc.gov.au.
- The AFC is unable to fund retrospectively or to recognise deferred fees in the recoupment schedule.
- The AFC will determine the amount of investment it will provide to applicants.
- Applicants should provide notes or quotes to explain or justify budget figures, particularly where special deals have been obtained.

The following points must be factored into all budgets in applications for AFC Film Development funding.

- Fees: all cast and crew must be paid at least MEAA minimum rates.
- Deferred fees: fees in post-production applications, including those fees relating to the shooting of additional material, should only reflect the costs required for completion.
- Existing agreements: it is anticipated that any cast and crew deferred fees will be recouped from the producer's share of revenue.
- Occupational Health and Safety regulations: budgets must include any necessary expenditure required to adhere to OH&S regulations.
- Insurance: production budgets should allow for public liability, neg risk and multi risk insurance plus any other insurances appropriate to the production.
- Legal Fees: a minimum legal fee of 2 per cent of the total budget must be allowed. Where complex copyright arrangements exist, a larger allocation should be allowed.
- Delivery items: all AFC-funded productions are required to provide master material, appropriate to the production and the project shoot/finish gauge, to the National Film and Sound Archive. For further information contact the NFSA.
- Stills fees: professional-quality stills are a delivery requirement of the AFC and of any festival or broadcaster screening the film.
- Marketing fees: a provision for the following minimum marketing costs must be included in the budget:
 - \$3,000 for a short film or a documentary
 - \$5,000 for a television series
 - \$8,000 for a feature film.

(continued) 

- Completion Guarantor: the AFC will require a Completion Guarantor on feature films and television drama series production. For all other projects, producers should check the requirements of co-financing partners.
- Overheads: as a development agency, the AFC invests in production to provide professional production opportunities to teams of emerging practitioners. As demand for AFC funds exceeds the organisation's resources, overheads should not be included in AFC production budgets. All actual costs for running a production should be provided for in the line-by-line budget items.

Additional point for Digital Media projects

- Project maintenance: an appropriate amount must be allocated to support the life of the project, including any projected growth in storage requirements and any future requirements for resources and maintenance.

PRODUCTION FINANCING GUIDELINES

- Applicants may request full financing of their projects or augment AFC funding with finance from other sources. In either case they must ensure that the project can be realised to completion with the available funding.
- Co-financing with other agencies, broadcasters and/or investors is encouraged.
- Co-finance does not have to be sourced before applying to the AFC, however AFC funds will not be released until the full budget has been raised.
- If applicable, a financing strategy and evidence of co-finance already committed should be provided.
- The AFC may withdraw its offer of funding if the producers are not able to raise the total budget in a reasonable amount of time. The AFC will liaise closely with the producer about this.
- In the event that the producer does not comply with the scheduled delivery and drawdown obligations in the funding agreement, the AFC may terminate the agreement and will have no obligation to provide the remaining funding for the project.

What you need to know about GST

ASSISTANCE WITH GST

Applicants should seek advice on GST matters from a qualified tax professional. Below are some basic points about the GST and AFC funding.

BUDGETS

Applicants should draw up budgets exclusive of GST. That is, all items in the budget should NOT include GST.

ABN AND GST REGISTRATION

a) For individuals or organisations that have an ABN and ARE registered for GST

If you are successful in gaining funding support from the AFC, you must provide the AFC with a tax invoice in the correct form in order to receive any payment. This invoice should be for the amount of the investment, as specified in the cashflow schedule of your contract, plus 10 per cent GST. For example, if your first payment (due upon execution of the contract) is specified as \$5,000, your tax invoice will be for \$5,500 (the investment plus 10 per cent GST).

b) For individuals or organisations that have an ABN but are NOT registered for GST

The AFC will top up the funding to cover the GST component of the budget. When preparing your budget, keep a breakdown of the items that attract GST. The GST total should be noted in the space provided on the application form. The AFC will pay the GST total in addition to any grant or investment approved. Funding recipients need to inform the AFC of GST amounts prior to contracting, and provide evidence of GST payable.

c) For individuals and organisations that do NOT have an ABN

In the absence of an ABN the AFC is required by law to withhold 48.5 per cent of any payment made after 1 July 2000, and remit it to the Australian Taxation Office, unless the grant or investment is for an activity which is wholly of a private or domestic nature or part of a recreational pursuit or hobby and the applicant provides the AFC with a signed declaration to this effect. A declaration form can be supplied by the AFC on request.

NB:

- Applicants receiving more than \$50,000 from the AFC must register for GST.

AFC Legal Guidelines

AFC development and production funding is generally provided in the form of recoupable project investment, not a grant. However, funding for the following strands is provided in the form of a non-recoupable grant:

- Short Drama Production
- Short Animation Production
- Experimental Production
- Digital Media Production
- Internships
- Fellowships

The AFC contracts with the copyright holder(s). Transfer of copyright is a matter for applicants, not the AFC. The AFC may review all chain of title documentation and require amendments to the documents or additional documents to secure the AFC's interest.

Adaptations will only be accepted if the underlying rights have been secured (documentation will be required).

If an application is successful, the AFC can contract with the applicant(s) or an appropriate legal entity. However, legal entities must nominate an individual responsible for the project.

Where the applicant/legal entity has not finalised the funding contract within the period stipulated in the AFC's letter of offer, then the AFC will have no obligation to provide funding and may withdraw its offer.

If the party with which the AFC contracts is in breach of its contractual obligations to the AFC (for example, if it fails to meet agreed production or delivery time frames under the contract) then the AFC may terminate the agreement and revoke its investment.

LEGAL GUIDELINES FOR DEVELOPMENT INVESTMENT

AFC development funding is provided in the form of recoupable project investment except for those strands set out above. Recoupment conditions are set out on page 23.

The copyright holder will be required to sign a [Development Investment Agreement](#) (DIA) with the AFC prior to receiving AFC funds.

Where the rights are optioned, the AFC requires the rights holder(s), as a minimum, to have an option for one year, with the right to renew for two further periods of a year each, unless there is a reasonable expectation that production funding will be secured within a lesser amount of time.

The AFC will not fund the acquisition of rights for underlying literary works. The applicant therefore needs to have cleared all rights to the underlying work.

LEGAL GUIDELINES FOR PRODUCTION INVESTMENT

AFC production funding is generally provided in the form of recoupable project investment except for those strands set out above. Recoupment conditions are set out on page 23.

The copyright holder will be required to sign a [Production Investment Agreement](#) (PIA) with the AFC prior to receiving AFC funds.

If there are any other investors, they will be required to be a party to the PIA.

Where the rights are optioned, the AFC requires the copyright holder to have an option for sufficient time in order to finalise finance and contracting. One year is usually the minimum period required.

FOR MORE INFORMATION SEE...

What legal documents will the AFC require for script investment? on the AFC website

and

'AFC Recoupment Policy' on page 23.

Where projects are being developed as international co-productions, applicants should read the handout *AFC Development Investment in International Co-productions*.

AFC Recoupment Policy

DEVELOPMENT INVESTMENT

AFC development funding is investment in a project. The AFC takes a 10 per cent interest in the copyright of the developed work and the underlying work. This share of copyright is reassigned (or 'bought out') when the AFC investment is paid back to the AFC. Repayment is expected to occur on the first drawdown of the production cash flow.

Where the AFC invests in the production of a project that has previously been funded by the AFC for development, the development funds can be rolled over as part of the AFC production investment.

The AFC can also rollover its development investment into an equity production investment on all projects including those that are greenlit for production by the AFC or Film Australia.

PRODUCTION AND POST-PRODUCTION INVESTMENT

The recoupment structure for AFC production investment will be determined by the amount of AFC investment, the applicant's contribution, the project's budget and the involvement of co-investors. The policies of other investors, particularly broadcasters and state funding agencies, often affect the AFC recoupment policy. The AFC may choose not to accept lesser terms than any other investor. If state agencies or broadcasters offer less generous terms, the AFC may adopt their terms.

Subject to the agreement of other investors for both production and post-production investment, the AFC provides an administration fee of 10 per cent of all monies derived from marketing the film to the producer before the recoupment split is calculated.

In the case of recoupable production investments where the AFC and the applicant are the only investors, the recoupment split is 75 per cent to the AFC and 25 per cent to the producer. Where there are other equity investors in addition to the AFC they will recoup *pari passu* (on an equal footing) with the AFC. If the producer makes a cash contribution to the budget (not including deferrals) of more than 25 per cent of the total budget, the producer will also recoup *pari passu* with other investors.

Once the AFC recoups its investment the recoupment split is 50/50 with the producer.

In post-production investments where the AFC and the applicant are the only investors, the recoupment split is 50 per cent each.

DEFERRALS

The AFC is unable to recognise deferred fees in the recoupment schedule. Cast and crew employed on AFC-funded productions must be paid at least MEAA recommended minimum rates. Above the line personnel are advised to ensure adequate remuneration in the production budget rather than anticipate deferred fees to be recouped from revenue.

Producers applying for post-production funding will need to consider their existing agreements with cast and crew where deferred fees have been negotiated as AFC investment cannot be used retrospectively to pay deferred fees.

DISBURSEMENT

Disbursement will be handled by the AFC or through an agency approved by the AFC. Registration and handling fees charged by such agencies will be an allowable deduction from returns.

Successful applicants are obliged to register their films with Screenrights. For further information go to www.screen.org.

Indigenous Communication, Consultation and Consent

INDIGENOUS CONTENT OR TEAM

The guidelines and all application forms state:

“Where there is Indigenous community participation or content involved in the project, written confirmation of the willingness of both the subject(s) and the community to be involved in the project is essential.”

Indigenous content means: a film or program based on an Indigenous story, with Indigenous characters or featuring Indigenous culture and heritage in any form.

Written confirmation means: a signed letter of interest stating that the community and/or individual involved has agreed to participate in the development of your project.

Documentary

As with all AFC documentary development applications, you will need to supply written confirmation of the willingness of subjects to take part in the project. This means: a signed letter of interest stating that the community and/or individual involved has agreed to participate in the development of your project.

When your project reaches production, you may need written consent to use Indigenous cultural heritage, and will need to provide long-form signed clearances for any individual or community depicted.

For development a simple letter is required.

Drama

Where the content involves a true story, or real-life character or culturally specific material, you will need to supply the written confirmation as outlined above.

Where the content involved is not specific to a particular community or does not involve a real-life story or depictions of culturally specific material, the team will still need to provide a **written statement of how they will deal with the material**, i.e. what research has been done to date and what provision or thought has been given to consultation on the material.

For example, the feature film *Japanese Story* is a story without Indigenous content or principals, but an early draft cited specific locations significant to the Indigenous traditional owners. The producers consulted with the community at length in the scripting stage. They were subsequently welcomed onto the land at commencement of production.

Animation and Cross-Platform Digital Media

The requirements above also apply to Animation and Cross-Platform Digital Media projects that contain Indigenous content.

Please supply these statements on a separate page that is clearly labelled – in accordance with the checklist on the application form.

COMMUNICATION, CONSULTATION AND CONSENT

(taken from the *Draft Guide to Protocols for Filmmakers Working with Indigenous Content and Indigenous Communities*)

The process of consultation is always fundamental to filming with Indigenous people or using Indigenous material – for drama or documentary. The depth of the consultation process will be reflected in the quality of the final product. Sometimes, however, consultation alone is not enough, and a project will require consent – usually in written form.

Consultation and consent in Indigenous communities are interrelated. Through consultation, a filmmaker can come to understand what requires consent and the correct people to give it, and the people giving consent can more fully understand what they are consenting to.

Consultation refers to the process whereby people exchange views and information. Consultation is not just a one-way process, but a process of sharing knowledge and opinions. Consultation means working together, listening to what the other party has to say and acting upon it.

Consent is a process whereby permission is given, based on a relationship of trust. Consent should be informed, and this means filmmakers need to provide a clear explanation of the filmmaking process, timeframes, contract details, possible benefits, impacts and future uses of footage at the time of seeking consent, to avoid misunderstandings at a later time. The consent process should be transparent for all parties, and information should be explained in plain English or with the help of an interpreter.

The draft protocol document is available on the AFC website at www.afc.gov.au

Any queries, please contact the AFC Indigenous Branch on 02 9321 6499 or toll free 1800 507 901 or email indigenous@afc.gov.au

We recommend that filmmakers intending to use any Indigenous material in their projects read the protocol. It is a useful guide that provides information on dealing with Indigenous material from research to marketing of your film. It also provides useful tips for consultation with Indigenous communities.

Develop it, make it, archive it



The National Film and Sound Archive is currently part of the Australian Film Commission, and its National Collection of film and recorded sound houses the work of Australia’s key significant image and sound makers past, present and future.

The collection is governed by the NFSA’s Collection Policy and is designed to be a record for the future and a resource for the present, regardless of critical acclaim and commercial success. All films are stored in climate controlled, state-of-the-art facilities, no matter what format they were made on.

When you lodge your work in the National Collection, you can be sure your material will be preserved to internationally approved standards. Because our storage is designed to ensure the preservation of components, we constantly monitor environmental factors such as temperature, relative humidity and pollutants to ensure the safety of Australia’s audiovisual heritage. We also ensure that copyright in your work is observed at all times and will not release your material without appropriate clearances.

“I have lodged materials from all my films from *Newsfront* to *Rabbit-Proof Fence* in the National Film and Sound Archive. It has proved invaluable. My original film and sound components are stored in the best possible conditions to maximise their life span, plus I have access to them whenever I need.”

Phillip Noyce

“Without the National Film and Sound Archive, I would not now be discussing an international DVD deal for *Tail of the Tiger*, which I made more than 20 years ago...the neg would have deteriorated, components would almost certainly have been lost. The Archive is like having my own vault.”

Rolf de Heer

So whether it’s next year’s hit currently in production, or an older film stashed under your bed, the National Film and Sound Archive encourages all Australian filmmakers to lodge their work and ensure Australia’s screen culture is preserved for all time.

www.nfsa.afc.gov.au

NFSA DELIVERY REQUIREMENTS FOR AFC-FUNDED PROJECTS

The Australian Film Commission is committed to ensuring that supported projects are appropriately archived and made accessible to Australians in the future. All productions funded by the AFC are required to deliver a range of materials to the National Film and Sound Archive in order to ensure this outcome.

The cost of these deliverables should be included in the production budget. All projects are expected to deliver master material to the Archive. Projects finished on 35mm will need to provide a mint-condition print to the Archive.

For a full list of current AFC delivery requirements, please see ‘Delivery Items’ at www.afc.gov.au.