

Producer Offset and Co-Production Unit - Provisional Co-production Approval – Step by Step Guide to Assessment Process

It is important that you read the [International Co-production Program Guidelines](#) before reading this Step-by-Step Guide. This Guide is non-binding.

*This Step-by-Step Guide sets out the general assessment process for Provisional Co-production Approval applications. This Step-by-Step Guide may be updated from time to time. We recommend that you reach out to the Producer Offset and Co-production Unit (**POCU**) with any questions about this process or your proposed project. Any information provided by POCU prior to a determination is strictly non-binding, and applicants are advised to seek independent advice on their applications.*

1. **Submission:** Australian Co-Producer submits a Provisional Co-production Approval application form and the relevant attachments via the Smarty Grants portal. The link is here: <https://screenaustralia.smartygrants.com.au/provisionalapplication>.

This must be submitted when the finance is in place and **at least six weeks before pre-production commences on the project**.

In addition, please note that:

- Projects applying for Screen Australia (**SA**) production funding should submit their Provisional Co-production Approval application **prior to or at the same time as** submitting their production funding application. Please note that funding caps apply in relation to total Commonwealth Government funds (see SA's relevant program guidelines for further information: [Narrative Content](#); [First Nations](#); and [Documentary](#)).
 - If the Producer Offset forms part of the finance plan for your production, a Producer Offset Provisional Certificate application should ideally be submitted at the same time as the Co-production Provisional Approval application to allow POCU to assess both applications concurrently. If the Producer Offset forms part of the finance for your production you will need to apply for a Producer Offset Provisional Certificate before the Provisional Co production approval can be granted.
2. **Preliminary review:** The POCU Administrator reviews the application materials to ensure that all required information is provided. The POCU Administrator may send a 'missing materials' email to request outstanding materials and will generally allow a two-week timeframe to respond. Information required to be submitted includes the following:
 - a one-page synopsis;
 - a copy of the script (if applicable) or a detailed treatment (for applicable projects such as documentaries) ;
 - applicant company ASIC Search/Company Extract;
 - proposed presentation credits (being the text-based listing of funders and key Above the Line personnel involved with the production, generally overlayed across the start of the production. Also known as 'opening credits' or 'opening titles');
 - a breakdown of the nationality of the cast and crew;
 - a draft Co-Producer's Agreement;
 - a detailed full global budget in \$AUD including a breakdown of the Australian spend either highlighted in the global budget or provided as a separate breakdown;
 - if applicable, a statement and associated Declaration of Non-Party Elements ([SA provides a template for this](#)), detailing any proposed participation in the making of

the project that is undertaken by someone who is not a national or permanent resident of one of the co-producing countries;

- a completed Co-production Eligibility Tool (ET) (which includes the Finance Plan);
- documentation that substantiates each aspect of the Australian side of the Finance Plan. This can be a letter of interest, draft deal memo or executed agreements, but must specify the amount of the investment/funding and the key deal terms. This includes any Rest of World (ROW) deals and/or third-party investment that are (i) brought to the project by the Australian co-producer; or (ii) intended to be split between the two Co-producers in the finance plan where finance is jointly contributed with the Co-producing partner. Documentation substantiating the Co-producing partner's side of the finance plan is to be provided upon request. For the avoidance of doubt, where any finance is contributed by an individual or organisation that is related to the Co-producer, such finance must be allocated to that Co-producer's side.
- for finance that relates to Australian federal and state rebates, government grants and/or screen agency investment funding, applicants must provide a copy of the application for these monies and an update of the status of application, such as the anticipated approval/decision date. If such funding or incentive has already been approved, evidence of such approval is to be provided.
- statement with respect to splitting creative points and the inclusion of 'other roles' in ET (if applicable);
- a production schedule;
- any agreements related to the project's development; and
- a Statutory Declaration to certify the accuracy of all the details contained within the application.

3. **Allocation to an Assessor** - Once the POCU Administrator receives any missing materials, the application will be allocated to a POCU Assessor to review. The POCU Assessor may request additional information to ensure compliance with the SA Co-production Guidelines and the applicable Treaty or MOU (**Arrangement**).
4. **Timing of Assessment** - POCU generally assesses Provisional Co-production Approval applications within 8-10 weeks of receipt of a complete application. However, larger or more complex applications, such as multi-partite Co-productions, may require a more detailed review and those timelines are lengthier. An application will be deemed to be 'complete' only when all of the relevant information and documents required for POCU to make its assessment is provided, including any late information or documents provided to POCU.

It is important to remember that Provisional Co-production Approval can only be granted once all the relevant Competent Authorities have approved the project.

Applicants should ensure their co-producer is lodging an application to its Competent Authority at the same time to avoid delays.

5. **Engage with other Competent Authority:** POCU Assessor will reach out to the Competent Authority of the partner country(ies) to ensure that a similar application has been lodged by the non-Australian co-producer/s. The Competent Authorities will liaise directly and discuss the details of the project and any requests submitted for approval, for example proposed non-party spend or location filming in another territory.
6. **Legal:** SA lawyer allocated to review the draft Co-producer's Agreement (and any application/financing documents, if necessary) against the requirements of the relevant

Arrangement and the SA Co-production Guidelines. For example, this review includes checking compliance with the relevant Arrangement's:

- restrictions on the assignment or disposition of any benefits under the Arrangement;
- requirements regarding the access to and ownership of original production materials;
- requirements regarding the financial liability of each co-producer in circumstances where (i) Provisional Approval is not granted; (ii) any conditions of any Provisional Approval are not complied with; and/or (iii) public exhibition is withheld in any of the co producer countries;
- requirements with respect to the contemplated division of receipts from exploitation of the project;
- requirements relating to sharing of copyright;
- mandatory credit requirements to acknowledge each partner country, and for some Arrangements the relevant Competent Authorities; and/or
- other specific requirements unique to the relevant Arrangement or special conditions that the Co-producers may wish to include (for example the Australian producer may wish to include a clause that specifies clear timeframes of when each Co-producer will submit their Final Co-production Approval applications to their respective Competent Authority(ies), for example no longer than four weeks after delivery of the project.)

7. **Ongoing assessment:** POCU Assessor will continue to conduct the assessment and liaise with the applicant and the other Competent Authority(ies) regarding any outstanding queries.
8. **POCU Committee:** POCU Assessor presents the application for consideration by the POCU Committee (usually run fortnightly). If approved (and once SA has received email confirmation that the other Competent Authority(ies) has similarly approved the application), letters of approval will be sent to both the applicant and the other Competent Authority(ies). The country that is the majority partner will issue their approval letter first.
9. **Producer Offset Provisional Certificate:** A Producer Offset Provisional Certificate cannot be issued until the project's Provisional Co-production Approval status has been approved by all Competent Authorities. As a result, SA's assessment of the Provisional Co-production Approval application may be prioritised over the Producer Offset Provisional Certificate application, but the Provisional Certificate application will otherwise be assessed concurrently.
10. **Ongoing monitoring:** After receipt of Co-production Provisional Approval, producers must continue to monitor the Co-production split (both financial and creative contributions) during the course of the production. POCU must be informed of any changes that might affect the project's Co-production status, such as changes of the nationality of personnel, or sources of finance. POCU should be contacted before making any substantive changes. If there are substantive changes being made, the co-producers may need to have their Co-production Provisional Approval re-assessed to ensure it still complies. Always talk to POCU if there are any concerns.