



Australian Government



# GUIDELINES GENERAL DRAMA & CHILDREN'S PROGRAMS

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Screen Australia reserves the right to change its program guidelines from time to time. Please ensure you check the website for the latest version.

These guidelines should be read in conjunction with Screen Australia's [Terms of Trade](#).

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## Contact an Investment Manager

Before applying to Screen Australia for production funding, it is essential that you contact an Investment Manager to discuss your project. Call the Program Operations team if you are unsure who to speak with.

We also encourage you to contact the Program Operations team before you submit your application to discuss any eligibility questions and ensure all the required supporting material is in place. This will mean we can process your application as smoothly and efficiently as possible.

Program Operations: 1800 507 901

# Overview

Screen Australia aims to support the creation of a diverse slate of quality, innovative, original, culturally significant small-screen storytelling that resonates with contemporary audiences.

We are mindful that new online platforms are entering the commissioned arena and recognise that accessibility to content on a wide variety of platforms provides strong opportunities for audience engagement.

Accordingly it is expected that appropriate consideration be paid to each platform (as outlined below in Marketplace Attachments).

The following guidelines apply to all productions made primarily for broadcast or subscription television, VOD platform or similar (with or without an associated catch up service), but specifically excludes theatrical projects qualifying for the 40 per cent Producer Offset and productions which fit under the parameters of Screen Australia's [Online Production Guidelines](#).

For the purpose of these Guidelines the term **Commissioning Platform** includes a free-to-air or subscription television broadcaster and/or newer online platforms such as subscription video on demand (SVOD).

All projects must have a Commissioning Platform attached at the time of application.

For projects to be considered eligible for Screen Australia funding the agreement with the Commissioning Platform must reflect the terms and conditions in these guidelines, including minimum licence fee requirements.

## Investment and slate management principles

In an environment where the Producer Offset provides the primary means of Government support for projects with commercial potential, Screen Australia's investment and slate management principles are governed by its enabling legislation, the *Screen Australia Act 2008*, to:

"ensure the development of a diverse range of Australian programs that deal with matters of national interest or importance to Australians, or that illustrate or interpret aspects of Australia or the life and activities of Australian people."

In this context, and given the need to allocate its limited funds fairly and effectively, Screen Australia manages its slate in collaboration with producers and Commissioning Platforms, according to the following principles:

- Consultation with producers and Commissioning Platforms about the year's slate and upcoming priorities
- Recognition of Commissioning Platforms' expertise in connecting with audiences as part of their commissioning processes
- Reserving the right to make investment decisions based on published criteria that reflect the requirements of the *Screen Australia Act*, including placing an emphasis on programs with a high level of artistic and cultural merit and promoting the development of commercially focused screen production businesses.

Screen Australia will not finance programs where the project has been developed by a Commissioning Platform and sub-contracted at a later stage to a producer, except where chain of title resides with the producer.

In addition, Screen Australia expects key creatives (producer, writer, director, director of photography, editor) to be sourced from the freelance market and not from the staff of the Commissioning Platform.

These guidelines encapsulate what Screen Australia refers to as **General drama** and **Children's programs**.

Note: Children's programs can be animation or live action, preschool, drama or factual and do not have to be a 'P' or 'C' program as classified by the ACMA. However, the primary audience for the content must be children, as opposed to families generally. Given the particular challenges and opportunities involved in producing television programs for children (including the difficulties Commissioning Platforms have in monetising content) both funding strands have discrete eligibility requirements - including different licence fees and funding caps.

# General drama

General drama is any drama other than children's drama.

## What funding is available?

Screen Australia will not contribute more than 40 per cent of the total budget, inclusive of any [Producer Offset](#) amount, other than in exceptional circumstances.

Further, Screen Australia investment is capped at \$2 million in any one general drama, other than in exceptional circumstances.

For [official co-productions](#) the 40 per cent cap applies only to the Australian component of the budget.

Please refer to the website for [further information](#) on the General drama program and [application deadlines](#).

## Who can apply?

General drama of any broadcast format is eligible for this program, including telemovies, telemovie packages and series (no distinction is drawn between series and mini-series).

A compelling case must be demonstrated for Screen Australia to fund more than 26 viewing hours of any one project, including multiple series (whether or not they have been funded by Screen Australia). It would be expected that Screen Australia's contribution to subsequent series for any such projects would be significantly smaller than any contribution for the original series.

Applicants and projects must meet the general eligibility requirements set out in Screen Australia's [Terms of Trade](#), as well as the specific requirements of these guidelines. With the exception of official Co-Productions, it is Screen Australia's expectation that applications for direct funding will demonstrate that the project is written and directed by Australian citizens or residents.

Specific requirements apply to projects where there is [Indigenous community participation or content](#) involved. Please refer to our website for further information.

## Marketplace attachments

Given that new online platforms are entering the commissioned drama arena, Screen Australia is open to engaging with producers should any of these platforms seek to directly commission Australian content.

### Domestic

Screen Australia requires a local presale of at least \$440,000 per broadcast hour from a Commissioning Platform on terms agreeable to Screen Australia and otherwise in accordance with all relevant industry agreements.

A presale at the minimum licence fee must **not include**:

- any equity component for the Commissioning Platform;
- broadcast rights for New Zealand or another Rest of World (ROW) territory;
- subscription television rights (if the presale is to a free-to-air broadcaster), or free-to-air rights (if the presale is to subscription television);

- transmission via another platform - for example *SVOD, transactional video on demand* or other online platforms if they are not the originating Commissioning Platform;
- distribution rights for Australia or a ROW territory;

It can include a genuine 'catch up' service associated with a broadcaster.

If a Commissioning Platform wishes to exploit additional rights such as *SVOD*, Screen Australia expects the parties to negotiate in good faith for a payment to the producer which is reasonable in all the circumstances.

The Commissioning Platform must not enter into any agreements with the producer (or a related entity) that has the effect of undermining the minimum licence fee requirement.

The producer will also need to be able to demonstrate that they are able to engage cast to match the requirements of the Commissioning Platform.

### **International**

In addition to the local presale, Screen Australia will normally require a recognised and appropriate sales agent for ROW to be attached on all projects financed under the **General drama** program.

# Children's programs

Screen Australia is required to place particular emphasis on "programs of interest or relevance to children." As outlined above we also acknowledge the particular challenges and opportunities involved in producing programs for children, including the difficulties Commissioning Platforms have in monetising content, as well as the different relationship between first and subsequent windows created by the nature of the audience. For animation, preference will be given to those programs with Australian voices; or, on a case by case basis we may require a separate Australian voice track.

## What funding is available?

Screen Australia will not contribute more than 45 per cent of the total budget, inclusive of any [Producer Offset](#) amount, other than in exceptional circumstances.

Further, Screen Australia investment is capped at \$2 million in any one children's program, other than in exceptional circumstances.

For [official co-productions](#) the 45 per cent cap applies only to the Australian component of the budget.

Please refer to the website for [further information](#) on the Children's program and [application deadlines](#).

## Who can apply?

Children's programs of any broadcast format is eligible for this program, including telemovies, telemovie packages and series (no distinction is drawn between series and mini-series).

The content can be animation or live action, preschool, drama or factual and do not have to be 'P' or 'C' program as classified by the ACMA. However, the primary audience for the content must be children, as opposed to families generally.

Whilst Screen Australia will not normally fund long running series, in the case of children's programs we will give due consideration for applications to fund more than 26 viewing hours of any one project, including multiple series (whether or not they have been funded by Screen Australia).

Applicants and projects must meet the general eligibility requirements set out in Screen Australia's [Terms of Trade](#), as well as the specific requirements of these guidelines. With the exception of official Co-Productions, it is Screen Australia's expectation that applications for direct funding will demonstrate that the project is written and directed by Australian citizens or residents.

Specific requirements apply to projects where there is [Indigenous community participation or content](#) involved. Please refer to our website for further information.

## Marketplace attachments

Given that new online platforms are entering the commissioned arena, Screen Australia is open to engaging with producers should any of these platforms seek to directly commission Australian content.

## Domestic

Screen Australia requires:

- a local presale of at least \$100,000 per broadcast half hour from a Commissioning Platform; or
- local presales to a total of \$115,000 per broadcast half hour from any combination of Commissioning Platforms,

The terms above must be agreeable to Screen Australia and otherwise in accordance with all relevant industry agreements.

Presales at the **minimum licence fee must not include**:

- any equity component for the Commissioning Platform;
- broadcast rights for New Zealand or any other Rest of World (ROW) territory;
- distribution rights for Australia or a ROW territory.

If a Commissioning Platform wishes to exploit additional rights, Screen Australia expects the parties to negotiate in good faith for a payment to the producer which is reasonable in all the circumstances.

The Commissioning Platform must not enter into any agreements with the producer (or a related entity) that has the effect of undermining the minimum licence fee requirement.

The producer will also need to be able to demonstrate that they are able to engage cast to match the requirements of the Commissioning Platform.

## International

In addition to the local presale, Screen Australia will normally require a recognised and appropriate sales agent for ROW to be attached on all children's programs.

### **EXAMPLE SCENARIOS**

The following scenarios illustrate how the above licence fee requirements might work. All exploitation rights are for Australia only.

**Example 1:** A children's program is to have its premiere window on free-to-air television. A free-to-air broadcaster chooses to commission the program. To be eligible for Screen Australia funding the licence fee must be at least \$100,000 per broadcast half hour.

**Example 2:** A free-to-air broadcaster and a subscription channel want to commission a program together. To be eligible for Screen Australia funding, the total of the licence fees must be \$115,000 per broadcast half hour.

**Example 3:** A free-to-air broadcaster and an SVOD service both want to commission a program. To be eligible for Screen Australia funding, the total of the licence fees must be \$115,000 per broadcast half hour.

**Example 4:** A free-to-air broadcaster, a subscription channel and an SVOD service all want to commission a program. To be eligible for Screen Australia funding, the total of the licence fees must be \$115,000 per broadcast half hour.

In examples 2, 3 and 4 the timing of each transmission window and how the licence fee is apportioned between the platforms are up to the relevant parties.

# Information for all applicants

## What materials do you need to apply?

Applications must be made on the relevant application form, and include all supporting material listed on that form.

Incomplete applications will not be accepted. This includes those without finalised finance plans in place with associated letters of offer.

## Inclusive Attachment Scheme

As a condition of Screen Australia production support an above or below the line attachment must be allocated to each project: for example an attachment to a Director, Producer, DOP, Editor or Composer. The attachment should reflect the theme or content of the project: for example Indigenous, ability, gender, LGBTI+, culturally or linguistically diverse. Or the attachment should be targeted at providing experience to emerging practitioners. The costs must be included within your production budget and potential attachments should be discussed with your Investment Manager.

**Save in exceptional circumstances, it is a pre-condition of Screen Australia's funding of any drama series with more than one block\*, that one or more blocks should be directed by a female director.**

\*block shooting is a television term whereby more than one episode of a season is grouped into blocks for shooting. Each block can be directed normally by a different director and can consist of one or multiple episodes.

## Budget requirements

Budgets can be presented in the [A-Z Budget format](#), available from the Screen Australia website, or in Movie Magic or EP format. Fees should comply with industry standards. They will be considered in the context of the budget and track record of the personnel.

### Budgets must include:

- Contingency: Allowance for a contingency of 10 per cent of the total below the line costs.
- Overheads: Production company overheads are capped at 5 per cent of the company's total expenditure on the project, or \$500,000, whichever is the lesser amount.
- Completion Guarantor: An allowance should be made for a completion guarantor unless Screen Australia agrees otherwise in writing.
- Promotions and marketing: Costs for promotions and marketing should be incorporated from the outset. Line items for specific promotional materials must include professional stills photography and press kit.
- Delivery to digital platform: Screen Australia now considers it as standard that the budget is sufficient to allow for all necessary online delivery requirements.
- Delivery items: Producers must budget for all relevant deliverables, including for Screen Australia, the NFSA, sales company deliverables and other delivery items as required. For more information see [Terms of Trade](#).



## **Official co-productions & the Producer Offset:**

Projects approved as **official co-productions** are eligible for, but not automatically guaranteed, direct Screen Australia support.

**IMPORTANT:** You do not need to have lodged an application for your Producer Offset Provisional Certificate at the time of applying to the funding round unless specifically requested by your Investment Manager. In most cases producers will be able to wait to see whether or not their project has been successful for funding before applying for a certificate, saving time and application fees. However, if you are approved for funding you will need to lodge your application and receive your certification prior to contract execution.

Producer Offset and Co-production provisional approvals must not be more than two years old (from the date of your application for Production Investment). If approvals were granted over two years ago, a reassessment by the POCU will be required. See [Producer Offset](#) & [co-production](#) Programs for further information.

**Foreign actors** - Screen Australia encourages producers to engage with the [Foreign Actor Certification Scheme](#) (FACS) process early if they intend to bring foreign actors into Australia to be a part of any production. Separate to any requirement from Screen Australia, a production must meet the requirements of this scheme.

## **What is the assessment process?**

Applications are considered by Screen Australia executives, with industry specialists consulted as required. Funding recommendations will be made at a meeting chaired by the CEO and composed of relevant Screen Australia staff.

Decisions for recommended projects requesting more than \$1 million will be made by the Board. Decisions for recommended projects requesting \$1 million or less may be made by the CEO.

## **Assessment criteria**

Investment decisions will be made against the following criteria, and in the context of the slate management principles outlined on page 2:

- the quality of the proposal including its innovative and/or cultural significance;
- the project's potential to connect with its target audience;
- the track record and capacity of the creative team;
- the strength of the marketplace e.g. any ROW sales agent and the level of co-finance (excluding Screen Australia and the state agencies);
- diversity of slate.

Other factors including the gender and cultural diversity of team may also influence Screen Australia's funding decisions. Preference will be given to original formats over programs based on foreign formats.

Decisions on applications are final. Screen Australia will advise applicants in writing of the outcome of their application. Where an application is declined, the applicant will be advised of the reason.

## **Terms of funding**

Where Screen Australia's total contribution (including any development funds) is \$500,000 or under, funding will be in the form of a grant:

- Screen Australia does not take a share of receipts from projects funded under a grant, which means the funds do not have to be repaid other than in circumstances set out in the [Terms of Trade](#).
- The amount of the Screen Australia grant will be agreed upfront and not varied, other than in exceptional circumstances.
- Screen Australia does not require a share of copyright in productions that it funds under a grant.

Where Screen Australia's total contribution (including any development funds) is more than \$500,000, funding will be in the form of recoupable equity investment, with copyright and recoupment terms in accordance with the agency's [Terms of Trade](#).

## What is the contracting process?

To help streamline the contracting process, Screen Australia has developed core conditions for its Production Investment Agreement (PIA) and Production Grant Agreement (PGA). The complete agreement will comprise the core conditions together with a series of schedules.

How it works:

- The core conditions in place at the time a project is approved for funding will apply.
- The goal is to keep the core conditions unchanged, with any exemptions addressed in the Special Conditions Schedule.
- Once all schedules are agreed to, the schedules and the core conditions will be merged into one fully executed pdf with approved budget and drawdown schedule (if applicable).

You can download the [core conditions](#) for agreements from the Screen Australia website.

## Glossary

**Commissioning Platform** - for the purpose of these guidelines, Commissioning Platform will be used to reflect both a free-to-air or subscription television broadcaster and/or newer online platforms - for example subscription video on demand (but excluding catch-up television).

**Television Broadcaster** means a corporation distributing audio and video content across the traditional television platform.

*All the below definitions will apply to any online service, be it download or streaming, rent or own.*

**Subscription VOD** means an on demand service where a periodic fee (eg a monthly fee) is paid by the user to access an entire package of programs, regardless of how many programs are viewed by the user.

**Transactional VOD** means an online service that available for the user to view for a single transaction fee on each view.

**Catch up** means an online service, on a website associated with, and managed by a Television Broadcaster, whereby the user is able to view programs without cost for a limited period of time (proximate to the actual television broadcast).

## MULTIPLATFORM THINKING

Screen Australia wishes to stimulate 'multiplatform thinking' across all its programs, and from time to time projects that have compelling multi-platform synergies will be identified under its feature and television drama programs. The teams involved with these projects will be actively encouraged to explore the digital potential of their projects and, at Screen Australia's discretion, may be offered additional funding to support multi-platform extensions.

### Change Log:

May 2018

- Save in exceptional circumstances, it is a pre-condition of Screen Australia's funding of any drama series with more than one block\*, that one or more blocks should be directed by a female director.

July 2017

- Added the inclusive attachment scheme

April 2017

- Changes to Producer Offset Provisional Certificate from required to not required prior to lodging your application unless specifically requested.

February 2017

- Inclusion of Screen Australia's expectation that applications for direct funding will demonstrate that the project is written and directed by Australian citizens or residents

December 2016

- Funding cap for Children's Programs reduced from \$3 million to \$2 million

December 2015

We are mindful that new online platforms are entering the commissioned arena and recognise that accessibility to content on a wide variety of platforms provides strong opportunities for audience engagement. The following key changes have been made:

- Platform neutral language.
- Expanding eligible formats to any programming for made specifically for children.
- Allowing funding for series in excess of 26 viewing hours provided a compelling case exists.
- For children's animation, preference will be given to programs with Australian voices.
- Removing mandated release windows. Screen Australia expects the relevant platforms to agree to reasonable windows in all the circumstances.
- While international sales agents for ROW are normally required, the requirement may be waived if a compelling case exists.
- Assessment criteria has been amended to reflect Screen Australia's current philosophies, including the gender and cultural diversity of the team.