



FilmAustralia leaders in documentary

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information

Working with Film Australia

WORKING IN PARTNERSHIP WITH INDEPENDENT AUSTRALIAN FILMMAKERS, FILM AUSTRALIA IS ONE OF THE NATION'S LEADING PRODUCERS OF TELEVISION DOCUMENTARIES AND EDUCATIONAL PROGRAMS. OUR MISSION IS TO CREATE AN AUDIO-VISUAL RECORD OF AUSTRALIAN LIFE.

The **National Interest Program (NIP)** was an agreement with the Australian Government for Film Australia to devise, produce, distribute and market 100 programs over five years from July 2003 to June 2008 which:

- deal with matters of national interest to Australia; or
- illustrate or interpret aspects of Australia or of the life and activities of the Australian people.

The outcome is a curated national slate of programs that provide a "snapshot" of the nation.

Film Australia also commissioned an additional ten documentaries on Australian history under the banner **Making History** over three years. This program will continue to produce landmark documentaries.

On 1 July 2008 Film Australia will be merged with the **Australian Film Commission (AFC)** and **Film Finance Corporation (FFC)** to form **Screen Australia**. All assets and obligations of Film Australia will transfer to Screen Australia as of 1 July 2008 and existing program strands including the NIP and Making History will continue to operate to December 2008.

The following terms of trade applies to the transitional period and for projects commissioned under the National Interest Program (NIP) by 31 December 2008 and for delivery by 30 June 2009.

Film Australia's Terms of Trade

Film Australia works in collaboration with the independent production sector, and in all matters will act fairly, with integrity and respect.

In delivering a curated slate of programs, as outlined in the **NIP Editorial Framework**, all projects developed and produced have a Film Australia executive producer. The same applies to all productions made under the Making History initiative.

1. Development

- 1.1** NIP or Making History development contracts can be with production companies or with individuals. However we encourage individuals to work with an independent production company.
- 1.2** Should a developed proposal proceed to production, the NIP or Making History initiative will recognise development funded by other agencies through a buyout or equity allocation.



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1.3 Should the NIP or Making History initiative elect not to proceed to production, producers will not be required to repay any interest or unit costs on buyout.

1.4 An appropriate development credit will be required.

2. Production

2.1 The NIP or Making History initiative will work with independent production companies under a production investment agreement (PIA) or employ individuals directly. Where individuals are directly employed Film Australia will become the production company.

2.2 We may also co-produce with independent production companies for the purposes of accessing international co-production treaty benefits or raising finance using the Producers Offset.

2.3 NIP and Making History production budgets include an allowance for production unit costs that include:

- NIP or Making History executive producer fee
- business affairs support
- completion guarantee
- most insurances
- SPAA levies
- core project related travel (executive producer)
- promotions and marketing service
- archiving of masters
- master storage

Currently this allowance for production unit costs is 20 per cent of the NIP or Making History cash investment plus promotions budget. It is based on a comparative line item review of budget costs as per FFC guidelines.

2.4 Film Australia recognises producer's overhead within the production budget. For projects with a production budget (ie less NIP or History production unit costs and NIP or History promotions investment), the overhead will be \$10,000 per hour, capped at \$20,000. For projects with a production budget over \$500,000 the overhead will be \$15,000 per hour capped at \$45,000. (Applies to projects commissioned for production by the Film Australia Board after 1 March 2008).

2.5 All television programs commissioned under the NIP or Making History initiative for delivery from 1 July 2008 are to be delivered in a true HD format. Any exceptions to this policy will be made on a case by case basis.



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3. Credits

For NIP and Making History projects delivered after 30 June 2008, the following will apply:

- 3.1 All programs get head credit of "Screen Australia presents".
- 3.2 All programs end with either "A Screen Australia National Interest Program" or "A Screen Australia Making History program".
- 3.3 Where production has been produced in association with an independent production company the program credits will be: Screen Australia in association with [company name].
- 3.4 Under a co-production arrangement or where an independent producer brings a significant developed program to the NIP or Making History initiative, that contribution will be recognised through the following program credit: a Screen Australia/[company name] production.

4. Producer's Revenue Stream

- 4.1 Independent producers are entitled to 20 per cent of the net returns to Film Australia on any NIP or Making History production. Film Australia's net returns exclude sales commission, marketing costs and revenue owing to third-party investors.
- 4.2 Producer's revenue will be paid by Film Australia for 10 years after delivery of the project.
- 4.3 Producer's revenue will be paid to producers annually, in arrears.

5. Producer's Equity

- 5.1 Where producers bring international presales to a project, they are entitled to elect either:
 - a percentage of returns to Film Australia (excluding commissions and marketing costs) proportional to contribution; or
 - a one-off 15 per cent up front commission on the international presale they have raised.
- 5.2 This payment is intended to cover all expenses of accessing and securing international finance. It will form part of the production budget.
- 5.3 These conditions may apply to other investment (excluding funding from government sources) on a case by case basis



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6. Copyright

- 6.1 Film Australia will require a share of copyright commensurate with its investment. Film Australia will remain an owner of copyright for the duration of copyright and will be entitled to revenues in perpetuity.
- 6.2 Film Australia will seek reversion of copyright on all projects between seven to 10 years after delivery. Equity will remain with the original investors in perpetuity.

7. Library

Audio-visual material and stills recorded are made available to the production industry under licence.

- 7.1 Where Film Australia owns 100 per cent copyright in material, or where the equity investors agree, material recorded will be made available to industry under Film Australia's **zero fee licence** arrangement.
- 7.2 All Film Australia productions qualify to access archive under **zero-fee licensing**.

8. Lindfield Studio and Facilities

- 8.1 Film Australia encourages filmmakers to utilise the Lindfield site for production but this is not required.

9. Promotions

- 9.1 Film Australia manages publicity campaigns for all programs in consultation with the producers, broadcasters and other relevant parties, including launches where appropriate, and manages the entry of all programs into selected Australian and overseas festivals and awards.

10. Distribution

- 10.1 Film Australia generally requires distribution rights for all Film Australia financed projects but will grant distribution rights to other parties where it is advantageous to do so.
- 10.2 Film Australia acquires a small number of independently produced Australian documentaries for distribution. In some instances, distribution advances are available.