



South Australian **Film Corporation**

# TERMS OF TRADE

Effective 04 July 2023

# Introduction

The South Australian Film Corporation's (SAFC) Terms of Trade provide the framework for how the SAFC conducts its business and generally align with Screen Australia's Terms of Trade.

This document provides definitions of standard terms included throughout the SAFC's program specific guidelines and outlines the conditions that apply across the SAFC's funding programs and initiatives. This document should be read in conjunction with the [SAFC Strategic Plan](#), the [SAFC Diversity and Inclusion Strategy](#), relevant program guidelines and application forms. While providing practitioners with information as to how the SAFC runs its business, the SAFC also needs to work in a proactive and flexible way, in the best possible interests of the South Australian screen industry. The SAFC may therefore vary its Terms of Trade as required, for specific projects and programs.

This document should be read in conjunction with the SAFC Strategic Plan, the SAFC Diversity and Inclusion Strategy, relevant program guidelines and application forms (the Additional Documents). The Additional Documents may contain more detailed and specific terms and information relating to a particular matter and these Terms of Trade may be subject to those more specific terms (for example in relation to a criterion for eligibility or to align with relevant legislation). In those instances, the specific terms in the Additional Documents will take precedence.

## Funding Programs - Overview

The State Government, through the Department for Industry, Innovation and Science, provides funding for all SAFC programs.

## Division of Programs

In line with the Strategic Plan and for clarity regarding the aims and outcomes of each program, funding is divided into five key areas:

1. Development
2. Production
3. Loans and Rebates
4. Travel
5. Industry and Skills Development

These programs may also be enhanced by other development and production initiatives the SAFC may instigate from time to time, depending on the needs of the industry and opportunities to foster the local sector.

Applicants are required to discuss their project with the appropriate programs representative before making a formal application. The complete list of SAFC Funding Programs and contact details is available on the SAFC website at [www.safilm.com.au](http://www.safilm.com.au)

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# General Terms of Trade

## 1. GENERAL MATTERS

This section applies to all SAFC funding programs:

### 1.1 General eligibility for South Australian Film Corporation funding

In the following provisions:

- (1) “broadcaster” means a company providing television broadcasting services in Australia (including subscription television services) under the Broadcasting Services Act 1992 (Cth).
- (2) “related party” means:
  - (a) a director or other officer of an applicant company; or
  - (b) the holding company or a subsidiary of an applicant company; or
  - (c) any company of which an individual applicant is a director or other officer; or
  - (d) any other company of which a director or other officer of an applicant company is a director or other officer.

### 1.2 Applicant eligibility

The following paragraphs set out eligibility provisions specific to individual applicants and company applicants, and then ‘common eligibility rules’ applicable to both individuals and companies (and, to the extent indicated, to related parties). It should be noted that the eligibility rules will also apply to the contracting entity or entities (if different from the original applicant), including any special purpose rights holding and/or production services companies.

For the purposes of eligibility for funding applications, **an individual applicant** must be:

- (a) an Australian citizen; or
- (b) an Australian resident, being a person who is lawfully domiciled in Australia, and who has been in Australia, continuously or intermittently, for more than one half of the year immediately preceding the application.
- (c) have an Australian Business Number (ABN)
- (d) 18 years or over.
- (e) A South Australian based applicant or Key Creative must:
  - be principally based in South Australia
  - carry out their business in South Australia
  - be registered on the state electoral roll

For the purposes of calculating **Qualifying South Australian Expenditure**, a South Australian Resident is an individual who meets all of the following criteria:

- their principal place of abode is in South Australia; and
- they are professionally based in and carry out their business in South Australia; and
- they are registered on the state electoral roll.

All contracts with individuals who are included in Qualifying South Australian Expenditure must have an SA electoral roll registration attached. The registration must be dated within 12 months prior to the contract execution date. The residency requirements may be varied by program specific guidelines, in which case those specific guidelines will apply.

**An individual applicant must not be:**

- (a) an employee of a broadcaster or commissioning platform (e.g., an SVOD service);
- (b) enrolled full-time in a film, television or interactive digital media course at a film school or other educational institution. Applications from part-time students will be assessed on a case-by-case basis only where the film does not form part of the assessable material for the course and where the applicant holds all copyright for the project;
- (c) employed on a full-time basis by educational or training institutions; or
- (d) acting in the capacity of a trustee of a trust.

**An applicant that is a company must:**

- (a) be incorporated and carrying on business in Australia and have its central management and control in Australia;
- (b) be active in the screen business.
- (c) (If acting as a South Australian based company), be registered in South Australia and have its principal place of business in South Australia for at least six months immediately prior to the date of the application
- (d) be up to date with all relevant state and federal government obligations at the time of application for, and payment of, funding (including BAS, PAYG and GST obligations)

**An applicant that is a company must not be**

- (a) a broadcaster;
- (b) a holding company or subsidiary of a broadcaster;
- (c) owned or jointly owned by one or more companies referred to in (a) or (b); or
- (d) acting in the capacity of a trustee for a trust
- (e) an educational institution

**All applicants must also:**

- (a) not be in breach of any obligation under any agreement they have with SAFC or any of SAFC's predecessors;
- (b) always act 'in good faith' in all their dealings with SAFC (see 1.2 below);
- (c) have the capacity and resources to carry out the project or proposal that is the subject of the application;
- (d) have the right to carry out the project or proposal that is the subject of the application (including any relevant copyright and appropriate clearances from all significant participants). If the application is based on an underlying work, SAFC will expect, at the least, an appropriate option; and
- (e) where a related party to an applicant is in breach of an obligation under an agreement with SAFC or any of its predecessor agencies, SAFC reserves the right to regard the applicant as ineligible.

SAFC also reserves the right not to accept an application where a key principle on a project, such as a director or executive producer, is a person who would be ineligible by reason of a breach if that person had been party to an agreement with SAFC or its predecessor agencies by that person or a related party.

If you are not a South Australian resident, you must:

- provide evidence of a genuine co-production partnership with a South Australian Producer OR;
- have at least one South Australian resident Key Creative attached OR
- satisfy the SAFC that the project offers outstanding economic and creative benefits to South Australia

The following applicants are not eligible for SAFC funding and will not be considered:

- any party in default of any contractual obligations to the SAFC;
- applicants seeking retrospective funding;
- applications for projects that have been previously declined for funding, unless the applicant can demonstrate that the project has either undergone substantial further development or evidence of significant marketplace interest before re-submission;
- applications for commercial videos, advertisements, current affairs, reality television, infotainment, infomercials, game shows, serials/soaps, corporate sponsored, sport, educational, DVD Books, training, lifestyle, magazine style, music videos, non-narrative experimental, performance, or 'how to' programs, applications which include purchase of equipment, capital works or publication costs of film journals, books or magazines or the purchase of hardware, software or platform developer's kits;
- any combination of the above or without limitation, any other factors or circumstances deemed relevant in the SAFC's reasonable opinion.

### 1.3 Acting in good faith

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

In addition, the SAFC expects that communications between its staff and funding applicants will be courteous and respectful. The SAFC reserves the right to not accept applications for funding from any person who SAFC forms the view persistently treats our staff in a discourteous, hurtful or intimidating fashion, nor will SAFC enter into correspondence with any such person.

### 1.4 SAFC Statement of expectation

The SAFC expects recipients of SAFC funding to conduct their business ethically, professionally and with integrity at all times. The SAFC reserves the right to withhold or revoke funding if in its reasonable opinion these expectations are not met at a later date.

SAFC also expects all recipients of funding support to act fairly and reasonably in relation to third parties involved in the funded project. Fairness and reasonableness include:

- (a) Ensuring all employment contracts, including for cast, crew and key creatives, comply with Guild employment rates and conditions, where required, and at a minimum comply with the Fair Work Act. This includes but is not limited to the rates and classification of pay, the timing of payment, penalty rates and hours of work.
- (b) Complying with the prevailing Workers Compensation and Health legislation, industry safety standards and codes of conduct.
- (c) Payment of suppliers in a timely manner, and within 30 days of service delivery or as otherwise contracted.
- (d) respecting the rights of all relevant persons, whether those rights be copyright or other intellectual property rights, moral rights or First Nations Cultural and Intellectual Property rights.

### 1.5 Audit rights

SAFC may require funding recipients to provide an independent audit report in relation to expenditure of funds. Where an independent audit report is not required, SAFC may require the funding recipient to provide a statutory declaration verifying the expenditure report(s). In all cases, SAFC reserves the right to carry out an audit of the expenditure of its funding support to ensure compliance with contract requirements.

### 1.6 GST

Generally, GST is payable on SAFC funding and fees. SAFC requires the applicant to have an Australian Business Number (ABN), and to register for GST if required by law. Where GST is payable, SAFC will require the applicant to issue a Tax Invoice as a precondition to drawdown of the SAFC funds.

## 1.7 Reporting and information provision

For all projects and activities with funding from SAFC, the recipient will be required to provide some form of reporting/acquittal set out in the relevant funding agreement.

## 2. Crediting SAFC

All SAFC funded projects must include a pre-approved credit acknowledging the support of the SAFC on the project and its promotional materials. Credit requirements are detailed in the funding agreement or relevant program guidelines.

All SAFC funded projects will require acknowledgement of the SAFC's role in financing the Production in any promotional activity in which the project is discussed by, or under the authority of the Producer (including cast announcements, media calls, interviews, pre-screenings, premieres, press conferences, award ceremonies, press meetings, media set visits and other industry events);

## 3. First Nations Content

SAFC supports the telling of First Nations stories by First Nations storytellers and meaningful collaboration with the communities to which these stories belong.

The SAFC is committed to growing the South Australian First Nations screen sector and encourages the employment of First Nations creatives on all productions with First Nations content. The SAFC First Nations Industry Development Executive can provide names upon request.

### 3.1 Working with First Nations content and communities

Where there is First Nations content or participation in any production, the producer is required to comply with SAFC's protocols, including those related to treatment of 'Indigenous Cultural and Intellectual Property Rights'.

Indigenous cultural and intellectual property (ICIP) rights refer to First Nations people's rights with respect to their cultural heritage. This is a living heritage, which comprises all objects, sites, language and stories, images and intellectual and cultural knowledge, the nature or use of which has been transmitted or continues to be transmitted from generation to generation, and which is regarded as pertaining to a particular First Nations group or its territory.

Screen Australia's [Pathways & Protocols: a filmmaker's guide to working with Indigenous people, culture and concepts](#) provides practical advice about the ethical, legal and moral rights issues involved with the transfer of First Nations cultural material to the screen.

SAFC requires applicants to review the checklist in The Pathways & Protocols guide which includes a statement on how you are approaching First Nations content (even if you believe the content is not specific to a community or individual), evidence of your collaboration to date and where relevant, signed letters of consent confirming the community and/or individual's willingness to collaborate.

The Australia Council for the Arts also provides guidelines for working with First Nations practitioners in the arts and screen sector [www.australiacouncil.gov.au](http://www.australiacouncil.gov.au).

All projects involving First Nations content will be assessed by an experienced First Nations Assessor. Where SAFC determines content to be culturally sensitive, SAFC may at its discretion, require assessment by an external First Nations assessment panel.

The SAFC Cultural Protocols is a practical handbook for screen producers on culturally appropriate working practices in [South Australian First Nations Communities](#)

## **4. TERMS OF FUNDING:**

### **4.1 Development funding**

If a project has received development funding from SAFC and proceeds to production with SAFC finance, the development funding must be recognised in the production budget (as an above-the-line cost repayable to SAFC) or will be deducted from the total production finance provided. Where the project goes into production without SAFC funding, SAFC will require the producer to repay the development funding provided by SAFC.

### **4.2 Production Funding**

SAFC's investment is in the form of a non-recoupable grant. The SAFC considers this grant to be, by default, 'assigned equity' attributable to the SA producer for financing purposes.

Production funding is provided by way of grant (other than projects receiving funding by way of loan such as RLF funding) which does not have to be repaid other than:

- (a) in case of breach by the funding recipient; or
- (b) where not all the grant is required.

Where a project has received funding from another South Australian Government source (either for development or production), the SAFC may, at its discretion, consider that funding to be part of the South Australian Government's overall contribution to the project and may fund at a level accordingly.

#### **4.2.1 Completion Guarantee**

Generally, for Screen Production Funding, SAFC will require the appointment of a completion guarantor demonstrating their intent and the level of bondable Qualifying Australian Production Expenditure (QAPE).

For television productions, the SAFC may waive the requirement for a completion bond where the broadcaster agrees to closely monitor the production spend across production and post-production. Applicants must provide this confirmation from the broadcaster in writing.

For low-budget projects, the SAFC may waive the requirement to engage a completion guarantor and may, at its discretion, vary the milestone payments to mitigate risk to the SAFC. Applicants must provide a risk mitigation plan in writing at the time of application.

#### **4.2.2 Production Grant Reporting**

SAFC reserves the right to approve the project's Production Accountant.

The Producer agrees to provide a written cost report (including details of the Qualifying South Australian Spend) to SAFC:

- (a) for the pre- production period: within 10 days of the start of Principal Photography– the cost report to cover the period to the end of Pre-Production;
- (b) for the production period: within 10 days of the start of Post-Production – the cost report to cover the period up to the last day of Principal Photography; and
- (c) for the rough-cut Post-Production period: within 10 days of Rough Cut– the cost report to cover the period up to and including to the date of completion of Rough Cut and as otherwise reasonably requested by the SAFC.
- (d) The Producer must: (i) keep complete and proper books and records concerning the expenditure of funds including details of Qualifying South Australian Expenditure spend for each budget line and with details of the variance from the budgeted Qualifying South Australian Expenditure, (ii) ensure that those books and records are kept in accordance with this provision, (iii) notify the SAFC immediately of any change or other circumstances which may have the effect of the Producer failing to meet its obligation to incur the minimum Qualifying South Australian Expenditure.



Within 3 months of the Completion Date the Producer agrees to deliver a Final Cost Report to SAFC together with a statutory declaration in which the Producer declares that the contents of the Final Cost Report are true and accurate. The statutory declaration must be in accordance with the Statutory Declarations Act 1959 (Cth) and in a form approved by SAFC.

#### **4.3 Genuine SA Co-productions**

Where the guidelines for SAFC require or favour projects with an genuine co-production with an SA producer, SAFC considers a genuine co-production to be reflected through the SA producer or SA production company's share in any of the following rights and revenue streams in the context of the production:

- Producer's share of copyright
- Producer fees
- Overheads
- Producer offset margin
- Producer recoupment position from grant and offset and other producer sourced funding
- Producer's equity and profit share

### **5. RIGHTS FOR FUNDING**

#### **5.1 Copyright and underlying rights**

SAFC requires the producer to have, or be in a position to, acquire on appropriate terms, an assignment of all underlying rights required to make and exploit the project and any sequels, spinoffs and remakes (including a format) as outlined below.

In relation to production funding, SAFC requires the producer to provide a satisfactory chain of title opinion letter from an appropriately qualified solicitor. This requirement may also apply in relation to film and television development funding where the chain of title is particularly complex or SAFC considers there to be exceptional circumstances.

#### **5.2 State Library of South Australia legal deposit.**

South Australian producers may have legal deposit requirements under the State Libraries Act 1982. For further information of these requirements please see: <https://www.slsa.sa.gov.au/legal-deposit>

These deliverables must be included in the project budget and may be in addition to any requirements from the National Film and Sound Archive, if the proposal has Screen Australia funding.

#### **5.3 Other rights**

In addition, SAFC requires:

- (a) certain non-exclusive rights to use materials for projects it has funded for promotional and other purposes as set out in the relevant agreement;
- (b) approval or consultation rights as set out in the project's funding agreement;
- (c) collaboration with SAFC in connection with the Promotional Activity (including set visits) in order to jointly identify the best publicity opportunities for the Production for the purpose of generating high media coverage and to proactively shape the public awareness and promotion of the Production.

## 6. SAFC SUNSET CLAUSE AND FAILURE TO ACQUIT

Any party that fails to provide required materials prior to a contractual due date will be in breach of its obligations under the relevant agreement. SAFC will, in its sole discretion exercise its right to revoke any remaining funds, at any time after the stipulated due date which is not met unless the SAFC agrees to new terms in writing.

## 7. DIVERSITY, INCLUSION AND ACCESS

SAFC is committed to increasing participation of people from groups under-represented in the screen industry including; female identifying writers and directors, First Nations peoples, practitioners from Culturally and Linguistically Diverse backgrounds, Deaf or disabled practitioners, practitioners from socio-economic disadvantage, practitioners from LGBTQIA+ communities and practitioners from regional and remote areas,

The SAFC Diversity and Inclusion Strategy 2022-2032 sets out ten-year targets for screen sector diversity in South Australia. All applicants for SAFC funding programs and industry development support will be required to articulate how they will advance the SAFC Diversity and Inclusion Strategy.

All projects involving content depicting an underrepresented group will be assessed by an experienced assessor from the relevant community. Where SAFC determines content to be sensitive, SAFC may at its discretion, require assessment by an external assessment panel.

SAFC expects all projects to consider disability access arrangements for their projects and activities (including any obligations under relevant legislation including the Disability Discrimination Act 1992 Cth)

### 7.1 Measuring Diversity

To ensure SAFC is meeting its diversity targets, SAFC will collect diversity metrics for applicants against the following diversity dimensions; gender, ethnicity, race, socio-economic status, language, disability, sexual orientation and geographic location.

SAFC recognises the fundamental importance of privacy and understands concerns about the security of personal information. SAFC is committed to protecting any personal information that it holds. The [SAFC Privacy Policy](#) details generally how SAFC manages personal information and safeguards privacy.

### 7.2 The Everyone Project

SAFC is a Member of the Screen Diversity and Inclusion Network (SDIN) and is a signatory of **The Everyone Project** ([theeveryoneproject.org](http://theeveryoneproject.org)).

All SAFC funded screen productions are required to register their project with The Everyone Project as a condition of their funding.

### 7.3 Captions and Audio Descriptions

The SAFC requires feature films that it funds to be captioned and audio described to provide access for the hearing and/or visually impaired, for cinemas and DVD. The producer will need to budget for these requirements. Feature film producers are also required by SAFC to use reasonable endeavours to ensure that all Australian distribution agreements include access for the hearing and/or visually impaired via captioned and audio-described theatrical screenings and DVDs.

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

## 8. SAFE WORKPLACES AND WORKING WITH CHILDREN

SAFC has zero tolerance for unsafe workplace behaviours, including discrimination, harassment and bullying. This includes all events and activities that we manage and support as well as all projects and other initiatives we fund.

SAFC is committed to actively working to eliminate sexual harassment and other unsafe workplace practices and behaviours in our industry. All reports of harassment, bullying and other unacceptable behaviour will be swiftly investigated in accordance with our policies and relevant legislation and acted upon as appropriate.

SAFC expects employers (including producers) to comply with:

- All legislation relating to providing a safe workplace including state and federal harassment and discrimination legislation;
- [SPA/MEAA Australian Screen Industry Code of Practice: Discrimination, Harassment, Sexual Harassment and Bullying](#)

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

From 1 July 2019, people working or volunteering with children in South Australia must, by law, have a valid child-related clearance. The working with children check is only available through the South Australian Department of Human Services Screening Unit. The SAFC expects employers, including producers to comply with this legislation and may require evidence of their valid working with children check.

Further information is available via:

- Screening SA: <https://screening.sa.gov.au/screening-process/new-working-with-children-checks>
- Department of Human Services Screening Unit: <https://screening.sa.gov.au/contact-us>

## 10 Definitions and Terms of Reference

The following definitions and terms of reference apply to all SAFC program guidelines.

<b>A-List festival</b>	A-List festivals including the following: <ul style="list-style-type: none"><li>/ Berlin International Film Festival</li><li>/ Busan International Film Festival</li><li>/ Cannes International Film Festival</li><li>/ Clermont-Ferrand Short Film Festival</li><li>/ Critics Week, Cannes</li><li>/ Directors' Fortnight, Cannes</li><li>/ Hot Docs International Documentary Festival, Toronto</li><li>/ IDFA, Amsterdam</li><li>/ Sitges International Fantastic Film Festival</li><li>/ Sundance Film Festival</li><li>/ SxSW, Austin</li><li>/ Toronto International Film Festival</li><li>/ Venice International Film Festival</li></ul>
<b>Broadcast television or broadcaster</b>	A commercial free-to-air or subscription television network, public broadcasters such as the ABC or SBS or international equivalents. Broadcast television excludes networks which hold a CTV license, such as local community or public access television.
<b>Chain of title</b>	The set of documentation that establishes the producer's ownership of the rights to produce and exploit the film or other funded project. Examples of chain of title documents include option agreements, extension of option agreements, writer's agreements, quitclaim deeds and co-development agreements.
<b>Commissioning platform</b>	For the purpose of SAFC Guidelines, Commissioning Platform includes a free-to-air (FTA) or subscription television broadcaster/FTA streaming service or subscription video on demand (SVOD) services or broadcaster video on demand (BVOD) services .
<b>Control of copyright</b>	To be eligible for funding, the applicant <ul style="list-style-type: none"><li>/ must either be the copyright owner, or</li><li>/ be able to deal in all rights relevant to the project prior to making a formal application.</li></ul>
<b>Copyright</b>	Copyright is the exclusive right to copy, broadcast, perform, exhibit and otherwise commercially deal with and exploit eligible works. It is personal property and can only be transferred in writing. Copyright assignments and licences relating to the script form part of the chain of title. For further information about copyright in Australia, please refer to the <a href="#"><i>Copyright Act 1968 (Cth)</i></a> . Please refer below for a definition of moral rights which exist in certain copyright works.
<b>Co-production</b>	<p>A co-production is any production undertaken involving more than one producer/production company, from different states or different countries.</p> <p>Where the guidelines for SAFC require or favour projects with a genuine co-production with a SA producer, SAFC considers a genuine co-production to be reflected through the SA producer or SA production company's share in any of the following rights and revenue streams in the context of the production:</p> <ul style="list-style-type: none"><li>/ Producer's share of copyright</li><li>/ Producer fees</li><li>/ Overheads</li><li>/ Producer offset margin</li><li>/ Producer recoupment position from grant and offset funding</li><li>/ Producer's equity</li></ul>

<b>Credited</b>	<p>The term “credited” refers to writers, directors and producers who have a track record in screen production as follows:</p> <ul style="list-style-type: none"> <li>/ Television or episodic project released on broadcast TV or an SVOD platform</li> <li>/ Feature film released theatrically or via an SVOD platform or has received the Producer Offset</li> <li>/ Short film in official selection at A-list festival</li> <li>/ Narrative online work with more than 1 million views or on a channel with more than 100K subscribers</li> <li>/ A video game published on a recognised commercial platform</li> </ul>
<b>Defining Diversity</b>	<ul style="list-style-type: none"> <li>/ <b>Female</b> means female and female-identifying;</li> <li>/ <b>First Nations</b> means people who identify as Aboriginal and/ or Torres Strait Islander, and are accepted as such by the community in which they live or have lived;</li> <li>/ <b>LGBTQIA+</b> is an abbreviation for Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual;</li> <li>/ <b>Regional or Remote</b> means postcodes and suburbs outside ABS definitions of Greater Adelaide, with the exception of the Local Government Area of Playford;</li> <li>/ <b>Culturally and Linguistically Diverse (CALD)</b> means not of Anglo-Celtic descent and/or English is not the main spoken language in the home. Within this term some people may use the acronym POC meaning People of Colour;</li> <li>/ <b>Deaf and disabled</b> means disability as defined under the Disability Discrimination Act 1992. The SAFC also utilises a broader definition of disability, The Social Model. The Social Model refers to the loss or limitations of opportunities to take part in life on an equal basis with others due to barriers. Deaf is always written with a capital D to show that Deaf communities are a linguistic minority as recognised by the Australian Government.</li> </ul> <p>The SAFC acknowledges that language is dynamic and may change over time. The SAFC is committed to inclusive language principles.</p>
<b>Documentary</b>	<p>The SAFC uses the established Australian Communications and Media Authority definition, as outlined in the Broadcasting Services (Australian Content) Standard 2016 which can be found at: <a href="https://www.legislation.gov.au/Details/F2016L00392">https://www.legislation.gov.au/Details/F2016L00392</a> . <a href="https://www.acma.gov.au/sites/default/files/2021-06/ACMA%20documentary%20guidelines%202021.pdf">Guidelines for the interpretation of the content standards can be found at https://www.acma.gov.au/sites/default/files/2021-06/ACMA%20documentary%20guidelines%202021.pdf</a></p>
<b>Drama</b>	<p>A screen-based work driven by a storyline and based on the imagination and not necessarily on fact.</p>
<b>Factual</b>	<p>A <a href="#">genre</a> of <a href="#">non-fiction</a> television programming that documents actual events and people. Excluding reality television and any other format/genre included below.</p>
<b>Feature film (drama &amp; documentary)</b>	<p>A film of no less than 75 minutes aimed at theatrical or commissioning platform release.</p>
<b>Indigenous cultural &amp; intellectual property (ICIP) rights</b>	<p>Indigenous cultural and intellectual property (ICIP) rights refer to First Nations people’s rights with respect to their cultural heritage. This is a living heritage, which comprises all objects, sites, stories, images and knowledge, the nature or use of which has been transmitted or continues to be transmitted from generation to generation, and which is regarded as pertaining to a particular First Nations group or its territory. Further information at <a href="http://www.screenaustralia.gov.au/about-us/doing-business-with-us/indigenous-content/indigenous-protocols">http://www.screenaustralia.gov.au/about-us/doing-business-with-us/indigenous-content/indigenous-protocols</a></p>
<b>Industry committee</b>	<p>Some applications are assessed and considered by an SAFC coordinated industry committee. The committee members include industry experienced producers and practitioners.</p>
<b>Interstate partnerships</b>	<p>The SAFC encourages genuine co-productions/partnerships between South Australian and non-South Australian companies.</p>
<b>Key creative</b>	<p>The SAFC defines a key creative as a principal writer, director or producer.</p>
<b>Licence fee</b>	<p>A fee paid in exchange for the right to use a film or television production for a particular purpose, i.e. to screen a project on free-to-air, broadcast and/or other platforms.</p>
<b>Market attachment</b>	<p>Some schemes require the applicant to include market attachments. These could include:</p> <ul style="list-style-type: none"> <li>/ license fees;</li> <li>/ pre-sales;</li> </ul>

	<ul style="list-style-type: none"> <li>/ distribution guarantees or advances provided by reputable (national or international) distribution companies;</li> <li>/ development funds from a genuine industry marketplace or broadcasters, excluding private funds.</li> </ul>
<b>Market interest</b>	Market interest is defined by the SAFC as formal feedback from industry marketplace that they may be interested in pursuing the project (eg. a letter of interest).
<b>Moral rights</b>	<p>Moral rights are personal rights contained in the <i>Copyright Act 1968</i> (Cth) that connect creators to their copyright-protected work.</p> <p>There are three types of moral rights:</p> <ul style="list-style-type: none"> <li>/ <b>Right of attribution:</b> this is the right of an author to be identified and named as the author of his/her work;</li> <li>/ <b>Right against false attribution:</b> this is the right of an author to stop someone else being credited as the author of their work; and</li> <li>/ <b>Right of integrity:</b> this is the right of an author to ensure that his/her work is not subjected to derogatory treatment which is any act in relation to the work that is in any manner harmful to the author's honour or reputation.</li> </ul> <p>For further information about moral rights in Australia, please refer to the <a href="#"><i>Copyright Act 1968</i> (Cth)</a>.</p>
<b>Narrative</b>	A structured story or account of a series of events or experiences, whether documentary or fiction.
<b>Rights reversion</b>	the SAFC's Rights Reversion policy assigned all of the SAFC's entitlement to gross receipts from certain projects in which the SAFC was an investor, together with the SAFC's copyright interest in that project, to the principal producer five (5) years after the first commercial release or broadcast of the project.
<b>Series/serial</b>	Comprise a potentially unlimited number of episodes and contains a number of interweaving and overlapping plots continuing from one episode to the next.
<b>South Australian producer</b>	A producer who meets all South Australian resident requirements (refer to <i>South Australian resident</i> ).
<b>South Australian production/post-production company</b>	<p>A South Australian production company is defined by the SAFC as a registered company that meets all of the following:</p> <ul style="list-style-type: none"> <li>/ incorporated and carrying on business in Australia;</li> <li>/ for applicants seeking development or production finance, a company must be active in the screen business.</li> <li>/ South Australian based company must be registered in South Australia and have its principal place of business and central management and control in South Australia for at least six months immediately prior to the date of the application.</li> </ul>
<b>South Australian resident</b>	<p>Resident South Australians for the purpose of Qualifying South Australian Expenditure are defined as individuals who meet all of the following:</p> <ul style="list-style-type: none"> <li>/ their principal place of abode is in South Australia;</li> <li>/ they are professionally based in and carry on their business in South Australia;</li> <li>/ they are registered on the state electoral roll</li> </ul>
<b>Track record</b>	For most of the SAFC's programs, an applicant's credit(s) are used to determine their level of experience or 'track record' when applying for funding (please refer to <i>credit</i> ). Importantly the relevance of the credit, in respect to the type of funding the applicant is applying for, will also be reviewed when establishing eligibility for funding. The SAFC reserves the right to request proof of credits in applications for funding.
<b>Qualifying South Australian spend (SAS)</b>	<p>The term used to describe the South Australian expenditure commitments of SAFC funded productions.</p> <p>For full details of SAS definitions and requirements see Qualifying South Australian Expenditure (SAS) Information available at:  <a href="https://www.safilm.com.au/wp-content/uploads/2021/08/South-Australian-Qualifying-Expenditure-August-2021-FINAL.pdf">https://www.safilm.com.au/wp-content/uploads/2021/08/South-Australian-Qualifying-Expenditure-August-2021-FINAL.pdf</a></p>
<b>Alternate sources of funding</b>	As the SAFC's funding is limited, the SAFC encourages applicants to maximise alternate sources of funding for their projects.

	<p>The SAFC recommends applicants apply to other funding sources where appropriate, or to similar funding schemes available including Screen Australia and other State agencies (ie if one of the writer, producer or director of a team is based in that state) and in the case of television projects to commissioning platforms.</p> <p>It is important to note that the outcome of such applications will not determine the SAFC’s decision but may be a pre-condition of any funding consideration.</p>
<b>Collaborations</b>	Where appropriate, collaboration between credited and emerging or developing practitioners that have entered into genuine business relationships is encouraged.
<b>Disclosing funding sources</b>	<p>Applicants must disclose:</p> <ul style="list-style-type: none"> <li>/ applications for funding from other sources;</li> <li>/ funding already secured at the time of application;</li> <li>/ any conditions that attach to either of these sources of funding.</li> </ul>
<b>Discussion about funding sources</b>	<p>As part of the application process, the SAFC may require consultation with the proposed marketplace and other third-party financiers about their involvement in the project. The SAFC may contact and discuss a project with all parties associated with the financing of any project included in an application – including but not limited to the broadcasters, distributors, sales agents, crew and or funding bodies approached by the applicant. The content of these discussions will be held in confidence by the SAFC.</p>
<b>GST</b>	<p>Generally, Goods and Services Tax (GST) is payable on the SAFC’s funding and fees. The SAFC requires the applicant to have an Australian Business Number (ABN) and to register for GST if required by law.</p> <p>Where GST is payable, the SAFC will require the applicant to issue a tax invoice as a precondition to draw down of SAFC funds.</p>
<b>Reports</b>	<p>All SAFC programs require successful applicants to submit a report/s as outlined in their agreement with the SAFC.</p> <p>Applicants may also be required to share information and skills learnt at events facilitated by the SAFC.</p>
<b>Resubmissions</b>	<p>The SAFC may deem that a project that has not received funding cannot be resubmitted for consideration unless the project can either:</p> <ul style="list-style-type: none"> <li>/ demonstrate substantial further development;</li> <li>/ produce evidence of significant marketplace interest.</li> </ul> <p>The SAFC will only fund one phase of development without marketplace attachments.</p>
<b>SAFC statement of expectation</b>	<p>In addition to the sentiment contained in the <i>General Condition, Acting in Good Faith</i>, the SAFC expects recipients of SAFC funding to conduct their business ethically, professionally and with integrity at all times. This includes, without limitation, abiding by legal requirements in relation to the payment of wages to cast and crew and the contractual conditions attached to their employment. Any deviation from this expectation must be discussed with and approved by the SAFC at the time of application, and the SAFC reserves the right to withhold or revoke funding if in its reasonable opinion these expectations are not met at a later date.</p>
<b>Working with First Nations content and communities</b>	<p>Applications involving, or dealing with, First Nations material should include appropriate permission from the relevant community.</p> <p>A First Nations consultant may be appointed by the SAFC to provide an assessment of the application to ensure that appropriate consultation is taking place and that the use of the material is appropriate and acceptable to the relevant community and First Nations communities generally.</p> <p>The SAFC recommends that applicants refer to the guidelines developed by Screen Australia entitled “<i>A Guide to Protocols for Screen based practitioners Working with Indigenous Content and Indigenous Communities</i>”</p> <p><a href="http://www.screenaustralia.gov.au/about-us/doing-business-with-us/indigenous-content/indigenous-protocols">http://www.screenaustralia.gov.au/about-us/doing-business-with-us/indigenous-content/indigenous-protocols</a>This guide is intended to provide practical advice about the ethical and legal issues involved with the transfer of Indigenous cultural material to the screen. Applicants can also find more information in the SAFC’s <a href="#">Cultural Protocols Guide</a> which is a practical and informative handbook on culturally appropriate working practices with South Australian First Nations communities.</p>