

Screen Canberra: Information for Applicants

Eligibility requirements apply to both applicants and projects for which funding is sought.

1 DEFINITIONS

In the following provisions:

- a. "broadcaster" means a company providing television broadcasting services in Australia (including subscription television services) under the Broadcasting Services Act 1992 (Cth).
- b. "related party" means:
 - i. a director or other officer of an applicant company; or
 - ii. the holding company or a subsidiary of an applicant company; or
 - iii. any company of which an individual applicant is a director or other officer; or
 - iv. any other company of which a director or other officer of an applicant company is a director or other officer.
- c. "Screen Canberra" means Screen Canberra and/or where relevant, any of its predecessor agencies.

2 APPLICANT ELIGIBILITY

The following eligibility conditions apply to individual applicants and company applicants. It should be noted that the eligibility conditions 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. The applicable program guidelines may specify additional eligibility conditions

2.1 AN INDIVIDUAL APPLICANT MUST:

- a. be an Australian citizen; or
- b. be an Australian permanent resident (holding a permanent visa).
- c. not be:
 - i. under the age of 18;
 - ii. an employee of a broadcaster or commissioning platform (eg an SVOD service);
 - iii. enrolled full-time in a film, television, interactive digital media or games course at a film school or other tertiary educational institution. Applications from part-time students will be assessed on a case-by-case basis; or
 - iv. acting in the capacity of a trustee of a trust.

2.2 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. By way of exception to this provision, when applying for P&A funding (or similar marketing support), a company which would otherwise be ineligible may be funded where it is considered appropriate in all the circumstances to do so.
- b. not be:
 - i. a broadcaster;
 - ii. a holding company or subsidiary of a broadcaster;
 - iii. owned or jointly owned by one or more companies referred to in (i) or (ii) above; or

- iv. acting in the capacity of a trustee for a trust.

2.3 All applicants must also:

- a. have an Australian Business Number (ABN) at the time of application, and register for Goods and Services Tax (GST) if required by law;
- b. not be in breach of any obligation under any agreement they have with Screen Canberra, including but not limited to an obligation to deliver a key delivery item such as an acquittal report, deliver a sales report, and/or make a payment due to Screen Canberra or any of Screen Canberra's predecessors;
- c. always act 'in good faith' in all their dealings with Screen Canberra (see Terms of Trade);
- d. have the capacity and resources to carry out the project that is the subject of the application;
- e. have the right to carry out the project 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, Screen Canberra will expect, at the least, an appropriate option and purchase agreement; and
- f. have meaningful creative control of the project that is the subject of the application.

3 RELATED PARTIES OR KEY PRINCIPALS

Where a related party to an applicant is in breach of an obligation under an agreement with Screen Canberra, Screen Canberra may treat the applicant as ineligible.

Screen Canberra may not accept an application where a key principal on a project (including an individual or entity that is a key creative, financial contributor or marketplace participant on a project) is a person who would be ineligible by reason of a breach of agreement with Screen Canberra by that person or a related party.

4 PROJECT ELIGIBILITY

In order to provide funding to any project, Screen Canberra must be satisfied either that the project is an official co-production or that the project has significant Australian content. These tests will be applied having regard to the project's stage of development.

An 'official co-production' is a production between two or more countries that is officially approved as made under a treaty, or another form of government or quasi-government arrangement (typically, a Memorandum of Understanding or 'MOU'). In addition to meeting the requirements of the relevant treaty or MOU, in order to be approved as an official co-production, the project must comply with [Screen Australia's International Co-Production Program Guidelines](#).

5 SCREEN CANBERRA'S STATUTORY OBLIGATIONS

Funding for the Canberra Screen and Games Fund is provided by the ACT Government. The Territory and Screen Canberra may disclose and publicise funding details (including recipient name, project title, funding amount and a brief description of the funded activities) as required under applicable [freedom of information legislation](#) and for reporting or promotional purposes, including websites, media releases, announcements and annual reports. Except for such disclosures, the applicant and Screen Canberra must keep all application and assessment information confidential and must not disclose it to any third party without prior written consent.

6 LIMITS ON SCREEN CANBERRA FUNDING

There are limits on the amount of funding that Screen Canberra can provide for an individual project. These limits are set out in the relevant program guidelines.

In relation to official co-productions, the above limits apply only to the Australian producer, and only to the Australian components of the budget.

7 COPYRIGHT AND UNDERLYING RIGHTS

As per Screen Canberra's general eligibility requirements, applicants must have the right to carry out the project that is the subject of the application (including any relevant copyright and appropriate clearances from all significant participants).

In relation to production funding (including feature film, television, online and games funding), Screen Canberra requires applicants to have, or be in a position to acquire on appropriate terms, an assignment of all underlying rights, including copyright, required to produce and commercially exploit the project and any sequels, spinoffs and remakes (including a format). Further information about chain of title, copyright interests, sequels, spinoffs and remakes can be found at Information for Recipients.

8 FIRST NATIONS CONTENT OR PARTICIPATION

Screen Canberra is committed to supporting authentic First Nations screen stories.

Where a project involves any First Nations content or participation, applicants are required to demonstrate how they will ensure the content is represented respectfully and authentically. Applicants will need to provide evidence of collaboration and consultation and obtain appropriate clearances or releases, written confirmations from relevant subjects and communities as to their willingness to be involved, as well any necessary consents to use and/or depict any First Nations cultural heritage.

Producers of projects with First Nations content or participation must respect Indigenous Cultural and Intellectual Property (ICIP) rights and comply with the specific guidance provided in Screen Australia's [Pathways & Protocols: a filmmaker's guide to working with Indigenous people, culture and concepts](#).