

Development Contracting with Screen NSW

This resource is to help you understand in advance the kinds of documents which may be required by Screen NSW as evidence that you hold the rights to develop your project.

It isn't complete by any means, but will be useful in guiding you through the contracting process. Screen NSW strongly recommends that you seek independent legal advice when considering these issues as they relate to your own particular circumstances and the nature of your project.

Please note:

- Screen NSW requires that applicants hold the rights, including copyright, in their project. The contracting party you choose to use when entering into the Screen NSW Development Agreement must be the same party that enters into agreements with Key Principals, Principal Participants, etc.
- You must include your ABN in your contracting party details listed in any of the documentation listed below.

Matters to consider	Corresponding documents which you may need to provide to Screen NSW for our approval
Screen NSW will need to review agreements between you and the Key Principals to be used during the Next Stage of your project and any associated rights agreements	This may include, for example, any combination of the following: <ul style="list-style-type: none"> • Writer's Agreement • Director's Agreement • Producer's Agreement • Script Editor's Agreement • Animator's Agreement • Designer Agreement • Consultant Agreement
Your project is based upon an Underlying Work separate to the script e.g. novel, stageplay, poem	<ul style="list-style-type: none"> • Option Agreement and/or Assignment Agreement • Publisher's Quits Claim Form if the Underlying Work is a published work e.g. novel
Rights in your project were originally held by an individual/company other than yourself	<ul style="list-style-type: none"> • Assignment, Assumption and Novation Deed
The writer on the Next Stage which Screen NSW is providing funding towards is different to the writer involved in the development of treatments/earlier drafts of the script for the project	<ul style="list-style-type: none"> • Writers Agreement for previous stage(s) of the Script • Writers Agreement for Next Stage • Quits Claim from the Writer of previous stage(s) of the Script

Indigenous Content will be incorporated into the Next Stage of your project	<ul style="list-style-type: none"> • Indigenous Cultural Intellectual Property Release/Licence
Interview(s) are to be included in the Next Stage that Screen NSW is providing funding towards	<ul style="list-style-type: none"> • Interview release(s) from Principal Participant(s)
The script/project is based on an individual/company's story	<ul style="list-style-type: none"> • Release from the individual/appropriate representative of the company
Archive footage will be included in the work produced at the Next Stage	<ul style="list-style-type: none"> • Licence for use of archive footage
Children will be involved in a shoot for the Next Stage	<ul style="list-style-type: none"> • Copy of an authority issued by the Children's Guardian or any related body
Live performance will be incorporated in a shoot for the Next Stage	<ul style="list-style-type: none"> • Performers release
You have received previous funding from a third party	<ul style="list-style-type: none"> • Third party funding agreement • Written consent from the third party for Screen NSW's proposed funding towards the project
You have entered into an official/unofficial co-production arrangement	<ul style="list-style-type: none"> • Co-Production Agreement
You have entered into a partnership	<ul style="list-style-type: none"> • Partnership Agreement