



## GUIDELINES

# MADE IN NSW - TV DRAMA

### Eligibility

This fund will support TV drama production, by NSW based companies, that has the potential to travel internationally, reach new audiences by premiering on digital platforms and play to large audiences via traditional media outlets.

Eligible projects will be must-see, event TV with the potential for returning series and have a prime-time slot on Australian TV - either free to air or via subscription channels and online platforms.

### CRITERIA

Applications for production funding will be assessed considering:

- The overall economic and employment impact to NSW including the total expenditure in NSW
- Projected production expenditure in western Sydney and regional NSW
- Opportunities for skills development for NSW emerging and established practitioners
- The amount requested relative to the NSW spend
- The qualities of the creative materials, relative to the team's creative vision and market intentions, and readiness for production
- Potential for innovation and impact in content, form, distribution and/or production methodologies
- Potential for returning series
- The track record and level of experience of the key creative team and crew relative to the ambitions of the project
- The distribution and marketing plans for the project, (including international and domestic financing partners, new domestic and international delivery platforms)



- The viability of the budget and schedule in terms of realizing the project's stated ambitions
- The amount requested and the amount available within the program.

**Applicants must discuss their project with the Director, Sector Investment prior to submitting an application.**

**Note:** If you intend on applying to both the Made in NSW – TV Drama Fund and the Regional Filming Fund for your project, please submit these applications concurrently.

**Note also:** Applicants should check the contracting timeframes of all funding agencies whose contributions appear in their finance plan, and build these timeframes into their schedule for closing and cashflow.

### Who can apply?


Create NSW's general eligibility requirements can be found in our Terms of Trade, which should be read in conjunction with these Production Finance guidelines.

#### [Create NSW Terms of Trade](#)

In order to be eligible to apply for the MADE IN NSW – TV DRAMA fund, the Applicant will need to provide evidence of the following:

- In the case of NSW-based producers, that the production company is registered in New South Wales Australia or, in the case of interstate producers, that the minimum spend thresholds for interstate producers are met, and that the production company is registered in Australia;
- That at least one of the key creatives is NSW-based;
- A significant production spend in NSW, as detailed below. For NSW-based producers, Create NSW supports productions that expend more than 50% of the total budgeted cost in NSW. For international co-productions, the expenditure in NSW must be more than 50% of the total Australian budgeted cost.
- For an interstate producer, more than 80% of the total budgeted cost must be expended in NSW. For international co-productions with an interstate producer, the expenditure in NSW must be more than 80% of the total Australian budgeted cost.
- Where a producer intends to conduct 100% of the project's post production in NSW (from picture edit to delivery, with NSW-based post-production personnel), or where the below-the-line post production spend in NSW is AUD\$3 million or more, the 50% / 80% requirement will be relaxed for both NSW and interstate producers. For an indication of an acceptable spend % in these instances, please contact the Manager Development & Production. Please also check the 100% post requirements in the [Create NSW Terms of Trade](#) to confirm your eligibility.
- Where the eligible NSW spend is \$5 million or more, the 50% / 80% requirement will be relaxed for both NSW-based and interstate producers.
- That the project is fully financed at the time of application (other than the contribution from Create NSW, or contributions that are being considered concurrently by other similar State or Federal agencies.) Create NSW will require written evidence that reflects the proposed finance plan by way of signed Deal Memos/Letters of Offer/Short or Long Form Agreements





that need to specify the commercial terms and the level of financial commitment to the project. If the project is utilising the Producer Offset, then distribution and broadcast agreements must meet the criteria for public exhibition in relation to the Producer Offset. Please note that a project will not be considered in a round until all the required documentation has been provided. If the finance plan includes finance from overseas, then the producer must provide Screen NSW with written assurances about how they will deal with any currency fluctuations;

- For projects utilising the Producer Offset, the Applicant must hold a Provisional Certificate for the Producer Offset or be able to demonstrate that the Certificate has been applied for by providing a completed application form;
- Ownership or control of the rights necessary (or have shared ownership and/or joint control of copyright under a co-production arrangement) to carry out the project that is the subject of the application (including having ownership or control of any relevant copyright and appropriate clearances from all significant participants). If the application is based on an underlying work, Screen NSW will expect an appropriate option to be in place and current;
- If the finance plan for a project includes Screen Australia finance, then Create NSW will only consider a production finance application when Screen Australia is concurrently considering the project for finance, or Screen Australia's finance has already been confirmed;
- Evidence of production attachments. When Create NSW invests \$200,000 or more in a production, the producer will be required to provide for a minimum of two paid attachments. For more details, see 'Terms and Contractual Requirements' below.

Please note: Create NSW does not fund retrospectively. Projects where pre-production has commenced before the closing application date of the relevant funding round are not eligible for consideration.

### How and when can I apply?

Made in NSW - TV Drama is run in line with the Production Finance rounds.

Made in NSW - TV Drama Round 68 is now OPEN and will close Sun 9th Feb 2020 (11.59pm).

[Please apply online here.](#)

### Indigenous Content


If your application includes indigenous content but no Indigenous key creatives, you will need to include your strategy regarding Indigenous consultation and consent. It is our expectation that teams in this situation will have read and will respect the [Indigenous Pathways and Protocols](#).

### How will my application be assessed?

#### Process

Each project application will be assigned to the Development and Production Team for assessment and analysis. Create NSW may commission a number of external reports from qualified personnel who may provide confidential budget, legal, financial, distribution, marketing and other specialist advice in relation to the application. External reports inform the Create NSW decision-making





process but do not determine the outcome. They are intended to provide confidential and independent professional analysis of proposals.

Projects recommended by the Development and Production team are discussed by the Create NSW Project Committee. The Project Committee is comprised of the Director of Sector Investment, Chief Executive Create NSW, and Manager, Stakeholder Relations and Industry Development (or another senior manager if unavailable).

Recommended projects are referred to the NSW Film and Television Industry Advisory Committee for consideration.

All applicants will be notified in writing as to the outcome of their application within ten days of the final decision being made.

## **If I am offered funding, what happens next?**

### **Terms And Contractual Requirements**

All approvals are subject to the balance of the budgeted cost being committed from other sources. Create NSW generally requires applicants for production funding to commence contracting within three months of the date of approval of funding applications, to complete contracting within six months of the date of approval and to draw down all funds within a further twelve months. Create NSW is entitled to approval or meaningful consultation rights as set out in the project's Production Investment Agreement (PIA) or Production Grant Agreement (PGA).

<http://www.screen.nsw.gov.au/terms-of-trade-contracting/production-finance/>

### **Copyright**

Create NSW will take a 1% share of copyright where it is providing recoupable investment. It will not take a share of copyright for projects where the major agency funder is not taking copyright and the funds are provided by way of a grant.

### **Investment Type**

Screen NSW funding is provided by way of pro rata equity investment (recoupable investment), depending on the type of project and the level of funding.

As support is by way of equity investment, investments are recouped pro-rata pari passu with other investors. Investments entitle Screen NSW to 1% share of copyright and appropriate approval and consultation rights.

### **Cashflow**


Funding is generally provided in standard drawdowns – please see the [Create NSW Terms of Trade](#) for details.

<http://www.screen.nsw.gov.au/terms-of-trade-contracting/screen-nsw-terms-of-trade/>

### **Completion Guarantee**

Generally, Create NSW requires the appointment of a Completion Guarantor for all projects where it





provides production investment. **Note:** For requests to waive the requirement for completion guarantees, Create NSW has a number of specific requirements, **including a 10% contingency**. Please refer to the [Create NSW Terms of Trade](#) for these requirements and for more information regarding completion guarantees.

## NSW Spend

Producers commit to a minimum budget expenditure in NSW at the time of application. Create NSW requires funding recipients to provide a statutory declaration verifying compliance with the contracted eligible NSW Spend. For projects where Screen Australia is investing one million dollars or more, Create NSW will require an audit that includes a separate audit of the eligible NSW Spend. All funding recipients must deliver a NSW [Production Report](#) that contains information about the shoot, locations, employment, postproduction and markets.

Please refer to the [Create NSW Terms of Trade](#) for more information regarding the calculation of the eligible NSW Spend and audit rights.

## Location Manager

Where projects are predominantly location-based, Create NSW will require a location manager to be adequately budgeted and employed for the duration of the shoot.

## Production Attachments

For all projects receiving support from the MADE IN NSW – TV DRAMA fund, producers are required to provide for production attachments, to any above or below the line position, from within the budgeted cost. For any projects receiving support of \$200,000 or more, a minimum of two NSW-based attachments will need to be provided. This is part of the Create NSW commitment to providing training and development opportunities for people working in the NSW screen industries.

The attachment should fill a position that is additional to the normal complement of crew roles given the budget level of the project. It should not be used to fill a normal crew position. Attachments can be to any position, above or below the line, and at any stage of production.


The attachments must be paid at no less than industry award rates (for 40-hour weeks, Level 1 MPPA rate, not including scheduled or standard overtime), and must be of a duration that is at least equivalent to the number of scheduled shooting weeks (a minimum of 6 weeks).

Applicants for MADE IN NSW – TV DRAMA funding must allow for the fulfilment of this obligation in their production budget and provide the proposed position of each attachment at the time of application, together with the name of the proposed attachée if available or prior to the execution of the production investment agreement. Successful applicants will be required to provide further evidence (e.g. employment contracts or resumes) to verify that the attachments have been engaged by second drawdown of Create NSW funds.

## Foreign Actors

If a proposal involves foreign actors, producers will need to be aware of the requirements for approval and for visas for foreign actors seeking entry into Australia. Please note that applications for these visas are considered under the Foreign Actors Certification Scheme that is administered by





the Department of Communications and the Arts. It is a requirement that a certificate be issued before the Department of Immigration and Citizenship can issue the appropriate entertainment visa. Click below to be directed to further information on Foreign Actors:

<http://arts.gov.au/guidelines-entry-to-Australia-foreign-actors>

## **General Requirements**

All applicants are required to have a valid Australian Business Number (ABN) and be registered for GST.

Create NSW will require a presentation credit, an end credit and a location credit which will be detailed in the PIA or PGA. Please also refer to Create NSW credit requirements in the [Create NSW Terms of Trade](#).

Create NSW may adjust its finance or withdraw its offer of funding for a project if details of the deal, the production spend in NSW or creative elements are withheld or changed.

## **Feedback, Review, and Formal Complaints Procedure**

If you would like to provide us with feedback, or believe you have cause for complaint, the details of our Feedback, Review and Formal Complaints Procedures are available [here](#).

## **For further information please contact:**

Sector Investment Officer (Screen)  
Phone: +61 (02) 8289 6493  
Email: [dap@screen.nsw.gov.au](mailto:dap@screen.nsw.gov.au)

