



## SCREENWEST – GLOSSARY OF TERMS

The following terms are used in these Terms of Trade and in Program Guidelines.

### Applicant

The person or company that submits an application to Screenwest for funding under a Program.

### Applicant Related Parties / Funding Recipient Related Parties

A related party is any person or entity that has a close relationship with the Applicant or Funding Recipient and could materially influence or control the Applicant, the Funding Recipient or the Project. This includes:

- Relatives (e.g. spouse, de facto partner, child, parent, sibling) of the Applicant or Funding Recipient that could materially influence or control the Applicant or the Project;
- Entities controlled by or controlling the Applicant or Funding Recipient;
- Company directors, partners, or senior management of the Applicant or Funding Recipient;
- Entities that are or have been controlled by one or more of the same company directors controlling the Applicant or Funding Recipient;
- Key principals on the Project, such as its key creatives and executive producers;
- Co-producing parties under an Eligible Co-Production; and
- Any other person or entity with a close relationship with the Applicant or Funding that could materially influence or control the Applicant, the Funding Recipient or the Project.

### Application

A formal request for funding submitted by the Applicant to Screenwest under a Program.

## Chain of Title

The collection of contracts and other documents or records that show how the Intellectual Property rights, including Copyright and other Underlying Rights, in the Project and any source materials and other works used, have been created, transferred and licensed to the Applicant or other relevant party.

## Chain of Title Opinion

A chain of title opinion (also called a solicitor's opinion letter) is a letter from a suitably qualified lawyer confirming they have reviewed the Chain of Title, that the Funding Recipient or Applicant has the rights needed to develop, produce and exploit the Project, and exercising those rights will not infringe someone else's rights.

## Copyright

Legal property rights in literary, dramatic, musical, artistic and other works and subject matter, including films and television programs, as recognised under *the Copyright Act 1968 (Cth)* or equivalent laws.

## Digital Games

Interactive electronic software products intended primarily for entertainment, playable on computers, consoles, mobile devices or online platforms.

## Documentary(ies)

A documentary is a film, television program or other audio visual work that is a creative treatment of actuality and meets the definition of documentary included in the *Australian Communications and Media Authority (ACMA) documentary guidelines* and the *Income Tax Assessment Act 1997 (Cth)* 376-25.

## Eligible Co-Production(s)

A co-production that is either:

- A co-production between producers that are Western Australian Residents.
- A Genuine Co-Production (see definition below).
- An Official Treaty Co-Production (see definition below).

## First Nations Australian Content

Any Aboriginal or Torres Strait Islander story, subject matter, participants, communities, culture, knowledge, Indigenous Cultural and Intellectual Property or other heritage in any form.

## Funding Recipient

An Applicant that has submitted a successful Application to Screenwest for funding under a Program and has entered into a binding funding agreement with Screenwest.

## Genuine Co-Production

A co-production between a Producer that is a Western Australian Resident and one or more non-resident Producers that is structured so that each Producer has meaningful creative and financial participation and clearly defined rights and responsibilities.

The Producer that is a Western Australian Resident must, at a minimum:

- Have a producer credit on a minimum of:
  - two broadcast hours of professional television; or
  - one feature film; or
  - two hours of professional digital screen production; or
  - an equivalent to the above as determined by Screenwest; or
  - be applying with a project that brings strong economic and/or cultural opportunities to the State or Western Australian screen industry or Screenwest as determined by Screenwest.
- Be the Applicant and a party to the funding agreement.
- Be credited on the Project as a producer in line with the other Producers or in a position no less prominent than the non-Western Australian Co-Producer(s).
- Be entitled to a Copyright interest, profit share and interest in any Producer Offset, that is at least in proportion to the total funding provided from Western Australian sources in the Project's total funding.
- Have meaningful creative consultation rights in the project.

To make sure these requirements are met, Screenwest must approve the terms of the co-production agreement between the Western Australian Resident Producer and the non-resident Producer(s) before funding is approved.

Changes to these requirements will only be considered in exceptional circumstances and must be approved by the Screenwest board.

## GST

Goods and services tax (GST) is a broad-based tax of 10% on most goods, services and other items sold or consumed in Australia. To learn more visit the [Australian Tax Office website](#).

## Grant

A financial contribution that does not require repayment (other than in circumstances of breach of a funding agreement) or provide Screenwest with any ongoing financial interest or property ownership in the Project.

## Indigenous Cultural and Intellectual Property

Indigenous Cultural and Intellectual Property refers to all aspects of Aboriginal and Torres Strait Islander peoples' traditional knowledge and cultural expressions, sometimes called "cultural heritage". Indigenous Cultural and Intellectual Property can include:

- Knowledge about stories, places or rituals.
- Writing e.g. books or poetry.
- Music including songs.
- Performances e.g. dance.
- Ceremonies.
- Art, such as paintings, traditional symbols and designs.
- Language.
- Cultural objects, e.g. tools or artefacts.
- Sites, including sacred sites or burial grounds.
- Secret or sacred information.

- Human remains or tissue.
- Documented cultural heritage, such as reports, films, or sound recordings<sup>1</sup>.

To learn more visit the [Arts Law Centre of Australia website](#).

## Intellectual Property

Intellectual Property means any and all present and future intellectual property rights of any nature anywhere in the world whether registered, registrable or otherwise, including without limitation copyright, trade marks, rights in relation to inventions (including patent rights), registered designs and circuit layouts.

## Market Attachment

A binding or conditional agreement with a market partner (such as a broadcaster, streaming platform, distributor or sales agent) that provides finance, a licence, advance, guarantee or other commercial support for a Project.

## Moral Rights

Moral rights are personal legal rights of individual creators of copyright works such as authors, filmmakers and performers to be credited for their work, to prevent their work being falsely attributed, and to object to their work being treated in a derogatory way.

These rights apply automatically, cannot be sold or assigned, and continue even if someone else owns the copyright. Moral rights arise automatically under the Australian Copyright Act 1968 (Cth)

As most screen productions are complex collaborative works contributors will commonly consent to certain acts that would otherwise infringe these rights.

## Official Treaty Co-Production

A co-production formally approved as such under a national audiovisual co-production treaty or arrangement to which Australia is a party, administered by Screen Australia or another authorised body.

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<sup>1</sup> Indigenous Cultural and Intellectual Property (ICIP) Information Sheet (2025). [www.artslaw.com.au](http://www.artslaw.com.au)

## Principal Photography

The main period of filming or recording of a film or television production. It is preceded by pre-production and followed by post-production.

## Producer(s)

The person(s) or company(s) primarily responsible for developing, financing, producing and delivering the Project, including managing budgets, schedules and contracts.

## Producer Offset

An expenditure-based subsidy available under Division 376 of the *Income Tax Assessment Act 1997 (Cth)* for eligible Australian screen productions, claimed by the production company responsible for the making of the production after completion and delivery of the Project.

## Program

A funding or support program or initiative run by Screenwest under which Screenwest accepts Applications, assesses Projects and may provide funding or other support.

## Program Guideline(s)

The document published by Screenwest describing the guidelines applicable to a Program.

## Project

The screen work or activity for which funding is sought or granted, including development, production, post-production, distribution, Digital Games, or other supported activities as described in the relevant application and funding agreement.

## Qualifying Western Australian Expenditure (QWAE)

Production expenditure incurred on goods and services that meets the criteria for qualifying Western Australian expenditure as defined in the relevant guidance provided by Screenwest.

## Screenwest

Screenwest (Australia) Ltd, the Western Australian not for profit screen funding organisation, or any successor body.

## Scripted

Scripted content refers to screen content that conveys a sustained and coherent story across the duration of the piece, where the story is fully scripted prior to production.

## Student Exception

A student exception:

- Is a student that is a part-time or post-graduate student that holds all Intellectual Property in the Project,
- and**
- Their Project does not form any part of the assessable material for their studies or contribute to credits for a course of study.

This must be evidenced by a:

- One-page document explaining the subject of their part-time or postgraduate studies,
- and**
- Signed letter from their academic coordinator on the educational institution's letterhead confirming that the Project will not contribute to their academic assessment and the education institution will not hold any Copyright or other rights in the Project.

## Underlying Rights

All Intellectual Property rights in any source material and other underlying works being used as required to develop, produce and exploit the Project, including rights in scripts, formats, books, plays, artworks, music, archival material, life stories and other pre-existing works or subject matter, and as otherwise defined in any applicable funding agreement.

## Western Australian Resident(s)

An individual is a Western Australian Resident if they:

- I. primarily live in Western Australia;
- II. have been domiciled in Western Australia for at least the six months immediately preceding the date of their funding application;

- III. are registered on the Western Australian electoral role or, if ineligible to vote, can otherwise provide proof of residency in accordance with (i) and (ii) above; and
- IV. have a registered Australian Business Number (ABN) that confirms their physical business address is in Western Australia.

A company is a Western Australian Resident Company if:

- I. it is registered under the *Corporations Act 2001 (Cth)*;
- II. it is incorporated in Western Australia;
- III. it has its principal place of business in Western Australia;
- IV. Western Australian Resident individuals beneficially own and control at least 50% of the company; and
- V. it has its central management and control in Western Australia, with at least 50% of the company directors being Western Australian Resident individuals.

A company or individual that does not meet these criteria is not a Western Australian Resident.