



SCREENWEST- TERMS OF TRADE

Effective 1 July 2026

Overview

Screenwest (Australia) Ltd ("Screenwest") is Western Australia's screen funding body.

These Terms of Trade explain the terms and conditions on which Screenwest does business.

Applicants should read these Terms of Trade along with the relevant Program Guidelines when applying for Screenwest funding.

If successful, the Applicant must sign a written agreement with Screenwest. This agreement is legally binding and includes requirements set out in these Terms of Trade and the relevant Program Guidelines.

Contents

Overview	1
How to read these Terms of Trade	3
1. Overarching principles and policies	3
(a) Acting in good faith and with integrity	3
(b) First Nations Australian Content or participation	4
(c) Equity, diversity, inclusion and accessibility	5
(d) Safe workplaces	5
(e) Intellectual Property (IP) and Indigenous Cultural and Intellectual Property (ICIP).....	6
(f) Crediting Screenwest	6
(g) Artificial Intelligence (AI).....	6
(h) Privacy.....	6
(i) Confidentiality.....	7
(j) General.....	7
2. Terms of Trade for Applicants and Applications	7
(a) Eligibility.....	7
(b) Assessment, approval and appeal process.....	10
3. Terms of Trade for Funding Recipients	13
(a) Funding types, fees and caps	13
(b) Copyright and Underlying Rights (including Chain of Title).....	15
(c) Accessibility of screen content.....	15
(d) Audit rights, reporting and information provision	15
(e) Producer Offset.....	16
(f) Completion guarantee	17
(g) Delivery and completion materials.....	17
(h) Promotional material.....	17
(i) Outstanding obligations.....	18

How to read these Terms of Trade

- Capitalised terms are defined in the Screenwest Glossary of Terms.
- Read these Terms of Trade together with the Program Guidelines applicable to the relevant Program.
- These Terms of Trade apply generally. Individual Programs may have additional or different requirements.
- If there is any inconsistency between these Terms of Trade and the Program Guidelines, the Program Guidelines prevail to the extent of the inconsistency.
- An Application is governed by the Terms of Trade and Program Guidelines in force at the time an Application is submitted.
- Screenwest only has a binding commitment to funding once a funding agreement is signed by all relevant parties and all relevant payment preconditions have been met under that agreement.

1. Overarching principles and policies

Screenwest acts in the public interest and expects Applicants and Funding Recipients to do the same.

The following principles apply to dealings with Screenwest and underpin all Programs.

(a) Acting in good faith and with integrity

Acting in good faith and with integrity means acting honestly, fairly, reasonably, consistently and with transparency in a way that supports the purpose and spirit of the relationship.

Applicants and Funding Recipients must act in good faith and with integrity in all dealings with Screenwest and in connection with any activity supported by Screenwest.

Screenwest will act in good faith and with integrity in its dealings with Applicants and Funding Recipients.

Applicants and Funding Recipients must always treat Screenwest staff and representatives professionally, courteously and with respect. This includes communicating honestly, not engaging in any form of harassment, bullying or discrimination, and respecting workplace boundaries.

Applicants and Funding Recipients must not:

- Try to improperly influence Screenwest staff, assessors or decision-making processes, for example through gifts, favours or pressure.
- Mislead or deceive Screenwest by act or omission, for example by providing incomplete or inaccurate information or by not promptly updating Screenwest with new information.

Applicants and Funding Recipients must treat all third parties involved in a Project fairly and reasonably. This includes:

- Complying with all applicable laws relating to the employment and engagement of people.
- Paying people in line with applicable employment awards and the Fair Work Act 2009 (Cwth) and superannuation legislation.
- Complying with all working with children, work health and safety and other relevant laws and regulations in the locations where work is carried out.
- Holding appropriate insurances, as required by law or by Screenwest, such as but not limited to public liability and workers' compensation insurance.

(b) First Nations Australian Content or participation

Where a Project involves First Nations Australian Content or participation, Applicants and Funding Recipients must comply with:

- Screen Australia's Pathways & Protocols: a filmmaker's guide to working with Indigenous people, culture and concepts and Creative Australia's Protocols for using First Nations cultural and intellectual property in the arts as applicable to the Project.
- Any other protocols or policies notified by Screenwest from time to time, including those relating to Indigenous Cultural and Intellectual Property (ICIP).
- Projects that tell First Nations Australian stories must meaningfully involve First Nations Australian key creatives (producer, director and/or writer). They should be developed through genuine consultation, incubation and collaboration and this work should be clearly reflected and budgeted for.

(c) Equity, diversity, inclusion and accessibility

Screenwest is committed to driving greater diversity, inclusion and equity in the Western Australian screen industry. We welcome applications from people of all backgrounds and experiences.

We especially encourage applications from people who have historically faced barriers - Aboriginal and Torres Strait Islander people (First Nations Australians), people with disability, people from culturally and linguistically diverse communities, women, gender diverse people, LGBTIQ+ people and people living in regional and remote communities.

Screenwest supports the importance of diversity benchmarking and tracking pursuant to The Everyone Project (TEP) initiative of the Screen Diversity and Inclusion Network (SDIN) and will require funded film and television Projects to register for TEP.

Applicants and Funding Recipients are expected to:

- Address diversity, inclusion and equity considerations at all stages of their Project, for example in their storytelling, casting and crewing.
- Demonstrate that diversity represented in their content (i.e. storylines, themes, characters) is authentically represented in the creative team and that appropriate consultation and collaboration has been embedded from the start of the Project development.
- Make all reasonable efforts to ensure content is accessible to audiences.

(d) Safe workplaces

All people working on Projects supported by Screenwest have the right to a safe workplace free from discrimination, harassment, sexual harassment and bullying.

Applicants and Funding Recipients must:

- Comply with all applicable work health and safety laws and all anti-discrimination, harassment and bullying legislation.
- Make all reasonable efforts to follow industry codes of conduct, including the Australian Screen Industry Code of Practice and National Guidelines for Screen Safety as applicable to their Project.
- Have procedures in place for reporting and responding to safety, discrimination and harassment issues.

Screenwest may ask for evidence of safe-work practices and may take these matters into account when assessing applications or considering ongoing funding.

(e) Intellectual Property (IP) and Indigenous Cultural and Intellectual Property (ICIP)

Applicants and Funding Recipients must hold, or have a binding option to obtain on appropriate commercial terms, all Intellectual Property and Indigenous Cultural and Intellectual Property rights required to develop, produce and exploit your Project as envisaged under the relevant Program.

Applicants and Funding Recipients must respect the Intellectual Property and ICIP rights of all persons and communities and not infringe their rights.

(f) Crediting Screenwest

If Screenwest provides funding or support, Funding Recipients must credit Screenwest and its partners as set out in the funding agreement. Credit requirements may vary between Programs.

(g) Artificial Intelligence (AI)

Screenwest follows Screen Australia's approach to the use of artificial intelligence (AI) - *AI Guiding Principles*.

Funding Recipients must ensure any AI used in relation to a Project funded by Screenwest:

- Complies with all applicable laws (including copyright, privacy, confidentiality and anti-discrimination laws).
- Does not infringe the Intellectual Property and Indigenous Cultural and Intellectual Property rights of others.

Screenwest may require Funding Recipients to disclose use of AI in a Project and may issue additional guidelines on AI use from time to time.

(h) Privacy

Screenwest will collect, use, store and disclose personal information in accordance with applicable privacy laws and its published privacy policy.

Funding Recipients must comply with all applicable privacy and data-protection laws in relation to any personal information collected in connection with a Screenwest-funded Project.

(i) Confidentiality

Screenwest may treat information provided to it by Applicants and Funding Recipients as confidential. However, confidentiality is not guaranteed unless Screenwest explicitly states this in the specific circumstances in which the information is provided.

Screenwest may share information about a Project with government funding bodies, funding assessment panels and key Screenwest stakeholders for assessment, reporting, policy or audit purposes.

Where Screenwest provides information identified as confidential an Applicant and/or Funding Recipient must treat it as confidential and only use it as permitted by an applicable funding agreement or as required by law.

(j) General

Screenwest may vary or modify these Terms of Trade, any Program Guidelines and the terms of proposed funding agreements at its discretion, including on a case-by-case basis where this best serves Screenwest's objectives of supporting the development and production of film, television, and digital game projects in Western Australia.

Screenwest may refuse to fund or stop funding a Project where it considers the Project, the parties involved, or associated conduct is likely to bring Screenwest, Lotterywest or the Western Australian Government into disrepute, contempt, scandal or ridicule, or otherwise reflect unfavourably on any of them.

2. Terms of Trade for Applicants and Applications

(a) Eligibility

These eligibility rules apply to all applications unless specifically varied in a Program Guideline. Eligibility conditions will also apply to the Funding Recipients (if different from the original Applicant), including any special purpose rights holding and/or production services companies.

Applicant eligibility

The Applicant must be a Western Australian Resident individual or company.

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.

The Applicant and Applicant Related Parties must not be:

- A government agency, distributor, broadcaster or video on demand provider or similar content platform or a related party or employee of such a company.
- A current employee of Screenwest.
- A student other than a Student Exception as defined in the Screenwest Glossary of Terms.

The Applicant and Applicant Related Parties must be in good standing with Screenwest. This means they must not:

- Be in uncured breach of any current or past funding agreements with Screenwest or its predecessor agencies.
- Have overdue acquittals or reporting obligations under any Screenwest agreement.
- Be insolvent, bankrupt or subject to insolvency proceedings.

- Be currently engaged in legal proceedings or a dispute related to the Project or that may impact their ability to carry out the Project as proposed.
- Have materially breached any of the terms and conditions outlined in these Terms of Trade and/or the Program Guidelines.

Application eligibility

Applications must:

- Be submitted using the process provided by Screenwest.
- Be complete and include all required supporting materials.
- Be submitted by the specified deadline.
- Clearly disclose all material information about the Project including any other funding or finance applications made in relation to the Project and any conditions attached to that funding/finance.

Application materials are, upon submission, the absolute property of Screenwest and will not be returned to the Applicant. Nothing in this statement affects the Intellectual Property rights of the Applicant. Screenwest reserves the right to remove application materials from its application portal at its absolute discretion.

Screenwest will not accept Applications:

- For co-productions other than Eligible Co-Productions.
- That are submitted after the Application closing date and time.
- For retrospective funding.
- For Projects that have already been declined funding twice under a Program Guideline unless Screenwest agrees to a resubmission and the Applicant can demonstrate the Project has substantially changed.

Project ineligibility

Screenwest does not fund:

- Content that does not have a clear pathway to an Australian audience.

- Short films.
- Content primarily intended for corporate, institutional, educational, training or advertising or promotional purposes.
- Projects that will be developed as part of a course of study or will contribute to credits for a course of study.
- eBooks, non-narrative works, performance and video art (except where expressly allowed in specific Programs).
- Television genres outside Scripted and Documentary (Documentary as defined by the Australian Communications and Media Authority (ACMA)). Terms further defined in the Glossary.
- Commercials, interstitials, music videos, infotainment, sketch comedy shows, reality television, game shows, quiz panels, corporate-sponsored lifestyle, magazine-style, sport, news or current affairs, variety, light entertainment and general children's programming that does not comply with the Australian Content and Children's Television Standards administered by the ACMA.
- Content Screenwest considers is likely to receive X18+ or RC (Refused Classification) under Australian Classification guidelines.
- Applications that relate to the travel and marketing activities of actors.
- Applications for the purchase of equipment, hardware, software, capital works or publication costs of journals, books or magazines.
- A gambling service within the meaning of the Interactive Gambling Act 2001 (Cwth) or content substantially comprising gambling or gambling-like practices.
- Projects that, in Screenwest's opinion, do not comply with these Terms of Trade or the relevant Program Guidelines in any other respect.

However, Screenwest may run specific Program initiatives from time to time that intentionally vary the above in their Program Guidelines.

(b) Assessment, approval and appeal process

Applying

Before applying Applicants must read the relevant Program Guidelines and are strongly encouraged to speak with the nominated Screenwest contact/s.

Program Guidelines are published on the Screenwest website with links to the Screenwest application portal.

Assessment

Each Program's assessment process is explained in its Program Guidelines.

Screenwest representatives and external assessors are required to undertake a thorough assessment of applications submitted; however, this does not imply that all materials submitted will be reviewed in their entirety.

Screenwest gives preference to Projects that align with its strategic plan priorities.

In addition to Program-specific criteria, Screenwest may also consider the:

- Cultural and economic benefits to Western Australia, including local expenditure and employment of Western Australian heads of department and crew.
- Likelihood of the Project being fully financed and the strength of its finance plan.
- Market potential, including the strength and reliability of any Market Attachment.
- Track record and career development benefits for the Applicant and other key personnel on the Project such as its key creatives and executive producers that are Western Australian Residents.
- Diversity of Projects supported in the relevant funding round and the overall diversity of Projects supported by Screenwest.
- Level of available funding, and the number and quality of competing eligible Applications.

Screenwest may:

- Seek further information or clarification from the Applicant at any stage.
- Convene an independent assessment panel to review applications. Screenwest and any independent assessment panel may request interviews or meetings with the Project team as part of the assessment process.
- Discuss the Project with other parties connected to it, including marketplace funders, Screen Australia, other state agencies, broadcasters, distributors, sales agents and others named in the finance plan.

Approvals and publication

If Screenwest offers an Applicant funding, the Applicant must not publicise Screenwest's involvement or the funding amount without prior written approval from Screenwest.

Screenwest's approval of funding for a Project does not oblige it to provide further funding for that project or any other project by the Applicant. For example, project development funding approval does not guarantee production funding.

Screenwest may publish details of funding approvals on its website, in press releases and in other communications and publications. This may include publishing the Project title, Applicant and/or Funding Recipient details (including any co-production partners), genre, key creatives, commissioning broadcaster, distributor or platform, and a project synopsis.

Applicants may request that certain confidential details are withheld from publication for a limited period. Requests must be made in writing within ten business days of the funding offer and explain why this is necessary. Screenwest will consider these requests but are not obliged to grant them.

Appeals

An Applicant may request a formal review of a funding decision if they can demonstrate that Screenwest did not properly follow the key steps of the Program's published assessment process.

To request a review the Applicant must:

- Submit a written request to Screenwest's Chief Executive Officer within 10 business days of Screenwest issuing the funding decision, and
- Clearly explain how Screenwest has failed to follow the key steps of its assessment process.

Screenwest may refuse to review a funding decision if the above criteria are not clearly met.

Reviews are carried out by the Screenwest board. If a review could compromise the Screenwest board or key staff, Screenwest may refer it to an independent reviewer or panel instead.

The Applicant will be notified of the outcome of the request for a review and the review itself (if applicable) as soon as appropriate.

3. Terms of Trade for Funding Recipients

(a) Funding types, fees and caps

Funding is subject to the terms of the relevant funding agreement. The agreement will outline the conditions, payment milestones, any repayment obligations and what the Funding Recipient must deliver.

Funding provided depends on the Program as explained in the Program Guidelines. Unless the Program Guidelines say otherwise, the following general principles will also apply.

GST

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

Digital Games funding

Funding for pre-production, production and post-production phases of Digital Game development is provided as a Grant.

Film and television project development funding

Funding for the development of film and television projects is provided as an investment that is repayable if and when the project goes into production.

Specific terms that will apply include:

- The Funding Recipient must repay 100% of Screenwest's development funding plus a premium equal to 10% of that amount.
- If the Funding Recipient does not deliver the contracted level of production activity in Western Australia, an additional premium equal to 100% of Screenwest's development funding will be payable.
- Repayment to Screenwest must occur on or before the commencement of Principal Photography.

- Screenwest will hold a 1% copyright interest in the Project while the development investment and premium remain unpaid. Once repaid in full, that copyright interest will revert.

Development funding will not be rolled over into production funding.

Production budgets must include provision to repay Screenwest's development investment and premiums.

Funding Caps

Applicants can access a maximum of \$50,000 per financial year across all Screenwest project development programs. Funding awarded under the *Matched Development Investment Program* is not included in this funding cap.

Additional project development funding caps and exclusions are indicated in relevant Program Guidelines.

Film and television production funding

Funding for film and television production is generally provided as a Grant.

Screenwest charges an administrative fee of up to 2% of the approved production funding amount, based on the complexity of the finance plan and contracting requirements, capped at \$10,000 per Project. If a funding program incurs an administrative fee it will be stated in the relevant Program Guidelines.

Screenwest expects the Recipient to be entitled to a Copyright interest in the Project and recoupable equity entitlement and profit share payable from Project revenue, at least commensurate with:

- any cash contribution the Recipient provides to the Project;
- any grant contribution the Recipient procures for the Project;
- any agreed portion of the Producer Offset or other rebates/incentives procured by the Recipient to finance the Project.

Funding Caps

Applicants can access a maximum of \$1.6 million per financial year across all Screenwest production programs (including the Scripted Production Fund, Footloose Production Fund and Documentary Production Fund).

In the situation that an Applicant has reached its funding cap, but a strategic opportunity presents, the Screenwest board may approve additional funds.

Some production funding programs will not count towards the funding caps listed above. If so, it will be stated in the relevant Program Guidelines.

(b) Copyright and Underlying Rights (including Chain of Title)

The Funding Recipient must hold all necessary Intellectual Property and Underlying Rights to make and exploit the Project.

At any time Screenwest may ask to see and approve a project's Chain of Title and other relevant documentation, and/or request the Funding Recipient provide a Chain of Title Opinion. A Funding Recipient must provide these documents promptly on request.

Screenwest project development funding cannot be used to purchase or renew options or rights to a project.

(c) Accessibility of screen content

Where Screen Australia contributes funding to a feature film (scripted or non-scripted), the film must include captions and audio-description for cinema release.

For feature films not funded by Screen Australia, Screenwest requires that the film be captioned and audio-described if the film's budget is greater than \$1.5 million. This cost must be included in the film's production budget.

For all other content, Screenwest strongly encourages producers to provide captioning, audio description and accessible design where feasible in their budget.

Funding Recipients must use reasonable endeavours to ensure Australian distribution agreements for Screenwest-funded projects include captioned and audio-described screenings so that hearing- and vision-impaired audiences can access the work.

(d) Audit rights, reporting and information provision

All Screenwest-funded Projects must meet the reporting and acquittal requirements outlined in the funding agreement. This may include providing regular updates on a Project's expenditure and progress.

Failure to meet reporting and acquittal obligations is a breach of contract and Screenwest may:

- Stop further payments.
- Require repayment of funds already paid.
- Deem the Funding Recipient ineligible for future Screenwest funding.

For production funding where the Project budget is \$500,000 or more the Funding Recipient must provide an independent expert audit of all production expenditure on completion, including final Qualifying Western Australian Expenditure (QWAE). The cost of this audit must be included in the Project budget.

In all cases, Screenwest may audit or request receipts of any funding it provides to check a Funding Recipient's compliance with contractual obligations, including Qualifying Western Australian Expenditure requirements.

(e) Producer Offset

Where a Project is eligible for the Producer Offset, an agreed portion of the expected Producer Offset must be included in the Project's finance plan and cashflowed alongside other production funding.

The agreed portion must be at least:

- 85% of the projected value of the Producer Offset for documentaries, and
- 90% of the projected value of the Producer Offset for other feature films and television.

Screenwest will not cashflow any part of the Producer Offset.

Screenwest may require professional expert evidence to demonstrate the anticipated value of the Producer Offset.

Screenwest may require evidence demonstrating the financial capacity of the party proposing to cashflow the Producer Offset.

Any security being required by the party proposing to cashflow the Producer Offset must be on terms acceptable to Screenwest.

Screenwest reserves the right to review and approve any fees, interest or other amounts charged to the budget that are associated with cash-flowing of the Producer Offset.

(f) Completion guarantee

Screenwest requires undertakings that Projects will be completed and delivered on time, on budget and in accordance with agreed specifications.

Screenwest generally requires an approved third-party completion guarantor for scripted feature films.

Television and Documentary and Digital Games projects will generally not require the appointment of a third-party completion guarantor, unless otherwise requested through the assessment process.

For all Projects, Screenwest will generally require that:

- Budgets include an appropriate contingency (at least 10% of below the line costs on film and television projects), and
- Appropriate insurances are budgeted and obtained, and
- Applicants demonstrate a capacity to cover overages and meet delivery requirements, and
- Adequate budget is provided to cover all delivery items required by all funding sources, and
- Additional cost reporting is provided if requested.

(g) Delivery and completion materials

As a condition of funding, the Funding Recipient must provide Screenwest with the delivery materials specified in the funding agreement, by the contracted delivery dates. The list of delivery materials is not negotiable.

All costs associated with Screenwest's required delivery materials must be included in the Project's budget.

(h) Promotional material

Screenwest requires the right to use the Project and associated materials (in whole or in part) for its corporate, publicity and promotional purposes.

The Funding Recipient must ensure sufficient rights and clearances are obtained for Screenwest to exercise these rights. This will be specified in the funding agreement.

(i) Outstanding obligations

Screenwest may withhold payments, or exercise other contractual rights, if a Funding Recipient or a Funding Recipient Related Party, have not complied with any term of any agreement with Screenwest.

Compliance with all existing Screenwest agreements, including timely reporting and acquittals, by a Funding Recipient and Funding Recipient Related Party(ies), is a condition for receiving new funding.