



## AUSTRALIAN CHILDREN'S TELEVISION FOUNDATION

### **ACTF Distribution Advance and Market Representation ACTF Equity Investment**

#### **Aim**

The Australian Children's Television Foundation (ACTF) is a national, non profit organisation. It aims to provide Australian children with entertaining media made especially for them, which makes an enduring contribution to their cultural and educational experience.

We are a national body and applications and projects are accepted from all States and Territories.

We are a well known and internationally recognised distributor of high quality Australian children's television programs.

We do not distribute theatrical feature films.

These guidelines set out the ACTF requirements for a distribution advance or market representation.

#### **Audience**

All projects must primarily target the Australian child audience and be aiming for a 'P', 'C', 'G' or 'PG' rating.

#### **Subject matter**

Projects may be based on an original idea, or adaptations of a novel or other work.

The project must be, in our opinion, of high quality and likely to be of interest to Australian children.

We look for originality and new ideas not already in the marketplace, or currently on television.

Projects should have an Australian voice and point of view.

Projects should reflect Australia's cultural diversity and consider the diverse interests of the child audience. They may also reflect other areas of diversity such as family composition, gender identification, the different locations and lifestyles of children across Australia.

Any project containing Indigenous content, themes, or storylines must be accompanied by written permission from the relevant Indigenous community, authorising the Applicant's use of such material.

## **Format and genre**

We consider all genres and formats which broadcasters commission, but preference will be given to drama content which typically has higher production budgets and therefore is more difficult to finance through the marketplace.

## **Project Assessment**

ACTF utilises its extensive market knowledge and experience to assess projects for distribution.

Recommendations to provide a distribution advance for a project is made to the ACTF's Board of Directors who will make the final decision. Recommendations to the Board are made on the basis of:

- quality and originality of the project;
- potential local audience appeal to the targeted age group;
- experience and track record of the creative team;
- cultural relevance;
- potential appeal to the international market;
- ACTF approval of the production budget and the ability of the creative team to deliver on the vision for the project;
- ACTF approval of the finance plan;
- amount of finance requested;
- proposed rights/recoupment/participation by the ACTF;
- level of commitment from broadcasters and other financiers (evidenced by appropriate licence agreements and deal memos which must be provided); and
- any other issues the ACTF considers relevant to a specific project.

## **Applications**

There is no application form for Distribution support. Applicants should discuss their projects with the ACTF's Head of Content, Bernadette O'Mahony, as early as possible in its financing.

The ACTF's Head of Content will advise the applicant of all documentation required in order for the ACTF to properly assess the Foundation's interest in the project. The documentation is likely to include:

- concept bible;
- script(s);
- budget;
- finance plan;
- copies of letters of offer and/or deal memos for broadcaster pre-sales and any other funders on the project;
- Chain of Title documentation; and
- other documentation ACTF requires as is relevant to the specific project and its financing or creative elements.

If a project is close to obtaining its pre-sales or has a local pre-sale and the producer is wanting to discuss a distribution advance, it is recommended that a meeting is arranged with the ACTF Head of Content to discuss the project in detail.

Please be aware that it takes time for ACTF to assess a project and to do its due diligence ahead of making decisions on any offer of a distribution advance. The earlier you start the conversation with the ACTF for market representation the better.

Any offer of a Distribution Advance will be approved by the Board, along with any special conditions which it may put in place.

All applicants should retain copies of material submitted, as we are not in a position to return documentation.

### **Contracting requirements**

If successful, the ACTF will contract with the production company for the project.

Production companies must be incorporated in Australia and have Australian-based management and control. We may require a personal company director's guarantee when contracting with companies.

The production company must have an Australian Business Number (ABN).

### **Funding decisions**

Producers will be advised of the ACTF Board decision and any special conditions once it has been made.

If the ACTF Board agrees to participate in the project, the producer will be provided with a letter of offer setting out the ACTF's terms of participation. The ACTF will not be legally bound to participate in the project until execution of the ACTF Distribution Agreement on terms acceptable to the ACTF, and the execution of the long form production and investment agreement, and other production financier agreements, all of which are to be approved by the ACTF.

Any offers of finance will remain open for a reasonable time period specified in the letter of offer. If an agreement is not executed by before this time, the offer of finance will be withdrawn.

### **Copyright**

Copies of all contractual documentation demonstrating that the applicant has obtained the necessary legal rights to deal with the material on which the project is based must be provided as part of the ACTF assessment of the project. It may also be necessary for the applicant to provide a letter from its solicitors confirming that all necessary rights are held.

### **Credits**

The ACTF will receive presentation credits in the production which are commensurate with its total financial contribution to a project (including distribution advance, equity investment or other support).

The ACTF Executive Producer will receive a credit commensurate with all other Executive Producers on the project.

If applicable, ACTF representatives will receive development manager credits in the end credit roll commensurate with other end credits of that type.

### **Confidentiality**

We respect the confidentiality of applications. However, we reserve the right to:

- provide development materials to external assessors; and
- include details of the name of the project, the applicant, the creative team and a brief synopsis in ACTF's own documents and publications.

## **Changes to guidelines**

These Guidelines are subject to change from time to time and it is best to speak to one of the ACTF Development and Production team about your project and current ACTF requirements. Changes will be updated on this site as they are available.

## **ACTF Equity Investment or Gap Finance**

The ACTF may provide small amounts of gap funding as equity investment or distribution advance against other Australian rights in projects which already have a local pre-sale and the rest of their finance in place.

Gap funding will be subject to the ACTF's usual criteria and the availability of ACTF funds at the time, as well as the requirements of the ACTF's goals, objectives and diversity of slate.

If you have a local pre-sale and other finance in place and wish to discuss gap financing it is best to contact the ACTF Head of Content to discuss the project.

Gap financing will be subject to ACTF Board approval and conditions and at the Board's discretion on amount and basis on which such funding would be provided.

The ACTF will receive presentation credits in the production which are commensurate with its total financial contribution to a project (including distribution advance, equity investment or other support).

The ACTF Executive Producer will receive a credit commensurate with all other Executive Producers on the project.

If applicable, ACTF representatives will receive development manager credits in the end credit roll commensurate with other end credits of that type.

## **ACTF FEES**

The ACTF has been provided with additional funds (\$20 million over 2 years from 1 July 2021) to invest in children's content via distribution advances and/or equity investment.

Usually, when the ACTF provides a distribution advance for a project, it charges a fee for the services of its Executive Producer (who will spend considerable time working on a project).

For the two years 1 July 2021 – 30 June 2023 while the ACTF is administering these funds it will not charge Executive Producer Fees on distribution projects or administration fees on equity investment. It will meet all costs from within its operational funding.

The Executive Producer Fees and Investment Fees charged by the ACTF will be reviewed for the financial year beginning 1 July 2023.

Where ACTF is investing in a project by way of a Distribution Advance (whether that is against ANZ or the World) the ACTF requires that all production budgets include an allowance of at least \$10,000 for a Study Guide and/or other Education Resource which will be developed by the ACTF Education team in line with the Australian curriculum after delivery of the program.

Such resources may be a Study Guide, a more in-depth curriculum resource targeting multiple curriculum disciplines and year levels, or an App or other materials deemed relevant by ACTF Education team. Curriculum resources are bespoke to each project and vary project by project. ACTF Curriculum resource meets the Screen Australia requirement for a Study Guide if a project has Screen Australia investment.

Please speak to the ACTF Head of Content prior to finalizing your budget about the amount that should be allowed for in your production budget.