



## APPLICATION GUIDELINES (ROUND 42)

### [1] INTRODUCTION

#### [1.1] General

Supported by the State Government of Victoria, the **MIFF Premiere Fund** co-finances new quality Australian theatrical (feature-length narrative and feature-length documentary) films that will premiere at MIFF. The Fund is a strategic minority supporter of a range of films and seeks diversity of filmmaking teams and genres of films on the slate. Eligible projects are assessed on a range of factors as per the General Assessment Criteria (below).

#### [1.2] Content

**MIFF Premiere Fund** seeks quality theatrical films that will premiere, and then have repeats, at MIFF, as well as playing in MIFF ancillary traveling/special events and will be suitable for Encore screenings at future editions of MIFF. The **Premiere Fund** is keen for quality cinema that will find its audience - with its MIFF premiere season a key part of this.

Films backed by the **Premiere Fund** that premiered at MIFF 2008 included the feature-length documentaries *Celebrity: Dominick Dunne*, *Not Quite Hollywood*, *Rock n Roll Nerd* and *Bastardy* (all of which went on to have theatrical releases). **Premiere Fund** films for MIFF 2009 comprised theatrical narrative dramas *Balibo*, *Blessed*, *Bran Nue Dae* and *The Loved Ones*, as well as feature documentary *Indonesia Calling*. **Premiere Fund** titles for MIFF 2010 were *Blame*, *Matching Jack* and *The Wedding Party* and feature documentaries *Mother of Rock* and *Machete Maidens Unleashed!* **Premiere Fund** titles for MIFF 2011 included *Falling for Sahara*, *Swerve*, *Curse of the Gothic Symphony*, *AutoLuminescent* and *The Triangle Wars*, while MIFF 2012 **Premiere Fund** titles were *100 Bloody Acres*, *Last Dance*, *Save Your Legs!* and feature documentaries *Make Hummus Not War* and *The First Fagin*. The **Premiere Fund** 2013 slate comprised *Patrick*, *The Turning*, *These Final Hours*, *Galore* and feature documentaries *In Bob We Trust* and *Aim High in Creation!* The **Premiere Fund** 2014 slate included *Cut Snake*, *Electric Boogaloo*, *Paper Planes* and *My Mistress*. The **Premiere Fund** 2015 slate comprised *Downriver*, *Ecco Homo*, *Neon*, *Putuparri & The Rainmakers* and *Early Winter*. The **Premiere Fund** 2016 slate comprised *Bad Girl*, *Emo the Musical*, *The Death & Life of Otto Bloom*, *Ella*, *Monsieur Mayonnaise*, and *The Family*. The 2017 slate comprised *The Butterfly Tree*, *Have You Seen the Listers?*, *Jungle*, *The Song Keepers*, *Rabbit* and *Westwind*. The 2018 slate comprised *Acute Misfortune*, *Coming Back Out Ball*, *The Eulogy*, *Undermined: Tales from the Kimberley* and *Undertow*. The 2019 slate so far comprises *Below*, *Buoyancy*, *H is for Happiness*, *M4M*, *Iron Fists & Kung Fu Kicks* and *Uluru & The Magician*.

#### [1.3] Process

The **Premiere Fund** operates via a system of **Calls for Submissions** in **Rounds**. Each Round seeks different types of projects to allow the Fund (which is administered on a part-time basis to keep costs low and thereby ensure there is more money to distribute to filmmakers) to prioritize the flow of applications in the order that projects may realistically make it to the big screen in time for a MIFF premiere and to build a pipeline of original content for MIFF. Therefore, it is important for applicants to submit to the correct round for which their project is eligible with a completed **application form** and the required **support materials**.

In the application form, each project and applicant needs to satisfy the eligibility requirements and address the assessment criteria. Applicants are advised to provide as much as possible of the information and support materials sought on the application form as the form outlines the information that the Fund takes into account when making its decisions. Once it is determined that the eligibility criteria have been met, each project is then evaluated against the assessment criteria. Finally, a short list of projects is then considered for funding and each shortlisted project is then assessed competitively against the other shortlisted projects.

These Guidelines will be subject to fine-tuning for each round in recognition of changing operational contexts for the Fund.

### [2] TYPES OF SUPPORT

Depending on the specifics of each Round, projects can seek one of a range of supports from the MIFF Premiere Fund, as follows:

- **COMPLETED PROJECTS:** seeking **distribution/marketing support**, via **advances of up to A\$35,000** (generally with strong preference for matching financial commitments of distributors);
- **FULLY or PARTIALLY SHOT PROJECTS:** seeking **completion/enhancement support**, generally via **loans** [NB: see sections 7.7 and 7.8 of the guidelines] of **up to A\$85,000**;
- **SCRIPTS:** (or fully developed proposals/outlines for documentaries) in an advanced state of financing seeking mini-gap **equity investment** (or loans) of **up to A\$180,000** (or 10% of the budget, whichever is lower).

The Fund is keen to support a wide range and number of projects for Premiere at MIFF and, therefore, the amounts of its funding awards (which may vary at the discretion of MIFF) will be modest strategic interventions. Such funding supports will generally be for a minority of the budget and MIFF will take into account the financial viability of the financing plan. MIFF will also consider what other sources of funding may be available to applicant projects and if the project has applied to those potential co-financiers with MIFF's Premiere Fund. **NOTE: MIFF does not provide retrospective funding.**

As per above, MIFF Support may take the form of an advance, loan or equity investment. However, given that this is a limited Fund which MIFF seeks to benefit as many projects as possible, all amounts are recoupable (pro rata with other investments including those by the producers) so that returns from successful films can be reinvested in future projects. For distribution-marketing Support, priority will be given to scenarios of matching financial commitments by distributors, while equity investments will give priority to those films able to premiere by **MIFF 2019 or 2020** with recognized marketplace attachments that can unlock, or trigger, other Government equity co-investments and incentives. All funding rounds will be competitive with creative and financial matters assessed in the context of the other projects also applying for funding in the same Round.

**[3] CALL FOR APPLICATIONS (ROUNDS) AND CLOSING DATES**

Round	STATUS	Opening Date	Closing Date	Communication	Call for submissions for films meeting these criteria:
1	CLOSED	03 Sept 07	08 Oct 07	09 Nov 07	2008 MIFF Premiere & Dec FFC meeting
2	CLOSED	20 Nov 07	14 Dec 07	23 Jan 08	2009 MIFF Premiere, & April FFC; remaining 2008 premieres
3	CLOSED	01 Feb 08	28 Feb 08	02 Apr 08	Priority for MIFF 2009 Premiere
4	CLOSED	11 Aug 08	29 Aug 08	31 Oct 02	Priority for MIFF 2009, plus Oct/Dec Screen Oz
5	CLOSED	17 Dec 2009	09 Jan 2009	17 March 2009	Priority for MIFF 2010 premiere
6	CLOSED	24 July 2009	17 Aug 2009	15 Sept 2009	Priority for MIFF 2010 premiere & Sept-Dec Screen Oz
7	CLOSED	22 Sept 2009	23 Oct 2009	14 Dec 2009	Priority for MIFF 2011 premiere & last MIFF 2010
8	CLOSED	15 Dec 2009	11 Jan 2010	11 March 2010	Priority for MIFF 2011 premiere
9	CLOSED	16 Feb 2010	16 March 2010	23 April 2010	Priority for 2011 premieres (then 2012)
10	CLOSED	10 Aug 2010	27 Aug 2010	06 October 2010	2011 & 2012 premieres
11	CLOSED	06 Oct 2010	28 Oct 2010	10 Dec 2010	Priority 2012 premieres; remaining 2011 material
12	CLOSED	17 Dec 2010	18 Jan 2011	16 March 2011	2011 & 2012 premieres
13	CLOSED	14 July 2011	10 Aug 2011	14 Sept 2011	2012 premieres &/or Screen Oz Sept/Oct meetings
14	CLOSED	14 Sept 2011	14 Oct 2011	25 Nov 2011	Priority for 2013 premieres, second priority for 2012
15	CLOSED	24 Nov 2011	15 Dec 2011	24 Jan 2012	Priority for 2013 premieres, remaining 2012 material
16	CLOSED	07 Feb 2012	06 March 2012	23 April 2012	2013 premieres and 2014 premieres
17	CLOSED	27 August 2012	21 Sept 2012	29 October 2012	Priority for 2014 premieres, second priority for 2013
18	CLOSED	02 Nov 2012	21 Nov 2012	21 Jan 2013	Priority for 2014 premieres
19	CLOSED	21 Jan 2013	04 Feb 2013	21 March 2013	2014 premieres and 2015 premieres
20	CLOSED	12 March 2013	04 April 2013	03 May 2013	2014 premieres and 2015 premieres
21	CLOSED	09 August 2013	29 Aug 2013	14 October 2013	2015 premieres (second priority for final 2014 premieres)
22	CLOSED	01 Oct 2013	22 Oct 2013	09 Dec 2013	2015 premieres (second priority for final 2014 premieres)
23	CLOSED	18 Nov 2013	09 Dec 2013	22 January 2014	2015 premieres
24	CLOSED	24 January 2014	04 March 2014	16 April 2014	2015 premieres
25	CLOSED	24 Nov 2014	12 Jan 2015	04 March 2015	2016 premieres
26	CLOSED	04 March 2015	24 March 2015	06 May 2015	2016 premieres
27	CLOSED	16 June 2015	03 August 2015	08 Sept 2015	2016 premieres
28	CLOSED	08 Sept 2015	12 Oct 2015	19 Nov 2015	Priority 2017 premieres; second priority 2016 films
29	CLOSED	20 Nov 2015	18 Jan 2015	15 March 2016	2017 premieres
30	CLOSED	23 Feb 2016	15 March 2016	03 May 2016	2017 premieres
31	CLOSED	05 July 2016	08 August 2016	06 Sept 2016	2017 premieres (second priority for 2018 premieres)
32	CLOSED	07 Sept 2016	18 Nov 2016	16 Dec 2016	2017 premieres (second priority for 2018 premieres)
33	CLOSED	21 Nov 2016	19 Dec 2016	23 Jan 2017	2018 premieres (second priority for 2017 premieres)
34	CLOSED	20 Jan 2017	24 Feb 2017	12 April 2017	2018 premieres
35	CLOSED	17 July 2017	22 Aug 2017	25 Sept 2017	2018 & 2019 premieres
36	CLOSED	26 Sept 2017	23 Oct 2017	20 Nov 2017	2018 & 2019 premieres
37	CLOSED	21 Nov 2017	14 Dec 2017	31 Jan 2018	2018 & 2019 premieres
38	CLOSED	01 Feb 2018	26 Feb 2018	26 Mar 2018	2019 premieres (second priority for 2018 premieres)
39	CLOSED	01 Mar 2018	26 Mar 2018	04 May 2018	2019 premieres (2nd priority for 2018 & 2020 premieres)
40	CLOSED	24 Jul 2018	23 Aug 2018	28 Sept 2018	2019 premiere priority
41	CLOSED	25 Sept 2018	15 Oct 2018	19 Nov 2018	2019 & 2020 premieres
42	OPEN	21 Nov 2018	12 Dec 2018	30 Jan 2019	2019 & 2020 premieres
43	***NOT YET OPEN	31 Jan 2019	22 Feb 2019	27 Mar 2019	2020 premieres
44	***NOT YET OPEN	7 Mar 2019	29 Mar 2019	7 May 2019	2020 premieres

\*\*\* = Dates TBC. Until confirmation of funding and dates, it is not guaranteed that the funding round will be held or held on these dates

Note: Applicants should only submit their project for the relevant Round and applicants are well advised to submit fully completed applications with all the requested supporting documentation. Given the demand for funding, incomplete applications tend to be challenged by other complete applications in the same round, while projects falling outside the eligibility and scope of a particular Round's submission requirements will be set aside and not considered. To enable efficient processing of all applications on a Round-by-Round basis, applicants should only submit the project for the appropriate round from the opening date for that Round onwards. If applicants are re-submitting a previous application for the second time, the application will need to demonstrate substantial change to the creative and financial elements of the project in order to be included in a new round. The **Premiere Fund** generally does not consider the same project more than twice. Please note that in the event of a high number of applications, the communication date may be later than advertised.

#### [4] ASSESSMENT PROCESS

Each eligible application is assessed by the **Premiere Fund** Executive Producer, under the system described above in [1.3], who then formulates recommendations for consideration by the MIFF Board Premiere Fund Sub-Committee. The Fund Executive Producer then communicates the Sub-Committee's final determinations (which are ratified by the Board) on applications for Support. The Fund does not disclose the reasons for its decisions, which are final and not subject to appeal.

#### [5] GENERAL ELIGIBILITY

**[5.1]** To be eligible to apply for Support from the Fund:

- a) Projects must be an Australian feature film of at least 80 minutes (narrative or documentary) intended for theatrical release which demonstrate in their financing plans and shooting schedules that they will be completed in time to premiere at **MIFF 2019 or 2020**;
- b) Applications must have the written agreement (by way of signing the holdback forms at the end of the application form) from their Australian/NZ distributor, and/or world sales agent, and/or TV broadcaster that the Film will not screen or be promoted in any form prior to the expiry of the MIFF Premiere Period. If the form is not signed by these parties, the application is not eligible.
- c) Applications must submit shooting (and/or post-production) schedules clearly demonstrating that the project can meet MIFF's (June) delivery deadlines for **MIFF 2019 or 2020**, as well as financing scenarios that demonstrate all anticipated funding can be unlocked to allow production to commence in time for such delivery to occur (for example, that Government investments requiring a presale to trigger them have that presale in place);
- d) Applications must be lodged by a producer (\*) who is an Australian citizen/permanent resident based in Victoria, who will be signatory to the subsequent long-form contracts/PIA and who will receive a producer credit on the final production (\* *NOTE: MIFF Premiere Fund does not co-finance student films*);
- e) Applications that include as much detail as possible on the terms and nature of recognized marketplace distribution and sales attachments will receive priority;
- f) Where the film is eligible to apply to one or more State-based Screen Agency (or Agencies) for support, the project should generally have applied and have yes/no production Investment decisions from the state agency (or agencies) prior to submitting the Premiere Fund application.
- g) Where the project is a feature documentary that has the Screen Australia Producer Program Fund in its financing plan, the project needs to have secured "short-listing" by the Producer Program Fund prior to applying to the Premiere Fund.

**[5.2]** The Fund may support the following in any of its Rounds.

- Films at fully-developed **script stage** (or, in the case of documentary features that have not shot any material, fully developed outlines) with advanced financing plans – via mini-gap **equity investment** or loans;
- Films already **shot, or partially shot**, - via **completion/enhancement funding** (mini-gap equity investment or loans)
- **Completed films** (generally lower budget), seeking **marketing/distribution support** (for specific items, such as a trailer, TV spot, poster, (test) screenings, etc to allow for an enhanced campaign/release) – generally via a **loan/advance** (that matches a financial commitment from a distributor which has co-authored the marketing plan with the applicant) [NB: see 7.7 and 7.8 of these guidelines regarding recoupment of loans]

As per Section [2] above, the Fund generally anticipates equity investments of up to A\$180,000 (or up to 10% of the budget, whichever is lower), completion funding of up to A\$85,000 and marketing/distribution supports of up to A\$35,000.

- [NB: see 7.7 and 7.8 of these guidelines regarding recoupment of the loans]

#### [6] GENERAL ASSESSMENT CRITERIA

In addition to the General Eligibility (as per above) and eligibility criteria specific to each of the Rounds, the following **General Assessment Criteria** will inform the **Premiere Fund**'s deliberations on a project. Each application should address, on the Application Form, the General Assessment Criteria below to offer a convincing case for consideration.

*Note:* The order of listing the Criteria does not indicate an order of priority and the sample open questions below are provided to offer Applicants a suggested framework for writing their submission.

##### [6 a] Creative: Quality & Development:

*Deliberations may include the following types of questions:*

Is this a project that announces a must-track creative team? Is it an important development of an existing filmmakers work? Does the project offer an important insight for Melbourne audiences – is it uncovering something new or finding an interesting way of traversing more familiar material? How is the project extending or (re-)interpreting the cinematic form? What is the core audience niche – is it a niche that is presently under-catered for? Or perhaps the appeal is that the project is presented in a way that offers wide appeal to important material? The film will be of a similar standing and quality to what other local and international films? How will the film differ to other completed Australian films presented at MIFF – what makes this a Premiere Fund film? In the case of documentary enhancement proposals, is the case made with fully set out treatment for (or assembly evidencing) the need for (and story structure of) a longer length (than a standard TV hour) and the viability of a theatrical release – will it have that theatrical quality of *Mad Hot Ballroom*, *Cane Toads*, *Capturing the Friedmans*, *Buena Vista Social Club*, *Who Killed the Electric Car*, *Bowling for Columbine*, *Sicko*, *Traveling Birds*, *The Cream will Rise*, *Outfoxed*, *Rats in the Ranks*, *Fahrenheit 911* etc?

#### **[6 b] Audience & Programming at MIFF:**

*Deliberations may include the following types of questions:*

What is the target audience for the project – how well does the project cater to its niche? Where could it play in the Festival? Will it be suitable for multiple screenings at MIFF? (And why?) Will it work well for MIFF's traveling festival/special events? (And why?) Will the project have an evergreen quality making it suitable for Encore screenings at future MIFFs? (And why?) The film will attract similar audience niches to what other films of recent years? (Give examples?) How will the project enhance and enrich the Festival-going experience as a Premiere Fund supported project (versus a regular Australian film showcased at MIFF)? Are there opportunities for extra MIFF activities to tie-in with the Film's MIFF debut as a Premiere Fund title (above and beyond Q&As which occur in the normal course of events anyway)? Is MIFF guaranteed the film's premiere as evidenced by letters from distributor/sales agent/TV broadcaster agreeing to holdback all other exhibitions of the film? (Note: Regardless of Premiere Fund support, the final decision on whether to program the film and in which slot rests solely with MIFF's Programmers and this is a separate decision in the context of programming for the festival from the determination to support the financing of the film.)

#### **[6 c] Viability: Financing Plan & Budget:**

This area examines if the financing plan, as presented, is viable in terms of the production receiving MIFF Premiere Fund support and then being able to proceed promptly into production using those funds and the funds of all co-financiers identified in the financing plan. A key issue will be if all elements are in line to offer a realistic chance to trigger, or unlock, other elements identified in the financing plan. Other key concerns will be to establish that the submitted budget is realistic and has all the required insurances, legals, bond, deliverables correctly provided for.

*Therefore, deliberations may include the following types of questions:*

Does the financing plan and supporting documentation demonstrate that there is already a high level of finance in place for the project making it more likely to meet the Premiere timeline? Are the terms of existing finance competitive to allow for other investors to comfortably join the financing plan without causing a delay that could jeopardize either MIFF's recoupment potential or, most of all, the schedule and endanger the Premiere timelines? For elements of the financing plan yet to be secured, are those aspirations and expectations realistic (Track record of applicant in co-financing)? Can existing elements of the financing plan be easily unlocked to allow production to occur in a timely fashion (for example, are presales in place to unlock an anticipated Government Screen Agency support where that Agency's guidelines require such presales?) Does the financing plan provide a convincing picture of a project that is finance-able within the required time frame? Is there matching distribution funding for distribution/marketing applications? Is there agreement from equity investors for a completed project to secure marketing funding (which will recoup as a loan) from MIFF? Does an equity investment application have distribution/sales/other equity attachments on reasonable terms with a collections agreement? Is the budget realistic relative to the subject matter, potential audience appeal and talent attached? Can the project realistically be made to a quality standard with the budget? What is the recoupment potential relative to budget, subject matter and talent? Is the budget in line with the value of the project relative to the sales estimates and subject matter? Will the project qualify for the Producer Offset and, if so, what will the Qualifying Australian Production Expenditure (QAPE) be? Does the budget have adequate contingency? SPAA levy? E&O? Indemnities? Warranties? Legals? Completion Bond? Collections Agent? Clearances?

#### **[6 d] Balance of Slate: Creative & Financial:**

Deliberations on this point will consider the range of applications to the Fund in terms of narrative/documentary, genres, filmmaking teams, themes and budget levels with an aim to support a diverse pipeline of quality content. In deliberating on the amount of Support requested by a project, MIFF will take into account the amount of money remaining in the Fund and the number of overall likely applicants for Support with a view to offering support to a wide number and range of projects. So, in essence, this criterion examines how the applicant's project fits in with the Premiere Fund slate. Applicants can address these matters by stating what is important about supporting the genre of film they are applying with (is it an under-served genre for example? Or a very popular one?), by demonstrating clearly the specific need for the requested amount, and by highlighting the financial impact strategic minority funding by MIFF would have on the project (see also *ADDITIONALITY* below). Applicants can also make a case under this criterion by considering the Premiere Fund's slate to date (see section 1.2 of these guidelines and also [www.miffpremierefund.com](http://www.miffpremierefund.com)) and offering a case as to where their project fits in the slate.

#### **[6 e] Victorian - Characteristics & Impacts:**

The Premiere Fund supports Victorian projects and all applications must be made by Australian citizens/permanent residents based in Victoria with an ABN and GST registration, who will be a signatory to subsequent long-form contracts/PIA and will receive a producer credit on the final production. Projects must demonstrate strength of connection to Victoria, including many or some of the following: Victorian origination and/or Victorian shooting and/or Victorian storyline and/or Victorian Post/Digital/VFX (PDV) and/or Victorian talent/labor/crew/expenditure. Applicants should state what % of their budget will be spent in Victoria and what the leveraging factor of future Victorian spend against the MIFF Premiere Fund finance will be. NOTE: The project's future Victorian spend should exceed, by some multiples, the amount requested from the Fund. **Retrospective funding is not provided.**

**Notes: Applicants are advised to address this point in some detail as it is a central consideration for the Fund.**

Victorian spend should be greater than the amount requested from MIFF Premiere Fund and the leveraging factor of the future Victorian spend against the requested MIFF funding should be noted (as this is an assessment consideration).

#### **[6 f] Additionality:**

**Note: Applicants are advised to address this point in some detail as it is a central consideration for the Fund.**

Each finance award made by the MIFF Premiere Fund must demonstrate very clearly that the finance awards made a demonstrable difference to creative and/or industrial and and/or audience & distribution outcomes that may not otherwise have

occurred in the absence of the funding and that could not have been achieved from other existing finance sources. This is the issue of what "Additionality" MIFF's Premiere Fund is making by offering a commitment to the project – what **additional creative, financial, distribution, industrial** outcomes are being added to, or enhanced, that otherwise may not occur in the absence of Premiere Fund support? "Additionality" also concerns a very clear demonstration by the applicants that MIFF Premiere Fund support is **additional** to other sources of co-financing rather than **substituting** for other sources of co-financing potentially available to the project.

Therefore, deliberations by the sub-Committee on the issue of Additionality may include the following types of questions: Does the application clearly demonstrate how Premiere Fund Support might make a difference to the project in creative choices? What will **not** occur for the project in the absence of support by MIFF Premiere Fund? Will the extra funding allow for superior creative choices? (In the case of enhancing TV documentaries to theatrical length, what merits the longer length and theatrical release and how will MIFF PF money assist this to occur?) Will the funding allow for superior Post/Digital/VFX (PDV) or an enhanced marketing campaign? Would the funding influence the choice (or retention) of shooting location or PDV in Victoria? Has the application demonstrated that all other avenues of potential co-funding are being explored (thereby ensuring that the amount sought from MIFF is at the most efficient level that it can be and that Premiere Fund money can be spread across the greatest possible number of projects and that that PF money is additional to (rather than substituting for) other sources of finance potentially available to the project?) How will distribution outcomes be enhanced by Premiere Fund support?

**Note: Applicants are advised to address this point in some detail as it is a central consideration for the Fund.**

## **[7] STANDARD CONDITIONS OF FUNDING**

In addition to any conditions of funding specific to any of the Rounds, the following constitute General Conditions of Funding for all projects in receipt of Support from the MIFF Premiere Fund and **by applying for MIFF Premiere Fund support you are agreeing to the following** standard business terms in the event that your application is successful.

### **[7.1] Premiere holdback & MIFF exhibition rights:**

By applying to the Premiere Fund, the applicant producers agree (and certify that their distributors and sales agents will agree) that, in the event that the Premiere Fund provides funding support to the film, MIFF shall have the following screening rights:

#### **(A)**

**(i) Premiere Period:** a Premiere screening during the **MIFF 2019 or 2020** Melbourne International Film Festival ("MIFF 2019" or "MIFF 2020"), with up to four (4) repeat screenings in the course of MIFF 2019 (or 2020) and its associated events up to fourteen (14) days after the end of MIFF 2019 (or 2020), (the "Premiere Period");

**(ii) Travelling & Events Period:** up to nine (9) screenings of the Film at MIFF Travelling & Special Screenings Events within 12 months of the start of MIFF 2019 (or 2020) (the "Travelling/Events Period");

**(iii) Encore Period:** the right to screen the Picture, as part of retrospective/encore seasons at future editions of MIFF (the "Encore Period").

#### **And the applicant further agrees to the following:**

**(B)** For the avoidance of doubt, the Premiere Period runs the entirety of the period from delivery on 01 June 2019 (or 2020) until fourteen (14) calendar days after the end of MIFF 2019 (or 2020).

**(C)** The Premiere Period will precede **all** screenings of the Film (excepting Government, investor or cast/crew screenings) in any form of media worldwide, including (but not limited to) theatrical, internet, airlines, television, pay television, pay-per-view, video-on-demand, near-video-on-demand, video and DVD. For the avoidance of doubt, in all circumstances the Picture will be contracted to screen at MIFF 2019 (or 2020). For the further avoidance of doubt, the MIFF 2019 (or 2020) screenings will be the world premiere of the film. The **only** exceptions to this world premiere rule will be screenings of the Picture in selection for Sundance 2019 (or 2020, if a MIFF 2020 film), Rotterdam 2019 (or 2020, if a MIFF 2020 film), Berlin 2019 (or 2020, if a MIFF 2020 film) and Cannes 2019 (or 2020, if a MIFF 2020 film) and in such an eventuality the Licensor will notify MIFF Premiere Fund immediately of such a selection and consult in good faith with MIFF on the publicity and scheduling implications of such a selection if being agreed, however, that the film will at all times remain contracted to screen at MIFF 2019 (or 2020) and that there would be no further screenings after that international festival screening prior to the MIFF Premiere. The producer/sales agent/distributors undertake not to submit the film to any festivals or events that would seek to derogate from the MIFF rights.

**(D)** For the avoidance of doubt, while the screening holdback runs until fourteen (14) calendar days after the end of MIFF 2019 (or 2020), there is an advertising and promotional holdback on the film that runs until one (1) day after the end of MIFF 2019 (or 2020). Therefore, advertising, marketing, promotion and publicity regarding non-MIFF events and screenings for the Film, in any territory can only occur from one (1) day after the end of MIFF 2019 (or 2020).

**(E)** The Film must not be subject to any contractual restrictions, or breaches, which prevent MIFF from exhibiting and promoting the Film in accordance with clause A, B, C and D above. Any existing theatrical, internet, airlines, television, pay television, pay-per-view, video-on-demand, near video-on-demand, video and DVD agreements will have agreed to these screening and promotional holdbacks and the Distributor/Sales Agent/Producer(s) undertake not to enter into, seek or entertain, any such agreements or selections in the future which do not accommodate the MIFF screenings or in any way derogates from the MIFF Rights and accept that the screening holdbacks and promotional holdbacks are fundamental to the MIFF Premiere Fund investment and all agreements will include, or be amended to include, these holdbacks.

**(F)** The Distributor/Sales Agent/Producer will not exhibit (or authorise any exhibition of) the Film in any media during or before the Premiere Period, nor will the Distributor/Sales Agent/Producer enter the film into any festivals that might seek to derogate from the MIFF Rights. The Distributor/Sales Agent/Producer may promote the Film (or authorise the promotion of the Film) after the end of MIFF 2019 (or 2020) and acknowledge and agree that MIFF has the right to advertise and promote the Film's screening(s) in MIFF 2019 (or 2020) for up to 120 days prior to the commencement of the Premiere Period and thereafter, via all means and media and to also use images of the Film in general promotional campaigns for MIFF.

**(G)** Other exploitation, and promotion, of the Film may occur during the Travelling/Special Events Period.

**(H)** MIFF may secure sponsorship for any of the MIFF Screenings. MIFF will be responsible for all costs of the MIFF Screenings and will be entitled to retain all revenue derived from the MIFF Screenings or such sponsorship.

**(I)** The above rights apply to all versions of, and materials shot for, the Film.

**(J)** In the event of breaches to the fundamental aspects of the investment agreement (namely the screening holdbacks and the promotional holdbacks), regardless of the sources of the breaches, the producer agrees to be fully liable for the buyback as below.

**(K)** Where the project does not comply fully with its promotional holdback obligations, regardless of the source of the breach, the Premiere Fund investment may automatically terminate and the producer agrees to assume liability to pay to buy-back the Film for 150% of the investment amount. (So, if there was a \$100,000 investment, the producer would pay to MIFF the amount of \$150,000 for MIFF to relinquish the holdback rights).

**(L)** Where the project plans to not comply fully with its screening holdback obligations, the producer will, sooner than 120 days prior to the start of MIFF, submit an application for a buy-back to MIFF setting out the reasons for the proposed non-compliance with the MIFF holdback obligations. The MIFF Board will review the application and, should the MIFF Board approve the application (which is not guaranteed), the producer will then be able to buy-back the film for 150% of the investment amount. (So, if there was a \$100,000 investment, the producer would pay to MIFF the amount of \$150,000 for MIFF to relinquish the holdback rights).

Notwithstanding the repayment, MIFF Premiere Fund will retain its credits on the film.

**By applying to the MIFF Premiere Fund, you are agreeing to all the above holdbacks. You are specifically agreeing that neither you nor your sales agent nor any representative of the film will submit the film to any festival or other end-user who will derogate, or seek to derogate, from the film's contracted screenings at MIFF 2019 (or 2020).**

The final decision to screen the completed film and in which slots (if any) will be at the sole discretion of MIFF as will the nature of the promotion of the screenings and the production's entitlement to complimentary tickets. In the year of Premiere, the applicant agrees to participate in panel sessions at **MIFF 37°South Market** as well as ensuring the director's availability to participate in panel sessions at **MIFF Accelerator Lab** while the producer and director will participate in Q&A sessions at the main MIFF Festival. In the year prior to premiere (if relevant and if requested), the producer agrees to be available to participate in panel sessions at **MIFF 37°South Market** giving an update on the financing and shooting progress of the film.

**As a fundamental condition of accepting funding from the Fund, applicants agree to deliver their projects to MIFF no later than 01 June of the year of premiere.**

**[7.2] Delivery materials to MIFF Premiere Fund.**

Delivery must be no later than **01 June** in the year of the festival and, as a fundamental condition, must include the following which remain MIFF's property:

- a) 1x open (unencrypted) DCP, including files containing fully-descriptive captioning (for use by the deaf/hearing-impaired) and audio description (HI and VI tracks, for use by the blind/visually-impaired) for use by MIFF in Access Screenings. The DCP to have a CPL that conforms to the Digital Cinema Naming Convention V 9.5 as per the PDF found at this link: <http://isdcf.com/dcnc/NamingGraphic905.pdf>
- b) 1x ProRes (HD QT HQ 4.2.2 file, 24 fps or 25 fps, with audio and stereo tracks) – as a backup exhibition format
- c) For previewing purposes, 4 x DVDs (PAL) preview copies of the Film (with "Preview Only" burn if desired)
- d) Password-protected Vimeo links to the film given to MIFF and to be operational from 01 June to last day of the festival (with "Preview Only" burn if desired).
- e) Trailer of the Film (with all clearances and able to be played on any platform) on USB in high and low res including files containing fully descriptive captioning (for use by the deaf/hearing-impaired) and audio description (for use by the blind/visually-impaired) OR short highlights/promotional footage on USB
- f) Press Kit (in electronic form and in both word and PDF format) on USB including clippings, synopsis, Director's Bio (including full name, Place and Date of Birth, and filmography) and web address of the Film; and, if available, additional behind-the-scenes/interview content
- g) 10x publicity still images of the Film (behind-the-scenes images not acceptable) provided in electronic format (300 DPI minimum tif or jpeg). All images must be labeled with Film name and cast name.
- h) Image of director in print quality tif or jpeg format
- i) 4x print posters (707mm x 1000mm)
- j) Completed MIFF Programming Entry Form
- k) a further legal opinion in a form approved by MIFF Premiere Fund, as to the effectiveness of all acquisitions, assignments clearances, licenses and permissions entered into in connection with the production of the Film.
- l) E&O certificate, with no exclusions, naming MIFF as an additional insured
- m) If requested, copies of all global clearances, releases and consents including cast, crew, locations, interview subjects, footage, music or any other intellectual property;
- n) If available, 4x Soundtracks
- o) If available, Promotional materials (flyers/postcards)
- p) For projects with significant Indigenous content, Indigenous access agreements and permissions.

As soon as possible but no later than **3 months after delivery**, final audit report including statement of Victorian spend.

**[7.3] Credits:**

**MIFF Premiere Fund** shall receive credits where the Film's other financial supporters receive them and those credits appear on all versions of the Film and its materials worldwide. MIFF Premiere Fund shall be included in the Film's copyright notice. The credits in clause 7.3 are fundamental conditions of the investment.

The combined MIFF/Premiere Fund/Victorian Government logo shall appear in advertising and promotional materials (including, but not limited to, posters, key art, DVD, CD, video sleeves, press advertisements greater than five column centimetres) and wherever other investor credits and logos appear. The **MIFF Premiere Fund** and Victorian Government logos must be adjacent to and the same size as such other financier credits and logos.



Where any other Government-backed minority / non-principal financier receives a pre-presentation card credit, **MIFF Premiere Fund** shall also have a static or animated pre-presentation card before the Film with the logos for the MIFF Premiere Fund and Victorian State Government as follows:



The **MIFF Premiere Fund** will receive a static full frame presentation credit in the main (opening) credits at the front of the Film along the following lines:

*In association with  
Melbourne International Film Festival Premiere Fund,*

MIFF Premiere Fund will receive a static full frame presentation credit in the end (closing)-credits as follows:

*Produced with the financial assistance of  
**The Melbourne International Film Festival (MIFF) Premiere Fund**  
Supported by the State Government of Victoria, Australia*



**Executive Producer: Mark Woods**

Where the project was pitched at **MIFF 37°South Market**, MIFF's closing credit will include (at the end of the card) the following:

**This film was pitched at MIFF 37°South Market**

*A 37°South logo may also be used if desired*

Where the project's director attended **Accelerator Lab**, MIFF's closing credit will include (at the end of the card) the following:

**This film's director is a graduate of MIFF Accelerator Lab**

*An Accelerator Lab logo may also be used if desired*

#### **[7.4] Approval and consultations:**

The Fund will generally expect to be consulted on creative matters, such as script changes and cuts of the film, in line with customary norms amongst other film funders and end-user supporters in Australia. This includes invites to rough-cut, fine-cut and pre-lock-off screenings. Where the Fund Executive Producer is not available to attend a screening, a copy of the cut will be made available for viewing on DVD or vimeo. In the case of equity investments, the Fund would have approval rights over the terms of any distribution and sales agreements – as well as substantial changes to the financing plans that would alter the recoupment position of the Fund's Support (or its Screenings rights) and changes to key creative personal/talent.

#### **[7.5] Rights Reversion:**

For investments post July 2009, MIFF Premiere Fund's investment will revert seven years after delivery.

#### **[7.6] Collections:**

The Fund will expect that projects will have a collections agent where there is a sales agent and/or distributor attached or when the sales agent and/or distributor is later attached.

#### **[7.7] Recoupment:**

Should a film generate significant box office and/or ancillary/international sales, **MIFF Premiere Fund** wants to reinvest its share of returns in future projects seeking support. Therefore, all Support Amounts will be recoupable in proportion to MIFF's support of the film in proportion to the project's budget and the Fund will be entitled to a share of revenues from any spin-offs, prequels or sequels. **MIFF Premiere Fund's** recoupment of equity investments will be pro rata parri passu with other equity investors, including producer investment. There will be a preferred recoupment position for MIFF marketing/distribution advances alongside the distributor/sales agent. For completion- enhancement loans, MIFF Premiere Fund shall recoup 55% of its loan in first position until 55% of the loan is retired and then the remaining 45% of the loan will recoup pro-rata with other financiers of the project. There is no premium charged on MIFF loan.

#### **[7.8] Clearances, Releases & Agreements:**

**MIFF Premiere Fund** will expect that all proposals for support will include evidence of agreement from any cast or talent attached to the project, and, for documentaries, evidence of the agreement of any key personnel to participate in the documentary. It is also expected that the budget would include international clearances for footage and music, including the right to use such footage and music in promotional activities for the film.

#### **[7.9] Drawdowns:**

**MIFF Premiere Fund** drawdowns occur at the following intervals (and only in a sequential manner): (1) Execution of PIA and all associated documentation (10%); (2) Start of principal photography (40%); (3) MIFF viewing of lock-off screening and credits approval (25%); (4) Full delivery to MIFF (20%); (5) Final audit and Victorian spend approval (5%). **Premiere Fund** drawdowns only occur when the full budget is in place and after full signature of all PIA/long-form paperwork and transaction documents to the satisfaction of major investors and the Bonder.

#### **[7.10] Legals:**

Legal costs are a fact of life. Premiere Fund support amounts will be inclusive of a 5% MIFF legal fee, which will be deducted by MIFF Premiere Fund from the project's first drawdown to go towards payment of Premiere Fund Legal Fees in the course of contracting the Fund's involvement in the project. Applicants need to include this legal fee in the project budget submitted in their applications. When MIFF provides equity investment, it prefers that there is a Government investor in the project which has issued a PIA or PGA or APIA to which **MIFF Premiere Fund** can become a party to. Also, by applying to the **Premiere Fund**, successful applicants undertake that they will agree to the generation of an Inter Party Agreement (IPA) during long-form contracting should MIFF request that the project's contracting includes an IPA.

#### **[7.11] Insurances:**

**MIFF Premiere Fund** will expect that projects will have all insurances, indemnities and warranties generally accepted as the norm for Australian screen productions, including indemnities and E&O insurances. Projects are also expected to have a completion bond attached and applicants will be required to submit a letter of intent from their completion bonder. All insurances will name MIFF as an additional insured.

#### **[7.12] Accessibility and inclusion**

**MIFF Premiere Fund** requires that all funded projects budget for their primary exhibition format to include fully-descriptive captioning (for use by the deaf and/or hearing-impaired) and audio descriptions (for use by the blind and/or visually-impaired).

#### **[7.13] Safe Workplaces:**

MIFF Premiere Fund requires that all productions comply with Screen Australia's [Code of Conduct to Prevent Sexual Harassment](#) and the [Victorian Screen Industry Code of Conduct](#)

#### **[7.14] Chain of title:**

Applicants must demonstrate they hold all relevant rights to the work and are required to submit one copy of Chain of Title documentation or a solicitor's opinion on the Chain of Title if preferred.



**[7.15] Reports:**

**MIFF Premiere Fund** expects to receive the same reports as other investors/supporters of the project, such as production progress reports, post-production progress reports and, after completion, collections agent reports.

**[7.16] Publicity:**

Successful applicants agree that MIFF and the Fund will be able to publicize their Support of the project – both for the Festival exposure and also for the purposes of promoting the Fund to the industry and stakeholders – and that the festival's publicists will have access to the set for the purposes of such publicity efforts.

**[7.17] No default:**

Applicants must certify that they are not in default of any contractual arrangements to the Victorian and Federal Australian Governments and any of their agencies **and** that any previous **Premiere Fund** commitments have been fully-honored and fully-acquitted.

**[7.18] Length of commitment:**

**Premiere Fund** Supports will generally be valid for up to three months from the date of the **Premiere Fund** commitment letter. If financing has not progressed to the satisfaction of the Premiere Fund and the Premiere Fund is not convinced the project will be ready for premiere at the agreed year of MIFF, then the Funding to the project will expire and that funding will be allocated to a future Round. The project may re-apply for the funding but it will be re-assessed against the other projects in the new Round.

**[7.19] Agreement to Guidelines & Conditions:**

By applying for **Premiere Fund** support, applicants are agreeing that they have read these guidelines in full and agree to be bound by the content of these Guidelines (Including, but not limited to, recoupment, draw-downs, credits, delivery date, premiere, promotional holdbacks, screening holdbacks (and all the conditions associated with holdbacks) and delivery date) and the terms and conditions of support.

**[8] APPLICATION / ROUNDS**

The **General Eligibility Guidelines** and **General Assessment Criteria** apply to each of the following Rounds and should be read in conjunction with the application form for your chosen Round. However, each Round may have specific requirements, so please read the below carefully and apply to the Round which best applies to your project and complete the Round's Application Form.

o **Rounds # 1 – 41: CLOSED**

o **Round # 42 - Call for submissions:** Projects that:

- can demonstrate a readiness to premiere at **MIFF 2019 (or 2020)**  
*and/or*
- those that are going-up to a Screen Australia board meeting up to the end of February 2019

\* Full Application Forms are at: [www.miffpremierfund.com](http://www.miffpremierfund.com)

**SUBMISSION OF APPLICATIONS:**

- All applications are to be submitted to [industry@miff.com.au](mailto:industry@miff.com.au) by 2pm on the ROUND CLOSING DATE as per the chart in section three of the GUIDELINES.
- If receipt of your application has not been acknowledged within five (5) business days, please send a short follow up email to both [industry@miff.com.au](mailto:industry@miff.com.au) and [woods@miff.com.au](mailto:woods@miff.com.au)