



**FILM AND TELEVISION
BOND POLICY**

2003

- **When is a producer required to lodge a bond?**

We seek lodgement of a bond by the producer on all productions which do not have substantial government funding (either AFC or FFC) or in the case of Australian television productions an Australian network television pre-sale.

- **What amount is required?**

The bond sought is 15% of cast budget and one week's crew wages.

- **In what forms may the bond be lodged?**

Bonds may be lodged as:

1. Cheque payable to the Federal Trust Account

In this case a separate account (attached to the MEAA Trust Account) in the name of the production is opened by the Alliance.

Standard bank fees are deducted. The account earns interest and on finalisation of production the balance, including interest, is paid back to the production company. Bank statements are provided.

To establish this account, so that no tax file number withholding tax is charged, we require your tax file number and your ABN.

2. Foreign Currency Account

As for 1 above, but the money is held in the foreign currency of your choosing and no loss of value occurs on exchange rates.

3. Bank Guarantee

In this case we require an unconditional irrevocable and open-ended bank guarantee in favour of the Alliance and its members from an Australian bank.

- **When must the bond be lodged?**

The bond should be lodged no later than four weeks prior to the commencement of production.

- **When is the bond returned?**

Details regarding the return of the bond are as follows:

1. Except as indicated in 2 & 3 below, the Alliance will release the bond to the Producer, on request from the Producer, no later than seven days after the Production has provided to the Alliance a certificate from its accountant certifying that all the performers' and crews' entitlements including superannuation and annual leave have been paid.
2. If the production is terminated or cancelled prior to completion for any reason whatsoever and the Producer has not paid the performers' or crew all entitlements which they are due:

- a) within 14 days of the completion of production the producer will provide to the Alliance a list of all entitlements due to all performers and crew;
 - b) the Alliance will use the bond or as much of it as is necessary to pay to any performer or crew member their entitlements which remain unpaid and furnish to the Producer as soon as possible thereafter a written statement detailing all such payments made; and
 - c) if after all payments referred to in 2(b) above are made any residue of the bond remains, such residue will be paid by the Alliance to the Producer within 7 days.
3. If the production concludes in the normal course and the Producer has supplied the Alliance the certificate referred to in 1 above, but any crew or cast members claim that entitlements remain unpaid:
- a) the Alliance will provide to the Producer within seven days of the date of the receipt referred to in 1 above written confirmation that one or more cast and/or crew members claim unpaid entitlements;
 - b) within a further seven days the Alliance will provide written confirmation of the nature of the claim and, to the best of its ability, calculation of the appropriate entitlements;
 - c) the Producer may then pay the entitlements from the bond or dispute that the entitlements are owing.

• **What happens if there is a dispute?**

1. The Alliance will pay from the bond to the performer or crew member any portion of their entitlement, if any, which is not in dispute.
2. In the event that the dispute cannot be resolved between the Alliance and the Producer then the Alliance and the Producer agree to submit to conciliation and arbitration by either the Australian Industrial Relations Commission or, by agreement, an independent arbitrator acceptable to both parties for decision.
3. The decision of the Australian Industrial Relation Commission or the independent arbitrator will be binding on the Producer and the Alliance.
4. The Producer and the Alliance will share any costs involved with the arbitration equally.