



**Australian Government**

**Department of Communications and the Arts**

## Location Offset for large-budget film and television production in Australia

### Application for Certificate of Eligibility

Application made in accordance with Subsection 376-230(1) of the *Income Tax Assessment Act 1997*

Three complete copies of the completed application form along with all attachments should be posted to:

**The Applications Officer, Location and PDV Offsets  
Screen Industry Section  
Ministry for the Arts  
Department of Communications and the Arts  
PO Box 2154  
Canberra ACT 2601  
AUSTRALIA**

If you require any assistance in completing the form, please contact the Location Offset team on  
**+61 (0)2 6141 4383** or [filmenquiries@arts.gov.au](mailto:filmenquiries@arts.gov.au)



Australian Government

Department of Communications and the Arts

<b>OFFICE USE ONLY</b>
Date of Receipt:
Reference No:

**APPLICATION FOR CERTIFICATE OF ELIGIBILITY - LOCATION OFFSET FOR FILM & TELEVISION PRODUCTION IN AUSTRALIA**

Please note that throughout the application form, the term ‘film’ is used to include feature films, telemovies, direct to DVD, mini-series and television series. Guidelines are available online at [www.arts.gov.au/film-tv/australian-screen-production-incentive/offsets](http://www.arts.gov.au/film-tv/australian-screen-production-incentive/offsets) and must be read in conjunction with this form.

**Section 1—company information**

**1. Applicant Company**

Registered company name:	
Registered address:	Contact name:
	Office/Title:
Place the company is incorporated	Business phone:
	Mobile/Cell:
	Fax:
	Email:
Australian Business Number (ABN) :	
Is the company: <input type="checkbox"/> Australian resident <input type="checkbox"/> Foreign resident with permanent establishment and ABN  <i>Please note: If the company is a foreign resident and does not have both an Australian permanent establishment and ABN, the film is ineligible.</i>	
Was the applicant company a foreign resident for any of the time it incurred QAPE on the film? YES <input type="checkbox"/> NO <input type="checkbox"/>	
<i>If yes, you should attach details of the company’s Australian permanent establishment and indicate any period/s of that foreign residency during which the applicant did not have a permanent establishment in Australia and an ABN.</i>	

## 2. Company responsibility for making the film

- The applicant company must itself have carried out, or made the arrangements for the carrying out of, **all of those activities involved in making the film in Australia.**

Does the applicant company meet the relevant criterion above?

YES  NO

## 3. Prior companies

Has the applicant company taken over responsibility for making the film from another production company?

YES  NO

If yes, the previous company(ies) should be listed below with the relevant legal agreement confirming the transfer of responsibility also included as an **Attachment**.

(Please attach details on a separate sheet if there is insufficient space provided below)

Registered company name:	Registered company name:
Registered address:	Registered address:
ABN:	ABN:

### SECTION 1 ATTACHMENTS:

- Documents verifying the company's Australian residence or permanent establishment and ABN, including registered address.
- Names and addresses of company directors.
- Statement of the relationships between parent/associate company, applicant company and, if applicable, production services company.
- Any agreement relating to the establishment of the applicant company, such as documentation or an agreement with a parent/associate company.
- Documents verifying the level of responsibility of the applicant company for the production of the film—for example a Production Services Agreement.
- If applicable, document verifying the transfer of film production responsibility from a previous production company(ies).

**Audited QAPE statements must indicate which amounts, if any, relate to expenditure by previous companies.**

## Section 2—details about the production

### 1. Title:

### 2. Synopsis:

*If the film is a television series, this must be broken down by episode and must identify the pilot episode, if relevant.*

### 3. Format:

Feature film  Mini-series  Television series  Telemovie  Direct-to-DVD/video

Is the film predominantly an animation? YES  NO

Running length in minutes (for a TV series, the sum of lengths of all episodes):

Distribution agreement or equivalent finalised: YES  NO

*If yes, evidence of distribution/exhibition/broadcast must be provided as an Attachment.*

If the film is a television series other than a mini-series, have all the episodes been produced for exhibition together, for a national market or national markets? YES  NO  N/A

*Please note that it is a requirement of eligibility for television series other than a mini-series that all the episodes must be produced for exhibition together for a national market or markets.*

### 4. Timeframes:

Dates of principal photography (or for an animated project, production of the animated image):

- Date of commencement:
- Date of completion:
- For a television series other than a mini-series, months for completion of principal photography or production of the visual image:

Dates QAPE incurred:

- Commencement:
- Completion:

Date, or estimated date, of completion of the film:<sup>1</sup>

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<sup>1</sup> A dated copy of the final film should be provided by the applicant within 30 days of the completion of the film to verify that the film is ready for distribution or exhibition to the general public. See 'Section 2 Attachments' for further details.

**5. Other Australian Government incentive support:**

Has the applicant or any investor in the film claimed a deduction in relation to copyright in the film under Division 10B of Part III of the *Income Tax Assessment Act 1936*? YES  NO

Has a final certificate for the film been issued at any time under Division 10BA of Part III of the *Income Tax Assessment Act 1936*? YES  NO

Has a certificate (other than a provisional certificate) been issued, for the Producer or PDV Offset, or the Refundable Film Tax Offset, in relation to the film under Division 376 of the *Income Tax Assessment Act 1997*? YES  NO

*Please note that if the answer to any of these questions is 'yes' the film is ineligible for the Location Offset*

Has an application been made for a final certificate for the Producer or PDV Offset, or the Refundable Film Tax Offset, in relation to the film under Division 376 of the *Income Tax Assessment Act 1997*? YES  NO

Has a provisional certificate for the film been issued at any time under Division 10BA of Part III of the *Income Tax Assessment Act 1936*? YES  NO

Has a provisional certificate for the Producer or PDV Offset been issued in relation to the film? YES  NO

*Please note that a positive answer to these three questions is not a bar to eligibility*

**6. Other Government incentives and support:**

Has any support from the Australian Government aside from that mentioned in item 5 been received or applied for in relation to the film? YES  (please provide details below) NO

Has any support from any State or Territory Government been received or applied for in relation to the film? YES  (please provide details below) NO

Type of support or incentive/s:

*If incentives have been received or applied for in more than one State or Territory, please attach further details.*

Government contact: Name:  
Office/Title :  
Agency:  
Address:  
Telephone : Email address :

Government contact: Name:  
Office/Title :  
Agency:  
Address:  
Telephone : Email address :

### **7. Non-Australian Cast and Crew:**

Please list the names of all cast and crew (including company name if relevant) who are not Australian citizens and who worked on the film in Australia, the roles in which they worked on the film, and the dates on which they entered and left Australia if this occurred during the making of the film. If you wish, this list may be separately Attached electronically on CD.

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### **SECTION 2 ATTACHMENTS:**

- Proof of distribution/exhibition for the film should be included as an Attachment. This can be provided, for example, in the form of a deal memo or letter of confirmation from the distributor on official letterhead.
- A dated copy of the final film on DVD (or VHS) must be provided by the applicant within 30 days of the completion of the film to verify that the film is ready for distribution or exhibition to the general public, and to confirm other details of the film. The copy of the film will be kept only for the purposes of the certification process, and will be held securely within the Department on a strictly commercial-in-confidence basis, subject to legal requirements for disclosure (see the Confidentiality section on page 12).
- A full final credit listing should be included as an Attachment. If you wish, this list may be separately Attached electronically on CD.

## Section 3—audited QAPE statements

### General requirements

QAPE statements must clearly show the expenditure incurred on film production activity in Australia. Total production expenditure information is not required except in circumstances where the QAPE claimed under 'General Business Overheads' exceeds two per cent of total QAPE claimed or \$500,000. In such circumstances, the application must clearly indicate the split in costs between production expenditure and QAPE in detail.

#### 1. QAPE statements

- a) QAPE must be identified in Australian dollars and list details by category, including:
- (i) description of each expenditure item (eg. cast, lighting, CGI etc.);
  - (ii) amount of expenditure on each expenditure item;
  - (iii) details of each service provider by expenditure item;
  - (iv) the location and period over which each service or good was provided; and
  - (v) the location and period of use of any land used in making the film or television production.
- b) If the production is a **television series** (other than a mini-series), the average per hour qualifying spend must be calculated by dividing the total QAPE of the series by the total length of the series in hours. For example:

$$\frac{\text{Total QAPE of series}}{\text{Duration of the film (i.e. length of series) in hours}} = \text{average QAPE per hour}$$

- c) For expenditure on films commencing or after 10 May 2011, the GST-exclusive amount must be identified (GST input credits are not considered qualifying Australian production expenditure).
- d) If any QAPE was incurred while the company was not resident in Australia, you must specifically identify the amount of such expenditure, the dates during which the expenditure was incurred and whether at that time the company lacked either a permanent establishment in Australia or an ABN.

#### 2. Audit

The QAPE statements must be audited by an independent Australian auditor registered as such in accordance with the *Corporations Act 2001*. 'Independent' means that the auditor must not be an officer, employee or partner of the applicant, or of a related body corporate of the applicant.

The auditor must sign the attached pro-forma verifying claimed QAPE.

#### 3. Auditor contact details

Company name:		
<i>Corporations Act 2001</i> Registration Number:		
Contact name:		
Qualifications :		
Office/Title :		
Telephone:	Business:	Mobile:
Fax No:	Email address:	

#### 4. Currency exchange





## 6. Apportionment for work overseas

Where an individual works on a film both in and outside of Australia, only the proportion of the individual's remuneration attributable to work done within Australia is claimable as QAPE.

Has the remuneration been correctly apportioned?

YES

NO

## 7. Overview of QAPE statements

Total QAPE

**A\$** \_\_\_\_\_ (Australian dollars)

Please provide a bullet-point list of the separate QAPE statements provided indicating the applicable currency for each statement and a brief explanation of the nature of the expenditure covered in each statement.

Please provide a list of all proprietary limited companies paid in the Above the Line section of the budget, with a brief indication of the goods/services provided by each of the companies.

Please provide a summary breakdown of QAPE in the form on pages 9 -10.

This summary information is indicative only, and as noted under 'Section 3 Attachments' a complete set of independently audited QAPE statements for the film must be appended to the Application Form. Please note that the summary form may be changed to match the format of the film's QAPE statements if necessary. QAPE should be listed line by line electronically in Excel (for searching and calculation purposes).

However, if you provide your summary as a separate attachment, please note that you must separately identify those expenditure items in outlined in **bold** on page 10. The text in the Budget Item column is for guidance only; please refer to the Guidelines for information about what forms of expenditure fall into each of the bolded expenditure items.

<b>BUDGET ITEM</b>	<b>A. QAPE (GST- exclusive if film commenced on or after 1 July 2011)</b>	<b>B. PRIOR PRODUCTION COMPANY EXPENDITURE (if relevant)</b>	<b>C. PAYMENTS TO ASSOCIATED PARTIES (if relevant)</b>
Story & Script			
Producers			
Directors			
Cast (Principals)			
Cast (Other)			
Production Staff			
Extras			
Set Design			
Set Construction			
Grip/Set Operations			
CG/Visual Effects			
Set Dressing			
Property			
Wardrobe			
Make-Up/Hair Dressing			
Lighting/Electrical			
Camera			
Production Sound			
Transportation			
Location			
Studio/Stage			
Vehicles/Boats/Animals			
Production Film & Lab			
Insurance			
Fringes			
Film Editing			
Music			
Post Production Sound			
Post Production Film & Lab			
Titles			
Opticals			
Other (please specify)			
Other (please specify)			
Depreciation			
<b>BUDGET ITEM</b>	<b>A. QAPE (GST- exclusive if film commenced on or after 1 July 2011)</b>	<b>B. PRIOR PRODUCTION COMPANY EXPENDITURE (if relevant)</b>	<b>C. PAYMENTS TO ASSOCIATED PARTIES (if relevant)</b>

<b>Australian-held Copyright Acquisition</b>			
<b>Australian Development Expenditure</b>			
<b>Share of Australian General Business Overheads</b>			
<b>Australian Copyrighted Publicity and Promotional Material – costs incurred before completion of film</b>			
<b>Residuals -- paid out before completion of film</b>			
<b>Advances -- non-recoverable from payee</b>			
<b>Travel to Australia</b>			
<b>Freight to Australia</b>			
<b>Additional audiovisual content other than for the first copy of the film</b>			
<b>Pilot episode (if relevant)</b>			
<b>TOTALS</b>			
<b>Average QAPE per hour (for television series other than mini-series only)</b>			

**SECTION 3 ATTACHMENTS:**

- Independently audited QAPE statements.
- Auditor's report furnished on the pro-forma provided at Attachment A of this Application Form.
- General ledger of QAPE provided on disc, production schedule and daily progress reports.

Where relevant

- An agreement verifying the transfer of ownership in pre-existing Australian-held copyright which identifies the copyright holder at the time immediately before the transfer.
- Agreements verifying the transfer of ownership in relation to Australian copyrighted promotional material, or establishing that the copyright in such material is held by an Australian resident. (Expenditure must have been incurred prior to completion of the film).

Completion of the airfares template to assist in the correct calculation of expenditure on flights and to establish whether non-cast have satisfied the two-week rule (see the website [www.arts.gov.au/film-tv/australian-screen-production-incentive/offsets](http://www.arts.gov.au/film-tv/australian-screen-production-incentive/offsets))

If applicable, and where cast or crew members' remuneration is QAPE, separate schedules that identify:

- The residuals paid out to individual cast members before completion of the film.

- Non-recoverable advances paid to individual cast or crew members.

In some situations, you must attach employment contracts:

- Where cast or crew members' remuneration other than by money (for example, by airfares for non-production personnel) is QAPE, you must attach the contract of employment or equivalent that demonstrates that the remuneration is a contractual requirement.
- Where persons or companies undertake work on the project both inside and outside Australia, a contract must be attached to assist in verification that a correct proportion has been claimed as QAPE.

## Confidentiality

Please note that all information provided by the applicant will be held by the Department on a strictly commercial-in-confidence basis. However, information collected may be provided to a number of bodies to assist in the administration of the Australian Screen Production Incentive (ASPI) or for other purposes as required by law:

- All application information will be provided to the Australian Taxation Office, the Film Certification Advisory Board (FCAB) and independent film production consultants contracted by the Department. These parties are bound by Commonwealth Government confidentiality and privacy provisions, but may seek information from third parties. Where information is sought from third parties, some information about the production may be disclosed to those parties, such as the name of the production.
- Aggregate and non-identifying information will also be provided to Screen Australia for statistical purposes.
- Information collected may be used by the Commonwealth for the purposes of reviewing the ASPI.
- Information collected may be provided to other agencies or departments of the Commonwealth, including the Australian Tax Office, where this is required by law.

The Department will also publish information about productions certified for the Location Offset in order to market and promote the Location Offset. The level of a film's QAPE will not be disclosed. Please indicate whether permission is provided for the Department to release the name of the film. Your answer to this question does not affect your eligibility for the Location Offset.

I permit the Australian Government to use the name of this film for the purposes of marketing and promoting the Location Offset:

YES

NO

NOT AUTHORISED TO PROVIDE   
PERMISSION (provide details below)

If not authorised to provide permission, please provide a contact at the commissioning studio or equivalent who is able to provide such permission:

## Statutory Declaration

Section 8 of the *Statutory Declarations Act 1959* (Commonwealth) requires a statutory declaration to be made in a prescribed form and before a prescribed person. The prescribed form follows at Section 6. Examples of a prescribed person include the following: Chiropractor, Dentist, Legal practitioner, Medical practitioner, Nurse, Justice of the Peace, Pharmacist, Physiotherapist or Psychologist.

A full list of prescribed persons before whom a Statutory Declaration may be made (contained in the *Statutory Declaration Regulations 1993*) is available from the Department while the legislation governing this provision can be sourced on-line from the Federal Government's legal information retrieval database at [www.comlaw.gov.au](http://www.comlaw.gov.au).

## Section 4—documents to be attached to an application for a certificate

Please indicate by marking the appropriate box whether the following attachments have been submitted with the Application Form:

1. Audited statements prepared by an independent Australian auditor registered as such in accordance with the *Corporations Act 2001*.  
Attached  Not attached
  2. Auditor's statement provided on the pro-forma at Attachment A of this Application Form.  
Attached  Not attached
  3. General ledger of QAPE for the film provided on disc, including.
    - printed list of the computer files on the general ledger disc, the currency applicable to each file, and a brief description of the areas of expenditure covered; and
    - list of propriety limited companies paid in Above the Line expenditure, with a brief statement of the goods/services providedEnclosed  Not enclosed
  4. Production schedule and daily progress reports for the film's shooting period.  
Attached  Not attached
  5. Documents verifying that the applicant company is an Australian resident company or a non-resident company with a permanent establishment and an ABN; including registered address .  
Attached  Not attached
  6. Names and addresses of company directors for applicant company.  
Attached  Not attached
  7. Statement of relationships between parent/associate companies, the applicant company and, if applicable, any production services company and previous production company or companies.  
Attached  Not attached
  8. Any agreement confirming the applicant production company's responsibility for:
    - all the activities required to make the film in Australia (including responsibility for costs incurred by non-Australian companies for activities in Australia) .Attached  Not attached
  9. Any agreement with a parent/associate company or documentation relating to the establishment of the applicant production company.  
Attached  Not attached
  10. Any agreement relating to the transfer of film production responsibility from a previous production company or companies.  
Attached  Not attached  Not applicable
  11. Details of arrangements to distribute/exhibit the film once complete. At the very least, a letter of confirmation of distribution/exhibition deals on letterhead is required. Attached  Not attached
  12. A full final credit listing. Attached  Not attached
  13. Any agreement relating to transfer of ownership in copyright—where purchase or licensing of pre-existing Australian copyright is being claimed as QAPE. Attached  Not attached  Not applicable
  14. Any agreement verifying the transfer of ownership in relation to copyright for promotional material, or establishing that copyright in such material is held by an Australian – where expenditure on the purchase or licensing of Australian copyright is incurred before completion of the film, and is being claimed as QAPE. Attached  Not attached  Not applicable
  15. A schedule detailing the fees and residuals paid out to each individual cast member before completion of the film – where the cast member's remuneration is QAPE.  
Attached  Not attached  Not applicable
  16. A schedule detailing non-recoverable advances paid to each individual cast and crew member - where the cast or crew member's remuneration is QAPE.  
Attached  Not attached  Not applicable
- A completed Airfare Template to assist in the calculation of expenditure on travel ([www.arts.gov.au/topics/film-television/australian-screen-production-incentive/location-and-pdv-offsets-guidelines-an](http://www.arts.gov.au/topics/film-television/australian-screen-production-incentive/location-and-pdv-offsets-guidelines-an))  
Attached  Not attached  Not applicable
17. A Statutory Declaration (section 5 of this form), made by an authorised signatory.  
Attached  Not attached

## Section 5—applicant statutory declaration

### STATUTORY DECLARATION

*Statutory Declarations Act 1959*

I, [*Name, address and occupation of person making the declaration*] make the following declaration under the *Statutory Declarations Act 1959*:

1. that the information contained in this application for a certificate for a Location Offset, and the documents attached to it, is correct and true in every particular.
2. that this declaration is made for the purposes of Rule 17 of the *Location Offset Rules 2008*.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

*Signature of person making the declaration*

Declared at *place* on *day* of *month* year

Before me,

*Signature of person before whom the declaration is made*

*Full name, qualification and address of person before whom the declaration is made (in printed letters)*

*Note 1* A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

*Note 2* Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

The Program Manager  
Location and PDV Offsets  
<insert address>

**Report on the Statement of Production Expenditure**

As required under the *Location Offset Rules 2008* (the Rules), we have audited the accompanying Statement of Production Expenditure on the film entitled \_\_\_\_\_.

We confirm that the auditor responsible for the preparation of this Statement is a registered company auditor within the meaning of the *Corporations Act 2001* and is not an officer, employee or partner of the applicant, or of a related body corporate of the applicant.

**Responsibility of the Applicant for the Statement of Production Expenditure**

The Applicant is responsible for the preparation and fair presentation of the Statement of Production Expenditure and has determined that the accounting policies prescribed in the Statement of Production Expenditure are appropriate to meet the Rules.

The Applicant's responsibility also includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the Statement of Production Expenditure that is free from material misstatement; whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

**Auditor's Responsibility**

We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the Statement of Production Expenditure are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the Statement of Production Expenditure. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the Statement of Production Expenditure, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Applicant's preparation and fair presentation of the Statement of Production Expenditure in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Applicant's internal control.

An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Applicant, as well as evaluating the overall presentation of the Statement of Production Expenditure.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.



## **Independence**

In conducting our audit, we have complied with the independence requirements of the Australian professional accounting bodies.

## **Auditor's Opinion**

In our opinion, the Statement of Production Expenditure presents fairly, in all material respects, the production expenditure on the film entitled \_\_\_\_\_ for the period ended \_\_\_\_\_ in accordance with generally accepted accounting principles.

[Signed by partner]

[for Auditor]

**[Dated]**