



New Zealand
FILM COMMISSION



Te Tumu Whakaata Taonga

Screen Production Emergency Relief Fund Guidelines for Applicants

October 2021

Please read these guidelines carefully as they set out important eligibility and assessment criteria and are intended to help you deliver the strongest application possible.

If you have any questions regarding these guidelines and your application, please email

relief@nzfilm.co.nz



Screen Production Emergency Relief Fund Overview

On 29 September 2021 the Government announced a targeted support package for the arts and culture sector in response to the ongoing challenges of the Delta variant of COVID-19.

The Screen Production Emergency Relief Fund (the **Fund**) is to be administered by NZFC throughout 2021/2022 and is a fund of last resort once all other available funding sources have been exhausted.

The Fund of \$1million will support NZFC-funded and NZSPG-New Zealand productions in extraordinary circumstances and to avoid abandonment, where the Screen Production Recovery Fund and the Extended Screen Production Recovery Fund (jointly referred to here as “SPRF”), indemnity, insurance, completion bond, other Government support mechanisms or any other funding source (including third party financiers or investors) are not sufficient to manage the costs of COVID-19 alert level restrictions from 17 August 2021.

Your project must have commenced production and have been shut down, delayed or otherwise impacted by the COVID-19 alert level restrictions from 17 August 2021.

As the industry has adjusted to filming within revised protocols and practices associated with mounting a production in a COVID-19 environment, applicants can only apply for additional costs that are explicitly attributable to the latest COVID-19 alert level restrictions. Many other COVID-19 related costs are considered “business as usual” and are excluded from this Fund.

Get in touch before making an application

We can offer guidance on whether this Fund might be right for you, so please get in touch before you start your application by emailing us at relief@nzfilm.co.nz

Eligibility criteria

To be eligible to apply for Funding, a production must:

- a) be a New Zealand based screen project that had commenced production prior to 17 August 2021;
 - b) have incurred additional costs due to COVID-19 alert level restrictions being put in place from 17 August 2021;
 - c) due to extraordinary circumstances have been unable to manage the full extent of these costs with funding available from SPRF, indemnity, insurance, completion bond, other Government support mechanisms or any other funding source (including third party financiers or investors);
 - d) not have been abandoned and must, in the NZFC’s opinion, have a reasonable likelihood of being completed;
- and;
- e) fall within one of the following categories prior to 17 August 2021:
 - i) be receiving production funding from the NZFC. This may be evidenced by the production having a signed funding agreement with the NZFC; and/or
 - ii) have registered on the NZSPG-New Zealand registration form; and/or
 - iii) have applied for a provisional certificate for NZSPG-New Zealand; or
 - iv) have been issued a provisional certificate for NZSPG–New Zealand.



Who can apply

The applicant must be a New Zealand citizen or permanent resident and either be;

- the same company or individual who is contracted to receive NZFC funding; and/or
- for productions that have received or been offered NZFC funding and/or have registered for the NZSPG-New Zealand on an NZSPG registration form or applied for or been issued with a NZSPG-New Zealand provisional certificate, be the same person or company who has applied for NZFC discretionary funding and/or the NZSPG.

How much can you apply for

There is no maximum amount that you can apply for, but you may only apply for eligible costs (see 'What you can apply for') and you must demonstrate that you are unable to meet these costs from any other funding source.

What you can apply for

Funding is for increases to budget arising due to COVID-19 alert level restrictions from 17 August 2021 including, but not limited to:

- Close-down and set-up production costs;
- Additional travel costs within New Zealand;
- Costs related to discharging and re-acquiring contractors;
- Loan interest costs, legal and bank fees;
- Costs related to contractual increases; and
- Post-production costs.

Note any related party transactions will be carefully reviewed to ensure that they are commercially reasonable. If the NZFC considers that a related party transaction is not commercially reasonable the NZFC may decline Funding or may make adjustments to the amount of Funding granted in order to reflect the NZFC's view of commercially reasonable terms.

Costs you cannot apply for

You may not apply for, and the Fund will not cover:

- Costs covered by SPRF, indemnity, insurance, completion bond, other Government support mechanisms or any other funding source (including third party financiers or investors);
- Costs that could reasonably be covered by adjustments to the budget or production plan, or by accessing the contingency or could otherwise be mitigated;
- Costs that are considered business as usual in a COVID-19 environment, for example costs that allow productions to operate at alert level 1;
- QNZPE in respect of which an application for the NZSPG–New Zealand has been, is being, or will be, made;
- Costs related to productions that are abandoned;
- Costs incurred outside of New Zealand;
- Bond fees (including any increase to existing bond fees);

- Anticipated production suspension and shutdown costs;
- Gifts, hospitality and gratuities;
- Capital equipment purchases;
- Third party distribution and sales expenses and materials;
- Foreign exchange loss;
- Financing gaps caused by the withdrawal in part or whole by third party financiers or investors;
- and
- Speculative losses such as sales or distribution income that was anticipated for the project (whether as a result of estimates or otherwise).

A project may access funding from NZFC, NZ On Air or NZSPG in order to cover costs that may be eligible under this Fund, but any award of funding may not overlap with another. In other words, double dipping from Government funding sources is not allowed.

Screen Production Emergency Relief Fund Conditions

If you are successful in applying for Funding, you must enter into an agreement with the NZFC, on terms acceptable to the NZFC (**Grant Agreement**) before Funding will be paid. In the event of any inconsistency between these Guidelines and the Grant Agreement, the terms of the Grant Agreement will prevail.

The Funding will be provided as a grant. A grant does not need to be repaid unless you breach certain conditions of the Grant Agreement. Because grants are subject to GST, if you are GST registered, GST will be added to the grant when it is paid.

By applying for Funding, you agree that:

- you will not make any application for the NZSPG-New Zealand in respect of any QNZPE incurred by you in respect of which you receive Funding as determined by the NZFC in its sole discretion; and
- if and to the extent that you receive Funding and receive, or are eligible to receive, the NZSPG-New Zealand in respect of the same QNZPE, you must repay the Funding as contemplated by the Grant Agreement.

On completion of the funding expenditure or the completion of the production, you will be required to provide a production cost report and a reconciled COVID-19 costs budget to the NZFC to evidence the Funding you received was spent in accordance with the Grant Agreement. The NZFC reserves the right to audit your expenses, and productions will be required to return any Funding to the NZFC as specified in the Grant Agreement including but not limited to Funding that:


- is categorised as “Costs you may not apply for’ above in these Guidelines;
- relates to expenses that have been funded by another source such as NZ On Air or another government agency;
- you recover from another Government source or support mechanism including but not limited to SPRF, Screen Sector Indemnity Scheme or wage subsidy;

- you recover from another source such as insurance or a completion guarantee;
- has been spent on expenses that are not authorised by the Grant Agreement; and
- has been spent on expenditure that was not included in your application for Funding and you have not obtained the NZFC’s prior approval to apply the Funding to that expenditure; or has not been spent.

Please be aware that if you receive \$100,000 or more in Funding or if you successfully apply to the Fund more than once in respect of the same production, the NZFC will complete an audit of the expenses associated with the Funding.

Submission Checklist

GENERAL ELIGIBILITY
<ul style="list-style-type: none"> <input type="checkbox"/> The applicant is a New Zealand citizen or permanent resident <input type="checkbox"/> The project had commenced production prior to 17 August 2021 <input type="checkbox"/> The production is based in New Zealand <input type="checkbox"/> The production has incurred additional costs due to the impact of COVID-19 alert level restrictions from 17 August 2021 <input type="checkbox"/> The production has not been abandoned and must have a reasonable likelihood of being completed <input type="checkbox"/> Due to extraordinary circumstances the production has been unable to meet the additional costs incurred due to the impact of COVID-19 alert level restrictions <input type="checkbox"/> The production has exhausted all other possible funding sources before applying to the Fund <input type="checkbox"/> The production is receiving funding from the NZFC; and/or has registered on the NZFC NZSPG-New Zealand registration form; or applied for or been issued a provisional certificate for NZSPG-New Zealand. <input type="checkbox"/> The applicant is the same individual or Special Purpose Vehicle (SPV) who has applied for NZFC discretionary funding and/or the NZSPG-New Zealand
DOCUMENTATION REQUIRED
<ul style="list-style-type: none"> <input type="checkbox"/> Details regarding the funding you have received or been offered (e.g. NZSPG–New Zealand provisional certificate, financing agreement, acknowledgement of NZSPG registration) <input type="checkbox"/> Written explanation of your extraordinary circumstances and the steps you have taken to meet your additional costs from other funding sources. <input type="checkbox"/> Details of all other sources of funding sought before applying to the Fund, including insurance and government support (e.g. wage subsidies) and their status <input type="checkbox"/> The original production budget <input type="checkbox"/> The original finance plan <input type="checkbox"/> The original production schedule <input type="checkbox"/> A cost report detailing all costs incurred as at the date of your application <input type="checkbox"/> COVID-19 Costs Budget – line by line breakdown of costs you are applying to the Fund for - as per the template budget supplied by NZFC

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- A written explanation of the impacts to your budget lines and how you have calculated your COVID-19 related costs
 - A current finance plan
 - Revised production schedule highlighting when the COVID-19 alert level restrictions occurred.
 - Warranty that any delay of delivery date has been agreed to by all market partners, financiers, and bond (if applicable)
 - Producer warranty that the production has continued its insurance cover (if applicable)
 - Producer warranty that production will comply with relevant COVID-19 requirements as per Ministry of Health and Government directives. Refer to the ScreenSafe COVID-19 Health and Safety Protocol
 - If the production has significant Māori content, representation, or input provide details of the impacts and other considerations, processes, and engagement with whānau, hapū, Iwi or consultants that are required as a result of COVID-19. E.g.: Changes in venue, additional communication or management on marae, restricted access to ensure protection, awareness and management of elderly and immune compromised community etc. For more information refer to Te Rautaki Māori or check with the Rautaki Māori team.

What we are looking for

Once your application is deemed eligible, it will be assessed for the following:


- Standard recognised increased costs to budget as a result of COVID-19 alert level changes are separated out from other non-COVID-19 production expenditures. Additional costs and detrimental impact on the production directly resulting from the level changes should be clearly identified and an explanation of how these have been calculated should be included in the application.
- The application shows that all other options such as SPRF, indemnity, insurance, completion bond, other Government support mechanisms or any other funding source (including third party financiers or investors) have been exhausted to the NZFC's satisfaction.
- Evidence is provided to the NZFC's satisfaction that shows the proposed increased costs cannot reasonably be covered by adjustments to the existing budget or production plan.

The applicant demonstrates to the NZFC's satisfaction that the plan to deliver the screen production is realistic and to the same level as what was originally contracted.

How to apply

Please register your intention to apply via email on relief@nzfilm.co.nz before making your application. Apply using the online application portal at <https://funding.nzfilm.co.nz/>. Search for 'Screen Production Emergency Relief Fund' and click 'New Application'. The form will take you step by step through the application process and prompt you to provide all the information required.

How the NZFC will make a decision



The Fund is a special purpose discretionary fund that has been established to respond to significant disruption caused by COVID-19 alert level restrictions. The Fund will be administered entirely at the discretion of the NZFC. For the avoidance of doubt, when applying for funding from the Fund (**Funding**), you acknowledge that your eligibility for Funding, and the amount of Funding you are granted, will be determined solely by the NZFC.

The NZFC will assess each application in context and on its merits. In addition to the eligibility criteria outlined in these Guidelines, the NZFC may also have regard, as appropriate to the application, to the purpose of the Fund, the number of current applications, the future pipeline of applications, other support available and any other matter that the NZFC considers is relevant in all of the circumstances.

For the avoidance of doubt, even in circumstances in which you can demonstrate you are eligible for Funding, you acknowledge that there is no certainty of Funding (whether in whole or in part), and no obligation on the part of the NZFC, to pay the full (or any) amount of Funding for which you may be eligible. In all cases, the decision of the NZFC is final.

What happens to your application

Once the application is received, it will be checked for eligibility in line with the Eligibility Criteria in these guidelines. If the application does not meet these requirements or is incomplete, it will be deemed ineligible and the applicant will be notified.

If the application is eligible, it will be assessed against the criteria outlined in these guidelines. Applications up to \$100,000 will be assessed and decided on by the NZFC Chief Executive Officer on recommendation from NZFC Senior Staff.

Applications over \$100,000 will be assessed and decided on by a sub-committee of the NZFC Board.


By submitting your application to the NZFC, you acknowledge and agree that your application may be reviewed by an external assessor, and you accept that the identity of any particular assessor(s) used to assess your application will be kept strictly confidential to the NZFC and will not be released.

A conflict of interest may apply when an external assessor has a personal interest with the applicant, named creatives or the project. Personal interests can be financial or relate to family, friends and associates.

A conflict of interest can be an actual conflict, a perceived conflict (a situation that others might see as a conflict), or a potential conflict (a situation that while not an actual or perceived conflict right now, could eventuate into an actual conflict).

For the current list of External Assessors please visit the NZFC [website](#) and declare any Conflicts of Interest you may have. You must disclose if an external assessor has a financial interest in the project; is the spouse, partner, family member or close friend of any of the named creatives, or if they have worked with any of the named creatives in the past 90 days.

External assessors are only reviewing the information provided in your application, so please provide all information necessary to assist with their assessment.



The NZFC will use reasonable efforts to maintain the confidentiality of the information provided by the applicant provided that where the NZFC considers it may be appropriate, the NZFC can discuss any application with NZ On Air. Any information you provide to the NZFC is subject to Official Information Act 1982 (OIA) requests. In processing a request under the OIA, the NZFC may consult with the relevant applicant prior to making a decision to release or withhold the information.

Next steps

You may be contacted if we require further information regarding your application.

The NZFC will aim to advise applicants of the final decision no later than six weeks after the NZFC receives a complete application.

If your application is unsuccessful, you will be notified by email.

If an application is successful, the applicant will receive a decision letter from the NZFC detailing our offer of funding. Following this, NZFC will issue a Grant Agreement which, along with any other documentation required by the NZFC, will need to be agreed and signed before you receive any Funding. Details of successful applications (including the title of the project and the fact that the project was successful under this Fund) will be published on the NZFC website, in the NZFC newsletter and subsequently in the NZFC's annual report. Once a Grant Agreement has been signed, the amount of Funding awarded will be published also.

A final reminder that if you have any questions or wish to make an application, please contact us by email at relief@nzfilm.co.nz.