



Dan Monceaux

Via email: foi+request-2148-9b7f42bf@righttoknow.org.au

Freedom of Information request to Screen Australia

Friday, 16 September 2016

Dear Mr Monceaux

I refer to your email to Screen Australia, sent on 18 August, and which was acknowledged by Screen Australia on 19 August, in which you sought access to documents under the *Freedom of Information Act 1982 (FOI Act)*.

Decision Maker

1. I am the authorised decision maker in this matter, having been authorised under section 23 of the FOI Act.

Scope of Request

2. You have requested the following:
 - 2.1. *All correspondence and documentation related to the feature documentary project Frackman, directed by Richard Todd and produced by Smith & Nasht in collaboration with Freshwater Pictures, including (but not limited to) applications for funding, offsets or other agency support, project proposals, assessment reports, internal and external correspondence and project acquittal reports.*
3. Screen Australia has identified documents falling within the scope of your request (the Items) identified at **Table A**. The documents were in the possession of Screen Australia on 18 August 2016, being the date of Screen Australia's receipt of your request.

Materials Relevant to Making of Decision

4. In making a decision as to the release of any documents covered by your request, Screen Australia has applied the relevant provisions of the FOI Act and had regard to the Guidelines issued by the Australian Information Commissioner under s93A of the FOI Act.

Table A

Item	Description	Summary of decision
1.	All external and internal correspondence related to the project FRACKMAN	Screen Australia intends to refuse access under s24 of the FOI Act due to the unreasonable diversion of resources that would be required to give access to these documents. Screen Australia invites the applicant to consult on the scope of this part of the request as provided in s24AB of the FOI Act. Further details are set out below.
2.	Application materials for GAS GUERRILLA submitted to Screen Australia for Documentary development funding on 29 June 2011	Exempt documents under S. 45 and/or S. 47 of the FOI Act
3.	Screen Australia's Recommendation Report for GAS GUERRILLA dated 20 June 2011	Release in part, redacted to exclude some confidential information under S. 45 and/or S. 47 of the FOI Act, and some personal information.
4.	Screen Australia's Letter of Investment Offer to GAS GUERRILLA dated 3 August 2011	Exempt documents under S. 45 and/or S. 47 of the FOI Act.
5.	Application materials for THE FRACKMAN submitted to Screen Australia for Feature production funding on 8 October 2012	Exempt documents under S. 45 and/or S. 47 of the FOI Act.
6.	External assessment of THE FRACKMAN for Feature production funding for December 2012 Board meeting	Release in part, redacted to exclude some confidential information under S. 45 and/or S. 47 of the FOI Act
7.	Second External assessment of THE FRACKMAN for Feature production funding December 2012 Board meeting	Release in part, redacted to exclude some confidential information under S. 45 and/or S. 47 of the FOI Act
8.	Minutes of CEO Meeting of Screen Australia, Production Investment, LOI, TV Drama, 29 November 2012 regarding THE FRACKMAN submitted for Feature production funding.	Release in part, redacted to exclude some confidential information under S. 45 and/or S. 47 of the FOI Act.
9.	Board paper for THE FRACKMAN for Feature production funding, 14 December 2012	Release in part, redacted to exclude some confidential information under S. 45 of the FOI Act.
10.	Application materials for FRACKMAN submitted to Screen Australia for Signature Documentary funding on 22 March 2013	Exempt documents under S. 45 and/or S. 47 of the FOI Act
11.	Screen Australia's Recommendation Report dated 31 May 2013 for Signature Documentary funding	Release in part, redacted to exclude some confidential information under S. 45 and/or S. 47 of the FOI Act, and some personal information
12.	Documentary Titles Approved Under Delegation for LOI for Signature Documentary funding dated 29 May 2013	Release in part, redacted to exclude some confidential information under S. 45 of the FOI Act.
13.	Offset applications or reports	Exempt documents under S. 45 and/or S. 47 of the FOI Act

14.	Project acquittal reports	Exempt documents under S. 45 and/or S. 47 of the FOI Act
-----	---------------------------	--

Decisions

Item 1

5. I intend to refuse access to the documents you have requested under Item 1, under s24 of the FOI Act. The reason for this is that the work involved in processing this item of the request would substantially and unreasonably divert the resources of the agency from its other operations. This is because, in order to provide access to a very broad class of documents as you have requested, Screen Australia would be required to:
 - a. identify, locate and collate the documents
 - b. decide whether to grant, refuse or defer access to the documents
 - c. examine each document
 - d. where required, consult with any person or body in relation to the request
 - e. copy and where required redact documents, and
 - f. notify an interim or final decision on the request in relation to each document.
6. In addition, due to the very broad class of documents in this Item of the request, I have insufficient information about the actual documents sought in order to reasonably identify the documents that you have requested.
7. Accordingly I invite you to contact me with me in relation to Item 1 in order to consult on the documents that you seek. You need to contact me **within 14 days** of receiving this letter. If you do not contact me within this time access to documents within Item 1 will be refused under s24 of the FOI Act for the reasons outlined above.

Items 2; 4; 5; 10; 14:

8. I have decided that Items 2, 4, 5, 10, and 14 contain some information that, if disclosed, would found an action by a person (other than an agency, the Commonwealth or Norfolk Island) for breach of confidence, as set out in Section 45 of the FOI Act.
9. I have decided that Items 2, 4, 5, 10, and 14 contain some information that, if disclosed, would disclose trade secrets or other information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if this information were disclosed, as set out in Section 47 of the FOI Act.
10. Because of this, I have determined that Items 2, 4, 5, 10, and 14 are exempt documents. This means that we are unable to give you access to these documents under section 11A(4) of the FOI Act.

Items 3, 11:

11. I have decided that Items 3 and 11 (see Table A) contain some information that, if disclosed, would found an action by a person (other than an agency, the Commonwealth or Norfolk Island) for breach of confidence, so that this is exempt information under Section 45 of the FOI Act.
12. This information is exempt from disclosure under section 11A(4) of the FOI Act and cannot be disclosed. Accordingly I have redacted this information from Items 3 and 11.
13. In addition, I have decided that Items 3 and 11 contain some information that, if disclosed, would disclose trade secrets or other information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if this information were disclosed, so that this is exempt information under Section 47 of the FOI Act.
14. This information is exempt from disclosure so that under section 11A(4) of the FOI Act it cannot be disclosed. Accordingly I have redacted this information from Items 3 and 11.
15. I have decided that disclosure of some information in Items 3 and 11 would involve the unreasonable disclosure of personal information. In reaching this decision, I have had regard to whether the information contained is personal information, the extent to which the information is well known, and whether the person to whom the information relates is known to be associated with the matters dealt with in the document. This makes this information conditionally exempt from disclosure under section 47F of the FOI Act.
16. Section 11A (5) of the FOI Act requires Screen Australia to determine whether giving access to a conditionally exempt information contained in these documents at this time would on balance be against the public interest.
17. The factors in favour of disclosure that are relevant are:
 - 17.1. That disclosure would promote the objects of the FOI Act, including informing the community of the Government's operations and enhancing the scrutiny of government decision making
 - 17.2. That disclosure would inform debate on a matter of public importance
18. The factors against disclosure that are relevant are:
 - 18.1. That disclosure would reasonably be expected to prejudice the protections of an individual's right to privacy
 - 18.2. That disclosure could reasonably be expected to prejudice Screen Australia's ability to obtain confidential information
 - 18.3. That disclosure could reasonably be expected to prejudice Screen Australia's ability to obtain similar information in the future
 - 18.4. That disclosure could reasonably be expected to harm the interests of an individual or groups of individuals

- 18.5. That disclosure could reasonably be expected to prejudice the management function of Screen Australia
19. I have decided that the public interest factors against disclosure of the relevant personal information contained in Items 3 and 11 outweigh the public interest factors favouring disclosure. On balance, therefore, release of this information would be contrary to the public interest and is not required to be disclosed under sub-section 11A(5) of the FOI Act and I have redacted the relevant personal information from these documents.
20. I have prepared redacted copies of Items 3 and 11, in accordance with s22 of the FOI Act, which may be released. The redacted copies of Items 3 and 11 are included with this letter.
21. To the extent that I have refused access to certain sections of Items 3 and 11, this letter constitutes an access refusal decision as set out in Section 53A of the FOI Act.

Items 6 - 8:

22. I have decided that sections of Items 6, 7 and 8 (see Table A) contain matter that, if disclosed, would found an action by a person (other than an agency, the Commonwealth or Norfolk Island) for breach of confidence, as set out in Section 45 of the FOI Act.
23. I have decided that Items 6, 7 and 8 contain matter that, if disclosed, would disclose trade secrets or other information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if this information were disclosed, as set out in Section 47 of the FOI Act.
24. I have decided that sections of Items 6, 7 and 8 contain material that would divulge information or matter communicated in confidence by or on behalf of the Government of a State or an authority of a State, to the Government of the Commonwealth, to an authority of the Commonwealth or to a person receiving the communication on behalf of the Commonwealth or of an authority of the Commonwealth. This makes the relevant sections conditionally exempt under Section 47B of the FOI Act.
25. Section 11A (5) of the FOI Act requires Screen Australia to determine whether giving access to a conditionally exempt document at this time would on balance be against the public interest.
26. The factors in favour of disclosure that are relevant are:
 - 26.1. That disclosure would promote the objects of the FOI Act, including informing the community of the Government's operations and enhancing the scrutiny of government decision making
 - 26.2. That disclosure would inform debate on a matter of public importance
27. The factors against disclosure that are relevant are:
 - 27.1. That disclosure could reasonably be expected to prejudice Screen Australia's ability to obtain confidential information
 - 27.2. That disclosure could reasonably be expected to prejudice Screen Australia's ability to obtain similar information in the future

- 27.3. That disclosure could reasonably be expected to prejudice the management function of Screen Australia
- 27.4. That disclosure could reasonably be expected to adversely affect the administration of continuing Commonwealth – State projects
28. I have decided that the public interest factors against disclosure outweigh the public interest factors favouring disclosure. On balance, therefore, release of Items 6, 7 and 8 at this time would be contrary to the public interest.
- As Items 6, 7 and 8 are conditionally exempt document, and on balance, their release at this time would be contrary to the public interest, access to Items 6, 7 and 8 is refused in accordance with sub-section 11A(5) of the FOI Act.
29. I have prepared redacted copies of Items 6, 7 and 8, in reliance on Section 22 of the FOI Act, which may be released.
30. To the extent that I have refused access to certain sections of Items 6, 7 and 8, this letter constitutes an access refusal decision as set out in Section 53A of the FOI Act.

Items 9 and 12

31. I have decided that sections of Items 9 and 12 (see Table A) contain information that, if disclosed, would found an action by a person (other than an agency, the Commonwealth or Norfolk Island) for breach of confidence, as set out in Section 45 of the FOI Act.
32. I have decided that sections of Items 9 and 12 contain information which is irrelevant to the request.
33. In reliance on s22 of the FOI Act, I have prepared redacted copies of Items 9 and 12 that remove relevant sections that cannot be released as outlined above. The redacted copies of Items 9 and 12 are included with this letter.
34. To the extent that I have refused access to certain sections of Items 9 and 12, this letter constitutes an access refusal decision as set out in Section 53A of the FOI Act.

Item 13

35. Screen Australia cannot release documents that we hold in relation to applications for the producer offset as this is protected information under the *Taxation Administration Act 1953* and accordingly is exempt information under section 38 of the FOI Act so that we cannot give you access to these documents under section 11A(4) of the FOI Act.

Rights of Review

Internal review

36. Pursuant to section 54 of the FOI Act, you have the right to apply for an internal review of my decision insofar as it refuses access to Items 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14. If you make an application for internal review, it will be conducted by an officer of Screen Australia (not myself as the original decision maker) who will make a fresh decision on the merits of the case.

37. You must apply in writing for an internal review of the decision within 30 days after the day on which this decision is received by you (or any longer period which we agree to).
38. No particular form is required to apply for internal review although it is desirable to set out in the application the grounds on which you consider that the decision should be reviewed.
39. Application for an internal review of the decision should be addressed to my attention. I will then ensure the review is conducted by the appropriate person.

External review - the Information Commissioner

40. Either following, *or as an alternative to*, internal review, you may seek a review of my decision by the Australian Information Commissioner (**AIC**) in accordance with paragraph 43 or 44 below. The Office of the AIC can be contacted by email at enquiries@oaic.gov.au, or by telephone on 1300 363 992. Requests to the AIC for review must be made in writing. The AIC's addresses are GPO Box 2999, Canberra ACT 2601, or GPO Box 5218, Sydney NSW 2001.
41. If you make an application for internal review and either the original decision to refuse access is confirmed, or you are not notified of a decision within 30 days of Screen Australia's receipt of the application (or such longer period as the AIC may grant Screen Australia), you will be entitled to make an application within a further 60 days to the AIC for a review of the original decision.
42. You are also entitled to apply to the AIC for a review of my decision without applying for an internal review. This application must be made to the AIC within 60 days of receiving notice of my decision.
43. A party to a review to the AIC may appeal to the Federal Court of Australia, on a question of law, from a decision of the AIC.
44. If the AIC confirms the original decision, or declines to review your case because it is satisfied that the interests of the administration of the FOI Act make it desirable that the decision be considered by the Administrative Appeals Tribunal (**AAT**), you may apply to the AAT (see below) for review of the decision.

The Administrative Appeals Tribunal

45. The AAT is a completely independent review body with the power to make a fresh decision in response to your request.
46. Your application to the AAT should be accompanied by an application fee (currently \$861) unless you are granted legal aid or you come within an exempt category of persons. The AAT Registrar or Deputy Registrar may waive the fee on the ground that its payment would impose financial hardship on you. The fee may be refunded where you are successful. The Tribunal cannot award costs either in your favour or against you, although it may in some circumstances recommend payment by the Attorney-General of some or all of your costs.
47. Further information is available from the AAT Registry, telephone 1300 366 700.

Complaints to the Commonwealth Ombudsman

48. You may complain to the Ombudsman concerning action taken by Screen Australia in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. The Ombudsman will make a completely independent assessment of your complaint.
49. You may complain to the Ombudsman either orally or in writing. The Ombudsman's address is:
- Commonwealth Ombudsman
GPO Box 442
Canberra ACT 2601
- Telephone: 1300 362 072
50. You may wish to consult with the Ombudsman's office as to whether it is preferable to seek internal review prior to seeking the assistance of the Ombudsman.

Yours sincerely,



Susie Cortez

FOI Co-ordinator

Attached: Documents

Screen Australia Recommendation

APPLICATION DETAILS

Full Title	Gas Guerrilla			
Application & File No	23745	P.10429	Meeting Date	20/07/2011
Program	Single-project Development		Batch	020
Strand	Documentary Development		Stg of Prod	Development
Category	Documentary		Genre	Documentary

ASSESSORS

Name	Amount	Recommendation	Rating
██████████ Liz Stevens	\$20,000	Recommended	78%

Average: 78%

APPLICANT

Applicant	Richard Todd		
Company	Aquarius Productions		
Phone	██████████ <input checked="" type="checkbox"/>	Email	██████████ <input type="checkbox"/>
Fax	██████████ <input type="checkbox"/>	URL	http://www. <input type="checkbox"/>
Mobile	██████████ <input type="checkbox"/>		

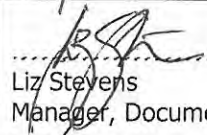
FUNDING

Amount Requested	\$22,700	Stage Submitted	proposal	Prev Funded	No
Stage App For	storyline/pitch document			Prev Submitted	No
Meeting Amt Approved	\$20,000	Approved	Yes		

SYNOPSIS

Having stretched himself to the max to purchase 250 acres in a residential sub-division in Eastern Queensland, the last thing 34 year old, Dayne Pratzky was expecting was to be surrounded by a toxic industrial Gasland. He was further shocked to find out that legislation would allow the removal of Coal Seam Gas to occur. Dayne isn't about to let that happen. His rights, his land and his ground water are at stake. He's had to quit his day job to take on some of the largest multi nationals in the world. His life has been turned upside down. To win this fight, he'll have to become part lawyer, part negotiator, part activist, part evidence collecting 'guerrilla' and the mouth piece for a groundswell of people across Australia who are finding themselves in the same threatening predicament, but Dayne's racing against the clock to save not only his own land, but all of rural Australia from a toxic future.

DELEGATE SECTION

Approved	<input checked="" type="radio"/> Yes <input type="radio"/> No	Amount Approved	\$20,000	(plus GST if applicable)
Special Conditions				
Date	21 / 7 / 11	Contact Method	EMAIL	
Signed	 Liz Stevens Manager, Documentary			

21/07/2011

Gas Guerrilla - Printed by: Hannah Leach - Page 1

Scanned
22/7/11

KEY PRINCIPALS

Role	Name	Mobile	Email	Resident?
Director	Richard Todd			Yes
Writer	Sarah Rossetti			Yes
Other:Multi Platform	Hayley Brogden			Yes
Other:Mentor Director	Janine Hosking			Yes
Producer	Richard Todd			Yes

3RD PARTY DETAILS

Name	Company	Mobile	Email

PROPOSED PROJECT DETAILS

Duration Ep count Mins per ep Total Shoot Gauge

Project Budget Finish Gauge

FUNDING SOURCES

Line Item	Amount	Line Item	Amount	Line Item	Amount
		Screen Australia	\$22,700		
Previous: <input type="text"/>		Intended: <input type="text" value="\$22,700"/>		Committed: <input type="text"/>	
Total: <input type="text"/>					

INDIGENOUS CONTENT / TEAM

Content Indigenous Principals

PROJECT BACKGROUND

Linked Projects

Date / App #	Strand / Title	Status	Amt Requested	Amt Funded
Total Linked Funded:				

APPLICANT BACKGROUND

BUDGET

#	Category	Item	SA Invest	Applicant	Other	Total
						\$22,700

ASSESSORS

Assessor Name

[REDACTED] Liz Stevens

3rd Assessor Notes

RECOMMENDATIONS

██████████ Liz Stevens

Recommendation: Recommended

Overview

Fracking is a mining operation to secure underground gas. It uses lethal chemicals in considerable quantities. Mining companies are using Fracking in Australia. There is a very good case to consider the process a long term disaster of great import. One man, Dayne, a typical Aussie rough head, is taking on the task of stopping the mining companies and illuminating the issues for Australians.

The strength and distinctiveness of the concept

7 / 10

It's strong but it must be said, not distinctive.

The potential of the project to reach its target audience (there will be a particular focus on this criterion in the case of feature documentary)

8 / 10

It may not make the OS Festival circuit. Gasland has done that.

A proven track record of the applicants and their ability to undertake the project, and the likelihood that their experience will advance the project

8 / 10

Solid production team with good mix of talents.

The viability of the project in terms of the development plan provided, estimated project budget, financing strategy, and the likelihood or potential of the project (or rough cut) to attract further development or production finance after this stage of development

8 / 10



The quality of the materials submitted, the appropriateness of the proposed development strategy and use of funds at this stage of development

8 / 10

Treatment good. Trailer good.

Summary

How is this program different from 'Gasland'. The answer is that it's about an engaging Aussie doing something local. Gasland has had an Australian screening, but it was buried late at night. This applicant must be careful to balance the story of Dayne and the story of Fracking. One begets the other but the balance is crucial. Recommended to fund at a reduced rate of \$20,000.

Application Name:	TheFrackman				
Program Name:	Production Investment - Features				
Program Round Name:	Board 14/12/2012				
Assessment Stage:	Only One Stage				
Assessor Name:	[REDACTED]				
 					
Rating Definitions					
<p>Does not Satisfy (unacceptable) - In the judgement of the assessor based on the information provided, the application does not satisfy the assessment criterion at all. The standard of the application is unacceptable for this criterion.</p> <p>Partially Satisfies (poor) - In the judgement of the assessor based on the information provided, the application only partially satisfies the assessment criterion. The standard of the application is poor for this criterion.</p> <p>Marginal - In the judgement of the assessor based on the information provided, the application mostly satisfies the assessment criterion. The standard of the application is acceptable for this criterion.</p> <p>Satisfies (good) - In the judgement of the assessor based on the information provided, the application fully satisfies the assessment criterion. The standard of the application is good for this criterion.</p> <p>More than Satisfies (excellent) - In the judgement of the assessor based on the information provided, the application more than satisfies the assessment criterion. The standard of the application is excellent for this criterion.</p>					
Criteria ID	Criteria Label	Criteria Description	Select Rating	Strengths	Concerns
1	The Creative Team	In relation to the Producer and Director the application: (i) Provides evidence of skills, relevant experience and achievements which demonstrate either an established successful track record or exciting new talent; and (ii) Provides their demonstrated creative, technical and managerial capacity to deliver the project, as evidenced in previous work. [AGENCY OUTCOMES: HIGHLY SKILLED PRACTITIONERS]	Mostly Satisfies	Simon Nasht, Trish Lake and John Collee are all experienced film practitioners. Richard Todd has developed a strong personal association with the central character in the drama Dayne Pratzky.	Does the close working relationship between filmmaker and subject allow for editorial independence in the cutting room?
2	The Script	The readiness of the script for production according to: (i) the quality of the writing and the effectiveness of the cinematic story telling (ii) the strength and distinctiveness of the idea within its own genre (iii) the reader's emotional engagement with the story and characters [AGENCY OUTCOME: QUALITY AUSTRALIAN STORYTELLING]	Mostly Satisfies	[REDACTED] as good a job as is possible when the outcome of the story is unknown. The difference between The Frackman and Gasland is that Gasland is an issue film, and The Frackman is a character story. There are genuine dilemmas at play here both interems of Dayne's loyalty to the other farmers around him in the same boat, and what he does about Wendy. Kenny meets the Castle in real life.	Making an activist film about Coal Seam Gas is important but not new. [REDACTED]
3	The Creative Potential	The team's creative vision in relation to: (i) their demonstrated understanding of the film's intended audience (ii) the quality of any Cast attached or proposed (iii) the quality of any proposed Heads of Department (iv) the potential for the film to be selected for an A list festival (v) the potential for the film to find a significant audience in Australia [AGENCY OUTCOME: QUALITY AUSTRALIAN STORYTELLING]	Mostly Satisfies	I find Dayne on film an engaging Aussie bloke who will be appealing to most people whatever their political beliefs. Coal Seam Gas is growing as an issue of public concern.	No comments.

Application Name:	TheFrackman	 
Program Name:	Production Investment - Features	
Program Round Name:	Board 14/12/2012	
Assessment Stage:	Only One Stage	
Assessor Name:	[REDACTED]	

Rating Definitions

Does not Satisfy (unacceptable) - In the judgement of the assessor based on the information provided, the application does not satisfy the assessment criterion at all. The standard of the application is unacceptable for this criterion.
Partially Satisfies (poor) - In the judgement of the assessor based on the information provided, the application only partially satisfies the assessment criterion. The standard of the application is poor for this criterion.
Marginal - In the judgement of the assessor based on the information provided, the application mostly satisfies the assessment criterion. The standard of the application is acceptable for this criterion.
Satisfies (good) - In the judgement of the assessor based on the information provided, the application fully satisfies the assessment criterion. The standard of the application is good for this criterion.
More than Satisfies (excellent) - In the judgement of the assessor based on the information provided, the application more than satisfies the assessment criterion. The standard of the application is excellent for this criterion.

Criteria ID	Criteria Label	Criteria Description	Select Rating	Strengths	Concerns
4	Australian Audience Potential	The project's potential to reach an Australian audience according to: (i) the strength of the domestic distributor's strategy for the film (ii) the quality of the distributor and its suitability to the project [AGENCY OUTCOME: ENGAGED AUDIENCES]	Mostly Satisfies	[REDACTED] a quality distributor, and have released feature docs [REDACTED]	No comments.
5	International Audience/Sales Potential	The project's potential to sell internationally according to: (i) the international distribution strategy (ii) the quality of the sales agent and its suitability to the project (iii) the sales estimates [AGENCY OUTCOME: ENGAGED AUDIENCES]	Marginal	[REDACTED]	This is the sort of subject matter that may not work internationally unless the emotional content is there.
6	Project Viability	Can the project be realised with reference to: (i) its budget size in relation to its intentions (ii) its budget size in relation to the potential audience (iii) the strength and quality of the deals proposed in the finance plan (iv) its proposed recoupment position for equity investors [AGENCY OUTCOME: QUALITY AUSTRALIAN STORYTELLING]	Mostly satisfies.	The budget is realistic for a feature doc, and the scope of filming required to tell this story in an observational way.	No comments

Application Name: TheFrackman
 Program Name: Production Investment - Features
 Program Round Name: Board 14/12/2012
 Assessment Stage: Only One Stage
 Assessor Name: [REDACTED]



SCREEN
AUSTRALIA

Rating Definitions

Does not Satisfy (unacceptable) - In the judgement of the assessor based on the information provided, the application does not satisfy the assessment criterion at all. The standard of the application is unacceptable for this criterion.

Partially Satisfies (poor) - In the judgement of the assessor based on the information provided, the application only partially satisfies the assessment criterion. The standard of the application is poor for this criterion.

Marginal - In the judgement of the assessor based on the information provided, the application mostly satisfies the assessment criterion. The standard of the application is acceptable for this criterion.

Satisfies (good) - In the judgement of the assessor based on the information provided, the application fully satisfies the assessment criterion. The standard of the application is good for this criterion.

More than Satisfies (excellent) - In the judgement of the assessor based on the information provided, the application more than satisfies the assessment criterion. The standard of the application is excellent for this criterion.

Criteria ID	Criteria Label	Criteria Description	Select Rating	Strengths	Concerns
1	The Creative Team	In relation to the Producer and Director the application: (i) Provides evidence of skills, relevant experience and achievements which demonstrate either an established successful track record or exciting new talent; and (ii) Provides their demonstrated creative, technical and managerial capacity to deliver the project, as evidenced in previous work. [AGENCY OUTCOMES: HIGHLY SKILLED PRACTITIONERS]	Marginal	Each member of the team is a solid TV documentary filmmaker, from director Richard Todd to producers Simon Nash and Trish Lake (who has also produced dramatic features including GETTIN' SQUARE)	Todd's ability to create a dramatic feature documentary is unproven.
2	The Script	The readiness of the script for production according to: (i) the quality of the writing and the effectiveness of the cinematic story telling (ii) the strength and distinctiveness of the idea within its own genre (iii) the reader's emotional engagement with the story and characters [AGENCY OUTCOME: QUALITY AUSTRALIAN STORYTELLING]	Marginal		[REDACTED] treatment was a confusing read, most notably for its lack of clarity about the focus of the story: is it the personal journey of the Frackman himself, or the issue of coal seam gas mining? It was also unclear what footage would be re-created and what has already been shot, and the fact that the story does not yet have an ending is of concern.
3	The Creative Potential	The team's creative vision in relation to: (i) their demonstrated understanding of the film's intended audience (ii) the quality of any Cast attached or proposed (iii) the quality of any proposed Heads of Department (iv) the potential for the film to be selected for an A list festival (v) the potential for the film to find a significant audience in Australia [AGENCY OUTCOME: QUALITY AUSTRALIAN STORYTELLING]	Partially Satisfies (poor)	The Frackman himself has an interesting story and occasionally wears a funny suit	The elephant in the room is GASLAND, a documentary that was nominated for an Oscar, and that was already distributed in Australia. It covered the same issues as this project, so the audience who saw that film will most likely feel they don't need to sit through another one. The team claims that the difference will be their focus on Frackman himself, but ultimately the film is an anti-coal seam gas film and will be promoted as such. Festival committees will feel they already selected GASLAND so why select another one?

Document Owner: Departmental Coordinator

Sheet: TheFrackman

Application Name: **TheFrackman**
 Program Name: **Production Investment - Features**
 Program Round Name: **Board 14/12/2012**
 Assessment Stage: **Only One Stage**
 Assessor Name: [REDACTED]



Rating Definitions

Does not Satisfy (unacceptable) - In the judgement of the assessor based on the information provided, the application does not satisfy the assessment criterion at all. The standard of the application is unacceptable for this criterion.
Partially Satisfies (poor) - In the judgement of the assessor based on the information provided, the application only partially satisfies the assessment criterion. The standard of the application is poor for this criterion.
Marginal - In the judgement of the assessor based on the information provided, the application mostly satisfies the assessment criterion. The standard of the application is acceptable for this criterion.
Satisfies (good) - In the judgement of the assessor based on the information provided, the application fully satisfies the assessment criterion. The standard of the application is good for this criterion.
More than Satisfies (excellent) - In the judgement of the assessor based on the information provided, the application more than satisfies the assessment criterion. The standard of the application is excellent for this criterion.

Criteria ID	Criteria Label	Criteria Description	Select Rating	Strengths	Concerns
4	Australian Audience Potential	The project's potential to reach an Australian audience according to: (i) the strength of the domestic distributor's strategy for the film (ii) the quality of the distributor and its suitability to the project [AGENCY OUTCOME: ENGAGED AUDIENCES]	Marginal	[REDACTED]	[REDACTED] an uphill battle with GASLAND having already exploited the market for anti-coal seam gas theatrical docos. The better place for this film, especially if they want to change more people's minds, would be television.
5	International Audience/Sales Potential	The project's potential to sell internationally according to: (i) the international distribution strategy (ii) the quality of the sales agent and its suitability to the project (iii) the sales estimates [AGENCY OUTCOME: ENGAGED AUDIENCES]	Partially Satisfies (poor)	[REDACTED]	[REDACTED]
6	Project Viability	Can the project be realised with reference to: (i) its budget size in relation to its intentions (ii) its budget size in relation to the potential audience (iii) the strength and quality of the deals proposed in the finance plan (iv) its proposed recoupment position for equity investors [AGENCY OUTCOME: QUALITY AUSTRALIAN STORYTELLING]	Marginal	[REDACTED]	[REDACTED] There just isn't anything about this project that suggests it could reach a theatrical audience.

**Minutes of the CEO Meeting of
Screen Australia
Production Investment, LOI, TV Drama Programs
for Screen Australia 14 December Board Meeting 2012**

Held at Screen Australia Level 5 CEO's office
150 William Street, Woolloomooloo NSW 2011
Thursday, 29 November 2012 at 3:00pm

In attendance: Ruth Harley – CEO
Ross Matthews – HOPI
Martha Coleman - HOD
[REDACTED] – External Consultant/Assessor
Charlotte Seymour – Secretariat/Manager Program Operations
Mark Lazarus – Investment Manager
Sue Collins – Project Manager

1. Declarations of Conflicts of Interest

[REDACTED]

2. LETTER OF INTEREST Applications

RECOMMENDED – [REDACTED]

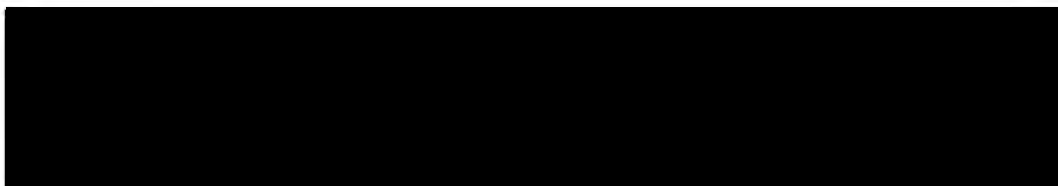
[REDACTED]

DECLINED – [REDACTED]

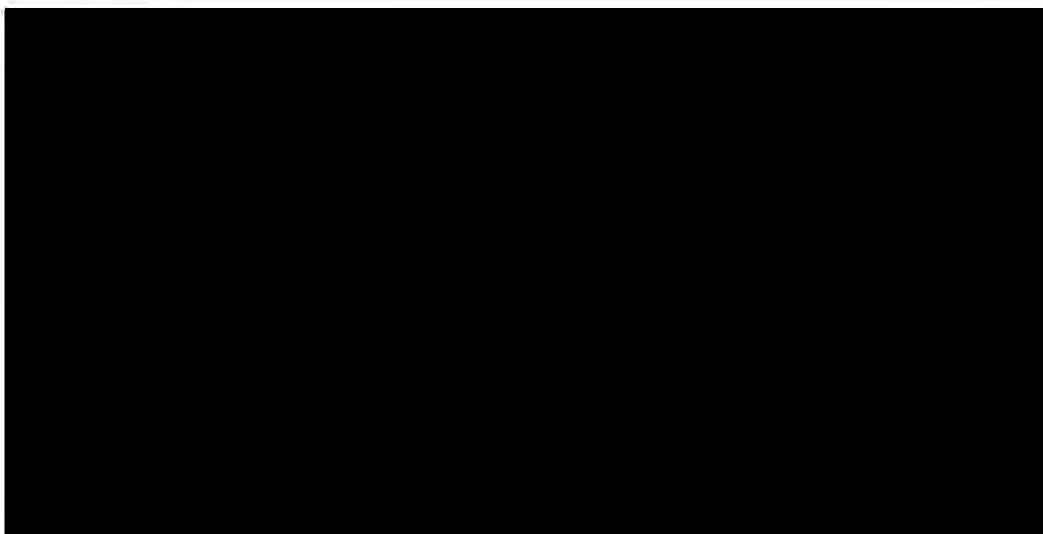
[REDACTED]

**3. PRODUCTION INVESTMENT Applications
RECOMMENDED**

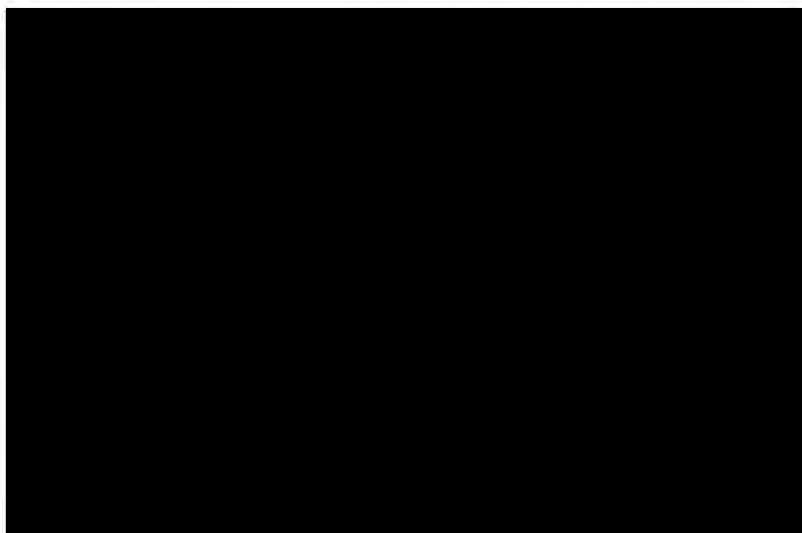
[REDACTED]



DECLINED

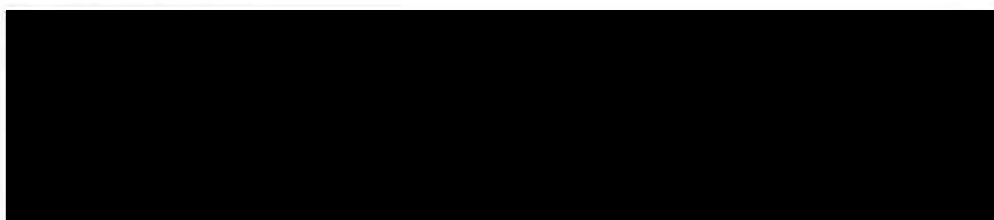


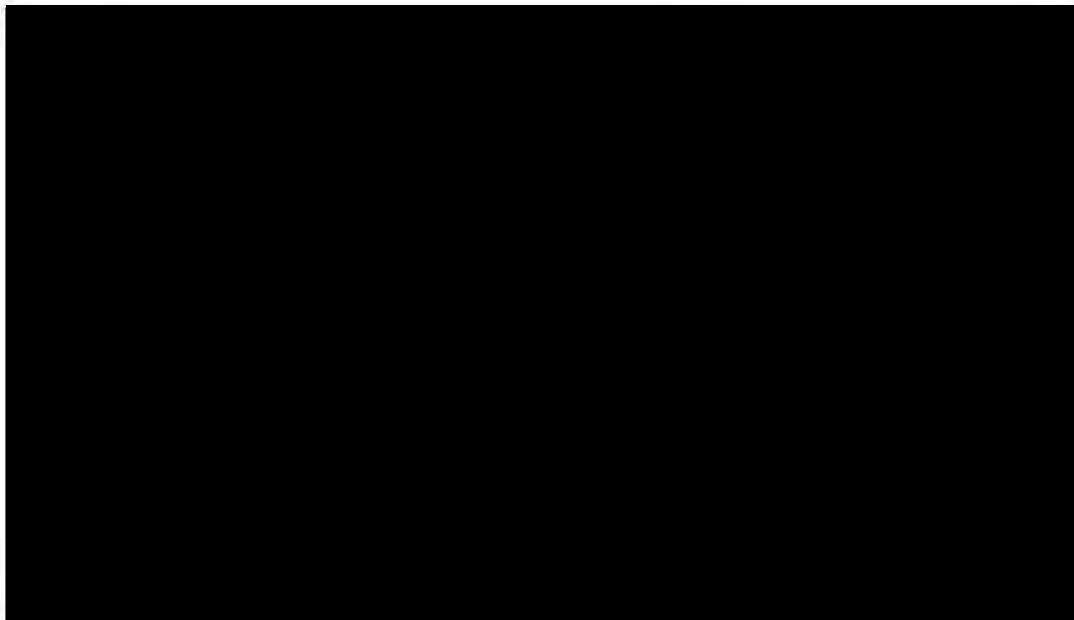
The Frackman **58%**
Committee were unanimous in declining this project at this stage.



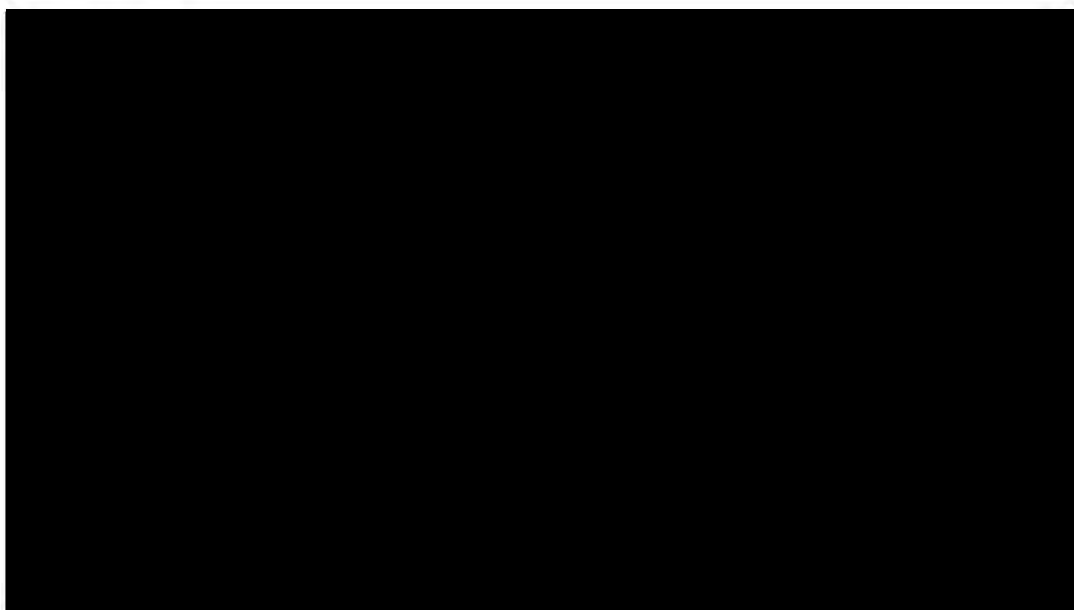
4. **TELEVISION Applications**

RECOMMENDED

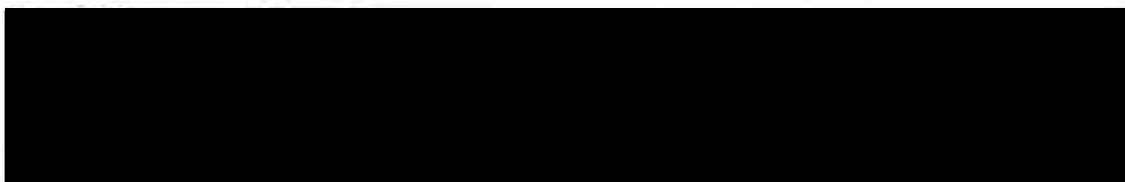




DECLINED



5. OTHER MATTERS



Signed as a true and accurate record.

ROSS MATTHEWS
HOPI

THE FRACKMAN

DECEMBER 2012

#P11258

Project Type: Feature Film (Production Investment application)**Applicant:** Freshwater Productions Pty Ltd**Director:** Richard Todd**Producer:** Trish Lake & Simon Nasht**Writer:** John Collee**Budget:** [REDACTED]**Requested SA Commitment:** \$453,207**ANZ:** [REDACTED]**ROW:** [REDACTED]**Investment Manager:** Sally Regan**Declined by:** External Consultants, [REDACTED]
HoDs, Martha Coleman and Ross Matthews

Recommendation	This project was not supported by the assessors.
Intended Audience:	The primary audience for the film is 25-34 and a secondary audience of 35 -49 year olds. Gender neutral.
Genre:	Theatrical Documentary
Logline:	<i>The Adventures of The Frackman and his filmmaker mate.</i>

ASSESSORS' CONCLUSION

This theatrical feature doco has elements to admire, and an albatross or two around its neck. Film-maker and DOP Richard Todd has established a trusted working relationship with Dayne Pratzky, an unlikely environmental activist who once earned his living helping dig the Lane Cove tunnel. Pratzky is the essential Aussie everyman. He keeps hunting dogs; goes pig-shooting; and has a small farm at Chinchilla in Queensland. He would have happily stayed there if it weren't for the imminent invasion of coal seam gas mining. He has now become an ardent spokesman/activist/possibly eco-saboteur for those opposing this industry. He's taken to disguise, trespass, and deception to get to the truth of what is happening. He's even taken part in rallies in Washington D.C. – which is where he met Wendy, and fell in love. Dayne is now on the horns of a dilemma. The Frackman sees itself as telling an emotionally engaging character story of an accidental activist who has to work out what he is going to do: keep going; or sell up and walk away. Does he put his ideals or his relationship first? What price loyalty? Now to the albatrosses. The problem is that fracking as an environmental issue has been well covered by Gaslands, which grossed \$150k at the box office in Australia. The other central question is, is this demonstrably more than a good 50-minute television documentary? [REDACTED]

[REDACTED] The producing team of Trish Lake, and Simon Nasht, supported by writer John Collee, have [REDACTED]. They all come with strong credentials. [REDACTED]

[REDACTED] There is a time issue for this project. Dayne has between three and six months in which to make his decision. After much discussion, the decision is not to recommend. The budget is [REDACTED] the material does not obviously warrant more than a television hour; and it's felt that audiences are unlikely to pay to see it at the cinema in sufficient quantities.

Status: Unlikely to return

Screen Australia Recommendation Report

Funding Program Details

Funding Program: Signature Documentary Program Meeting Date: 31/05/2013
 Round: 12/13 SDP March/April Batch:

Application Details

Full Title: **The Frackman** Title ID: 30785
 Application #: 591 Previously Submitted: YES
 Amount Requested: \$200,000.00 Previously Funded: YES
 Budget: [REDACTED]

Applicants

Applicant	Mobile	Email
rish Lake	[REDACTED]	[REDACTED]

Applicant Company: Freshwater Productions Pty Ltd

Project Details

Current Stage: Broadcaster:
 Stage to be Delivered:
 Genre:
 Duration: Ep Count 1 Mins per episode 90

Assessor Summary

Assessor	Rec Amount	Recommendation	Total Score %
Mary-Ellen Mullane		Shortlist	73.33%
Sam Griffin		Shortlist	73.33%
[REDACTED]		Recommended	80.00%
Average Score % :			75.56%

Recommendation

Recommendation	Recommender	Date	Amount
Recommended	Liz Stevens	13/05/2013	\$200,000.00

Recommended LOI for \$200,000 including development

Approvals

Approval Level: HOD Approver: Liz Stevens
 Decision: Approved Signature: 
 Amount Approved: \$200,000
 PEP: \$0
 Already Paid: \$20,000 Decision Date: 28/05/2013

Screen Australia Recommendation Report

Special Conditions:

Synopsis

A smouldering resentment has turned conservative country people to civil disobedience. Politicians are caught off guard, not knowing who to support. Coal Seam gas is forcing us to ask difficult questions about our way of life and what we value. Into this maelstrom of conflict and passions ventures the Frackman and his filmmaker mate. They take a Quixotic journey through the landscape and lives being torn apart by our desperate search for energy.

Indigenous Content/Team

Content: NO
Principals: None

Funding Manager	Date

Key Principals

Role	Name	Mobile	Email	Citizen/Resident
Director	Richard Todd			
Writer	John Collee			
Producer	Trish Lake			
Producer	Simon Nasht			

Previous Applications

Title	Amount Requested	Amount Funded	Date

Previous Funding Sources

Investor	Year	Description	Amount

Budget

Category	Item	Requested	Applicant	Other	Deferred
Totals:					

Deliverables

Category	Core	Due Date
Signed agreement	NO	
Rough cut approval	NO	
Delivery of final cost report	NO	

Screen Australia Recommendation Report

3 x DVD copies of the Film	YES
One copy of production stills on CD Rom	YES
Final Cost Report and Statutory Declaration	YES
3 x Copies of commercial DVD release of the	NO
One electronic press kit written publicity pack	NO
3 x Theatrical posters for Australia & overseas	NO
One copy of the soundtrack on CD	NO
One copy of each cross platform element of the	NO

Screen Australia Recommendation Report

Individual Assessor Reports

Mary-Ellen Mullane

Recommendation: Shortlist

Score: 73.33%

Summary:

A pressing 'back yard' environmental issue documentary from a deeply committed director.

Key principals, including | their demonstrated capacity to deliver the project | relevance and quality of their track record

Score: 4**Strengths:**

Trish Lake (Burning Season), Simon Nasht (10 Bucks a Litree) and Richard Todd (God Made Them Blind) - a diverse and interesting team who have not worked together before.

Weaknesses:

In light of the fact that Richard Todd is relatively inexperienced as a director, and this team has not worked together before, I would have liked more of a narrative of how the producers plan to both work together and with Richard.

Creative strength including: | the concept/idea: its distinctiveness, clarity of objectives | the proposed realisation: level of distinctiveness or innovation in storytelling, entertainment value | quality of submitted production materials (script, treatment, design document etc as relevant)

Score: 4**Strengths:**

Potently strong environmental and socio-political documentary in a election year in which the environment is receiving little attention. Treatment reads well, however the narrative seems a little unsteady; environmental issues married with, well, getting married. Richard is inserted into the narrative a la Nick Broomfield, Ross McElwee. Needs a steadier hand to steer the narrative. Dayne Pratzky is the perfect reluctant quintessential white working class Aussie hero. Strong rural Queensland story that told in the right way could resonate around the world. Good trailer.

Weaknesses:

Richard Todd is attracted to stories of men from the margins in search of a cause 'Saltwater Cowboy'. Simon Nasht's '10 Bucks a Litree' traverses much of the same territory as 'The Frackman'. Challenge here is to sustain 90 minutes on topic and to avoid it looking like an extended '4 Corners' story. Third act needs work.

Viability including:

| release plan: appropriateness and viability of marketing strategies; potential to deliver what the project sets out to achieve (eg, festival pathway, audience engagement, cultural impact), based on appropriate measurable indicators | finance plan and strategy

Score: 3**Strengths:**

Highly culturally relevant to Australian audiences. While this is not a new story, it is the first long form documentary about this pressing social and environmental issue.

Weaknesses:

Speculative finance plan on a very big budget documentary. [REDACTED] contribution is very ambitious. [REDACTED] distribution deals - more than 12 months old? Need updating. [REDACTED]

Sam Griffin

Recommendation: Shortlist

Score: 73.33%

Summary:

This is a strong team who are very passionate about this project. The film will be strong and play well to a targeted audience however concerns remain over finance plan, high budget and certain line items.

Key principals, including | their demonstrated capacity to deliver the project | relevance and quality of their track record

Score: 4**Strengths:**

Director was DOP on Schappelle Corby doc and directed God Made Them Blind for Compass.
 Producer Trish Lake has made feature docs My America; Snow Me the Magic, The Burning Season.
 Producer Simon Nasht has solid background in issue-based TV docs.
 Writer is John Collee with background mostly in features (Happy Feet, Master and Commander). He is also creative director of Hopscotch.?

Weaknesses:

First feature documentary for this director.

Creative strength including: | the concept/idea: its distinctiveness, clarity of objectives | the proposed realisation: level of distinctiveness or innovation in storytelling, entertainment value | quality of submitted production materials (script, treatment, design document etc as relevant)

Score: 4**Strengths:**

Good director's statement. Also producer's statement supplied.
 Visual style described as hand-held ob-doc, beautiful landscape shots to establish place, some archive for composition - possibly Alan Jones.
 An Australian film about a global issue. Build on audience response to Josh Fox's Gasland. Who owns the ground below you? Raises issues of home and place and relationship to identity; land rights, farmland vs gasland. Themes raised in The Castle but this is real life. Dramatic elements with some humour. Ultimately Dayne has to decide if he will take the money and runaway with the girl, or stick to his beliefs and stand by his neighbors.

Weaknesses:

Treatment is thin and reads more like an outline of story beats.
 Many events that have happened in the past are identified as being "not shot". However no explanation is given as to how they will be shot or how that part of the story will be told. The applicants don't identify this as a recreation-heavy project so how do they plan on showing these events?
 The romance aspect of the story is under-explored in the treatment. It represents considerable motivation and jeopardy for Dayne but needs to be further teased out.

Viability including:

| release plan: appropriateness and viability of marketing strategies; potential to deliver what the project sets out to achieve (eg, festival pathway, audience engagement, cultural impact), based on appropriate measurable indicators | finance plan and strategy

Score: 3**Strengths:**

Asking for \$180K on budget of [REDACTED]
 Sales agent proposal from [REDACTED]

Weaknesses:

Propose to licence archive from [REDACTED] that SA and [REDACTED] paid for in development. Development is also

included in budget.



Completion Guarantor letter.
Cutting Edge explanation letter
Insurance quote.

Plan to release in November 2013? marketing plan well-described in much detail. Very involved with [redacted] and utilising their database and outreach. As well as [redacted]

They'd like to see Tribeca premiere in April 2014, then Sydney in June.
Some interest from [redacted]



Deal memo between all producing parties gives all parties equal creative control. It's out-of-date as it refers to [redacted] who no longer works for the group.



Josh Fox just premiered Gasland II at Tribeca Film Fest.
Partly shot in Qld

Recommendation: Recommended

Score: 80.00%

Summary:

The applicants need to take caution that the relationship between the film maker and the Frackman does not threaten to diminish the issue at the centre of the film. Furthermore, the Frackman might give it all away for love. This could be unsettling because the CSG issue was never that important? or the Frackman is giving up and the company wins? If Frackman gives it up for love then the love must be detailed in stronger narrative terms. Interviews must be as active as the rest of the narrative. Who interviews the subject? Frackman or film maker? Can we request more rushes? Whatever the resolution it must involve Wendy, the Monk's, etc etc. Conditions - What is the anticipated ending? Resolution. Issues seem to be sidelined in favour of personal relationship choice/problem. This has the capacity to diminish the credibility of the issues at stake and the personal involved.

Key principals, including | their demonstrated capacity to deliver the project | relevance and quality of their track record

Score: 4

Strengths:

Director limited in experience with this length and form but no great reservations can be entertained as to competence or industry. Bolstered by solid Production team.

Weaknesses:

None

Creative strength including: | the concept/idea: its distinctiveness, clarity of objectives | the proposed realisation: level of distinctiveness or innovation in storytelling, entertainment value | quality of submitted production materials (script, treatment, design document etc as relevant)

Score: 4

Strengths:

Delicious reversal of personalities. Working class bloke turns into eco warrior. Controversial shock Jock goes green. Conservative rural politician goes environmental. 'A sanctions protests.

Weaknesses:

The question that looms like the Elephant in the room, is what about 'Gasland'. Not especially innovative or novel style. The personality of the Activist is the lead character in this film. Our entry into the world of Fracking, property rights, legal status of individuals. Well and good. Care needs to be taken that inserting the film maker is not a step too far. The applicant is alert to another concern, the hard science and evidence. Watching a couple of endearing lads through the world of CSG is entertaining, but they need to acquire and sustain credibility. Disturbing lack of resolution that threatens gravity of subject.

Viability including:

| release plan: appropriateness and viability of marketing strategies; potential to deliver what the project sets out to achieve (eg, festival pathway, audience engagement, cultural impact), based on appropriate measurable indicators | finance plan and strategy

Score: 4

Strengths:

Distribution in place.

Weaknesses:

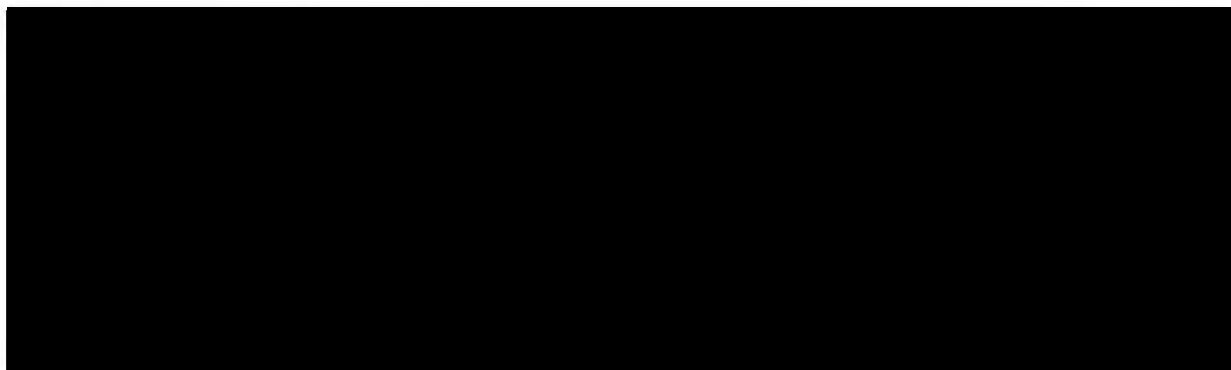
Astonishingly large budget for not excessively huge project. Not large ask from SA. Will they make this budget? Where will this leave SA? Are they avoiding making Gasland by conjuring a buddy movie with a love interest?


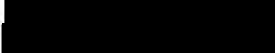
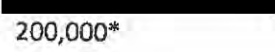
Combined Scores

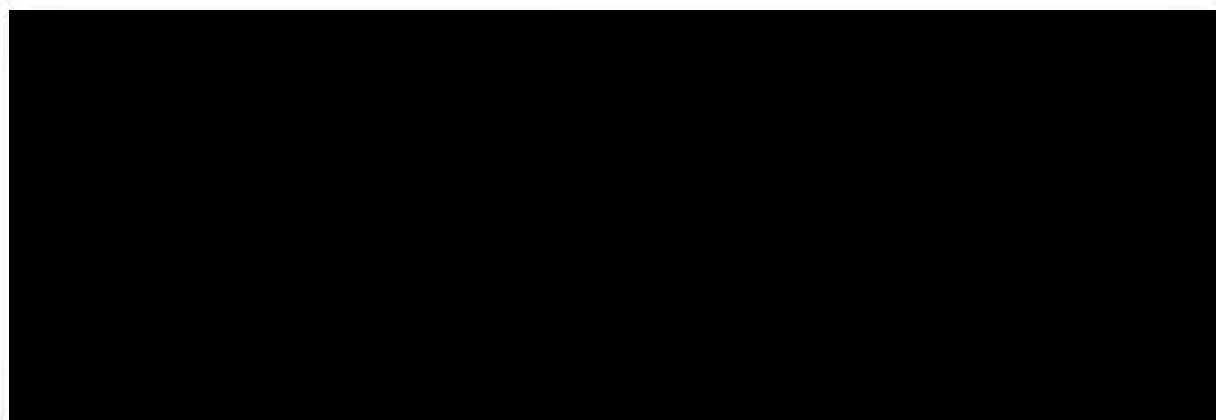
Criteria	Mary-Ellen Mullane	Sam Griffin	[REDACTED]
Track Record	4	4	4
Strength of Application	4	4	4
Project Viability	3	3	4
	73.33%	73.33%	80%

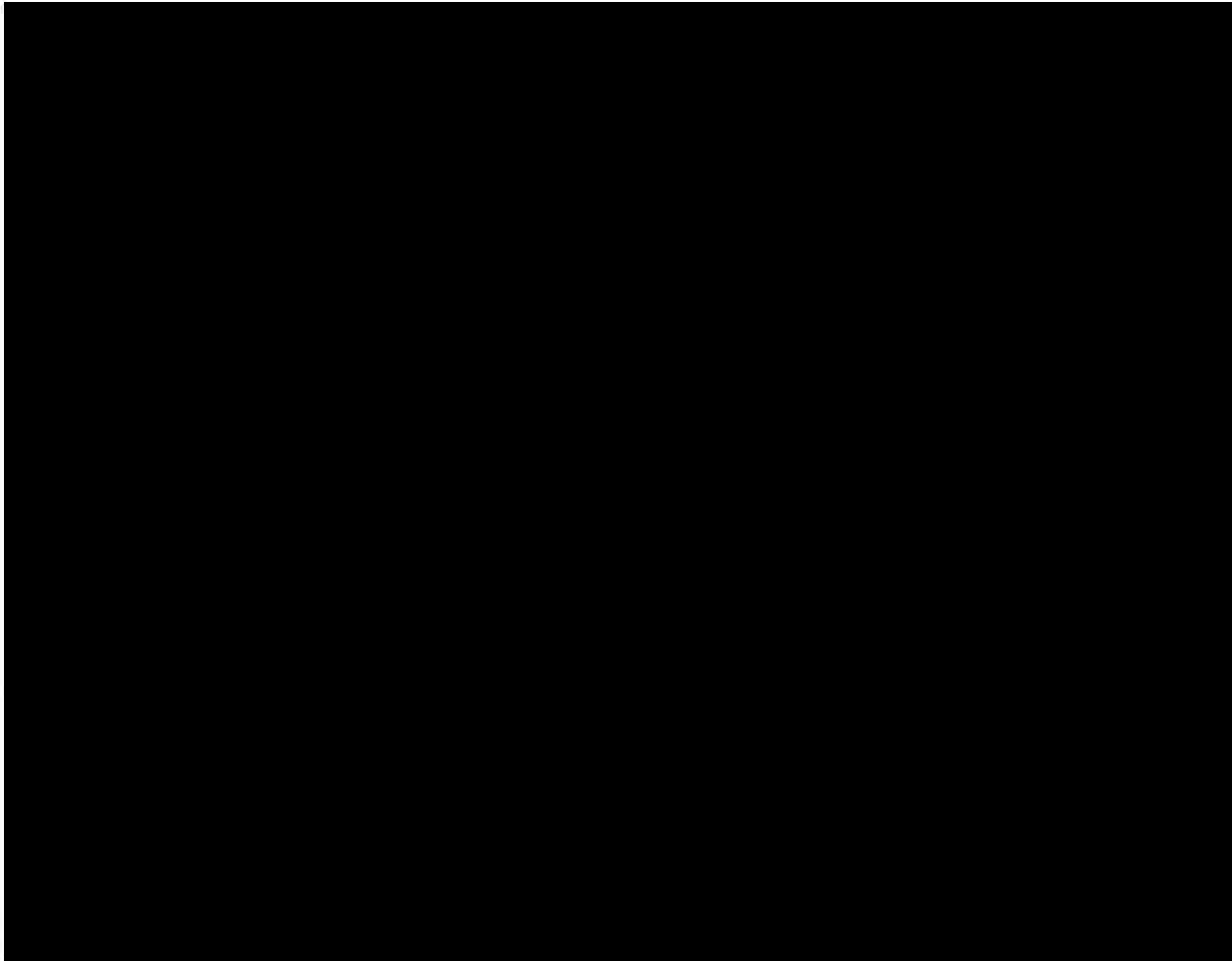
Documentary Titles Approved Under Delegation for LOI

Funding Program: Signature Documentary Program 12/13 SDP March/April

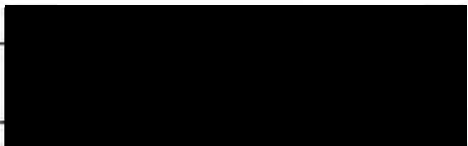


Title:	The Frackman
Duration (mins):	90
Synopsis:	The adventures of The Frackman and his filmmaker mate.
Production Company:	Freshwater Productions Pty Ltd
Producer:	Trish Lake, Simon Nasht
Director:	Richard Todd
Writer:	John Collee
Sales Agent:	
Distributor:	
Budget:	
Approved Amt:	200,000*
SA Development Already Paid:	*20,000

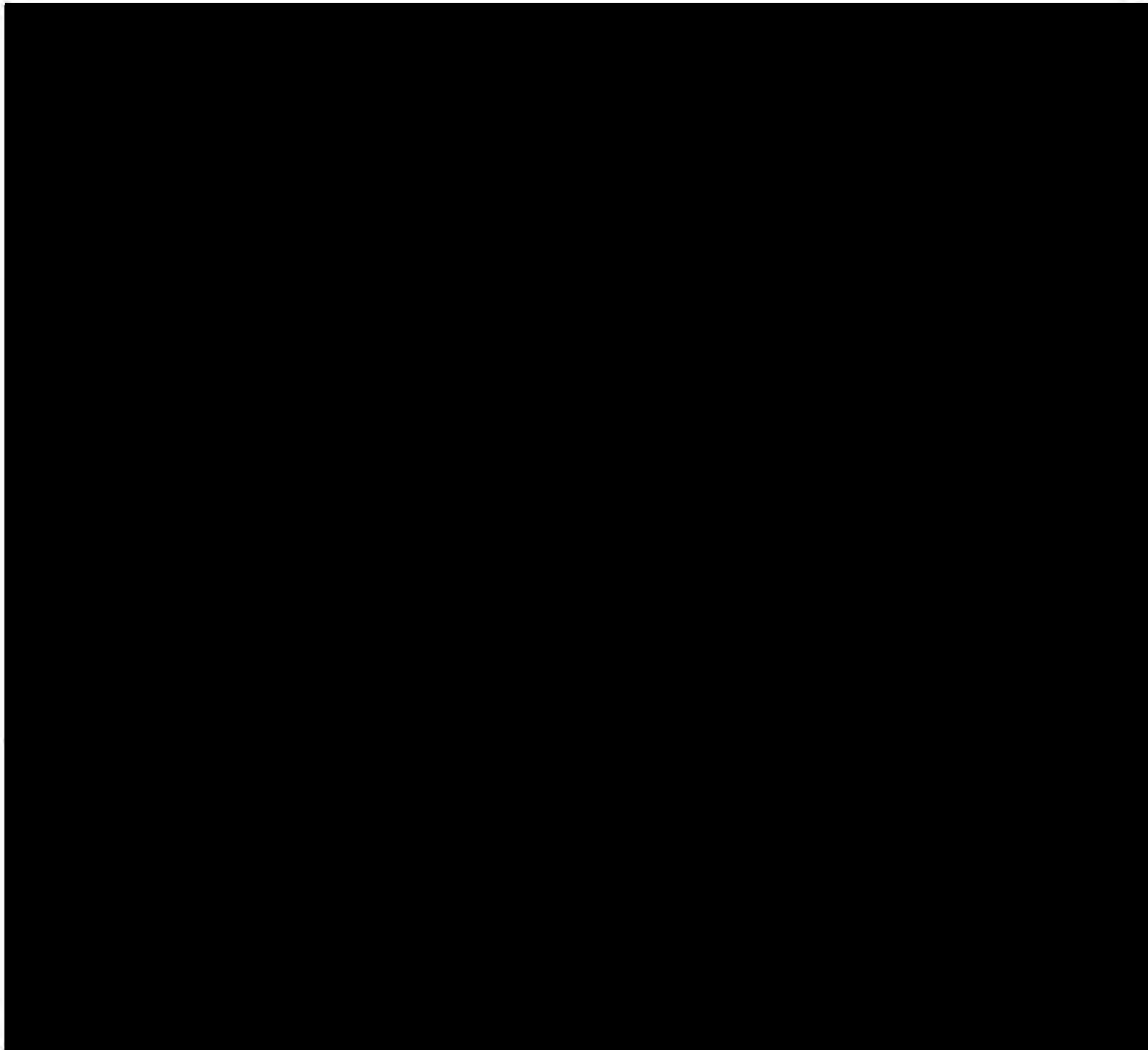




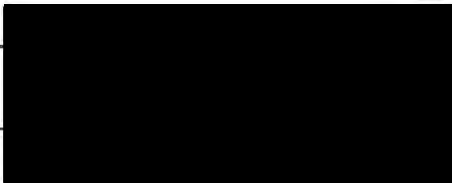
Festival Documentary ask May 2013



Generating production budgets of:

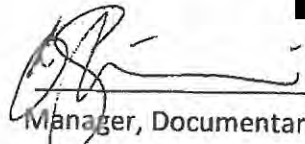


Total Signature ask May 2013



Generating production budgets of:

Recommended by:

 on 29 / 5 / 13
Manager, Documentary

Approved:

_____ on 29 / 5 / 13
Ruth Harley
CEO, Screen Australia

