

**No. 49417**

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**Australia  
and  
South Africa**

**Agreement between the Government of Australia and the Government of the Republic of South Africa concerning the co-production of films (with annex). Pretoria, 18 June 2010**

**Entry into force:** *22 August 2011 by notification, in accordance with article 20*

**Authentic text:** *English*

**Registration with the Secretariat of the United Nations:** *Australia, 6 March 2012*

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**Australie  
et  
Afrique du Sud**

**Accord entre le Gouvernement de l'Australie et le Gouvernement de la République sud-africaine concernant la coproduction cinématographique (avec annexe). Pretoria, 18 juin 2010**

**Entrée en vigueur :** *22 août 2011 par notification, conformément à l'article 20*

**Texte authentique :** *anglais*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Australie, 6 mars 2012*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE  
GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA  
CONCERNING THE CO-PRODUCTION OF FILMS**

## **PREAMBLE**

The Government of Australia and the Government of the Republic of South Africa (hereinafter referred to jointly as "the Parties" and separately as a "Party")

**SEEKING** to enhance cooperation between their two countries in the area of film;

**DESIROUS** of expanding and facilitating the co-production of films which may be beneficial to the film industries of both countries;

**RECOGNISING** the need for their countries to share the risks and cost of productions, whilst increasing the output of high quality productions;

**SEEKING** to facilitate the cultural, creative and economic exchanges between their two countries; and

**CONVINCED** that these exchanges will contribute to the enhancement of relations between the two countries;

**HEREBY AGREE** as follows:

## **ARTICLE 1**

### **Definitions**

In this Agreement, unless the context otherwise indicates:

- 1.1 "Competent Authority" means the authority designated as such by each Party in accordance with Article 2;
- 1.2 "co-producer" means one or more Australian nationals or one or more nationals of the Republic of South Africa involved in the making of a co-production film;
- 1.3 "third country co-producer" means any individual from another country with which Australia or the Republic of South Africa maintains a film and

audiovisual agreement as referred to under Article 5 (Third Country Co-productions);

- 1.4 "co-production film" means a film which is approved by the Competent Authorities and has been made by one or more Australian co-producers in conjunction with one or more South African co-producers (or in the case of a third country co-production, with a third country co-producer);
- 1.5 "film" means any aggregate of images, or of images and sounds, embodied in any material and includes, but is not limited to, television and video recordings, animations and digital format productions, but does not include an item which is outside the scope of the laws of either Party which govern the provision of benefits under the international agreements relating to the co-production of films;
- 1.6 "legal entities" means any entities duly constituted or otherwise organised under the applicable domestic law, whether for profit or otherwise, and whether privately-owned or governmentally-owned, including any corporations, trusts, partnerships, joint ventures, sole proprietorships or associations;
- 1.7 "nationals" means:
  - (a) in relation to Australia, Australian citizens and permanent residents;
  - (b) in relation to the Republic of South Africa, South African citizens and permanent residents;
- 1.8 "benefits" means all those financial and other incentives which may be offered to co-production films by each Party from time to time under Article 6.1 (Entitlement to Benefits);
- 1.9 "protection and reproduction material" means those materials derived from the original film materials for the purpose of protecting the final version of the film; and those materials used for making copies of the film for the purpose of distribution and exhibition of the film.

## **ARTICLE 2**

### **Competent Authorities**

- 2.1 Each Party shall designate a Competent Authority for the purposes of implementing this Agreement. Either Party may change their designated Competent Authority by giving notice to the other Party through the diplomatic channel. The change in a Competent Authority will take effect 28 days after the notice has been received.
- 2.2 The Competent Authorities may examine the implementation of this Agreement and consult with each other to resolve any difficulties arising out of its application.

## **ARTICLE 3**

### **Approval of Co-production Films**

- 3.1 Prior to the commencement of the making of a co-production film, co-producers shall have applied to the designated Competent Authorities of each Party for provisional approval of the film.
- 3.2 In approving films under this Agreement, the Competent Authorities, acting jointly, shall apply the provisions of this Agreement and the Annex to this Agreement consistently with Article 18.
- 3.3 When approving a film as a co-production film, each Competent Authority may stipulate additional conditions of approval, framed in order to ensure that:
  - (a) minimum financial and creative contributions are met;
  - (b) the creative contribution is in reasonable proportion to the financial contribution of each co-producer; and
  - (c) an overall balance is achieved in accordance with Article 17.1.