



SPAA-ASDA CODE OF PRACTICE FOR LIVE ACTION SCRIPTED SERIES

SEPTEMBER 2004

Preamble

This is a code of practice agreed to by the Screen Producers Association of Australia (SPAA) and the Australian Screen Directors Association (ASDA) that sets out best practice in live action scripted series. It is designed to clearly articulate the roles of the Producer and the Director in this type of series production and hence bring greater certainty and efficiency to the creation of such Australian programs.

This code is with respect to a director who has been engaged to direct one or more episodes of a live action scripted series. It is subject to the parties complying with the terms of any written agreement between them and subject to the terms of the Motion Picture Production Agreement.

General statement regarding the role of the Producer & Director:

(“Producer” includes a production company or nominee)

The Producer engages the Director to be the person with responsibility for the creative on-set realisation of the contracted episode(s), on the basis that the Director’s function is to contribute to the creative elements of the Program and to mould and integrate them into one cohesive dramatic and aesthetic whole.

Except in the instance where the director is an ‘establishing’ director, the Director acknowledges that the style and character of the existing series in most cases has already been established and that the integrity of the overall production is the responsibility of the Producer.

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It is acknowledged that the Producer has sole responsibility for financial and delivery commitments for the production and for the overall creative realisation of the series. While acknowledging the Director's role the producer has the final approval rights for all aspects of the production. The Producer will support and collaborate with the Director as necessary, and their collaborative input into the production process will ensure that the Episode will be realised.

General Guidelines

1. The Producer and the Director will at all times:
 - 1.1 Use their reasonable endeavours to maintain and uphold best industry practices.
 - 1.2 Act reasonably and respect each other's role in the production process.
 - 1.3 Consult in good faith on key creative decisions relevant to the episodes for which the Director provides services.
2. Guidelines for consultation between the Producer and the Director:
 - 2.1 When consulting, both the Producer and the Director will be required to act reasonably and have due regard to the budget, schedule and script
 - 2.2 The Director acknowledges that final decisions rest with the Producer.
3. Establishing Director on a Series:
 - 3.1 Directors establishing a Series will collaborate with the Producer in the selection of all key creative elements of the episode(s) on which the Director will work. The Director acknowledges that the final approval of creative elements will rest with the Producer.
 - 3.2 Creative elements include, but are not be limited to, the following:
 - Script
 - Cast
 - Heads of Department
 - 1st AD
 - Continuity
 - Locations
 - Sets and Props
 - Wardrobe
 - Editor
 - Composer
 - Stunts
 - Special and/or Visual FX

Pre-Production

4. Delivery of final draft
(‘final draft’ is that draft of the script which is delivered to the director in order to start his or her preparation on the episode)

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- 4.1 The Producer will use their best endeavours to ensure that a final draft is delivered to the Director of the episode one week prior to the commencement of pre-production of that episode or otherwise as soon as practicable.
5. Input into Scripts
 - 5.1 The Director will be given the opportunity to attend any final draft meetings subsequent to his or her engagement, to provide notes and to have input into the development of further drafts of the 'shooting script'.
6. Delivery of shooting script ('shooting script' is the script which it is intended that the Director will use on the shoot of the episode itself, following amendments to the final draft)
 - 6.1 The Producer will use their best endeavours to ensure that a shooting script is delivered to the Director of the episode no less than two weeks prior to the commencement of principal photography for that episode.
7. Adequate preparation and rehearsal time
 - 7.1 The Director should be consulted on preparation and rehearsal time with respect to the episodes for which the Director has accepted work.
 - 7.2 The Director should be given a reasonable amount of preparation time, in line with the planned number of shooting days, which will be determined by the budget and the schedule. For example, it is expected that a Director will be given no less than two days preparation for every day of shooting on one hour adult series, which may include time for a read-through with available cast.
8. Scheduling and allocation of scenes to 2nd Unit
 - 7.1 The Producer and Director will consult on the shooting schedule
 - 7.2 The Producer and Director will consult over the allocation of scenes assigned to 2nd Unit. Meeting time with the 2nd Unit Director will be scheduled as part of the Director's pre-production.
9. Casting of guest leads and supporting cast
 - 9.1 The Director will be entitled to recommend and, where practicable, test guest leads, supporting cast and featured extras for the episode and submit them to the Producer for approval.
10. Location selection
 - 10.1 The Director will be entitled to scout and recommend locations for the episode and submit them to the Producer for approval.
11. Consultation with art, wardrobe and make-up departments

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11.1 The Director will be consulted with respect to art department, wardrobe and make-up in relation to episodes for which the Director is providing services.

11.2 Meeting time with Art, Wardrobe and Make-Up Departments is to be scheduled as part of the Director's pre-production.

12. Consultation with Special and/or Visual FX departments

12.1 The Producer and Director will consult with respect to special and/or visual FX.

12.2 Meeting time with the Special and/or Visual FX Supervisor will be scheduled as part of the Director's pre-production.

Production

13. Role and responsibilities of the Director on set

13.1 Subject to occupational health and safety requirements, for which the Producer and the First Assistant Director have responsibility on set, it is acknowledged that the Director is the person with the prime responsibility for the creative on set realisation of the episode(s) for which they have been engaged.

13.2 In exercising his or her authority on set, the Director will be required to act reasonably and have due regard to the budget and script. The Director acknowledges that the final approval of creative elements will rest with the Producer.

14. Consultation between Producer and Director

14.1 The Producer and Director will consult on any changes to the key creative elements both prior to and during shooting for the episodes for which the Director provides services.

14.2 Once production has commenced on an episode, the Producer will endeavour to minimise changes to such elements of the production. It is acknowledged by both the Producer and Director that neither will make changes to the creative elements without consulting each other.

15. Mechanism to deal with unforeseen changes to schedules and production elements

15.1 In the event that there are unforeseen changes outside the reasonable control of either the Producer and/or Director, the Director will agree to comply with all reasonable requests in order to remedy the changes to the extent that they effect the production schedule and production elements.

16. Delivery of rushes

16.1 The rushes of the previous day shoot will be delivered to the Director, at the first possible opportunity.

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16.2 Other than in exceptional circumstances, no one other than the Network representative, Producer, Director of Photography or the Editor will see the rushes before the Director.

17. Delivery of script revisions

17.1 Director will receive prior consultation on all script revisions made or intended to be made during the Shoot.

17.2 No on-set crew member is to receive script revisions prior to the Director having been consulted about the revision.

17.3 The Director will consult the Producer prior to making script changes on set.

Post-Production

18. Director's Cut and Producer's Cut

18.1 The Director will have the first opportunity to deliver a first cut and to make changes or revisions in response to a screening to the Producer and/or the commissioning broadcaster, subject to broadcaster approval.

18.2 The Director will be given a minimum time to undertake the first cut which will be determined by the budget and schedule, starting from the time that the Editor has done a first assembly. For example, the Director should be given a minimum of half a day to edit for every day of the shoot of the episode(s) of a one hour adult series.

18.3 The Director will be provided with a post production schedule, including dates for post synching, sound & music spotting and final mixing.

18.4 The Director will be entitled to attend post synching sessions, sound & music spotting sessions and the final mix.

19. Consultation with Post-Production department

19.1 The Producer and Director will consult with respect to Post-production scheduled as part of the Director's post-production.

19.2 For 'establishing' Directors, a meeting time with the Post-production Supervisor, Composer and/or Sound Designer will be scheduled as part of the Director's post-production for the episode(s).

20. Mechanism for pick-ups or additional scenes

20.1 The Director should, subject to availability, direct all pick-ups and additional scenes. The Director will be considered unavailable if undertaking further work on the episode or another episode.

20.2 In the event that the Director is unavailable, the Director will be given the opportunity to provide guidelines and notes as to how the pick-ups and additional scenes should be directed.

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21. Credits

- 21.1 Director will have a contractual right to a credit, subject to the Director's compliance with the terms of agreement with the Producer.
- 21.2 The size, density and placement of the credit will be negotiated in good faith, but should normally be the last card in before the action commences in the episode or the first or last card after the action finishes. Except in the instance that all credits are at the end of the episode(s), in which case the Director's credit(s) will be either last or second last with the Producer in the other position. The Director's credit should be no less in size and prominence than any other credit for cast or crew on that episode.
- 21.3 The credit shall also appear in respect of any major advertising issued by or under the direct control of the Producer.

22. Use of final program by the Director in his or her showreel

- 22.1 The Director will have a non-exclusive licence in perpetuity throughout the World in all media now known or yet to be devised to use copies of the final episodes directed by the Director in his or her showreel subject to it being used for strictly private or personal use, and so as not to interfere with the rights of the Producer.
- 22.2 The Director will, on request, be supplied with either a VHS or digital copy of the Director's episode.
- 22.3 The Director will be entitled, at his or her own expense, to a copy, or access to a copy, of the clone of the master of the final episode(s) that they have directed while engaged by the Producer, solely for the purpose of obtaining extracts for the Director's showreel. The Director acknowledges that such access may not be possible prior to the first broadcast of the episode(s).

Safety Obligations

23. Occupational health and safety:

- 23.1 The Director acknowledges that the authority on health and safety issues lie with the Producer.
- 23.2 The Producer will provide the Director with a Safety Report no less than two days prior to the commencement of shooting on that episode.
- 23.3 The Director will read the Safety Report as soon as it is issued and follow all reasonable directions of the Producer.
- 23.4 Both the Director and Producer agree to abide by the recommendations of the Safety Report provided by the Producer to be used for the shoot.
- 23.5 Both the Producer and the Director acknowledge the role of the First Assistant Director pursuant to the Film Industry Recommended Safety Code (Appendix E to the Motion Picture Production Agreement 2002) which includes:

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- 23.5.1 at his/her sole discretion the right to stop the shoot where the safety guidelines have not been complied with; and,
- 23.5.2 the right to inform the Director that a stunt/special effect is unable to be performed safely; to cancel the stunt/special effect and advise the crew and cast not to work because of an unacceptable risk to cast, crew or the public.

Resolution of Disputes regarding the Code of Practice

- 24. In the event that the Producer and Director are in dispute with regard to the application of this Code of Practice and are unable to resolve the dispute amongst themselves, the parties should then refer the matter to either SPAA or ASDA respectively for resolution.

Review of Code of Practice

- 25. This Code formally takes effect from September 2004 and will be reviewed by SPAA and ASDA after a twelve-month period.