

26 May 2021

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Committee Secretary  
Senate Standing Committees on Environment and Communications  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Secretary

**Broadcasting Legislation Amendment (2021 Measures) Bill No.1 2021**

We refer to the legislation above and welcome the opportunity to make a submission to the Committee's inquiry into the Bill. Our comments are restricted to Schedule 1 of the Bill, relating to the New Eligible Drama Expenditure (NEDE) Scheme for subscription television.

I am an award winning independent filmmaker who has been working in the film and television industry for over 30 years. Without some form of quota, the independent sector of our industry will be unable to compete with the bigger commercial production companies and many of our celebrated local voices will disappear. People like me will no longer be able to sustain our business model or engage in making product for the mainstream marketplace unless streaming services invest money in our local sector to promote and encourage local production.

Blue Pen Productions does not support Schedule 1 of the Bill and the halving of Foxtel's relatively modest requirement to invest in Australian drama.

The halving of the obligation to spend 10% of drama channels' program budgets on Australian drama will cause substantial harm to Foxtel customer's access to Australian stories and will damage the local independent production sector.

The scheme has generated such notable and award-winning titles as *Top of the Lake*, *Hacksaw Ridge*, *Lion*, *Love My Way*, *Wentworth*, *Devil's Playground*, *Deadline Gallipoli*, *Fight Season*, *Mr Inbetween*, *Picnic at Hanging Rock*, *Secret City* and *Tangle*.

We are very concerned that a reduction in the obligation will almost certainly result in less investment in Australian drama, a reduction in local employment and reduced cultural outcomes for Australian viewers of subscription television.

We note that the Government is currently considering measures to ensure popular new streaming services make a proportionate contribution to Australian content through its Media Reform Green Paper process. This is a critical decision for the future of Australian screen culture and the comparative balancing of regulation across different platforms.

We submit that if the NEDE scheme is to be reviewed, its future should be determined with reference to the final decision of the Green Paper process regarding streaming platform regulation. At that time the scheme should be subject to a thorough review that considers whether it should be extended to cover other genres of Australian programming which are vulnerable to market failure.

We are also concerned that the Bill proposes to cancel the existing requirement to make-up any shortfall in expenditure that occurred before 1 July 2021. Given the generous deregulation included in the Bill, this seems excessive and all previous regulatory obligations should be required to be honoured.

Thank you again for the opportunity to provide a submission.

Yours sincerely

Penny Moore  
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Blue Pen Productions