

**AUSTRALIAN SCREEN INDUSTRY GUILDS AND ASSOCIATIONS
JOINT SUBMISSION TO THE BROADCASTING LEGISLATION AMENDMENT
(2021 MEASURES) BILL NO.1 2021**



28 May 2021

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

By email: ec.sen@aph.gov.au

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. We would like to comment on Schedule 1 of the Bill, relating to the New Eligible Drama Expenditure (NEDE) Scheme for subscription television.

Our Guilds and Associations do not support Schedule 1 of the Bill and the halving of the pay television requirement to invest in Australian drama.

The ability and opportunity to tell Australian stories, from our own perspective and in our own voice was the result of a nationally significant public campaign: the *TV: Make It Australian* campaign in the 1960s and 1970s when Australian shows represented just 1% of content shown on television. Broadcast quota rules were introduced to remedy a 'market failure': viewing audience and the market for Australian content is small, making Australian content comparatively expensive to produce and access compared to the cost of acquiring international content in English. The government stepped in to ensure quality local content could be made and Australians were finally given the ability and opportunity to tell Australian stories. These stories have since helped to bring tourism to our country, enhanced our reputation overseas, and allowed us to define our identity on an international scale.

Time and time again, the Australian public has shown that it is keen to see local content and support for the local content quotas is well documented.¹ Our local screen production industry contributed over \$3 billion in value to the economy and over 25,000 full-time jobs in 2015.² This industry brings together thousands of workers and businesses, whose crafts and skillsets run the gamut of creative endeavours, technical mastery and logistical problem-solving.

We want to see a robust and sustainable Australian screen industry and we want to see high-quality, commercially viable and internationally competitive Australian content on our screens.

¹ See Screen Australia, 'Currency Report' (2016) and Screen Australia, 'Convergence Review' (2011).

² Screen Australia, Currency Report (2016), 5.

Despite changing market conditions, it remains important for pay TV customers to have access to Australian stories and Australian voices. The proposed cut will not only damage cultural outcomes but will also have a contractionary impact on the local production industry, and hence local jobs.

We note the NEDE scheme has created a wealth of high-quality cultural product for Australian audiences, including 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*.

Given Foxtel has argued for complete deregulation, we are concerned that any reduction in the level of obligation will result in a redirection of investment away from Australian drama. The fact that recent levels of investment are at or about the minimum required amount, this suggests regulation is the determining factor in that content being created.

We bring to the Committee's attention the Government's current consideration of regulation to ensure popular streaming services are contributing to Australian content. This is a key regulatory setting that will help determine the future of Australian content.

A decision on the future of the NEDE scheme should be delayed until the Government has determined the shape of regulation on streaming services and has moved to implement that regulation. This will ensure a holistic policy decision can be made and will help avoid a contractionary impact on the local industry.

At that point, the NEDE scheme should be thoroughly reviewed, with consideration given to 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,

Association of Drama Agents – NSW
Australian Casting Guild
Australian Cinematographers Society
Australian Directors' Guild
Australian Guild of Screen Composers
Australasian Mechanical Copyright Owners Society
Australasian Performing Right Association
Australian Production Design Guild
Australian Screen Directors Authorship Collecting Society

Australian Screen Editors
Australian Screen Sound Guild Society
Australian Writers' Guild
Australian Writers' Guild Authorship Collecting Society
Casting Guild of Australia
Screen Producers Australia
Visual Effects Society