 <p>Australian Government Department of Infrastructure, Transport, Regional Development, Communications and the Arts</p>	<p>Meeting/Event Brief</p> <p>MB24-000034</p>
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To: The Hon Tony Burke MP, Minister for the Arts
cc: The Hon Michelle Rowland MP, Minister for Communications

MEETING: Meeting with United States Ambassador Kennedy and Michael Sullivan, Counsellor for Economic Affairs, United States Embassy, Canberra.

Timing: Wednesday 7 February 2024, 4.00pm – 4:30pm (pre-brief with Minister and Chief of Staff Darryl Watkins at 3:50pm) ****Departmental officer required to attend in-person****

Venue: Suite MG 43, Parliament House, Canberra.

Meeting with: Her Excellency Ms Caroline Kennedy, United States Ambassador, requested a meeting with you to discuss the proposed Australian screen content obligation on streaming services, among other arts-related matters.

s33(a)(iii)


Our Proposed Objectives: To confirm that the Government has undertaken extensive consultation and considered stakeholder views to support ongoing investment in, and production of Australian stories. A decision on a regulatory model is under consideration by Government.

Their Objective: To discuss the United States Government’s position on an Australian content obligation and potential implications for the Australia – United States Free Trade Agreement.

Key Points:

1. Through our National Cultural Policy – *Revive*, the Australian Government committed to introducing Australian screen content requirements on streaming platforms to ensure continued access to local stories and content.
2. The Government is working to ensure legislation is introduced in the near future to meet the target implementation date of 1 July 2024.

3. s33(a)(iii)

4. 

s33(a)(iii)

s22(1)(a)(ii)

5.

Sensitive and Critical Information:

6. s42

7.

8.

9.

10. s33(a)(iii)

Proposed Notetaker: Dr Stephen Arnott

Name: Dr Stephen Arnott
Position: Deputy Secretary
Division: Creative Economy and the Arts
Ph: 02 6136 s22(1)(a)(ii)
Mob: s22(1)(a)(ii)
Date Cleared: 6 February 2024

Contact Officer: s22(1)(a)(ii)
Division: Director, Content
Ph: 02 6136 s22(1)(a)(ii)
Mob: s22(1)(a)(ii)

Attachments:

Attachment A: Biographical Details

Attachment B: Talking Points

Attachment C: Background

Attachment D: s33(a)(iii)

Attachment E: s42

ATTACHMENT A

BIOGRAPHICAL DETAILS



Name: Her Excellency Ms Caroline Kennedy

Position: United States Ambassador

Contact: 02 6214 5600

Biography: Ambassador Kennedy presented her credentials to the Governor-General of the Commonwealth of Australia on 25 July 2022.

Ambassador Kennedy served as United States Ambassador to Japan from 2013 – 2017 where she played a critical role in the commemoration of the 70th anniversary of the end of World War II. In November 2021, she was awarded the Grand Cordon of the Order of the Rising Sun for her efforts to strengthen the US – Japan alliance.

Prior to her time in Japan, Ambassador Kennedy was at the forefront of education reform efforts in New York City. She served as Chief Executive Officer of the Office of Strategic Partnerships at the New York City Department of Education and as Vice Chair of the Fund for Public Schools.

Ambassador Kennedy is Honorary President of the John F. Kennedy Library Foundation and has served as a Trustee of numerous non-profit organisations, including the Carnegie Corporation, International Rescue Committee and National Association for the Advancement of Colored People Legal Defense and Educational Fund, as Co-Chair of the Harvard Institute of Politics and as a Director of the Boeing Company. She is a graduate of Harvard University and Columbia Law School and has published 11 *New York Times* best-selling books on law, civics and poetry.



Name: Michael Sullivan

Position: Counsellor for Economic Affairs,
United States Embassy Canberra

Contact: 02 6214 5600

Biography: Michael Sullivan joined the Embassy of the United States of America as the Counsellor for Economic Affairs in September 2022, engaging with a range of economic issues in the United States-Australia relationship including space cooperation, critical minerals, climate, energy and trade.

Mr Sullivan has extensive experience as a Political and Economic Counsellor for the United States in numerous locations throughout the world. Prior to this appointment to the Embassy of the United States in Australia, Mr Sullivan was the Counsellor for Economic Affairs for the United States Mission to the European Union in Brussels, Belgium, where he led Transatlantic economic engagement between the United States and the European Union.

He has also served as the Counsellor for Economic Affairs in the United States Embassy in Islāmābād, Pakistan and in Political and Economic Counsellor roles in United States Embassies in Sweden.

ATTACHMENT B

TALKING POINTS

Australian screen content requirements for streaming services

- In our National Cultural Policy *Revive*, the Government reiterated its election commitment to introduce Australian screen content requirements on streaming platforms to ensure continued access to local stories and content.
- We have brilliant talent in Australia and want to make sure that no matter which platform people are watching, Australian stories form part of their experience.
- The Australian Government recognises the significant investment that US-based streaming services are currently making in Australian screen content and their role in making it available to audiences around the world.
- During 2023, extensive targeted industry consultation was undertaken to help shape this policy. The Government has taken the time to consider views to support ongoing investment in, and production of Australian stories and continued provision of services to the Australian community.
- A decision on a regulatory model is under consideration by Government.
- The Government is working to ensure legislation is introduced in the near future to meet the target implementation date of 1 July 2024.
- The requirements will be implemented as part of the Government’s broader reforms to media legislation and are the joint responsibility of the Minister for Communications and the Minister for the Arts.
- The Government continues to provide significant support for the production of screen content through direct funding and tax offsets.

- s22(1)(a)(ii) [Redacted]

- s22(1)(a)(ii) [Redacted]

If raised: Consistency of the proposed models with international free trade agreements

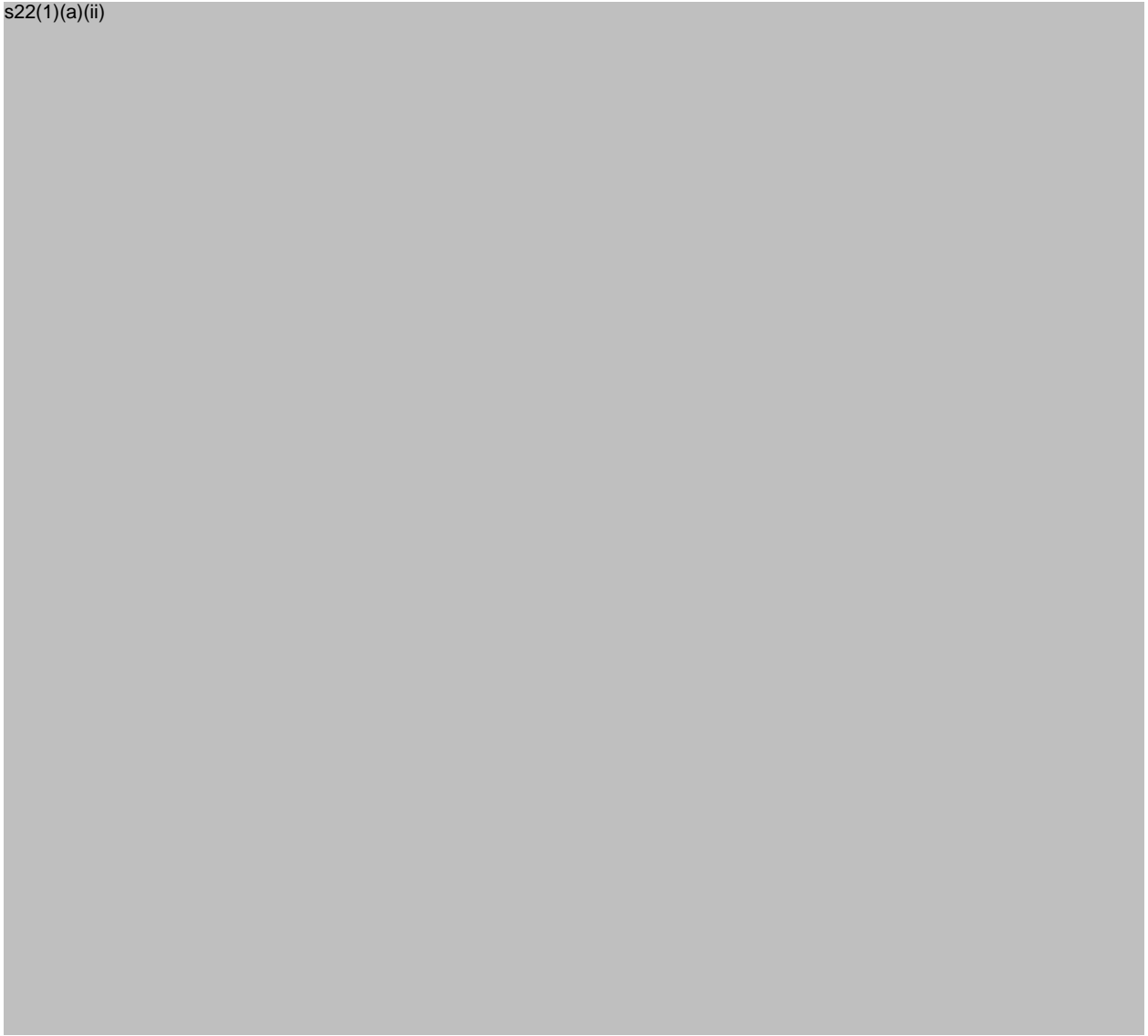
- The Government is aware of concerns that an obligation on streaming services may not be consistent with Australia’s obligations under the Australia – United States Free Trade Agreement.
- We are very conscious of our international trade obligations.
- We are committed to an evidence-based and consultative approach to get the new obligation right.
- This approach has been welcomed by industry which has worked cooperatively with the Government to help shape the design of the obligation.


s22(1)(a)(ii)



Released under the Freedom of Information Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts

s22(1)(a)(ii)



 <p>Australian Government</p> <hr/> <p>Department of Infrastructure, Transport, Regional Development, Communications and the Arts</p>	<p>Meeting/Event Brief</p> <p>MB24-000114</p>
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To: The Hon Tony Burke MP, Minister for the Arts
cc: The Hon Michelle Rowland MP, Minister for Communications

MEETING: Minister Burke meeting with Mr Matthew Deaner and Ms Jane Mulligan

Timing: Wednesday 28 February Time: 4:30pm

Venue: ACT - Ministers Suite MG 43, Parliament House Canberra

Meeting with: Mr Matthew Deaner, Chief Executive Officer, Screen Producers Australia and Ms Jane Mulligan, Director of Policy, Screen Producers Australia

Screen Producers Australia requested a meeting with you to discuss:

- Regulation of online streaming services.

s22(1)(a)(ii)

Prior meetings: In October 2023, you attended Screen Producers Australia 2023 Screen Stories Long Table Dinner. You have previously met with Screen Producers Australia to discuss streaming regulation and protection of intellectual property rights in the Australian screen sector. Minister Rowland met with Mr Deaner and Ms Mulligan on 28 November 2023 to discuss these matters separately.

Our Proposed Objectives:

To hear Screen Producers Australia's views on these matters and to confirm that a decision on streaming regulation is under consideration by Government.

Their Objective:

To put forward Screen Producers Australia's views on these matters.


Key Points:

Regulation of online streaming services

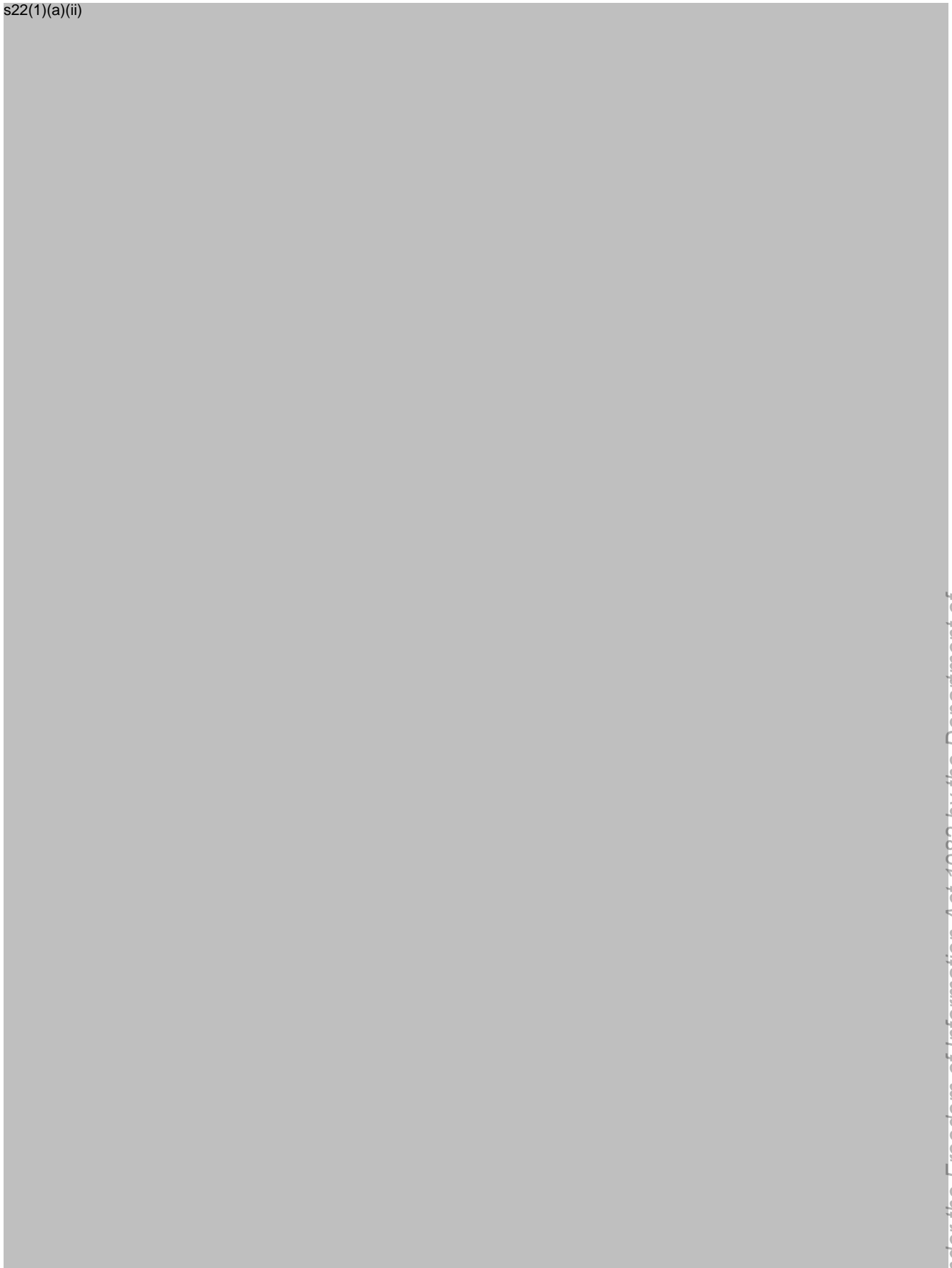
1. In the National Cultural Policy *Revive*, the Government reiterated an election commitment to introduce Australian screen content requirements on streaming platforms to ensure continued access to local stories and content. The Government has committed to implementing the obligation by 1 July 2024.
2. Following consultation with a targeted group of stakeholders in the first half of 2023, including Screen Producers Australia, the Government refined its view on high-level models and on 6 November 2023 issued the *Targeted Consultation Paper – Refined Models* to seek stakeholders' views on the models. Screen Producers Australia provided a submission.
3. Representatives from Screen Producers Australia attended a departmental roundtable meeting for the screen production industry sector on 13 November 2023. Broadly, Screen Producers Australia supports a percentage of revenue obligation set at 20 per cent, including:
 - The inclusion of drama, children's drama and documentary only

- Counting of commissions only towards the obligation
 - Sub-quotas for drama, documentary and children's programs
 - No double counting of co-commissions across SVODs and free-to-air broadcasters as they believe this would result in fewer commissions
 - Mandatory terms of trade to support independent producers
 - A requirement that 80 per cent of commissions need to be with arms-length producers.
4. On 6 September 2023, Screen Producers Australia and a number of other screen and music industry organisations wrote to you, the Minister for the Arts, the Attorney-General and the Minister for Industry regarding their concerns about growing imbalances in bargaining power between Australian screen producers, writers, directors, composers and large digital platforms such as subscription video on demand services. The correspondence and your reply are at **Attachment C**.
 5. On 18 January 2024, Screen Producers Australia along with other producer organisations from Europe, Canada and South America released a joint statement on the need for streaming platform regulation and intellectual property protections.
 6. Screen Producers Australia has consistently advocated for the Australian Content and Children's Television Standards 2020 (ACCTS) definition of Australian content. To be used to define what qualifies as Australian content for the streaming obligation.

s22(1)(a)(ii)



s22(1)(a)(ii)



s22(1)(a)(ii)

Sensitive and Critical Information:

Regulation of online streaming services

22. Screen industry organisations have referred to European and UK research which highlights the risks of impeding creatives' ability to receive fair compensation and retain control over their intellectual property. s47E(d)

s47E(d)

s47E(d)

s22(1)(a)(ii)

Proposed Notetaker: Ms Rebecca Rush, Assistant Secretary, Screen and Arts Workforce Development Branch.

Name: Rebecca Rush

Position: Assistant Secretary

Division: Office for the Arts

Ph: 6136 s22(1)(a)(ii)

Mob: s22(1)(a)(ii)

Date Cleared: 23 February 2024

Contact Officer: s22(1)(a)(ii)

Division: Office for the Arts

Ph: 6136 s22(1)(a)(ii)

Mob: s22(1)(a)(ii)

Attachments:

Attachment A: Biographical Details


Attachment B: Talking Points

Attachment C: Correspondence on power imbalance and reply

s22(1)(a)(ii)

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s22(1)(a)(ii)



ATTACHMENT A

BIOGRAPHICAL DETAILS



Name: Mr Matthew Deaner

Position: Chief Executive Officer

Organisation: Screen Producers Australia

Phone Number: s47F [REDACTED]

Biography:

Mr Matthew Deaner oversees all aspects of Screen Producers Australia’s advocacy work, industrial negotiations, events and operational issues.



Name: Jane Mulligan

Position: Director of Policy

Organisation: Screen Producers Australia

Phone Number: s47F [REDACTED]

Biography:

Ms Jane Mulligan advises Screen Producers Australia’s on policy matters relating to its members.

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ATTACHMENT B

TALKING POINTS**Regulation of streaming services****Australian screen content requirements for streaming services**

- In our National Cultural Policy *Revive*, the Government reiterated its election commitment to introduce Australian screen content requirements on streaming platforms to ensure continued access to local stories and content.
- We have brilliant talent in Australia and want to make sure that no matter which platform people are watching, Australian stories form part of their experience.
- During 2023, extensive targeted industry consultation was undertaken to help shape this policy. The Government has taken the time to consider views to support ongoing investment in, and production of Australian stories and continued provision of services to the Australian community.
- A decision on a regulatory model is under consideration by Government.
- The Government is working to ensure legislation is introduced in the near future to meet the target implementation date of 1 July 2024.
- The requirements will be implemented as part of the Government's broader reforms to media legislation and are the joint responsibility of myself and the Minister for Communications.

If asked: why aren't you committing to a 20% obligation?

- The Government is working with the sector to achieve our policy objectives by designing an obligation that results in positive, sustainable outcomes for Australian audiences and the industry.
- The Government is committed to an evidence-based and consultative approach to get the new obligation right.

If asked: Will the Government implement a 'terms of trade' standard as part of the streaming obligation?


- Commissioning practices of online streaming services have been raised with the Government previously, including concerns that streaming services are persistently seeking contractual terms that require independent Australian producers to forfeit their rights in perpetuity.

- I have asked the department to continue monitoring these issues and the potential impacts the introduction of an Australian content obligation on online streaming platforms may have on the Australian market.


If asked: What is the Government doing to address the decline in the production of children's content by commercial free-to-air broadcasters?

- The Government is aware that the production of children's screen content has fallen as a result of the changes to content quotas on free-to-air television made by the previous government.
- *Revive* has committed to introducing requirements for Australian screen content on streaming platforms and as part of this, the Government is reviewing policy settings to support the production of certain key genres, including children's content.
- During 2023, the Government undertook extensive targeted industry consultation to help shape this policy.
- The importance of including children's content in the obligation has been raised by a number of stakeholders in consultation.
- The Government will continue to consider views on how best to support ongoing investment in, and production of Australian children's content. The Government is taking the time to ensure that it gets the policy settings right.

s22(1)(a)(ii)



s22(1)(a)(ii)





Suite 2, Level 1, 36 Fitzroy Street
 Surry Hills NSW 2010
 +61 2 9360 8988
 screenproducers.org.au

4 September 2023

The Hon Dr Anne Aly MP
 Minister for Early Childhood Education
 Minister for Youth

Dear Minister

We understand that the importance of Australian screen stories for our children and young people was raised earlier this year at the Early Years Summit.

Last week, SPA wrote to the Minister for Communications and the Minister for the Arts to request an urgent review of the Australian Content and Children's Television Standards (ACCTS) due to the strong evidence of their failure to ensure Australian children have access to screen stories from their own lives and culture.

By way of background, since the introduction of the ACCTS in 2020 by the previous Minister for Communications, the number of hours of children's programming on commercial broadcasters has fallen dramatically. The result of this fall is that, according to the ACMA's most recent report, in 2022 there were only two new Australian children's programs on commercial free-to-air channels, for a total of just 95 hours. By comparison, in 2019, before the introduction of the ACCTS, there were 391 hours of new Australian children's content on these channels.

With two year's of data showing a clear downward trend, it is clear that commercial broadcasters have been permitted to all but abandon investing in new programs for Australian children (some 20% of the population), that reflect their own culture and lives.

As you would appreciate, there are strong social equity reasons for Australian children to have access to their own culture on free-to-air channels. While the ABC continues to commission children's programs, it cannot be the only service to provide this content for free. Many families do not habitually watch national broadcasters and so the current situation leaves them with a diet of only overseas programs to consume.

SPA believes that with two years of data showing a clear downward trend, that it is time for Government review and action. A copy of a SPA Children's Content Fact Sheet that highlights the problem is attached.

Sincerely,

s47F



Matthew Deaner
 CEO – Screen Producers Australia

Encl.

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'Crazy Fun Park', Werner Film Productions
Photo credit: Ben King



COMMERCIAL FREE-TO-AIR NETWORKS, SUBSCRIPTION TV, AND STREAMERS ARE ALL FAILING AUSTRALIAN CHILDREN



Australian children 16 years and under make up 21 per cent of the Australian population and deserve to see and hear themselves and their stories on our screens – but we have gone backwards on this.

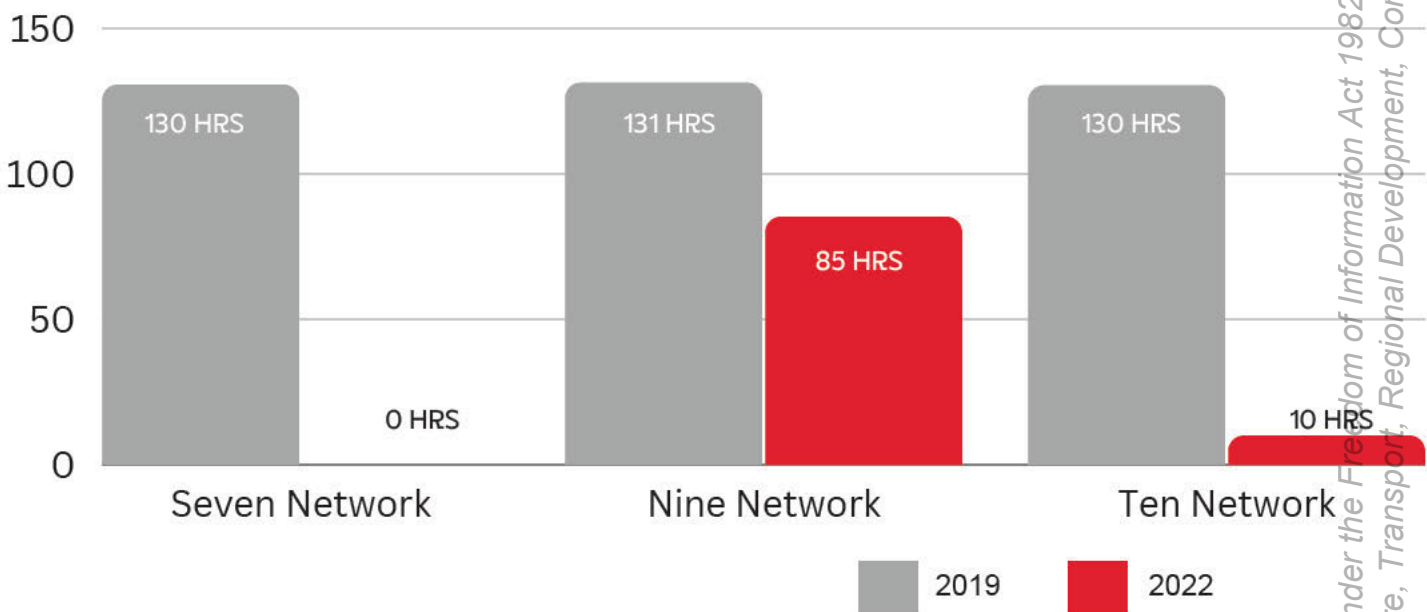
Data on Australian drama production for children, across both free-to-air and streaming services, shows investment in Australian stories was down on every platform in 2021-22, except the ABC.

Since the 2020 downgrading of Australian content requirements for commercial free-to-air broadcasters and with no requirements for subscription television or streaming services, there has been a dramatic drop in home-grown children’s titles and hours.

Very few new Australian children’s stories are now being commissioned and, therefore, shown and told to local and international audiences.

With no requirement to screen a minimum level of Australian children’s content anywhere in Australia, investment and the supply of children’s programs has fallen dramatically.

SINCE DEREGULATION IN 2020 HOURS OF CHILDREN’S TELEVISION ARE DOWN ACROSS ALL COMMERCIAL BROADCAST NETWORKS, MOST SIGNIFICANTLY DROPPING TO ZERO HOURS ON THE SEVEN NETWORK:



Source: ACMA Commercial Television Compliance 2022

“For each minute of Australian children’s content on television viewing platforms, there are three minutes of overseas content.”
Source: GAP Research: Children’s TV Content report, May 2022

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Animated titles are down: (typically commissioned by commercial Free-to-air-broadcasters)



Source: Screen Australia Drama Report 2021-22

Commercial free-to-air broadcasters are taking the least-cost option for their audiences by importing the vast majority of programming – mainly from the USA. SPA analysis shows that Australian programs now make up less than 15 per cent of children's programming – and very few are new commissions.

STREAMING AND CHILDREN'S CONTENT

The Screen Australia Drama Report for 2021-22 showed that of the 11 first release children's titles commissioned in that year, only one of these was by a streaming platform. Of other 10 titles one was commissioned by a commercial free to air broadcaster and the remaining nine were commissioned by the ABC and NITV. Australian children need and deserve a minimum investment in their own stories.

SCREEN PRODUCERS AUSTRALIA'S POSITION

- SPA believes that major streaming platforms should be required to reinvest 20 per cent of their Australian revenue into newly commissioned Australian stories.
- All platforms, such as subscription television and commercial free-to-air television, that supply children's content to audiences should be required to localise part of that with new children's content.
- It's crucial that the revenue and IP generated through these commissions be retained by Australian producers to continue to sustain and develop the Australian production industry in their imagining and creation of our Australian stories.



The Hon Tony Burke MP
 Minister for Employment and Workplace Relations
 Minister for the Arts
 Leader of the House

MC23-067395

Mr Matthew Deaner
 Chief Executive Officer
 Screen Producers Australia
 Suite 2 Level 1
 36 Fitzroy Street
 SURRY HILLS NSW 2010

By email: s47F [REDACTED]@screenproducers.org.au

Dear Mr Deaner

Thank you for your correspondence of 4 September 2023 to the Hon Dr Anne Aly MP, Minister for Early Childhood Education and Minister for Youth, regarding your request for a review of the Broadcasting Services (Australian Content and Children's Television) Standards 2020. Your correspondence was referred to me as this matter falls within my portfolio responsibilities. I note that you have also written directly to me and the Hon Michelle Rowland MP, Minister for Communications, in relation to this matter.

As you are aware, as part of the Australian Government's National Cultural Policy – *Revive*, the Government committed to take the necessary action so that Australians continue to be able to see and hear quality home-grown content, regardless of which platform they are using. The Government is aware that the production of children's screen content has fallen as a result of the changes to content quotas on free-to-air television made by the previous government.

Revive has committed to introducing requirements for Australian screen content on streaming platforms, and as part of this, reviewing policy settings to support the production of certain sub-genres, including children's content.

Following valuable industry feedback on high-level models, the Government has refined its view and identified the need for further data and input from streaming services to inform further analysis of potential impacts and outcomes. Final targeted consultation on this refined approach in the coming weeks will provide stakeholders with a further opportunity to inform the Government's decision on the detail of the final model.


The Government is committed to an evidence-based and consultative approach to get the new obligation right, and we thank you for your engagement. We are working with the sector to achieve our policy objectives by designing an obligation that results in positive, sustainable outcomes for Australian audiences and the industry.

Parliament House, Canberra ACT 2600

The Australian content obligation, as the joint responsibility of Minister Rowland and I, will be introduced as part of the Government's broader reforms to media legislation and will commence no later than 1 July 2024.


Thank you for bringing your concerns to the Australian Government's attention.

Yours sincerely



TONY BURKE
18/1/2023

cc The Hon Dr Anne Aly MP, Minister for Early Childhood Education and Minister for Youth
The Hon Michelle Rowland MP, Minister for Communications.

 <p>Australian Government Department of Infrastructure, Transport, Regional Development, Communications and the Arts</p>	<p>Meeting/Event Brief</p> <p>MB24-000134</p>
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To: The Hon Tony Burke MP, Minister for the Arts
cc: The Hon Michelle Rowland MP, Minister for Communications

Meeting: Minister Burke meeting with Prime Video (Amazon)

Date: Wednesday, 20 March 2024

Timing: 11:30am – 12:00pm (pre-brief with Minister and Adviser at 11:25am) Adviser: s2
 (Departmental officer required to attend in-person). 2(1)
 ()

Venue: Suite MG 43, Australian Parliament House, Canberra

Meeting with: Ms Kari Roe, Global Vice President; Mr Hushidar Kharas, Country Manager for Australia and New Zealand; Ms Mariko Lawson, Public Policy Manager; Mr Michael Cooley, Director of Public Policy, Australia, New Zealand and Southeast Asia.

Ms Roe requested a meeting with you to discuss the Australian screen content obligation on streaming services.

Prior meetings: Mr Kharas and Mr Cooley attended a meeting with you and other streaming services on 23 November 2023 to discuss the obligation. Prime Video also attended Ministerial and departmental roundtables in May and November 2023, and met separately with Minister Rowland on 20 July 2023.

Our Proposed Objectives: To confirm that the Government is now working to finalise a model to introduce Australian screen content requirements on streaming platforms.

Their Objective: Prime Video will likely seek information on the Government’s proposed regulatory model and continue to argue in favour of a 10 per cent expenditure model with a broad definition of Australian content.

Key Points:

1. In the National Cultural Policy *Revive*, the Government reiterated an election commitment to introduce Australian screen content requirements on streaming platforms to ensure continued access to local stories and content. The Government has committed to implementing the obligation by 1 July 2024.
2. Following consultation with a targeted group of stakeholders in the first half of 2023, including Prime Video, the Government refined its view on high-level models and on 6 November 2023 issued the *Targeted Consultation Paper – Refined Models* to seek stakeholders’ views on the models.

3. s45
 4.

Sensitive and Critical Information:

5. ^{s42} [REDACTED]
6. ^{s47E(d)} [REDACTED] In an article published in *The Australian* on 6 February 2024 (**Attachment E** refers), Mr Kharas was quoted as saying ‘We support an investment obligation that is fair, sustainable and flexible. However, the government’s current proposals do not meet these objectives’.
7. Prime Video was also a signatory to an open letter with the Australia and New Zealand Screen Association, Disney+, Netflix, Paramount+ and Stan which was sent to the Office of the Hon Clare O’Neil MP, Minister for Home Affairs and Minister for Cyber Security and other Ministers on 23 February 2024 and forwarded to your office on 26 February (**Attachment F** refers). The letter raises concerns about the Government’s proposed models which they suggest ‘combine an unsustainably high obligation with narrowly defined eligibility’. More information is at **Attachment C**.

Name: Rebecca Rush
 Position: Assistant Secretary
 Branch: Screen and Arts Workforce Development
 Mob: ^{s22(1)(a)(ii)} [REDACTED]
 Date Cleared: 13 March 2024

Contact Officer: ^{s22(1)(a)(ii)} [REDACTED]
 Division: Office for the Arts
 Ph: 6136 ^{s22(1)} [REDACTED]
 Mob: ^{s22(1)(a)(ii)} [REDACTED]

Attachments:

Attachment A: Biographical Details

Attachment B: Talking Points

Attachment C: Background

Attachment D: ^{s47C} [REDACTED]

Attachment E: Article – ‘Australian streaming quotas could violate US free trade agreement, tech giants warn’

Attachment F: Open letter – ‘Proposed local content rules harm Australian content creators and consumers’

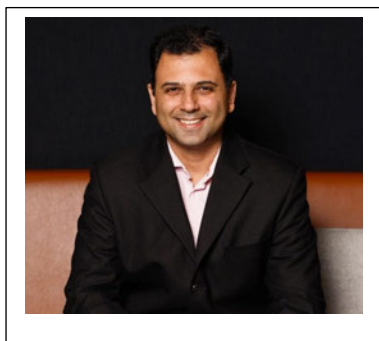
Attachment G: Response to ‘Proposed local content rules harm Australian content creators and consumers’.

ATTACHMENT A

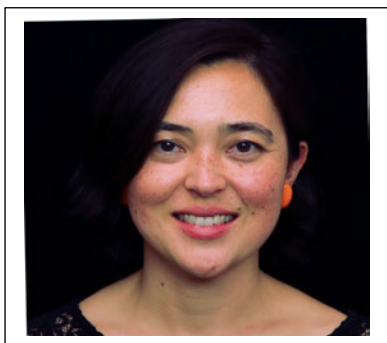
BIOGRAPHICAL DETAILS**Name:** Kari Roe**Position:** Global Vice President, Prime Video**Organisation:** Amazon

Biography: Ms Roe, based in Seattle, is currently Vice President, Prime Video covering the Americas (Brazil, Mexico, Latin America and Canada), Australia and New Zealand. She was previously Director International Marketing at Prime Video from 2016-2022.

Prior to joining Prime Video, Ms Roe was Director at Amazon China, Brand Manager at Time Inc, and Consultant at Booz Allen Hamilton. She holds a Master of Business Administration (MBA) in International Business from the Columbia Business School.

**Name:** Hushidar Kharas**Position:** Country Manager for Australia and New Zealand, Prime Video**Organisation:** Amazon

Biography: Mr Kharas is the Country Manager for Australia and New Zealand, Prime Video. He has built campaigns for large customer brands over the last 10 years. After a stint at the Future Group, working on the personal care brand Wild Stone, he moved to Yum Restaurants India where he built the digital and customer engagement practice for KFC India. He went on to lead digital marketing for Star Sports, building a highly engaged base of fans and helping create new properties such as the Pro Kabaddi League and the Indian Super League.



Name: Mariko Lawson

Position: Public Policy Manager, Prime Video

Organisation: Amazon

Biography: Ms Lawson is Public Policy Manager, Prime Video in Australia and New Zealand, with responsibility for content and media policy, online safety, privacy and cyber security. She has previously worked as an Associate Director in Management Consulting at KPMG Australia, as a Director (Industry Engagement) at the Department of Foreign Affairs and Trade, and as a Diplomat at the Australian Embassy in Beijing. Ms Lawson studied Arts (with Honours) and Law at the University of New South Wales.



Name: Michael Cooley

Position: Director of Public Policy, Australia, New Zealand and Southeast Asia, Prime Video

Organisation: Amazon

Phone Number: s47F

Biography: Mr Cooley began working at Prime Video in 2020. Prior to this, he worked for Google for five years as Public Policy and Government Relations Counsel, Australia and New Zealand. He has also worked as a lawyer and as a government adviser, including Senior Adviser, Governance in the office of former Prime Minister Kevin Rudd.

ATTACHMENT B

TALKING POINTS

- As part of our National Cultural Policy, *Revive*, the Government reiterated its election commitment to introduce requirements for Australian screen content on streaming platforms to ensure continued access to local stories and content.
- We have brilliant talent in Australia and want to make sure that no matter which platform people are watching, Australian stories form part of their experience.
- The Australian Government recognises the significant investment that US-based streaming services, including Prime Video are currently making in Australian screen content and their role in making it available to audiences around the world
- While streaming services are currently investing in Australian content at record levels, there is no guarantee that level of investment will be maintained, particularly in the key genres of drama, documentary and children's programs.
- During 2023, extensive targeted industry consultation was undertaken to help shape this policy and we thank Prime Video for your participation to date.
- The Government has taken the time to consider views to support ongoing investment in, and production of Australian stories and continued provision of services to the Australian community.
- A decision on a regulatory model is under consideration by Government.
- The Government is working to ensure legislation is introduced in the near future to meet the target implementation date of 1 July 2024.
- The requirements will be implemented as part of the Government's broader reforms to media legislation and are the joint responsibility of the Minister for Communications and the Minister for the Arts.

If raised: Consistency of the proposed models with international free trade agreements

- The Government is aware of concerns that an obligation on streaming services may not be consistent with Australia's obligations under the Australia – United States Free Trade Agreement.
- We are very conscious of our international trade obligations.

- We are committed to an evidence-based and consultative approach to get the new obligation right.
- This approach has been welcomed by industry which has worked cooperatively with the Government to help shape the design of the obligation.

ATTACHMENT CBACKGROUND

s45

Streaming industry open letter (fact sheet) – ‘Proposed local content rules harm Australian content creators and consumers’

- On 26 February 2024, a coalition of representatives from the streaming services industry including Prime Video, Stan, Paramount+, Netflix and Disney+ issued a two-page fact sheet that outlines a number of recent productions made by SVOD services that would not qualify as ‘Australian content’ under the eligibility criteria and definitions outlined in the consultation paper.
- Some programs would not qualify based on their genre (reality TV, documentary) or would not meet the current Australian Content and Children’s Standards 2020 definition of an ‘Australian program’.
- The group is critical of the Government’s proposed models which they suggest ‘combine an unsustainably high obligation with narrowly defined eligibility ... would have serious negative consequences on the diversity of content being produced, while having

significant inflationary effects that will impact the sustainability of Australia's production industry.'


- The industry coalition argues that they are committed to commissioning high quality Australian content and that although there is no industry failure, they remain supportive of a local content requirement that is fair, sustainable and flexible.

THE AUSTRALIAN BUSINESS REVIEW

Tuesday, February 6, 2024 | Today's Paper | Mind Games

Australian streaming quotas could violate US free trade agreement, tech giants warn

By JARED LYNCH
TECHNOLOGY EDITOR

12:17AM FEBRUARY 6, 2024 •  37 COMMENTS

s47(1)(b)

Proposed local content rules harm Australian content creators and consumers

Australian audiences love a wide variety of Australian content. We are committed to commissioning high-quality Australian content, across a range of genres, to meet the diverse needs of our audiences.

Our services compete to attract Australian audiences and we already have every incentive to create great Australian content - something we proudly deliver year in and year out. Indeed, the Australian Communications and Media Authority reports that five streaming services now spend over 3.5 times more on Australian drama than the entire commercial and subscription broadcasting industries combined.

We have consistently said that despite there not being an industry failure, we would support a local content investment obligation that is fair, sustainable, and flexible.

We are profoundly disappointed with the two models the Albanese Government has put forward. The proposed models would mandate unsustainable investment in a narrowly defined category of Australian drama. Drama programs that do not fit this definition, as well as other genres such as documentaries, would not qualify.

These models, which combine an unsustainably high obligation with narrowly defined eligibility, would have serious negative consequences on the diversity of content being produced, while having significant inflationary effects that will impact the sustainability of Australia's production industry.

Yours sincerely,



There are a range of programs we make that would not qualify under the proposals:



Nine Perfect Strangers would not qualify as it does not meet the definition of Australian under the ACCTS. That's despite it being produced with Australian producer, Made Up Stories, based on an Australian author's novel, filmed in Byron Bay and featuring Nicole Kidman and Asher Keddie.



Hot Potato: The Story of The Wiggles would not qualify as it is a documentary. This is despite the fact that it tells the story of an Australian entertainment sensation. *Hot Potato: The Story of The Wiggles* was written and directed by an Australian, had

Australian producers, was filmed in Australia and post production was done in Australia. The Wiggles premiered at SXSW Sydney and Adelaide Film Festival in October before it launched globally in 240 countries and territories.



The Test would not qualify as it is a documentary. *The Test* provides insight into the inner sanctum of the Australian Men's Cricket Team through the players' own voices. Produced by Cricket Australia in partnership with Australian production company

Whooshka Media, it has a majority Australian cast and crew and was directed by Australians. As well as being successful in Australia, it's been an international success in cricket loving territories including India, South Africa, New Zealand and the UK.



Couples Therapy would not qualify as it a documentary despite being filmed entirely in Australia with local crew and cast and featuring authentic relationship issues faced by every couple. It features Australian psychotherapist Marryam Chehel Nabi, as she counsels Australian couples through the challenges, joys and pains of the battle to stay in love.



The Inspired Unemployed (Impractical) Jokers is a comedy series and would not qualify under the proposed definitions despite being produced entirely in Australia with local cast and crew including Australian internet sensations, The Inspired

Unemployed boys, Jack, Liam, Dom and Falcon. With their legion of international fans, this comedy entertains audiences all over the globe while showcasing Australian production talent and our renowned larrikin culture.



The Bridge was shot on location deep in Tasmania's untamed and spectacular wilderness and is a compelling reality series by Endemol Shine Australia that would not qualify under the proposed content definitions. Narrated by renowned Australian actor

Hugo Weaving, the series sees 12 Australians build a bridge together but only one person will cross it and decide how to split the \$250,000 prize.



Back to the Outback would not qualify as it does not meet all the criteria under the ACCTS. *Back to the Outback* is a children's film set in Australia, following the adventures of Australian animals. The film was directed and written by Australian Harry Cripps, and the

voice cast features iconic Australian performers including Isla Fisher, Tim Minchin, Eric Bana, Guy Pearce, Keith Urban and Jacki Weaver.



Hannah Gadsby: Something Special would not qualify as it does not meet all the criteria under the ACCTS. *Something Special* is a standup comedy special performed at the Sydney Opera House, and written and performed by Australian comic Hannah Gadsby.

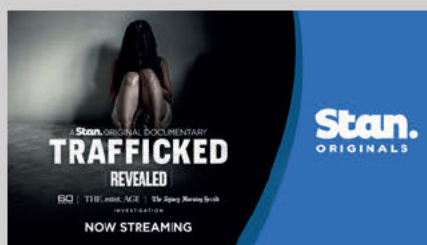


A Perfect Pairing would not qualify as it does not meet all the criteria under the ACCTS. The movie was filmed in Queensland about a wine executive who spends time on an Australian sheep farm. The film was directed by Australian Stuart McDonald, produced

by Australians, and created by an Australian production company, Hoodlum. It also stars two Australian lead actors, Adam Demos and Luca Asta Sardelis.

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And this is not all...



Information Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts



Australian Government

Department of Infrastructure, Transport,
Regional Development, Communications and the Arts

Response to correspondence from five large SVOD services and the Australia New Zealand Screen Association: 'Proposed local content rules harm Australian content creators and consumers'

Key points

- Through the National Cultural Policy *Revive*, the Albanese Labor Government committed to introducing Australian screen content requirements on streaming platforms to ensure continued access to local stories and content.
- As part of this, the Government committed to reviewing policy settings for key genres, including drama, documentary and children's content.
- The importance of including documentary in this obligation has been raised by a number of stakeholders through this process.
- The Government is taking the time to consider views to support ongoing investment in, and production of, Australian stories.
- Legislation will be introduced in the near future. The Government has committed to implementing the obligation by 1 July 2024.

Expenditure data

- The Government recognises the significant investment that SVOD services are currently making in Australian screen content and their role in making it available to audiences around the world.
- According to data collected by the Australian Communications and Media Authority, in 2022-23, 5 SVOD services spent \$207 million on Australian adult and children's drama and a total of \$324 million on Australian programs¹ (including sports transmissions).
- While commercial free-to-air broadcasters spend less on Australian adult and children's drama (\$67 million in 2021-22), free-to-air broadcasters spent a total of \$1.54 billion on Australian programs² (including sports transmissions) in 2021-22.

Australian content definition

- The Australian Content and Children's Television Standards 2020 (ACCTS) is an established Australian content test used in the regulation of commercial television and subscription television broadcasters.
- A program is considered an 'Australian program' under the ACCTS if it is produced under the creative control of Australians.

¹ 'Australian programs' as defined in the Australian Content and Children's Television Standards 2020 (ACCTS).

² Ibid.

- For a scripted drama program to qualify as Australian, it needs to meet all 5 of the following criteria:
 1. Producer is Australian
 2. Director or writer are Australian
 3. 50 per cent of the leading actors are Australian
 4. At least 75 per cent of the major supporting cast are Australian; and
 5. The program is produced and post-produced in Australia.
- SVOD services voluntarily report expenditure data to the ACMA based on the definition of 'Australian program' in the ACCTS. In addition, they voluntarily report expenditure on 'Australian-related' programs that meet some but not all of the criteria for an 'Australian program' in the ACCTS.
 - See <https://www.acma.gov.au/spending-subscription-video-demand-providers> for more detail.

s47C



Fact check - programs identified in the fact sheet

- 9 titles are listed on page 1 and 16 other titles are listed on page 2 that the coalition of streaming services and ANZSA claim would not be counted under the November 2023 regulatory models.

Program	Meets current ACCTS definition of 'Australian program' (5 criteria)	Meets Australian-related definition of 'Australian program' (meets at least one of 5 ACCTS criteria)
<i>Nine Perfect Strangers (Prime Video)</i>	No	Yes
<i>Hot Potato: The Wiggles (Prime Video)</i>	Yes	Yes
<i>The Test (Prime Video)</i>	Yes	Yes
Program	Meets current ACCTS definition of 'Australian	Meets Australian-related definition of 'Australian program' (meets


	program' (5 criteria)	s47C	at least one of 5 ACCTS criteria)
Couples Therapy (Paramount+)	Yes		Yes
The Inspired Unemployed (Impractical) Jokers (Paramount+)	Yes		Yes
The Bridge (Paramount+)	Yes		Yes
Back to the Outback (Netflix)	No		Yes
Hannah Gadsby Something Special (Netflix)	No		Yes
A Perfect Pairing (Netflix)	No		Yes
The Defenders (Prime Video)	Yes		Yes
Sky Blue (Paramount+)	Unable to Assess		Unable to Assess
The Betoota Advocate (Netflix)	Yes		Yes
Ben Roberts-Smith Truth on Trial (Stan)	Yes		Yes
Danielle Laidley: Two Tribes (Stan)	Yes		Yes
Dawn of the Dolphins (Stan)	Yes		Yes
No Mercy, No Remorse (Revealed) (Stan)	Yes		Yes
Reefshot (Revealed) (Stan)	Yes		Yes
Amongst Us – Neo Nazi Australia (Revealed) (Stan)	Yes		Yes
Program	Meets current ACCTS definition of 'Australian		Meets Australian-related definition of 'Australian program' (meets

	program' (5 criteria)	s47C	at least one of 5 ACCTS criteria)
Show me the Money (Stan)	Yes		Yes
Ten Pound Poms (Stan)	No		Yes
Trafficked (Revealed) (Stan)	Yes		Yes
Onefour Against All Odds (Netflix)	Yes		Yes
Puff Wonders of the Reef (Netflix)	Yes		Yes
Hannah Gadsby Nanette (Netflix)	No		Yes
Love on the Spectrum (Netflix)	Yes		Yes

s47C



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 <p>Australian Government Department of Infrastructure, Transport, Regional Development, Communications and the Arts</p>	<p align="right">Meeting/Event Brief</p> <p align="right">MB24-000154</p>
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To: The Hon Tony Burke MP, Minister for the Arts
cc: The Hon Michelle Rowland MP, Minister for Communications

MEETING: Minister Burke meeting with senior Disney Executives – via Microsoft Teams

Timing: Thursday 7 March 2024 1:30pm – 2:00pm (pre-brief with Minister & Adviser at 1:25pm). Adviser: s22(1)(a)(ii) & Darryl Watkins, COS. Departmental officer required to attend.

Venue: Commonwealth Parliamentary Office, Suite 1, Bligh Street Sydney NSW

Meeting with: Mr Joe Welch, Vice President of Global Public Policy, Ms Dorothy Attwood, Senior Vice President of Global Public Policy, Ms Kylie Watson-Wheeler, Senior Vice President and Managing Director Australia and New Zealand.

Karly Abbott requested the meeting on behalf of senior Disney executives.

Prior meetings: Disney representatives Ms Kylie Watson-Wheeler and Ms Kate Kavanagh, Vice President, Government Relations, Public Policy and Live Entertainment, attended a SVOD group meeting with you on 23 November 2023. On 17 October 2023, your Office met with Mr Joe Welch and Ms Kylie Watson-Wheeler to discuss the streaming services obligation. Representatives from the Office for the Arts also attended. s47E(d)

Disney representatives also attended Ministerial and departmental roundtables during the 2023 consultation process.

Our Proposed Objectives: To confirm that the Government is now working to finalise a model to introduce Australian screen content requirements on streaming platforms.

s47E(d)

Key Points:

1. In the National Cultural Policy *Revive*, the Government reiterated an election commitment to introduce Australian screen content requirements on streaming platforms to ensure continued access to local stories and content. The Government has committed to implementing the obligation by 1 July 2024.
2. Following consultation with a targeted group of stakeholders in the first half of 2023, including Disney, the Government refined its view on high-level models and on 6 November 2023 issued the *Targeted Consultation Paper – Refined Models* (the Paper) to seek stakeholders' views on the models.
3. Disney did not make a written submission in response to the Paper, however representatives attended departmental roundtables in November 2023. A summary of Disney's responses to the proposed models is at **Attachment C**.
4. s47E(d)

5. ^{s33(a)(iii)} [Redacted]

6. News reporting notes that slower subscriber numbers and revenue growth have resulted in Disney removing titles from its platform and reducing its content spend. International titles and new commissions of Disney+ originals outside the US are also slowing. These developments follow cost cutting and job losses after the return of Bob Iger as Disney’s Chief Executive Officer in 2022.

7. The department has not met with SVOD stakeholders including Disney since 2023. ^{s47C} [Redacted]

Sensitive and Critical Information:

8. ^{s42} [Redacted]

9. Disney+ was also co-signatory to an open letter with Australia and New Zealand Screen Association, Prime Video, Netflix, Paramount+ and Stan which was sent to the Office of the Hon Clare O’Neil MP, Minister for Home Affairs and Minister for Cyber Security on 23 February 2024 and forwarded to your office on 26 February (**Attachment F** refers). The letter raises concerns about the Government’s proposed models which they suggest ‘combine an unsustainably high obligation with narrowly defined eligibility’ (More information is at **Attachment C**).

Name: Rebecca Rush
 Position: Assistant Secretary
 Branch: Screen and Arts Workforce Development
 Mob: ^{s22(1)(a)(ii)} [Redacted]
 Date Cleared: 6 March 2024

Contact Officer: ^{s22(1)(a)(ii)} [Redacted]
 Division: Office for the Arts
 Ph: 6136 ^{s22(1)} [Redacted]
 Mob: ^{s22(1)(a)(ii)} [Redacted]

Attachments:

Attachment A: Biographical Details Attachment B: Talking Points

Attachment C: Background

Attachment D: ^{s47E(d), s47C} [Redacted]

Attachment E: Article – ‘*Australian streaming quotas could violate US free trade agreement, tech giants warn*’

Attachment F: Open letter – ‘*Proposed local content rules harm Australian content creators and consumers*’

ATTACHMENT A

BIOGRAPHICAL DETAILS**Name:** Joe Welch**Position:** Vice President of Global Public Policy**Organisation:** The Walt Disney Company**Phone Number:** s47F [REDACTED]

Biography: Mr Welch has been a Vice President at Disney since March 2019. He was previously Senior Vice President, Government Relations, Asia for 21st Century Fox between 2005 and 2019, and Senior Vice President, Government Relations at Star TV between 2005 and 2009.

**Name:** Dorothy Attwood**Position:** Senior Vice President of Global Public Policy**Organisation:** The Walt Disney Company

Biography: Dorothy Attwood has been Senior Vice President of Global Public Policy for The Walt Disney Company since September 2010. Ms Attwood is responsible for the development of Disney's strategic global public policy initiatives and also manages the company's privacy legal department across all its business segments. In her previous role Attwood worked as Senior Vice President for Public Policy and Chief Privacy Officer for the American Telephone and Telegraph Company (AT&T), where she led the company's public policy strategy and enterprise-wide policies governing the privacy of customer information. Prior to this, Ms Attwood spent six years at the Federal Communications Commission.



Name: Kylie Watson-Wheeler

Position: Senior Vice President & Managing Director

Organisation: The Walt Disney Company

Number: s47F (Executive Assistant)

Biography: Ms Watson-Wheeler manages a portfolio of content and products across Disney, Pixar, Marvel, Star Wars, Entertainment and Sports Programming Network (ESPN), American Broadcasting Company Studios, 20th Century Fox, and National Geographic. She also has regional leadership responsibility for ESPN and National Geographic across the Asia Pacific. She has worked at Disney since 2004, and has previously worked at Hallmark Cards, Coca-Cola and Penguin Books. She is currently the president of the Western Bulldogs AFL team and a board member at Mentone Grammar School (Victoria), the Australian Ballet, and the Motion Pictures Distribution Association of Australia.

ATTACHMENT B

TALKING POINTS

- As part of our National Cultural Policy, *Revive*, the Government reiterated its election commitment to introduce requirements for Australian screen content on streaming platforms to ensure continued access to local stories and content.
- The National Cultural Policy is a broad, comprehensive roadmap for Australia's arts and culture that informs work in the Communications Portfolio to modernise media regulation and update analogue-era broadcasting legislation for the digital age.
- We have brilliant talent in Australia and want to make sure that no matter which platform people are watching, Australian stories form part of their experience.
- Minister Rowland and I appreciate the contribution that Disney makes to Australian culture and the economy through the creation of Australian stories and your role in making Australian content available to audiences around the world.
- While streaming services are currently investing in Australian content at record levels, there is no guarantee that level of investment will be maintained, particularly in the key genres of drama, documentary and children's programs.
- An Australian content obligation will level the playing field across media platforms and guarantee access to Australian content no matter which platform Australians use. It will also give streaming services the regulatory certainty they have long called for.
- During 2023, extensive targeted industry consultation was undertaken to help shape this policy and we thank Disney for your participation to date.
- The Government has taken the time to consider views to support ongoing investment in, and production of Australian stories and continued provision of services to the Australian community.
- A decision on a regulatory model is under consideration by Government.
- The Government is working to ensure legislation is introduced in the near future to meet the target implementation date of 1 July 2024.

- The requirements will be implemented as part of the Government's broader reforms to media legislation and are the joint responsibility of the Minister for Communications and the Minister for the Arts.
- We intend to achieve our policy objectives by designing an obligation that results in positive, sustainable outcomes for Australian audiences and the industry.
- This includes:
 - incentivising continued, sustainable investment in quality Australian programs
 - guaranteeing Australian content to Australian consumers no matter which platform they use
 - creating an enduring regulatory framework for free-to-air television broadcasters, subscription television providers and streaming services.

If raised: Consistency of the proposed models with international free trade agreements

- The Government is aware of concerns that an obligation on streaming services may not be consistent with Australia's obligations under the Australia – United States Free Trade Agreement.
- We are very conscious of our international trade obligations.
- We are committed to an evidence-based and consultative approach to get the new obligation right.
- This approach has been welcomed by industry, and we appreciate their cooperation in helping to shape the design of the obligation.

ATTACHMENT C


BACKGROUND

s47E(d), s47C



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s47E(d), s47C



s45




Streaming industry open letter (fact sheet) - ‘Proposed local content rules harm Australian content creators and consumers’

- On 26 February 2024, a coalition of representatives from the streaming services industry including Prime Video, Stan, Paramount+, Netflix and Disney+ issued a two-page fact sheet

which outlines a number of recent productions made by SVOD services that would not qualify as 'Australian content' under the eligibility criteria and definitions outlined in the Paper.

- Some programs would not qualify based on their genre (reality TV, documentary) or would not meet the current Australian Content and Children's Television Standards 2020 definition of an Australian program.
- The group is critical of the Government's proposed models which they suggest 'combine an unsustainably high obligation with narrowly defined eligibility, would have serious negative consequences on the diversity of content being produced, while having significant inflationary effects that will impact the sustainability of Australia's production industry.'
- The industry coalition argues that they are committed to commissioning high quality Australian content and that although there is no industry failure, they remain supportive of a local content requirement that is fair, sustainable and flexible.

 <p>Australian Government</p> <hr/> <p>Department of Infrastructure, Transport, Regional Development, Communications and the Arts</p>	<p>Meeting/Event Brief</p> <p>MB24-000155</p>
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To: The Hon Tony Burke MP, Minister for the Arts
cc: The Hon Michelle Rowland MP, Minister for Communications

MEETING: Minister Burke meeting with Screen Producers Australia

Timing: Thursday 07 March 2024, 3:00pm – 3:30pm (pre-brief with Minister and Adviser at 2:55pm) Adviser: s22(1)(a)(ii). Departmental officer required to attend in-person.

Venue: Commonwealth Parliamentary Office, Suite 1, Bligh Street Sydney NSW

Meeting with: Mr Matthew Deaner, Chief Executive Officer, Screen Producers Australia

Mr Matthew Deaner requested a meeting with you to discuss regulation of online streaming services.

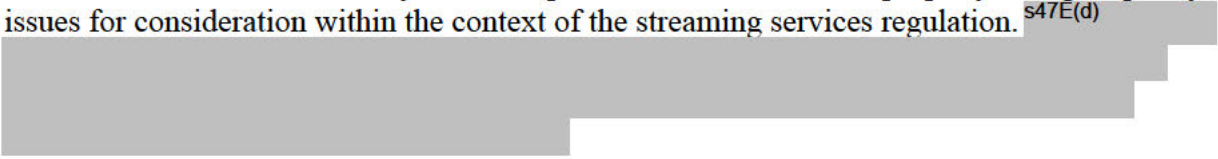
Prior meetings: On 28 February 2024 you met Mr Matthew Deaner and Ms Jane Mulligan, Director of Policy, to discuss a range of screen industry issues. Minister Rowland has also met with Mr Deaner and Ms Mulligan on 28 November 2023 to discuss these matters separately. You have been invited to present a video message to *Screen Forever 38*, Screen Producers Australia's annual conference held 19-21 March.

Our Proposed Objectives: To discuss the forthcoming streaming services obligation and the role of Screen Producers Australia in ensuring its effectiveness.





Their Objective: To further understand the streaming services requirement as it has developed s47E(d)

Key Points:

1. In the National Cultural Policy *Revive*, the Government reiterated an election commitment to introduce Australian screen content requirements on streaming platforms to ensure continued access to local stories and content. The Government has committed to implementing the obligation by 1 July 2024.
2. Representatives from Screen Producers Australia attended a departmental roundtable meeting for the screen production industry sector on 13 November 2023. Broadly, Screen Producers Australia supports a percentage of revenue obligation set at 20 per cent, including:
 - the inclusion of drama, children's drama and documentary only
 - counting of commissions only towards the obligation
 - sub-quotas for drama, documentary and children's programs
 - no double counting of co-commissions across SVOD services and free-to-air broadcasters as they believe this would result in fewer commissions
 - mandatory terms of trade to support independent producers
 - a requirement that 80 per cent of commissions need to be with arms-length producers.
3. Screen Producers Australia has consistently advocated for the Australian Content and Children's Television Standards 2020 (ACCTS) definition of Australian content. To be used to define what qualifies as Australian content for the streaming obligation.

- 4. On 18 January 2024, Screen Producers Australia along with other producer organisations from Europe, New Zealand, Canada and South America released a joint statement on the need for streaming platform regulation and intellectual property protections. (**Attachment C** refers)
- 5. Screen Producers Australia may raise compensation and intellectual property as urgent policy issues for consideration within the context of the streaming services regulation. ^{s47E(d)}

- 6. Mr Deaner addressed the Australian International Documentary Conference on 5 March 2024 and spoke about the need for Government, screen agencies and broadcasters to better support documentary rather than prioritising scripted content as they have done to date.

Sensitive and Critical Information:

- 7. ^{s47E(d)}

- 8. ^{s47E(d)}

- 9. ^{s42}

- 10 ^{s47C}


Proposed Notetaker: Rebecca Rush

Name: Rebecca Rush
 Position: Assistant Secretary
 Branch: Screen and Arts Workforce Development
 Ph: 6136 ^{s22(1)}
 Mob: ^{s22(1)(a)(ii)}
 Date Cleared: 6 March 2024

Contact Officer: ^{s22(1)(a)(ii)}
 Division: Office for the Arts
 Ph: 6136 ^{s22(1)}
 Mob: ^{s22(1)(a)(ii)}

Attachments:

Attachment A: Biographical Details

Attachment B: Talking Points

Attachment C: Global screen producers statement on streaming platform regulation & intellectual property protections – 18 January 2024

Attachment D: ^{s22(1)(a)(ii)}


ATTACHMENT A

BIOGRAPHICAL DETAILS



Name: Mr Matthew Deaner

Position: Chief Executive Officer

Organisation: Screen Producers Australia

Phone Number: s47F [REDACTED]

Biography:

Mr Matthew Deaner oversees all aspects of Screen Producers Australia’s advocacy work, industrial negotiations, events and operational issues.

ATTACHMENT B

TALKING POINTS

- In our National Cultural Policy *Revive*, the Government reiterated its election commitment to introduce Australian screen content requirements on streaming platforms to ensure continued access to local stories and content.
- We have brilliant talent in Australia and want to make sure that no matter which platform people are watching, Australian stories form part of their experience.
- During 2023, extensive targeted industry consultation was undertaken to help shape this policy. The Government has taken the time to consider views to support ongoing investment in, and production of Australian stories and continued provision of services to the Australian community.
- A decision on a regulatory model is under consideration by Government.
- The Government is working to ensure legislation is introduced in the near future to meet the target implementation date of 1 July 2024.
- The requirements will be implemented as part of the Government's broader reforms to media legislation and are the joint responsibility of myself and the Minister for Communications.

If asked: Why aren't you committing to a 20% obligation?

- The Government is working with the sector to achieve our policy objectives by designing an obligation that results in positive, sustainable outcomes for Australian audiences and the industry.
- The Government is committed to an evidence-based and consultative approach to get the new obligation right.


If asked: Will the Government implement a 'terms of trade' standard as part of the streaming obligation?

- Commissioning practices of online streaming services have been raised with the Government previously, including concerns that streaming services are persistently seeking contractual terms that require independent Australian producers to forfeit their rights in perpetuity.

- I have asked the department to continue monitoring these issues and the potential impacts the introduction of an Australian content obligation on online streaming platforms may have on the Australian market.

If asked: What is the Government doing to address the decline in the production of children's content by commercial free-to-air broadcasters?

- The Government is aware that the production of children's screen content has fallen as a result of the changes to content quotas on free-to-air television made by the previous government.
- *Revive* has committed to introducing requirements for Australian screen content on streaming platforms and as part of this, the Government is reviewing policy settings to support the production of certain key genres, including children's content.
- During 2023, the Government undertook extensive targeted industry consultation to help shape this policy.
- The importance of including children's content in the obligation has been raised by a number of stakeholders in consultation.
- The Government will continue to consider views on how best to support ongoing investment in, and production of Australian children's content. The Government is taking the time to ensure that it gets the policy settings right.

	<p>Australian Government</p> <hr/> <p>Department of Infrastructure, Transport, Regional Development, Communications and the Arts</p>	<p>Meeting/Event Brief</p>	<p>MB24-000187</p>
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To: The Hon Tony Burke MP, Minister for the Arts
cc: The Hon Michelle Rowland MP, Minister for Communications

MEETING: Minister Burke meeting with Mike Sneesby, Chief Executive Officer, Nine

Date: Wednesday 20 March 2024

Timing: 4:00 – 4:30pm (pre-brief with Minister and Advisor at 3:55pm). Advisor: s22(1)(a)(ii)
 (Departmental officer required to attend in-person).

Venue: Suite MG 43, Australian Parliament House, Canberra

Meeting with: Mr Mike Sneesby, Chief Executive Officer, Nine

Mr Sneesby requested a meeting with you to discuss the Australian screen content obligation on streaming services.

Prior meetings: You met with Mr Sneesby to discuss the obligation on 22 March and 21 November 2023. Nine and Stan participated in Ministerial and departmental roundtables in May and November 2023. Representatives from Stan also attended a one-on-one meeting with the department on 17 November 2023 to discuss the department’s data modelling for Stan.

Our Proposed Objectives: To confirm that the Government will undertake further targeted industry consultation to finalise a regulatory model.

Their Objective: s47C
 [Redacted]
 s22(1)(a)(ii)

Key Points:

1. In the National Cultural Policy *Revive*, the Government reiterated an election commitment to introduce Australian screen content requirements on streaming platforms to ensure continued access to local stories and content, commencing from 1 July 2024.
2. Following consultation with a targeted group of stakeholders in the first half of 2023, including Nine and Stan, the Government refined its view on high-level models and on 6 November 2023 issued the *Targeted Consultation Paper – Refined Models* to seek stakeholder views.
3. s45
 [Redacted]
4. s47E(d)
 [Redacted]

5. ^{s47C} [Redacted]

6. Stan was a signatory to an open letter by the Australia and New Zealand Screen Association, Disney+, Netflix, Paramount+ and Prime Video which was sent to the Office of the Hon Clare O’Neil MP, Minister for Home Affairs and Minister for Cyber Security and other Ministers on 23 February 2024 and forwarded to your office on 26 February (**Attachment F** refers). More information is at **Attachment C**.

Sensitive and Critical Information:

7. ^{s47C} [Redacted]

8. [Redacted]

9. [Redacted]

Name: Rebecca Rush
Position: Assistant Secretary
Branch: Screen and Arts Workforce Development
Mob: ^{s22(1)(a)(ii)} [Redacted]
Date Cleared: 19 March 2024

Contact Officer: ^{s22(1)(a)(ii)} [Redacted]
Division: Office for the Arts
Ph: 6136 ^{s22(1)(a)(ii)} [Redacted]
Mob: ^{s22(1)(a)(ii)} [Redacted]

Attachments:

Attachment A: Biographical Details

Attachment B: Talking Points

Attachment C: Background

Attachment D: ^{s47C, s47E(d)} [Redacted]

Attachment E: Article – ‘Australian streaming quotas could violate US free trade agreement, tech giants warn’

Attachment F: Open letter – ‘Proposed local content rules harm Australian content creators and consumers’

Attachment G: Response to ‘Proposed local content rules harm Australian content creators and consumers’.

ATTACHMENT A

BIOGRAPHICAL DETAILS



Name: Mike Sneesby

Position: Chief Executive Officer

Organisation: Nine

Biography: Mr Sneesby was appointed as Chief Executive Officer of Nine in April 2021, following his almost eight-year term as the Chief Executive Officer of Stan from its inception in 2013. Previously, Mr Sneesby held directorial positions in various ventures such as Cudo, IPTV and Ninemsn, as well as a management position at Optus. He is also a Council Member for the University of Wollongong for the 2022-2026 term.

ATTACHMENT B

TALKING POINTS

- As part of our National Cultural Policy, *Revive*, the Government reiterated its election commitment to introduce requirements for Australian screen content on streaming platforms to ensure continued access to local stories and content.
- We have brilliant talent in Australia and want to make sure that no matter which platform people are watching, Australian stories form part of their experience.
- While streaming services are currently investing in Australian content at record levels, there is no guarantee that level of investment will be maintained, particularly in the key genres of drama, documentary and children’s programs.
- During 2023, extensive targeted industry consultation was undertaken to help shape this policy and we thank Nine for your participation.
- The Government is taking the time to consider views to support ongoing investment in, and production of Australian stories and continued provision of services to the Australian community.

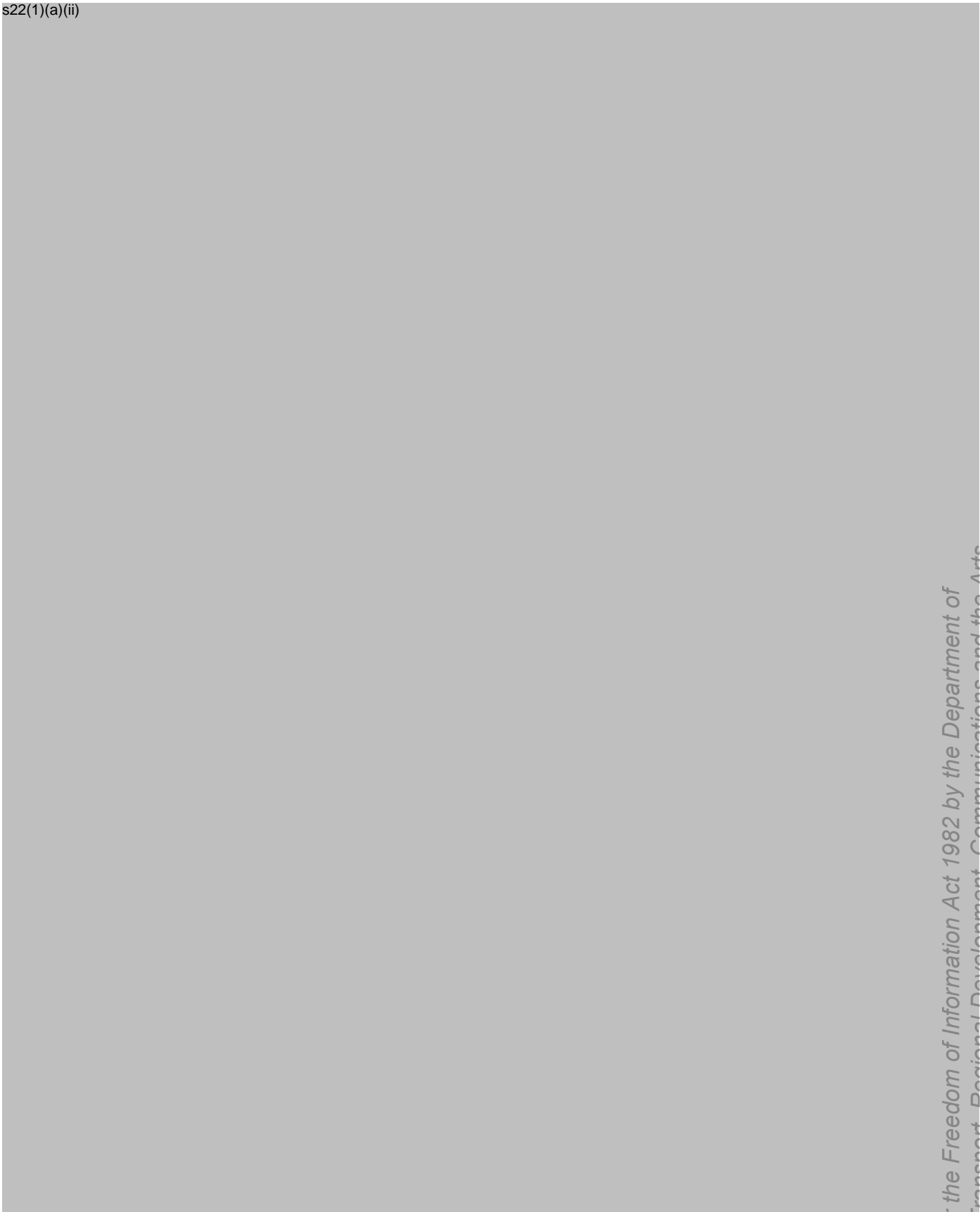
- s47C


- The requirements will be implemented as part of the Government’s broader reforms to media legislation and are the joint responsibility of the Minister for Communications and the Minister for the Arts.

If raised: Consistency of the proposed models with international free trade agreements

- The Government is aware of concerns that an obligation on streaming services may not be consistent with Australia’s obligations under the Australia – United States Free Trade Agreement.
- We are very conscious of our international trade obligations.
- We are committed to an evidence-based and consultative approach to get the new obligation right.
- This approach has been welcomed by industry which has worked cooperatively with the Government to help shape the design of the obligation.

s22(1)(a)(ii)



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s22(1)(a)(ii)



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ATTACHMENT C

BACKGROUND

s45




Streaming industry open letter (fact sheet) – ‘Proposed local content rules harm Australian content creators and consumers’

- On 26 February 2024, a coalition of representatives from the streaming services industry including Stan, Paramount+, Netflix, Prime Video and Disney+ sent a two-page fact sheet to Ministers highlighting a number of recent productions made by SVOD services that would not qualify as ‘Australian content’ under the eligibility criteria and definitions outlined in the consultation paper.
- Some programs would not qualify based on their genre (reality TV, documentary) or would not meet the current Australian Content and Children’s Standards 2020 definition of an ‘Australian program’.
- The industry coalition is critical of the Government’s proposed models which they suggest ‘combine an unsustainably high obligation with narrowly defined eligibility ... would have serious negative consequences on the diversity of content being produced, while having significant inflationary effects that will impact the sustainability of Australia’s production industry.’
- They highlight their commitment to commissioning high quality Australian content and argue that although there is no industry failure, they remain supportive of a local content requirement that is fair, sustainable and flexible.

Article in *The Australian* – ‘Australian streaming quotas could violate US free trade agreement, tech giants warn’

s47(1)(b)



	<p>Australian Government</p> <hr/> <p>Department of Infrastructure, Transport, Regional Development, Communications and the Arts</p>	<p>Meeting/Event Brief</p>	<p>MB24-000199</p>
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To: The Hon Tony Burke MP, Minister for the Arts
cc: The Hon Michelle Rowland MP, Minister for Communications

MEETING: Minister Burke meeting with Senator Sarah Hanson-Young

Timing: Monday 25 March 2024, 11:30am – 11:50am (pre-brief with Minister and Adviser at 11:25am). Departmental official required to attend in-person. Adviser: ^{s22(1)(a)(ii)}

Venue: Suite MG 43, Parliament House, Canberra

Meeting with: Senator Sarah Hanson-Young, Australian Greens Spokesperson on Environment, Water, Arts and Communications

Senator Hanson-Young requested the meeting to discuss the Australian screen content obligation on streaming services.

Our Proposed Objectives:

To listen to Senator Hanson-Young’s views on the obligation and confirm a decision is under consideration by Government.

Their Objective:

To seek further information on the Government’s proposed model ^{s22(1)(a)(ii)}

Key Points:

1. In the National Cultural Policy *Revive*, the Government reiterated an election commitment to introduce Australian screen content requirements on streaming platforms to ensure continued access to local stories and content, commencing from 1 July 2024.
2. ^{s34(3)}
- 3.
4. The Greens party has publicly supported the ‘Make it Australian’ campaign, reflected in their policy that advocates a 20 per cent of revenue obligation on Australian content, with sub-quotas for children’s programs, drama and documentary. The Greens party’s preferred model does not include carve-outs for streaming services associated with free-to-air broadcasters, and would include intellectual property protections for local creators and terms of trade requirements for streaming services. More information can be found at **Attachment D**.
5. On 8 February 2023, the Greens party successfully moved for a Senate Inquiry into the National Cultural Policy, *Revive*. The report is due to be released on 20 June 2024.

- 6. As part of that Inquiry, Senator Hanson-Young wrote to you requesting a copy of the *Targeted Consultation Paper – Refined Models* on 16 November 2023 (**Attachment G**). You provided a copy of the consultation paper to the Committee on 28 November 2023 and the letter and paper were subsequently published on the Inquiry’s webpage (**Attachment H**).

Sensitive and Critical Information:

7. ^{s42} [Redacted]

- 8. Streaming services have been lobbying against the models presented in the November Consultation paper. On 26 February 2024, a coalition of representatives from the streaming services industry including Prime Video, Stan, Paramount+, Netflix and Disney+ issued a two-page fact sheet (**Attachments F and G** refer) highlighting a number of recent productions made by SVOD services that would not qualify as ‘Australian content’ under the eligibility criteria and definitions outlined in the consultation paper. The group is critical of the Government’s proposed models which they suggest ‘combine an unsustainably high obligation with narrowly defined eligibility ... would have serious negative consequences on the diversity of content being produced, while having significant inflationary effects that will impact the sustainability of Australia’s production industry.’

Proposed Notetaker: Rebecca Rush

Name: Rebecca Rush
 Position: Assistant Secretary
 Branch: Screen and Arts Workforce Development
 Mob: ^{s22(1)(a)(ii)} [Redacted]
 Date Cleared: 22 March 2024

Contact Officer: ^{s22(1)(a)(ii)} [Redacted]
 Division: Office for the Arts
 Ph: 6136 ^{s22(1)(a)(ii)} [Redacted]
 Mob: ^{s22(1)(a)(ii)} [Redacted]

Attachments:

Attachment A: Biographical Details

Attachment B: Talking Points

Attachment C: ^{s34(3)} [Redacted]

Attachment D: Australian Greens press release ‘Quotas for local content on streaming platforms are long overdue’ – 8 May 2023

Attachment E: Letter – ‘Proposed local content rules harm Australian content creators and consumers’

Attachment F: Response to Attachment E

Attachment G: Letter from Senator Hanson-Young, 16 November 2024

Attachment H: Your reply to Senator Hanson-Young, 28 November 2024.

ATTACHMENT A

BIOGRAPHICAL DETAILS



Name: Senator Sarah Hanson-Young

Position: Senator for South Australia

Australian Greens party Spokesperson on Environment,
Water, Arts and Communications

Organisation: Australian Greens party

Biography:

Senator Hanson-Young was first elected to the Senate for South Australia in 2007.

Senator Hanson-Young is the Australian Greens party spokesperson for the Environment, Water, Communications and Arts policy and currently serves as:

- Manager of Australian Greens Business in the Senate;
- Chair of the Environment and Communications References Committee; and
- Deputy Chair of the Environment and Communications Legislation Committee.

ATTACHMENT B

TALKING POINTS

- As part of our National Cultural Policy, *Revive*, the Government reiterated its election commitment to introduce requirements for Australian screen content on streaming platforms to ensure continued access to local stories and content.
- We have brilliant talent in Australia and want to make sure that no matter which platform people are watching, Australian stories form part of their experience.
- While streaming services are currently investing in Australian content at record levels, there is no guarantee that level of investment will be maintained, particularly in the key genres of drama, documentary and children’s programs.
- During 2023, extensive targeted industry consultation was undertaken to help shape this policy.
- The Government is taking the time to consider views to support ongoing investment in, and production of Australian stories and continued provision of services to the Australian community.
- The Government is working to ensure legislation is introduced in the near future to meet the target implementation date of 1 July 2024.
- The requirements will be implemented as part of the Government’s broader reforms to media legislation and are the joint responsibility of the Minister for Communications and the Minister for the Arts.

If asked: What is the Government doing to address the decline in the production of children’s content by commercial free-to-air broadcasters?

- The Government is aware that the production of children’s screen content has fallen as a result of the changes to content quotas on free-to-air television made by the previous government.
- In *Revive*, the Government has committed to introducing requirements for Australian screen content on streaming platforms and as part of this, reviewing policy settings to support the production of certain key genres, including children’s content.

If asked: Will the government implement a ‘terms of trade’ standard as part of the streaming obligation?

- Commissioning practices of online streaming services have been raised with me previously, including concerns that streaming services are persistently seeking contractual terms that require independent Australian producers to forfeit their rights in perpetuity.
- I have asked the department to continue monitoring these issues and the potential impacts the introduction of an Australian content obligation on online streaming platforms may have on the Australian market.


If asked: Why isn't the Government committing to a 20 per cent of revenue obligation?

- The Government is committed to an evidence-based and consultative approach to get the new obligation right.

If raised: Consistency of the proposed models with international free trade agreements

- The Government is aware of concerns that an obligation on streaming services may not be consistent with Australia's obligations under the Australia – United States Free Trade Agreement.
- We are very conscious of our international trade obligations.
- We are committed to an evidence-based and consultative approach to get the new obligation right.
- This approach has been welcomed by industry which has worked cooperatively with the Government to help shape the design of the obligation.

s22(1)(a)(ii)



s22(1)(a)(ii)



Released under the Freedom of Information Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts

QUOTAS FOR LOCAL CONTENT ON STREAMING PLATFORMS ARE LONG OVERDUE

2023-05-08

The Greens are calling on the Albanese Government to reiterate their commitment to legislating local content quotas for video streaming services.

Responding to the television networks' opposition to local content quotas, Greens Spokesperson for Media and Communications Senator Sarah Hanson-Young said:

“In response to pressure from the broadcast TV networks to scrap the proposal to introduce local content quotas for online streaming services, the Albanese Government must reiterate their commitment to finally introduce this long overdue legislation.

“I understand that there is another round of consultations underway but I urge the government to provide some certainty to the screen production industry and confirm that legislation is on its way for these quotas.

“Over the past few years, there has been huge growth in the online streaming sector, both in services available and the number of people subscribing to them but regulation is lagging behind.

“Today we have seen the TV networks oppose this important reform. While the networks may oppose the introduction of quotas, ultimately this is a matter for the Parliament to decide.

“With the Coalition opposing strong local content quotas while in government, it is likely the Greens will be in balance of power and crucial to passing this reform in the Senate.

“We are calling for streaming giants like Netflix, Disney, Amazon and Stan to reinvest 20 per cent of their Australian earnings in local content, with a sub-quota of 20 per cent for children’s television. It is vital that all Australians see themselves and their communities reflected on their screens, but it is especially so for children.

“We will not support carve-outs for streamers associated with free-to-air TV, like Stan or Paramount and we will be pushing for the inclusion of

measures that allow local Australian businesses to retain significant intellectual property rights and licensing arrangements.

“While the threat of regulation may have prompted streaming services to commission local content in the short-term, quotas are needed to ensure the long-term certainty of the local screen industry.

“I attended the Screen Forever conference last week and the message I heard firsthand from screen producers was just how important these protections will be to future-proof the Australian screen industry and ensure we continue to have rich Australian stories told on our screens.



SENATE ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE

16 November 2023

The Hon Tony Burke MP
Minister for the Arts

Via email: Tony.Burke.MP@aph.gov.au

Dear Minister Burke

Inquiry into the National Cultural Policy

As you are aware, the Senate Environment and Communications References Committee (committee) is inquiring into the new National Cultural Policy released in January 2023, including matters relating to streaming content and sector regulation. Further information about the committee's work is available on the [inquiry website](#).

The committee understands that the Australian Government has recently undertaken consultation with streaming services on potential content models, requesting feedback on the proposals contained in the document titled *'Targeted Consultation Paper – Refined Models'*.¹

The committee requests a copy of the Targeted Consultation Paper, in order to further the work of its inquiry and ahead of the release of draft legislation regarding content quotas. The committee would prefer to receive this document as public evidence. If you would like the committee to consider receiving the Paper in camera, please provide a written explanation outlining the reasons for your request, for the committee's consideration.

Should you have any further queries regarding this correspondence please contact the committee secretariat on (02) 6277 3585 or by emailing ec.sen@aph.gov.au.

Yours sincerely

Senator Sarah Hanson-Young
Chair

¹ See, for example: Karl Quinn, '[Australian content quotas for streamers: D-Day looms as government releases two options for regulation](#)', *The Sydney Morning Herald*, 8 November 2023 (accessed 9 November 2023).



The Hon Tony Burke MP
 Minister for Employment and Workplace Relations
 Minister for the Arts
 Leader of the House

MC23-070297

Senator Sarah Hanson-Young
 Chair – Environment and Communications References Committee
 PO Box 6100
 Parliament House
 CANBERRA ACT 2600

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

Dear Senator Hanson-Young

Thank you for your correspondence of 16 November 2023 regarding the Senate Environment and Communications References Committee's (the committee) inquiry into the National Cultural Policy *Revive*, including screen content requirements on streaming platforms.

In *Revive*, the Australian Government committed to introducing Australian screen content requirements on streaming platforms to ensure continued access to local stories and content. The Government is committed to commencement of the requirement by 1 July 2024.

The Government has undertaken targeted consultation with industry to help shape this policy. We have refined the models that were presented in March 2023 into two models for further consultation – an expenditure-based model and a revenue-based model. Further details are outlined in the *Targeted Consultation Paper – Refined Models* provided to targeted stakeholders on 6 November 2023.

As per your request, I have enclosed a copy of the consultation paper. I note the basis for your requesting the paper is to further the committee's inquiry work ahead of the release of draft legislation regarding Australian content requirements.

We are committed to a genuine consultation process and are taking the time to consider views to support ongoing investment in, and production of, Australian stories and the continued provision of services to the Australian community.

I have copied the Hon Michelle Rowland MP, Minister for Communications as we have joint responsibility for the implementation.

Thank you for taking the time to write to me on this matter.

Yours sincerely

TONY BURKE

28 / 11 / 2023



Australian Government

Department of Infrastructure, Transport,
Regional Development, Communications and the Arts

OFFICE FOR THE ARTS / AUSTRALIAN SCREEN AND ARTS WORKFORCE DEVELOPMENT BRANCH /
CONTENT SECTION

Targeted Consultation Paper – Refined Models

Australian screen content requirements on streaming services

November 2023

Released under the Freedom of Information Act 1982 by the Department of
Infrastructure, Transport, Regional Development, Communications and the Arts

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Ms Rebecca Rush

Assistant Secretary, Australian Screen and Arts Workforce Development Branch

Email: s22(1)(a)(ii) [@arts.gov.au](mailto:_____@arts.gov.au)

Email: s22(1)(a)(ii) [@arts.gov.au](mailto:_____@arts.gov.au)

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Table of contents

Introduction	4
Regulatory models for consultation	5
Progressive Percentage of Expenditure Model	5
Percentage of Revenue Model	6
Policy settings	7
Appendix A – Definitions	9
Consultation response form	11

Australian screen content requirements on streaming services

Introduction

In the National Cultural Policy *Revive*, the Government committed to introducing Australian screen content requirements on streaming platforms to ensure continued access to local stories and content. We have brilliant talent in Australia, and we want to make sure that people have access to Australian scripted drama and children's stories across different platforms.

The Government's objectives are to guarantee the production of new Australian programs, make it easier to find Australian content on SVODs, regulate like services consistently, and foster sustainable growth in Australia's creative industries. We are guided by the objectives and regulatory policy of the *Broadcasting Services Act 1992*, and we are taking a consultative and evidence-informed approach.

The Government has undertaken targeted consultation with industry to help shape this policy and we thank stakeholders for their valuable input and engagement so far. We have refined the five models that were presented in March 2023 into two models for further consultation – an expenditure-based model and a revenue-based model.

Both models maintain a level of investment in Australian drama and facilitate a flexible pathway for growth into the future. Both models accommodate different business models and content strategies in the sector and are consistent with current levels of investment in the market.

We are committed to a genuine consultation process and are taking the time to consider views to support ongoing investment in, and production of, Australian stories and the continued provision of services to the Australian community.

Regulatory models for consultation

Progressive percentage of expenditure model

The model requires streaming services to spend a set percentage of total drama expenditure on new Australian drama programs, including commissions and first-on-platform acquisitions. The expenditure-based requirement is for scripted drama only (including children's drama).

The model is based on the New Eligible Drama Expenditure Scheme that applies to subscription television broadcasters. It uses a progressive obligation of up to 30% to ensure that large services continue to invest in Australian programs commensurate with their market share and degree of influence.

The requirement is calculated based on:

- a progressive percentage rate, based on the number of subscribers a service has in a financial year, and
- the total drama expenditure for the Australian service.

The formula for calculating the drama obligation amount is:

$$\text{Australian drama obligation (\$)} = \text{total drama expenditure for Australia} \times \text{percentage rate}$$

The model sets a floor for streaming services' investment in Australian drama as a proportion of their total drama expenditure for its Australian service, thereby ensuring a minimum level of investment over time.

The proposed progressive percentage rates are shown below.

Average annual Australian subscribers	Percentage rate
0 – 0.99 million	0%
1 million – 1.99 million	10%
2 million – 2.99 million	15%
3 million – 3.99 million	20%
4 million – 4.99 million	25%
More than 5 million	30%

Example 1 – Drama expenditure for Australia is \$100 million

A service with 1 million subscribers that spends \$100 million on drama programs for the Australian market would have a 10% Australian drama obligation of \$10 million.

The same scenario would produce a \$25 million or \$30 million obligation for services with 4 million subscribers and 5 million subscribers respectively.

A service's revenue would not affect its obligation as the obligation is calculated based on expenditure only.

Example 2 – Drama expenditure for Australia is \$80 million

A service with 2 million subscribers that spends \$80 million on drama programs for the Australian market would have a 15% Australian drama obligation of \$12 million.

The same scenario would produce a \$20 million or \$24 million obligation for services with 4 million subscribers and 5 million subscribers respectively.

A service's revenue would not affect its obligation as the obligation is calculated based on expenditure only.

Percentage of revenue model

The model requires streaming services to spend on new Australian drama programs, including commissions and first-on-platform acquisitions.

The requirement is calculated by multiplying revenue and an obligation of 10%. For platforms that stream sport, the obligation is reduced by the service's ratio of non-sport expenditure. The 10% obligation is consistent with services' current average investment and includes a growth mechanism to allow for an increase in production over time.

The model takes into account different business models subject to the requirement and their level of maturity in the market. As this is a drama obligation, services that carry sport will not be disadvantaged.

The requirement is calculated based on:

- gross Australian revenue for the Australian service
- a set percentage obligation of 10%
- For those streaming services that also broadcast sport, the requirement is modified using its ratio of non-sport program expenditure.

An obligation of 10% would set a floor for Australian drama expenditure and could be increased to 20% over time, based on advice from the regulator.

The formula for calculating the Australian drama obligation amount is:

$$\text{Australian drama obligation (\$)} = \text{percentage obligation} \times \text{revenue} \times \text{nonsport ratio}$$

The formula for calculating the non-sport ratio is:

$$\text{Non-sport ratio} = \frac{\text{Nonsport expenditure for Australia}}{\text{Total program expenditure for Australia}}$$

*Example 1 – \$250 million in revenue and **no sport programming***

- Streaming service earns \$250 million in revenue in Australia
- Has no expenditure on sport programming

Would have an Australian drama obligation of \$25 million, calculated as follows:

$$\text{Australian drama obligation (\$)} = 10\% \times \$250 \text{ million} \times 1$$

*Example 2 – \$250 million in revenue **with sport programming***

- Streaming service earns \$250 million in revenue in Australia
- Spends \$150 million on all programs for Australia of which \$50 million is spent on sport programs.

Would have an Australian drama obligation of \$16.67 million, calculated as follows

$$\text{Australian drama obligation (\$)} = 10\% \times \$250 \text{ million} \times \frac{\$100 \text{ million}}{\$150 \text{ million}}$$

Policy settings

In addition to the model which determines the relevant calculation of a proposed Australian drama obligation, the following settings are proposed in relation to thresholds, key definitions, eligible categories of expenditure and incentives.

Lever	Proposed setting
Scope and scale	Subscription video-on-demand services with a catalogue of at least 10% drama (in hours or titles, whichever is the greater). Excludes niche and thematic services.
Inclusion threshold	\$100 million annual gross revenue or one million subscribers/active users.
Revenue type	Subscription and advertising revenue for the purposes of the inclusion threshold, and for the revenue model.
Total drama expenditure for Australia	All (Australian and non-Australian) drama expenditure by an SVOD for the Australian market including commissions, acquisitions, Australian-related content and licensed Australian territorial drama expenditure. This excludes expenditure on linear channels provided as part of the subscription.
Australian content definition	ACCTS definition of 'Australian program'.
Genre inclusions	Drama and children's drama programs only. 'Drama program' as defined in the ACCTS (see Appendix A).
Qualifying expenditure	Commissions and first-on-platform acquisitions (less than 3 years old). Includes independent feature films (less than 3 years old).
Co-commissions with broadcaster	Allow commercial free-to-air television broadcasters to count hours for broadcast compliance. An SVOD can count expenditure based on its contribution to the co-commissioned program. Allow a media group with both broadcast and SVOD services to count commissioned content towards each of their Australian content requirements.
Incentive for children's drama	For further discussion. Options contemplated include: <ul style="list-style-type: none"> Require a set percentage of the obligation to be invested into children's drama, or Apply a 1.2x multiplier for children's drama.
Definition of children's content	Maintain current C and P definitions as outlined in the ACCTS.

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Lever	Proposed setting
Cinema release	1.2x multiplier for streaming services content released first in cinema.
Carry over	Three-year rolling average.
Adjustment to settings	The regulator to monitor industry data and provide advice to Government on adjustment to settings, which may include percentage rates.
Discoverability	High level guidance but no specific requirements. Establish common metadata standards for the 'Australian' search term.

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Appendix A – Definitions

Term	Definition
Australian program	<p>(1) Subject to subsections (3) and (4), a program is an Australian program if it is produced under the creative control of Australians.</p> <p>(2) For subsection (1), a program is produced under the creative control of Australians if:</p> <p>(a) the producer of the program is, or the producers of the program are, Australian (whether or not the program is produced in conjunction with a co-producer, or an executive producer, who is not an Australian); and</p> <p>(b) either:</p> <p>(i) the director of the program is, or the directors of the program are, Australian; or</p> <p>(ii) the writer of the program is, or the writers of the program are, Australian; and</p> <p>(c) at least 50% of the leading actors, including voice actors, or on-screen presenters appearing in the program are Australians; and</p> <p>(d) in the case of a drama program —at least 75% of the major supporting cast appearing in the program are Australians; and</p> <p>(e) the program is produced and post-produced in Australia (whether or not it is filmed in Australia); and</p> <p>(f) in the case of an animated program —the program satisfies at least 3 of the following requirements:</p> <p>(i) the production designer is Australian;</p> <p>(ii) the character designer is Australian;</p> <p>(iii) the supervising layout artist is Australian;</p> <p>(iv) the supervising storyboard artist is Australian;</p> <p>(v) the key background artist is Australian.</p> <p>(3) If a program includes segments that, if they were individual programs, would not comply with subsection (2), only a segment that, if it were an individual program, would comply with subsection (2) is taken to be an Australian program.</p> <p><i>Examples:</i> A sketch comedy program including Australian skits or a documentary including Australian segments.</p> <p>(4) A documentary that complies with subsection (2) is not an Australian program if it is a reversioning of one or more existing documentaries that are not Australian programs, Australian official co-productions, New Zealand productions or Australian/New Zealand productions.</p>
Children’s program	<p>Means a program likely to meet the C or P program criteria specified in the Broadcasting Services (Australian Content and Children's Television) Standards 2020.</p>

Term	Definition
Australian drama program	<p>(a) means an Australian program that:</p> <p>(i) has a fully scripted screenplay in which the dramatic elements of character, theme and plot are introduced and developed to form a narrative structure; or</p> <p>(ii) has a partially scripted screenplay in which the dramatic elements of character, theme and plot are introduced and developed to form a narrative structure and has actors delivering improvised dialogue that is based on a script outline or outlines developed by a writer or writers; or</p> <p>(iii) has actors delivering improvised dialogue that is based on a script outline or outlines, developed by a writer or writers, in which the dramatic elements of character, theme and plot are introduced and developed to form a narrative structure; and</p> <p>(b) includes a fully scripted sketch comedy program, animated drama or dramatised documentary; but</p> <p>(c) does not include a program, or a segment of a program, that involves the incidental use of actors.</p>
Gross Australian revenue	<p>Gross revenue earned from the Australian market for each service, including both subscriber and advertising revenue, where relevant.</p>
Expenditure on Australian commissions and acquisitions (A1 and A3)	<ul style="list-style-type: none"> • Commissions and acquisitions of an ACCTS defined Australian program. • Commissions are programs for which an entity has made a material and meaningful financial contribution to the production of a program before the production has been completed (and includes in-house production). Includes co-commissions where relevant. • An acquisition is an Australian program acquired but not commissioned by an entity such as via licensing.
Expenditure on Australian related programs (A2)	<p>Expenditure on commissioned or acquired content which meets only one ACCTS criterion for 'Australian program'.</p>
Licensed Australian territorial expenditure on drama (B)	<p>This is expenditure by a service on licensing drama (non-Australian content) to be made available in Australia.</p>
Total drama expenditure for Australia	<p>All (Australian and non-Australian) drama expenditure by an SVOD for the Australian market, including commissions (A1), acquisitions (A3), Australian-related content (A2) and licensed Australian territorial drama expenditure (B).</p>

Consultation response form

The purpose of this response form is to inform Government's consideration of the financial and other impacts on your business/industry of the proposed regulatory models.

We ask that you please prepare the relevant data and supplementary information for the two models to support advice to Government about impacts in completing this form.

The department is collecting this information specifically for the purpose of designing an Australian content obligation on streaming services, including to inform the consideration of issues associated with developing and implementing such an obligation. The department undertakes to use the information provided in the response form only for the purpose of informing Australian content policy development, including the design of an Australian content obligation and the consideration of associated issues (e.g. implementation of the obligation).

Please provide your response in the template which covers key elements of the Impact Analysis Statement that will inform the Government's decision.

In your responses, please:

1. Do not include any personal information or information in your responses that identifies or may lead to the identification of an individual. Please note that the department's handling of personal information is detailed in the department's privacy policy (accessible on the department's website) and is in accordance with its obligations under the Privacy Act 1988 (Cth).
2. Identify where relevant, whether part or all of the information provided is confidential information and should therefore be subject to limitations on its use and distribution.

For the purposes of the responses provided as part of this consultation, confidential information does not include information that is, or becomes public knowledge other than by disclosure that is inconsistent with the department's proposed handling of information.

The department undertakes not to disclose any part of information provided by respondents that is identifiable information (i.e. identifies the relevant respondent or an individual associated with the relevant respondent) or is identified as confidential information to a third party for any purpose other than for a purpose related to the development of Australian content policy and not without the prior consent of the respondent providing the information, except to the extent that a disclosure is:

- a. To Commonwealth Ministers or their staff (on a confidential basis) including, but not limited to the following:
 - i. The Minister for the Arts;
 - ii. The Minister for Communications;
 - iii. The Minister for Foreign Affairs; and
 - iv. The Minister for Trade and Tourism.
- b. To officers in the Department of the Prime Minister and Cabinet including the Office of Impact Analysis (on a confidential basis) as part of the regulatory impact analysis process for government decision-making;
- c. In response to a request by a House or a Committee of the Australian Parliament;
- d. Required by law; or
- e. Confined to information that is already in the public domain.

The department will store any confidential information it is provided securely in accordance with the department's relevant policies, and use at least the same level of security to protect the confidential information from disclosure as the department uses for its own confidential information.

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Please return your completed response form to the department at the following email address:

s22(1)(a)(ii)

_____@arts.gov.au Consultation closing date and time: 27 November 2023, 11:59pm.

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Questions related to the Progressive Percentage of Expenditure Model

Refer to relevant consultation materials for more information.

Question 1 – What are the likely *monetary costs* associated with the Progressive Percentage of Expenditure Model? To the extent possible, please provide specific figures.

For example:

- What would be the estimated, overall monetary costs of compliance with an obligation of this nature?
- What would be the estimated, monetary administrative costs associated with complying and/or reporting on compliance with an obligation of this nature?

Insert response [Suggested maximum 500 words]

Question 2 – What would be the other *business costs* associated with the Progressive Percentage of Expenditure Model?

For example:

- How well prepared would your business be to comply with the new requirements?
- Would this model require changes to the way your business operates?

Insert response [Suggested maximum 500 words]

Question 3 – What are the other likely *costs/challenges* associated with the Progressive Percentage of Expenditure Model?

In your response to this question, please address other relevant:

- **quantitative** and **qualitative** examples of costs/challenges (for example: any relevant impact on the accessibility of quality Australian content, including drama and children’s drama to subscribers)
- any **possible flow on-impacts** (for example: the possibility any costs may be passed on to others, such as consumers or the Australian public).

Insert response [Suggested maximum 500 words]

Question 4 – What are the likely *benefits* of the Progressive Percentage of Expenditure Model?

In your response to this question, please address:

- **quantitative** benefits (for example: financial benefits, employment benefits, subscriber/audience numbers); and
- **qualitative** benefits (for example: broader social benefits for the Australian community).

Insert response [Suggested maximum 500 words]

Questions related to the Percentage of Revenue Model

Refer to relevant consultation materials for more information.

Question 1 – What are the likely *monetary costs* associated with the Percentage of Revenue Model? To the extent possible, please provide specific figures.

For example:

- What would be the estimated, overall monetary costs of compliance with an obligation of this nature?
- What would be the estimated, monetary administrative costs associated with complying and/or reporting on compliance with an obligation of this nature?

Insert response [Suggested maximum 500 words]

Question 2 – What would be the other *business costs* associated with Percentage of Revenue Model?

For example:

- How well prepared would your business be to comply with the new requirements?
- Would this model require changes to the way your business operates?

Insert response [Suggested maximum 500 words]

OFFICIAL

Question 3 – What are the other likely *costs/challenges* associated with the Percentage of Revenue Model?

In your response to this question, please address other relevant:

- **quantitative** and **qualitative** examples of costs/challenges (for example: any relevant impact on the accessibility of quality Australian content, including drama and children’s drama to subscribers)
- any **possible flow on-impacts** (for example: the possibility any costs may be passed on to others, such as consumers or the Australian public).

Insert response [Suggested maximum 500 words]

Question 4 – What are the likely *benefits* of the Percentage of Revenue Model?

In your response to this question, please address:

- **quantitative** benefits (for example: financial benefits, employment benefits, subscriber/audience numbers); and
- **qualitative** benefits (for example: broader social benefits for the Australian community).

Insert response [Suggested maximum 500 words]


General Question

Question 1 – Of the two models proposed, which is preferred by your organisation?

Insert response [Suggested maximum 500 words]

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	<p>Australian Government</p> <hr/> <p>Department of Infrastructure, Transport, Regional Development, Communications and the Arts</p>	<p>Meeting/Event Brief</p>	<p>MB24-000208</p>
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To: The Hon Tony Burke MP, Minister for the Arts
cc: The Hon Michelle Rowland MP, Minister for Communications

MEETING: Minister Burke meeting with Netflix

Timing: Monday 25 March 2024, 4:30pm – 5:00pm. Departmental officer required to attend in-person. Adviser: s22(1)(a)(ii)

Venue: Suite MG 43, Parliament House, Canberra

Meeting with: Ms Debra Richards, Director, Asia Pacific Content and Studio Production Affairs; Ms Carolyn Hough, Policy Consultant and Mr Nick O'Donnell, Head of Public Policy and Government Affairs, Asia Pacific.

Netflix requested a meeting with you to discuss the Australian screen content obligation on streaming services.

Prior meetings: Ms Richards and Mr O'Donnell attended a meeting with you and other streaming services on 23 November 2023. Netflix participated in Ministerial and departmental roundtables to provide feedback on the proposed models in May and November 2023.

Our Proposed Objectives: To confirm that a decision on a regulatory model is currently under consideration by the Government.

Their Objective: Netflix will likely seek information on the Government's proposed regulatory model and continue to argue in favour of a 10 per cent expenditure model with a broad definition of Australian content.

Key Points:

1. In the National Cultural Policy *Revive*, the Government reiterated an election commitment to introduce Australian screen content requirements on streaming platforms to ensure continued access to local stories and content, commencing from 1 July 2024.
2. Following consultation with a targeted group of stakeholders in the first half of 2023, including Netflix, the Government refined its view on high-level models and on 6 November 2023 issued the *Targeted Consultation Paper – Refined Models* to seek stakeholder views.

3. s45 [Redacted]

4. s45 [Redacted]

5. s45 [Redacted]

- 6. Netflix was a signatory to an open letter by the Australia and New Zealand Screen Association, Disney+, Stan, Paramount+ and Prime Video which was sent to the Office of the Hon Clare O’Neil MP, Minister for Home Affairs and Minister for Cyber Security and other Ministers on 23 February 2024 and forwarded to your office on 26 February (**Attachment E** refers). More information is at **Attachment C**.

Sensitive and Critical Information:

7. ^{s42} [Redacted]

- 8. Streaming services have been lobbying against the models presented in the November Consultation paper. On 26 February 2024, a coalition of representatives from the streaming services industry including Prime Video, Stan, Paramount+, Netflix and Disney+ issued a two-page fact sheet (**Attachments E and F** refer) highlighting a number of recent productions made by SVOD services that would not qualify as ‘Australian content’ under the eligibility criteria and definitions outlined in the consultation paper. The group is critical of the Government’s proposed models which they suggest ‘combine an unsustainably high obligation with narrowly defined eligibility ... would have serious negative consequences on the diversity of content being produced, while having significant inflationary effects that will impact the sustainability of Australia’s production industry.’

Name: Rebecca Rush
 Position: Assistant Secretary
 Branch: Screen and Arts Workforce Development
 Mob: ^{s22(1)(a)(ii)} [Redacted]
 Date Cleared: 25 March 2024

Contact Officer: ^{s22(1)(a)(ii)} [Redacted]
 Division: Office for the Arts
 Ph: 02 6136 ^{s22(1)} [Redacted]
 Mob: ^{s22(1)(a)(ii)} [Redacted]

Attachments:

Attachment A: Biographical Details

Attachment B: Talking Points

Attachment C: Background

Attachment D: ^{s47C, s47E(d)} [Redacted]

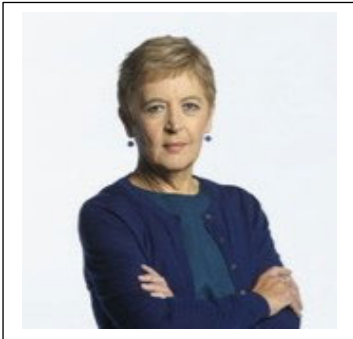
Attachment E: Open letter – *‘Proposed local content rules harm Australian content creators and consumers’*

Attachment F: Response to *‘Proposed local content rules harm Australian content creators and consumers’*

Attachment G: ^{s47C} [Redacted]

ATTACHMENT A

BIOGRAPHICAL DETAILS



Name: Debra Richards

Position: Director, Asia Pacific Content and Studio Production Affairs

Organisation: Netflix

Contact: s47F

Biography: Ms Richards was appointed Director, Production Policy – Asia Pacific at Netflix in October 2019. She has over 25 years’ experience in the communications and media industry. Ms Richards was Chief Executive Officer of Ausfilm from 2011 to 2019. She previously held the position of Chief Executive Officer of the Australian Subscription Television and Radio Association. Ms Richards also spent over 13 years at the broadcasting regulator, the Australian Broadcasting Tribunal and the Australian Broadcasting Authority.



Name: Carolyn Hough

Position: Policy Consultant

Organisation: Netflix

Contact: s47F

Biography: Ms Hough is a policy lawyer, government relations professional and an adviser on internet and communications law and policy, including copyright, media, classification and content/e-safety regulation.

Over her career, Ms Hough has advised clients such as Google, Australia's education sector, Amazon, SBS, Time Warner, the Interactive Games Association of Australia, digital rights advocacy organisations, cultural organisations, museums, galleries, and copyright rights holder organisations such as the Motion Picture Association, APRA and Screenrights.



Name: Nick O'Donnell

Position: Head of Public Policy and Government Affairs, Asia Pacific

Organisation: Netflix

Contact: s47F [@netflix.com](mailto:s47F@netflix.com)

Biography: Mr O'Donnell is Head of Public Policy and Government Affairs for Netflix Asia Pacific. Prior to joining Netflix, he led LinkedIn's Public Policy team in the Asia Pacific, India and Japan. Previously, Mr O'Donnell was legal counsel for Seven West Media and regional director of policy in Asia at Yahoo. He has served as the chair and treasurer of the Asia Internet Coalition, leading joint-industry advocacy across the Asia Pacific and locally as a committee member of the Communications and Media Law Association.

ATTACHMENT B

TALKING POINTS

- As part of our National Cultural Policy, *Revive*, the Government reiterated its election commitment to introduce requirements for Australian screen content on streaming platforms to ensure continued access to local stories and content.
- We have brilliant talent in Australia and want to make sure that no matter which platform people are watching, Australian stories form part of their experience.
- The Australian Government recognises the significant investment that US-based streaming services, including Netflix are currently making in Australian screen content and their role in making it available to audiences around the world.
- While streaming services are currently investing in Australian content at record levels, there is no guarantee that level of investment will be maintained, particularly in the key genres of drama, documentary and children’s programs.
- During 2023, extensive targeted industry consultation was undertaken to help shape this policy and we thank Netflix for your participation.
- The Government is taking the time to consider views to support ongoing investment in, and production of Australian stories and continued provision of services to the Australian community.

s47C



- The requirements will be implemented as part of the Government’s broader reforms to media legislation and are the joint responsibility of the Minister for Communications and the Minister for the Arts.

If raised: Consistency of the proposed models with international free trade agreements

- The Government is aware of concerns that an obligation on streaming services may not be consistent with Australia’s obligations under the Australia – United States Free Trade Agreement.
- We are very conscious of our international trade obligations.

- We are committed to an evidence-based and consultative approach to get the new obligation right.
- This approach has been welcomed by industry which has worked cooperatively with the Government to help shape the design of the obligation.

ATTACHMENT C

BACKGROUND


s45



Streaming industry open letter (fact sheet) – ‘Proposed local content rules harm Australian content creators and consumers’

- On 26 February 2024, a coalition of representatives from the streaming services industry including Netflix, Paramount+, Stan, Prime Video and Disney+ sent a two-page fact sheet to Ministers highlighting a number of recent productions made by SVOD services that would not qualify as ‘Australian content’ under the eligibility criteria and definitions outlined in the consultation paper.

- Some programs would not qualify based on their genre (reality TV, documentary) or would not meet the current Australian Content and Children’s Standards 2020 definition of an ‘Australian program’.
- The industry coalition is critical of the Government’s proposed models which they suggest ‘combine an unsustainably high obligation with narrowly defined eligibility ... would have serious negative consequences on the diversity of content being produced, while having significant inflationary effects that will impact the sustainability of Australia’s production industry.’
- They highlight their commitment to commissioning high quality Australian content and argue that although there is no industry failure, they remain supportive of a local content requirement that is fair, sustainable and flexible. More information is at **Attachment E**.

	<p>Australian Government</p> <hr/> <p>Department of Infrastructure, Transport, Regional Development, Communications and the Arts</p>	<p>Meeting/Event Brief</p>	<p>MB24-000269</p>
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To: The Hon Tony Burke MP, Minister for the Arts
To: The Hon Michelle Rowland MP, Minister for Communications

MEETING: Ministers’ meetings with streaming services representatives

Timing: 01 May 2024 Pre-brief at 8.30AM. Meetings all day from 9AM to 4.30PM

Venue: NSW Meeting room 1, Level 19, Commonwealth Parliament Office, 1 Bligh Street, Sydney

Meeting with: Streaming (SVOD) services representatives including Mr Joe Welch (Disney); Ms Beverley McGarvey (Paramount+); Ms Debra Richards (Netflix); Mr Patrick Delany (Foxtel/Binge); Mr Mike Sneesby (Nine/Stan); Mr Hushidar Kharas (Prime Video); and Mr Josh Machin (Apple).

You requested to meet with SVOD services to discuss the Australian Government’s proposed regulatory model for an Australian screen content obligation on SVOD services.

Prior meetings: You have met with SVOD services representatives throughout 2023 and 2024 as part of targeted consultation on the obligation.

Our Proposed Objectives: ^{s47C} [Redacted]

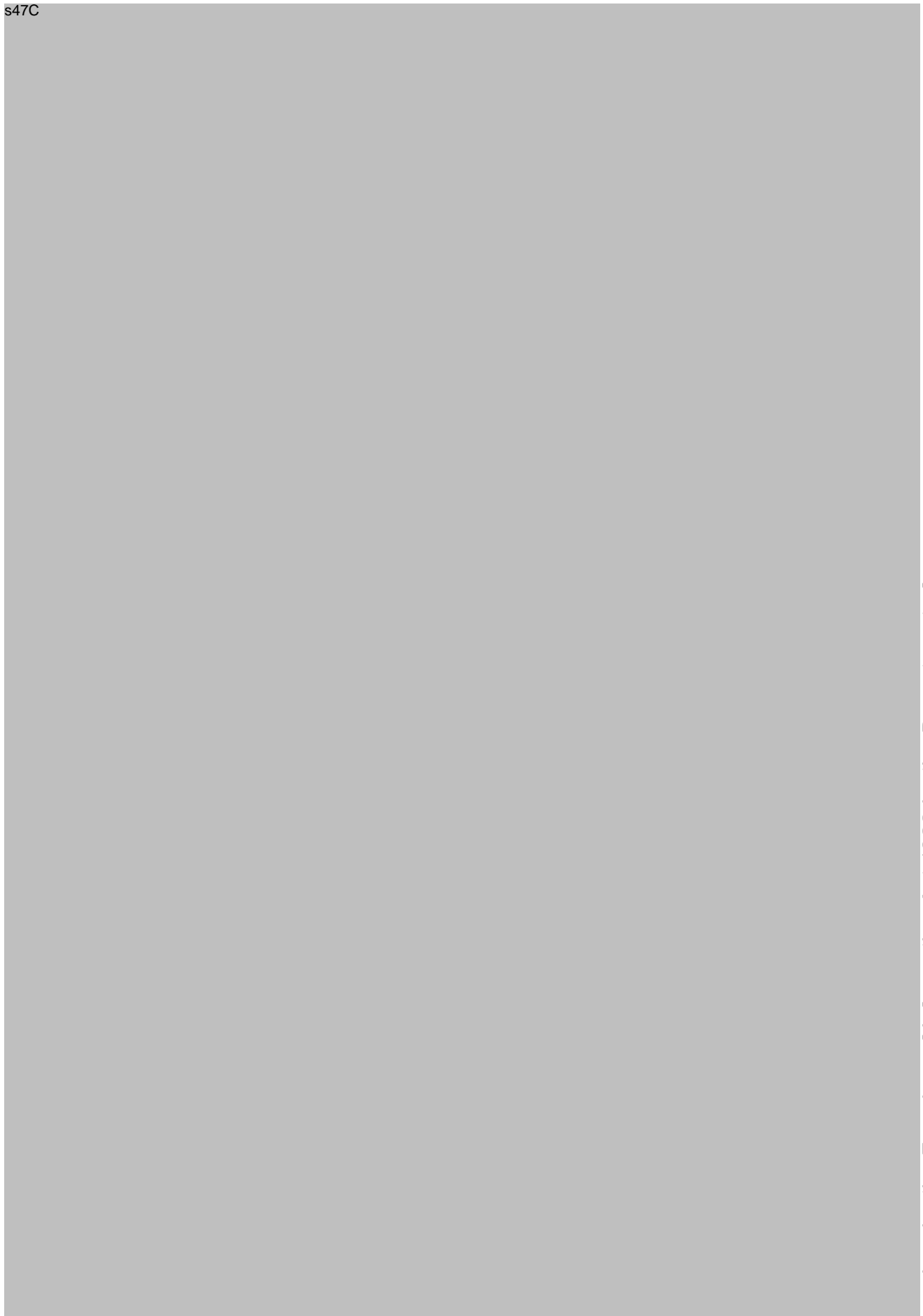
Their Objective: SVOD services will enquire about the details of the Government’s proposed regulatory model and a date for introduction. They will likely argue in favour of a 10 per cent expenditure model with a broad definition of Australian content.

Key Points:

1. ^{s34(3)} [Redacted]
2. [Redacted]

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s47C



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12. ^{s47C} [Redacted]

Proposed Notetaker: Rebecca Rush

Name: Rebecca Rush
Position: Assistant Secretary
Division: Screen and Arts Workforce Development
Mob: ^{s22(1)(a)(ii)} [Redacted]
Date Cleared: 29 April 2024

Contact Officer: ^{s22(1)(a)(ii)} [Redacted]
Division: Office for the Arts
Ph: 02 6136 ^{s22(1)(a)(ii)} [Redacted]
Mob: ^{s22(1)(a)(ii)} [Redacted]

Attachments:

Attachment A: Talking Points

Attachment B: Updated Consultation Paper with regulatory model

Attachment C: ^{s47C} [Redacted]

Attachment D: ^{s47C} [Redacted]

Attachment E: ^{s47C} [Redacted]

Attachment F: ^{s47C} [Redacted]

Attachment G: ^{s47C} [Redacted]

Attachment H: ^{s47C} [Redacted]

Attachment I: ^{s47C} [Redacted]

[Redacted]

Attachment J: ^{s47C} [Redacted]

Attachment K: ^{s47C} [Redacted]

[Redacted]

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ATTACHMENT A

TALKING POINTS

- As part of our National Cultural Policy, *Revive*, the Government reiterated its election commitment to introduce requirements for Australian screen content on streaming platforms to ensure continued access to local stories and content.
- We have brilliant talent in Australia and want to make sure that no matter which platform people are watching, Australian stories form part of their experience.
- The Australian Government recognises the significant investment that SVOD services, are currently making in Australian screen content and your role in making it available to audiences around the world.
- While SVOD services are currently investing in Australian content at record levels, there is no guarantee that level of investment will be maintained, particularly in the key genres of drama, documentary and children’s programs.
- During 2023, we undertook extensive targeted industry consultation to help shape this policy and we thank you for your participation.
- The Government is considering views to support ongoing investment in, and production of Australian stories and continued provision of services to the Australian community.

s47C



- The requirements will be implemented as part of the Government’s broader reforms to media legislation and are the joint responsibility of the Minister for Communications and the Minister for the Arts.

If raised: Consistency of the proposed models with international free trade agreements

- The Government is aware of concerns that an obligation on streaming services may not be consistent with Australia’s obligations under the Australia – United States Free Trade Agreement.
- We are very conscious of our international trade obligations.

- We are committed to an evidence-based and consultative approach to get the new obligation right.
- This approach has been welcomed by industry which has worked cooperatively with the Government to help shape the design of the obligation.

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BIOGRAPHICAL DETAILS

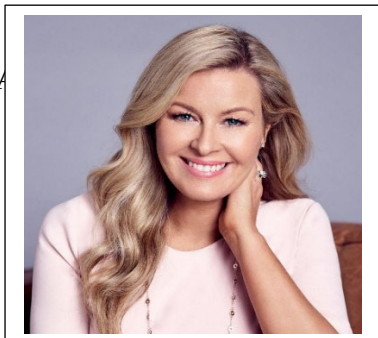


Name: Joe Welch

Position: Vice President of Global Public Policy

Phone Number: s47F [REDACTED]

Biography: Mr Welch has been a Vice President at Disney since March 2019. He was previously Senior Vice President, Government Relations, Asia for 21st Century Fox between 2005 and 2019, and Senior Vice President, Government Relations at Star TV between 2005 and 2009.



Name: Kylie Watson-Wheeler

Position: Senior Vice President and Managing Director,
Australia New Zealand

Phone Number: s47F [REDACTED]

Biography: Ms Watson-Wheeler manages a portfolio of content and products across Disney, Pixar, Marvel, Star Wars, Entertainment and Sports Programming Network (ESPN), American Broadcasting Company Studios, 20th Century Fox and National Geographic. She also has regional leadership responsibility for ESPN and National Geographic across the Asia Pacific. She has worked at Disney since 2004, and previously worked at Hallmark Cards, Coca-Cola and Penguin Books. She is currently the President of the Western Bulldogs AFL team and a board member at Mentone Grammar School (Victoria), the Australian Ballet, and the Motion Pictures Distribution Association of Australia.



Name: Kate Kavanagh

Position: Vice President, Government Relations, Public Policy and Live Entertainment, Australia New Zealand

Email address: s47F [redacted] [@disney.com](mailto:s47F@disney.com)

Biography: Ms Kavanagh joined the Walt Disney Company in 2011. Ms Kavanagh's previous roles at Disney include Head of Communications ANZ, and Director of Marketing and Communications. Prior to joining Disney, she worked in Strategic Marketing and Business Development at Repco.



Name: Karly Abbott

Position: Government Engagement Adviser

Email address: s47F [redacted] [@disney.com](mailto:s47F@disney.com)

Biography: Ms Abbott is Government Engagement Adviser for Disney in Australia. Ms Abbott is also a partner in Inner Circle Strategic Advisory, a consulting company which specialises in providing strategic communications, government and media relations advice to a range of clients including the film and television industry, health, technology, hospitality and not-for-profit sectors. Ms Abbott previously worked as a senior federal government adviser on small and family business policy, as well as trade, tourism and defence industry policy.

BIOGRAPHICAL DETAILS



Name: Beverley McGarvey

Position: President of Network 10, Head of Streaming and Regional Lead

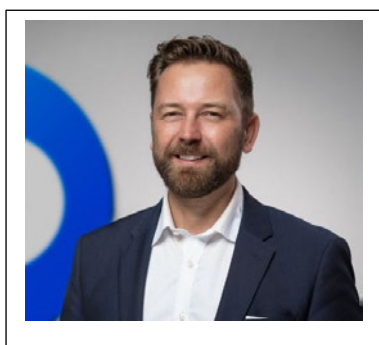
Email address: s47F [redacted]@networkten.com.au

Biography: Ms McGarvey has more than 25 years' experience in the television industry, internationally and in Australia. She was appointed President of Network 10, Head of Streaming and Regional Lead in March 2024.

Ms McGarvey is responsible for all content and creative activities related to the company's networks and digital properties in Australia and New Zealand, including 10, 10 Peach, 10 Bold, 10 Shake, 10 Play, MTV, Nickelodeon, Comedy Central and Paramount+.

Ms McGarvey started her career in the creative team at UTV in Belfast before working in programming and production at TV3 Ireland and at ITV's Meridian Television in England. She later joined TV3 New Zealand, where she was Director of Programming for several years.

Before she was appointed President of Network 10, Ms McGarvey was Chief Content Officer at Network 10 since 2016 and Chief Programming Officer since 2012, after joining the company as Head of Programming in 2006.



Name: James Boyce

Position: Head of Government and Regulatory Affairs (Australia and New Zealand)

Phone Number: s47F [redacted]

Biography: Mr Boyce was appointed Head of Government and Regulatory Affairs at Paramount+ in March 2020. He has also worked as Head of Government and Regulatory Affairs at Network 10 and as Head of Communications and Public Affairs at Johnson & Johnson Medical. Prior to that, he was the Director of Government Relations and Communications at Medicines Australia.

BIOGRAPHICAL DETAILS



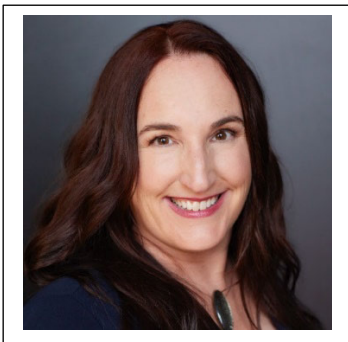
Name: Debra Richards

Position: Director, Asia Pacific Content and Studio Production Affairs

Phone Number: s47F [REDACTED]

Biography: Ms Richards was appointed Director, Asia Pacific Content and Studio Production Affairs at Netflix in September 2019. She has over 25 years' experience in the communications and media industry.

Ms Richards was Chief Executive Officer of Ausfilm from 2011 to 2019. She previously held the position of Chief Executive Officer of the Australian Subscription Television and Radio Association. Ms Richards also spent more than 13 years at the broadcasting regulator, the Australian Broadcasting Tribunal and the Australian Broadcasting Authority.



Name: Carolyn Hough

Position: Policy Consultant

Phone Number: s47F [REDACTED]

Biography: Ms Hough is a policy lawyer, government relations professional and an adviser on internet and communications law and policy, including copyright, media, classification and content/e-safety regulation.

Over her career, Ms Hough has advised clients such as Google, Australia's education sector, Amazon, SBS, Time Warner, the Interactive Games Association of Australia, digital rights advocacy organisations, cultural organisations, museums, galleries and copyright rights holder organisations such as the Motion Picture Association, APRA and Screenrights.

BIOGRAPHICAL DETAILS



Name: Patrick Delany

Position: Chief Executive Officer

Organisation: Foxtel Group

Biography: Mr Delany is Chief Executive Officer of the Foxtel Group which includes Kayo Sports, BINGE, Fox Sports, Foxtel Media and Hubbl. He was appointed to the role in January 2018 following his successful tenure as CEO of Fox Sports.

Mr Delany's career in television began in 1998, at Southern Star Entertainment as Head of Non-Drama, before taking on the role of Chief Executive Officer, XYZ – the channel creation and production business – in 2000. At XYZ, Mr Delany successfully revitalised and relaunched the Lifestyle Channel, Channel [V], Music Max and The Weather Channel for the Foxtel and Austar platforms.



Name: Ms Lynette Ireland

Position: Chief General Counsel and Executive Director of Regulatory

Organisation: Foxtel Group

Contact: ^{s47F} [REDACTED]@foxtel.com.au

Biography: Ms Ireland is Chief General Counsel and Company Secretary of the Foxtel Group, having joined the company in 1995. Previously, Ms Ireland was a lawyer at leading international law firm, Allens. Ms Ireland is also a board member of the Australian Subscription Television and Radio Association (ASTRA), Creative Content Australia and the Media and Communications Committee of the Law Council of Australia.

BIOGRAPHICAL DETAILS



Name: Mike Sneesby
Position: Chief Executive Officer, Nine
Organisation: Nine

Biography: Mr Sneesby was appointed Chief Executive Officer, and Director of both Nine and Domain, Nine’s 60%-owned associate, in April 2021. Prior to this, Mr Sneesby was the CEO of Nine’s Subscription Video On Demand business, Stan, heading the group from its inception in 2013 through to profitability and a 2 million-plus subscriber base.

Mr Sneesby spent his earlier career in leadership and consulting positions gaining broad experience in digital media, technology and telecommunications in Australia, Asia and the USA. He holds a Degree in Electrical Engineering from the University of Wollongong and a Masters of Business Administration from the Macquarie Graduate School of Management. In May 2022, Mr Sneesby was appointed as an external member of the University of Wollongong Council.



Name: Martin Kluger
Position: Chief Executive Officer, Stan
Organisation: Stan

Biography: Mr Kugeler has been the Chief Executive Officer, Stan since February 2022, although he has held various roles in the company since 2014, including Chief Financial Officer.

Prior to working at Stan, he was Chief Financial Officer and Head of Strategy in various businesses of the global media company Bertelsmann, based in Europe, as well as a leading strategy consultant across a variety of industries, including media and digital entertainment.



Name: Emren Kara

Position: General Counsel

Organisation: Stan

Phone number: s47F [REDACTED]

Biography: Mr Kara has been the General Counsel at Stan since 2019. Previously, he was the General Counsel of BBC Worldwide ANZ, and General Counsel and Company Secretary at Mi9, the digital arm of Nine Entertainment. He appeared on a Communications and Media Law Association expert panel discussing streaming services in 2020.

BIOGRAPHICAL DETAILS



Name: Hushidar Kharas

Position: Head of Amazon Prime Video Australia

Organisation: Amazon

Biography: Mr Kharas is the head of Amazon Prime Video in Australia and New Zealand. Mr Kharas has built campaigns for large customer brands over the last 10 years. While working for Yum Restaurants India, Mr Kharas built the digital and customer engagement practice for KFC India. He went on to lead digital marketing for Star Sports, where he built a highly engaged fan base and created new products including the Pro Kabaddi League and the Indian Super League.



Name: Michael Cooley

Position: Director of Public Policy, Australia, New Zealand and Southeast Asia

Organisation: Amazon

Phone: s47F [REDACTED]

Biography: Mr Cooley began working at Amazon in 2020. Prior to this, he worked for Google for five years as Public Policy and Government Relations Counsel, Australia and New Zealand. He has also worked as a lawyer and as Senior Adviser, Governance in the office of former Prime Minister Kevin Rudd.

ATTACHMENT J

s47(1)(b)



BIOGRAPHICAL DETAILS




Name: Josh Machin

Position: Head of Government Affairs, ANZ and Policy Lead, Asia-Pacific

Organisation: Apple

Biography: Prior to joining Apple in August 2023, Mr Machin was Head of Public Policy Australia for Meta. From 2015-19, he held various senior roles at the Business Council of Australia, including leading policy work in areas such as the future of work, innovation, data, digital economy and cyber. Prior to this, Mr Machin held policy roles at the Australian Stock Exchange and the Department of Communications and the Arts.

	<p>Australian Government</p> <hr/> <p>Department of Infrastructure, Transport, Regional Development, Communications and the Arts</p>	<p>Meeting/Event Brief</p>	<p>MB24-000356</p>
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To: The Hon Tony Burke MP, Minister for the Arts
cc: The Hon Michelle Rowland MP, Minister for Communications

MEETING: Minister Burke meeting with Apple - Josh Machin, Head of Government Affairs ANZ and Rob Brown, Director of Legal for Asia Pacific

Timing: 27 May 2024 1:00pm – 1:30pm. Departmental officer required to attend via TEAMS.
Adviser: s22(1)(a)(ii)

Venue: Electorate Office, 29/1 Broadway, Punchbowl NSW 2196 / Microsoft Teams

Meeting with: Josh Machin, Head of Government Affairs ANZ and Rob Brown, Director of Legal for Asia Pacific to discuss the Australian Government’s proposed regulatory model for an Australian screen content obligation on SVOD services.

Prior meetings: You met with Mr Machin on 1 May 2024 to discuss the obligation.

Our Proposed Objectives:

s47C [Redacted]

Their Objective:

Apple will seek details of the Government’s proposed regulatory model and a date for introduction. s47C [Redacted]

Key Points:

- s34(3) [Redacted]

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2. s34(3) [Redacted]

3. s47C [Redacted]

s47C [Redacted]

4. [Redacted]

5. s42 [Redacted]

s47C [Redacted]

6. [Redacted]

s47E(d) [Redacted]

7. [Redacted]

Name: Rebecca Rush
Position: Assistant Secretary
Division: Screen and Arts Workforce Development
Mob: s22(1)(a)(ii) [Redacted]
Date Cleared: 24 May 2024

Contact Officer: s22(1)(a)(ii) [Redacted]
Division: Office for the Arts
Ph: 02 6136 s22(1)(a)(ii) [Redacted]
Mob: s22(1)(a)(ii) [Redacted]

- Attachments:**
Attachment A: Biographical Details
Attachment B: Talking Points

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Attachment C: s47C [Redacted]
Attachment D: s47C [Redacted]

ATTACHMENT A

BIOGRAPHICAL DETAILS

Name: Josh Machin

Position: Head of Government Affairs, ANZ and Policy Lead, Asia-Pacific

Organisation: Apple

Biography: Prior to joining Apple in August 2023, Mr Machin was Head of Public Policy Australia for Meta. From 2015-19, he held various senior roles at the Business Council of Australia, including leading policy work in areas such as the future of work, innovation, data, digital economy and cyber. Prior to this, Mr Machin held policy roles at the Australian Stock Exchange and the Department of Communications and the Arts.



Name: Rob Brown

Position: Director of Legal for Asia Pacific

Organisation: Apple

Biography: Rob Brown is Apple's Director of Legal for Content Services in the Asia Pacific region. Prior to commencing work as a legal counsel for Apple in 2011, Rob was employed at Environmental Resources Management as a Regional Counsel for the Asia Pacific region.

ATTACHMENT B

TALKING POINTS

- As part of our National Cultural Policy, *Revive*, the Government reiterated its election commitment to introduce requirements for Australian screen content on streaming platforms to ensure continued access to local stories and content.
- We have brilliant talent in Australia and want to make sure that no matter which platform people are watching, Australian stories form part of their experience.
- While SVOD services are currently investing in Australian content at record levels, there is no guarantee that level of investment will be maintained, particularly in the key genres of drama, documentary and children's programs.
- During 2023, we undertook extensive targeted industry consultation to help shape this policy and we thank you for your participation.
- The Government is considering views to support ongoing investment in, and production of Australian stories and continued provision of services to the Australian community.
- s47E(d)
[REDACTED]
- The requirements will be implemented as part of the Government's broader reforms to media legislation and are the joint responsibility of the Minister for Communications and the Minister for the Arts.


If raised: Consistency of the proposed models with international free trade agreements

- The Government is aware of concerns that an obligation on streaming services may not be consistent with Australia's obligations under the Australia – United States Free Trade Agreement.
- We are very conscious of our international trade obligations.
- We are committed to an evidence-based and consultative approach to get the new obligation right.
- This approach has been welcomed by industry which has worked cooperatively with the Government to help shape the design of the obligation.

s47C



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	<p>Australian Government</p> <hr/> <p>Department of Infrastructure, Transport, Regional Development, Communications and the Arts</p>	<p>Meeting/Event Brief</p>	<p>MB24-000362</p>
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To: The Hon Tony Burke MP, Minister for the Arts
cc: The Hon Michelle Rowland MP, Minister for Communications

**MEETING: Minister Burke meeting with Screen Producers Australia representatives
 Matt Deaner and Jane Mulligan**

Timing: 29 May 2024. Time: 10.00am (pre-brief with Minister and Advisor at 9:55am). Advisor: s22(1)(a)(ii) Departmental officer required to attend in-person.

Venue: MG43, Parliament House, Canberra

Meeting with: Mr Matthew Deaner, Chief Executive Officer, Screen Producers Australia and Ms Jane Mulligan, Director of Policy, Screen Producers Australia.

Mr Deaner requested a meeting with you to discuss regulation of online streaming services.

Prior meetings: You met with Mr Deaner on 7 March 2024 to discuss regulation of online streaming services. Prior to this, you met with Mr Deaner and Ms Mulligan on 28 February 2024 to discuss a range of screen industry issues.

Our Proposed Objectives: To discuss the forthcoming streaming services obligation and the role of Screen Producers Australia in ensuring its effectiveness.

Their Objective: To further understand the streaming services requirement as it has developed s47E(d)

Key Points:

1. In the National Cultural Policy *Revive*, the Government reiterated an election commitment to introduce Australian screen content requirements on streaming platforms to ensure continued access to local stories and content. The Government has committed to implementing the obligation by 1 July 2024.
2. Representatives from Screen Producers Australia attended a departmental roundtable meeting for the screen production industry sector on 13 November 2023. Broadly, Screen Producers Australia supports a percentage of revenue obligation set at 20 per cent, including:
 - the inclusion of drama, children's drama and documentary only
 - counting of commissions only towards the obligation
 - sub-quotas for drama, documentary and children's programs
 - no double counting of co-commissions across SVOD services and free-to-air broadcasters as they believe this would result in fewer commissions
 - mandatory terms of trade to support independent producers
 - a requirement that 80 per cent of commissions need to be with arms-length producers.
3. Screen Producers Australia has consistently advocated for the Australian Content and Children's Television Standards 2020 (ACCTS) definition of Australian content to be used to define what qualifies as Australian content for the streaming obligation.

4. On 18 January 2024, Screen Producers Australia, along with other producer organisations from Europe, New Zealand, Canada and South America released a joint statement on the need for streaming platform regulation and intellectual property protections.

5. Screen Producers Australia may raise compensation and intellectual property as urgent policy issues for consideration within the context of the streaming services regulation. ^{s47E(d)}

[Redacted]

6. On 16 April 2024, Mr Deaner gave evidence at the Senate Environment and Communications References Committee Inquiry into Australia’s National Cultural Policy. During his testimony he claimed that:

- Industry is concerned about the lack of legislation ahead of the 1 July 2024 start date.
- There is a noticeable freezing in commissioning by SVOD services which is creating a lot of anxiety and uncertainty in the industry.
- US-based streaming businesses are exerting political pressure on the Australian government by “weaponising” the Australia-US Free Trade Agreement behind the scenes.

s22(1)(a)(ii)
[Redacted]

s47E(d)
[Redacted]

Proposed Notetaker: Philip Smith

Name: Rebecca Rush
Position: Assistant Secretary
Division: Screen and Arts Workforce Development
Mob: s22(1)(a)(ii)
Date Cleared: 28 May 2024

Contact Officer: s22(1)(a)(ii)
Division: Office for the Arts
Ph: 6136 s22(1)(a)(ii)
Mob: s22(1)(a)(ii)

Attachments:

- Attachment A: Biographical Details
- Attachment B: Talking Points.

ATTACHMENT A

BIOGRAPHICAL DETAILS**Name:** Mr Matthew Deaner**Position:** Chief Executive Officer**Organisation:** Screen Producers Australia**Phone Number:** s47F [REDACTED]**Biography:**

Mr Deaner oversees all aspects of Screen Producers Australia's advocacy work, industrial negotiations, events and operational issues. He was previously a lawyer in both Sydney and London and held senior policy and strategy positions with Screen Australia and the Australian Subscription Television and Radio Association.

**Name:** Jane Mulligan**Position:** Director of Policy**Organisation:** Screen Producers Australia**Phone Number:** s47F [REDACTED]**Biography:**

Ms Mulligan advises Screen Producers Australia on policy matters. Ms Mulligan is a communications, public policy and stakeholder engagement professional, with more than 15 years' experience providing strategic advice and delivering successful projects in a public policy context. Before joining Screen Producers Australia, Ms Mulligan was a grant writer at One Vision Productions, and also worked as a policy adviser for the former Shadow Minister for Regional Communications, the Hon Stephen Jones MP.

ATTACHMENT B

TALKING POINTS

- In our National Cultural Policy *Revive*, the Albanese Labor Government committed to introducing Australian screen content requirements on streaming platforms to ensure continued access to local stories and content.
- We have brilliant talent in Australia, and we want to make sure that people have access to Australian scripted drama, documentary and children's stories across different platforms.
- The Government is undertaking a genuine consultation process and is taking the time to consider views to support ongoing investment in, and production of, Australian stories.
- Consultation is taking longer than we would like – the Government is taking the time to get the new obligation right.
- The Government is aiming to introduce legislation in the near future.
- The requirements will be implemented as part of the Government's broader reforms to media legislation and are the joint responsibility of the Minister for Communications and the Minister for the Arts.

If asked: Why isn't the Government committing to a 20 per cent of revenue obligation?

- The Government is working to achieve its policy objectives by designing an obligation that results in positive, sustainable outcomes for Australian audiences and the industry.
- We are committed to an evidence-based and consultative approach to get the new obligation right.

If asked: Will the Government implement a 'terms of trade' standard as part of the streaming obligation?


- Commissioning practices of online streaming services have been raised with the Government previously, including concerns that streaming services are persistently seeking contractual terms that require independent Australian producers to forfeit their rights in perpetuity.
- I have asked the department to continue monitoring these issues and the potential impacts the introduction of an Australian content obligation on online streaming platforms may have on the Australian market.

If asked: What is the Government doing to address the decline in the production of children's content by commercial free-to-air broadcasters?

- The Government is aware that the production of children's screen content has fallen as a result of the changes to content quotas on free-to-air television made by the previous government.
- *Revive* has committed to introducing requirements for Australian screen content on streaming platforms and as part of this, the Government is reviewing policy settings to support the production of certain key genres, including children's content.
- During 2023, the Government undertook extensive targeted industry consultation to help shape this policy.
- The importance of including children's content in the obligation has been raised by a number of stakeholders in consultation.
- The Government will continue to consider views on how best to support ongoing investment in, and production of Australian children's content. The Government is taking the time to ensure that it gets the policy settings right.

If asked about the Australia – United States Free Trade Agreement (AUSFTA)

- We are well aware of our obligations under relevant trade agreements. We are committed to an evidence-based and consultative approach to get the new obligation right.

	<p>Australian Government</p> <hr/> <p>Department of Infrastructure, Transport, Regional Development, Communications and the Arts</p>	<p>Meeting/Event Brief</p>	<p>MB24-000435</p>
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To: The Hon Michelle Rowland MP, Minister for Communications
cc: The Hon Tony Burke MP, Minister for the Arts

MEETING: Meeting with streaming (SVOD) service representatives from Amazon Prime Video, Disney+, Netflix, Stan and Paramount+

Timing: Monday 24 June, 6:00 – 6:30PM

Venue: Minister Rowland’s Office, Parliament House, Canberra

Meeting with: Mr Michael Cooley, Mr Hushidar Kharas and Mr Matt Levey (Amazon); Ms Kylie Watson-Wheeler, Ms Kate Kavanagh and Ms Karly Abbott (Disney); Ms Debra Richards and Ms Carolyn Hough (Netflix); Ms Beverley McGarvey and Mr James Boyce (Paramount+); Mr Mike Sneesby, Mr Martin Kluger and Mr Emren Kara (Nine/ Stan).

SVOD services requested a meeting with you to discuss the Government’s proposed regulatory model for an Australian screen content obligation on SVOD services.

Prior meetings: You and Minister Burke met with SVOD services on 1 May 2024 to discuss the proposed regulatory model. In addition, you and Minister Burke undertook targeted consultation with SVOD services throughout 2023.

Our Proposed Objectives: To hear SVOD services’ feedback on the proposed model. To reiterate the Government’s commitment to introducing legislation as soon as is practicable.

Their Objective: SVOD services will likely request an update on the Government’s intentions including policy settings for a regulatory model and timing of legislation.

Key Points:

1. ^{s34(3)} 
2. 

3. s47C

[Redacted]

4.

[Redacted]

5. s42

[Redacted]

s47E(d)

6.

[Redacted]

s33(a)(iii)

7.

[Redacted]

Name: Jason Potkins
 Position: A/g Assistant Secretary
 Division: Screen and Arts Workforce Development
 Branch
 Ph: 02 6136 s22(1)(a)(iii)
 Mob: s22(1)(a)(ii)
 Date Cleared: 24 June 2024

Contact Officer: s22(1)(a)(ii)
 Division: Office for the Arts
 Ph: 02 6136 s22(1)(a)(iii)
 Mob: s22(1)(a)(ii)

Attachments:

Attachment A: Talking Points

Attachment B:  s47C

Attachment C:  s47C


Attachment D:  s47C

Attachment E:  s47C

Attachment F:  s47C

Attachment G:  s47C

Attachment H:  s47C

ATTACHMENT A

TALKING POINTS

- As part of our National Cultural Policy, *Revive*, the Government reiterated its election commitment to introduce requirements for Australian screen content on streaming platforms to ensure continued access to local stories and content.
- We have brilliant talent in Australia and want to make sure that no matter which platform people are watching, Australian stories form part of their experience.
- During 2023, we undertook extensive targeted industry consultation to help shape this policy and we thank you for your participation.
- The Government is considering views to support ongoing investment in, and production of Australian stories and continued provision of services to the Australian community.
- s47E(d)
[Redacted]
- The requirements will be implemented as part of the Government’s broader reforms to media legislation and are the joint responsibility of the Minister for Communications and the Minister for the Arts.

If raised: Consistency of the proposed models with international free trade agreements

- The Government is aware of concerns about the interaction of the proposed obligation on streaming services with Australia’s obligations under the Australia – United States Free Trade Agreement.
- We are very conscious of our international trade obligations.
- We are committed to an evidence-based and consultative approach to get the new obligation right.
- This approach has been welcomed by industry which has worked cooperatively with the Government to help shape the design of the obligation.

s47C



BIOGRAPHICAL DETAILS



Name: Hushidar Kharas

Position: Head of Amazon Prime Video Australia

Organisation: Amazon Prime Video

Biography: Mr Kharas is the head of Amazon Prime Video in Australia and New Zealand. Mr Kharas has built campaigns for large customer brands over the last 10 years. While working for Yum Restaurants India, Mr Kharas built the digital and customer engagement practice for KFC India. He went on to lead digital marketing for Star Sports, where he built a highly engaged fan base and created new products including the Pro Kabaddi League and the Indian Super League.



Name: Michael Cooley

Position: Director of Public Policy, Australia, New Zealand and Southeast Asia

Organisation: Amazon Prime Video

Phone: s47F [Redacted]

Biography: Mr Cooley began working at Amazon in 2020. Prior to this, he worked for Google for five years as Public Policy and Government Relations Counsel, Australia and New Zealand. He has also worked as a lawyer and as Senior Adviser, Governance in the office of former Prime Minister Kevin Rudd.



Name: Matt Levey

Position: Head of Public Policy – Australia/ New Zealand

Organisation: Amazon Prime Video

Biography: Mr Levey has been Amazon’s head of Public Policy for Australia and New Zealand since May 2024. He has worked for Amazon for over six years, with previous roles at the company including Head of Asia Pacific Policy Communications, Head of Corporate Communications for Australia and New Zealand, and Senior Manager International Public Policy – Digital and Customer Trust. Prior to his employment at Amazon, Mr Levey worked for Choice from 2011 to 2017, and also previously as a policy advisor for the Australian Government.

BIOGRAPHICAL DETAILS



Name: Kylie Watson-Wheeler

Position: Senior Vice President and Managing Director, Australia New Zealand

Phone Number: s47F [REDACTED]

Biography: Ms Watson-Wheeler manages a portfolio of content and products across Disney, Pixar, Marvel, Star Wars, Entertainment and Sports Programming Network (ESPN), American Broadcasting Company Studios, 20th Century Fox and National Geographic. She also has regional leadership responsibility for ESPN and National Geographic across the Asia Pacific. She has worked at Disney since 2004, and previously worked at Hallmark Cards, Coca-Cola and Penguin Books. She is currently the President of the Western Bulldogs AFL team and a board member at Mentone Grammar School (Victoria), the Australian Ballet, and the Motion Pictures Distribution Association of Australia.



Name: Kate Kavanagh

Position: Vice President, Government Relations, Public Policy and Live Entertainment, Australia New Zealand

Email address: s47F [REDACTED] [@disney.com](mailto:[REDACTED]@disney.com)

Biography: Ms Kavanagh joined the Walt Disney Company in 2011. Ms Kavanagh’s previous roles at Disney include Head of Communications ANZ, and Director of Marketing and Communications. Prior to joining Disney, she worked in Strategic Marketing and Business Development at Repco.



Name: Karly Abbott

Position: Government Engagement Adviser

Email address: s47F [REDACTED] [@disney.com](mailto:s47F[REDACTED]@disney.com)

Biography: Ms Abbott is Government Engagement Adviser for Disney in Australia. Ms Abbott is also a partner in Inner Circle Strategic Advisory, a consulting company which specialises in providing strategic communications, government and media relations advice to a range of clients including the film and television industry, health, technology, hospitality and not-for-profit sectors. Ms Abbott previously worked as a senior federal government adviser on small and family business policy, as well as trade, tourism and defence industry policy.

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BIOGRAPHICAL DETAILS



Name: Debra Richards

Position: Director, Asia Pacific Content and Studio Production Affairs

Phone Number: s47F [REDACTED]

Biography: Ms Richards was appointed Director, Asia Pacific Content and Studio Production Affairs at Netflix in September 2019. She has over 25 years' experience in the communications and media industry.

Ms Richards was Chief Executive Officer of Ausfilm from 2011 to 2019. She previously held the position of Chief Executive Officer of the Australian Subscription Television and Radio Association. Ms Richards also spent more than 13 years at the broadcasting regulator, the Australian Broadcasting Tribunal and the Australian Broadcasting Authority.



Name: Carolyn Hough

Position: Policy Consultant

Phone Number: s47F [REDACTED]

Biography: Ms Hough is a policy lawyer, government relations professional and an adviser on internet and communications law and policy, including copyright, media, classification and content/e-safety regulation.

Over her career, Ms Hough has advised clients such as Google, Australia's education sector, Amazon, SBS, Time Warner, the Interactive Games Association of Australia, digital rights advocacy organisations, cultural organisations, museums, galleries and copyright rights holder organisations such as the Motion Picture Association, APRA and Screenrights.

BIOGRAPHICAL DETAILS



Name: Mike Sneesby
Position: Chief Executive Officer, Nine
Organisation: Nine

Biography: Mr Sneesby was appointed Chief Executive Officer, and Director of both Nine and Domain, Nine's 60%-owned associate, in April 2021. Prior to this, Mr Sneesby was the CEO of Nine's Subscription Video On Demand business, Stan, heading the group from its inception in 2013 through to profitability and a 2 million-plus subscriber base.

Mr Sneesby spent his earlier career in leadership and consulting positions gaining broad experience in digital media, technology and telecommunications in Australia, Asia and the USA. In May 2022, Mr Sneesby was appointed as an external member of the University of Wollongong Council.



Name: Martin Kluger
Position: Chief Executive Officer, Stan
Organisation: Stan

Biography: Mr Kugeler has been the Chief Executive Officer, Stan since February 2022, although he has held various roles in the company since 2014, including Chief Financial Officer.

Prior to working at Stan, he was Chief Financial Officer and Head of Strategy in various businesses of the global media company Bertelsmann, based in Europe, as well as a leading strategy consultant across a variety of industries, including media and digital entertainment.



Name: Emren Kara
Position: General Counsel
Organisation: Stan
Phone number: s47F [REDACTED]

Biography: Mr Kara has been the General Counsel at Stan since 2019. Previously, he was the General Counsel of BBC Worldwide ANZ, and General Counsel and Company Secretary at Mi9, the digital arm of Nine Entertainment. He appeared on a Communications and Media Law Association expert panel discussing streaming services in 2020.

BIOGRAPHICAL DETAILS



Name: Beverley McGarvey

Position: President of Network 10, Head of Streaming and Regional Lead

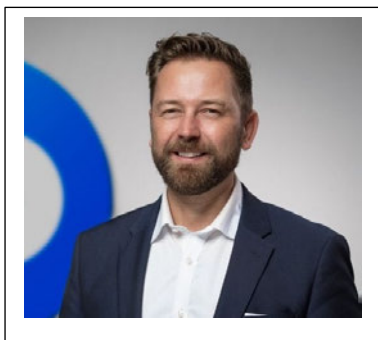
Email address: s47F [REDACTED]@networkten.com.au

Biography: Ms McGarvey has more than 25 years' experience in the television industry, internationally and in Australia. She was appointed President of Network 10, Head of Streaming and Regional Lead in March 2024.

Ms McGarvey is responsible for all content and creative activities related to the company's networks and digital properties in Australia and New Zealand, including 10, 10 Peach, 10 Bold, 10 Shake, 10 Play, MTV, Nickelodeon, Comedy Central and Paramount+.

Ms McGarvey started her career in the creative team at UTV in Belfast before working in programming and production at TV3 Ireland and at ITV's Meridian Television in England. She later joined TV3 New Zealand, where she was Director of Programming for several years.

Before she was appointed President of Network 10, Ms McGarvey was Chief Content Officer at Network 10 since 2016 and Chief Programming Officer since 2012, after joining the company as Head of Programming in 2006.




Name: James Boyce

Position: Head of Government and Regulatory Affairs (Australia and New Zealand)

Phone Number: s47F [REDACTED]

Biography: Mr Boyce was appointed Head of Government and Regulatory Affairs at Paramount+ in March 2020. He has also worked as Head of Government and Regulatory Affairs at Network 10 and as Head of Communications and Public Affairs at Johnson & Johnson Medical. Prior to that, he was the Director of Government Relations and Communications at Medicines Australia.

 <p>Australian Government</p> <hr/> <p>Department of Infrastructure, Transport, Regional Development, Communications and the Arts</p>	<p>Meeting/Event Brief</p> <p>MB24-000473</p>
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To: The Hon Tony Burke MP, Minister for the Arts
cc: The Hon Michelle Rowland MP, Minister for Communications

MEETING: Australian Broadcasting Corporation (ABC) Chair

Timing: Tuesday 2 July 2024, 4:15-4:45pm

Venue: Suite MG 43, Australian Parliament House

Meeting with: Mr Kimberley (Kim) Williams AM, ABC Chair

The ABC Chair has requested an introductory meeting with you.

Our Proposed Objectives:

To meet the ABC Chair and consider his views on opportunities for the ABC to continue supporting Australian arts and culture.

Their Objective:

To share insights from the ABC Chair's time in the role so far, and discuss how the ABC can support public policy objectives, whilst maintaining its independence.


Key Points:

1. Over recent weeks, Mr Williams has been holding introductory meetings with Government Ministers and Commonwealth agency heads. We expect Mr Williams may raise a range of issues alongside his observations about the ABC since he was appointed to the Chair position in March 2024. Some current key policy issues of interest to the ABC are below and were also raised by Mr Williams in his 19 June 2024 speech at the State Library of Victoria (**Attachment A**).

s22(1)(a)(ii)



s22(1)(a)(ii)




Content issues

Australian screen content requirements

5. In the National Cultural Policy *Revive*, the Australian Government reiterated an election commitment to introduce Australian screen content requirements on streaming platforms to ensure continued access to local stories and content, commencing from 1 July 2024.
6. The ABC responded to the March 2023 consultation paper and attended ministerial and departmental roundtables in May and November 2023. The ABC cautioned against an obligation that would result in inflationary pressures for broadcasters competing to produce local content and were supportive of policy settings that would result in an increase in Australian children's and documentary programs.
7. You and Minister Rowland are undertaking further targeted stakeholder consultation on a regulatory model to support legislation being introduced in the near future.

s22(1)(a)(ii)



s22(1)(a)(ii)



Sensitive and Critical Information: Nil.

Proposed Notetaker: Dr Stephen Arnott PSM, Deputy Secretary, Creative Economy and the Arts

Name: Margaret Lopez
Position: Assistant Secretary
Division: Media Industry and Sustainability
Mob: s22(1)(a)(ii)
Date Cleared: 28 June 2024

Contact Officer: s22(1)(a)(ii)
Section: National Broadcasters
Mob: s22(1)(a)(ii)

Attachments:

- Att A: ABC Chair Redmond Barry Dinner Address – 19 June 2024
- Att B: Talking points
- Att C: Biographical details

ATTACHMENT B

TALKING POINTS

s22(1)(a)(ii)



Content issues

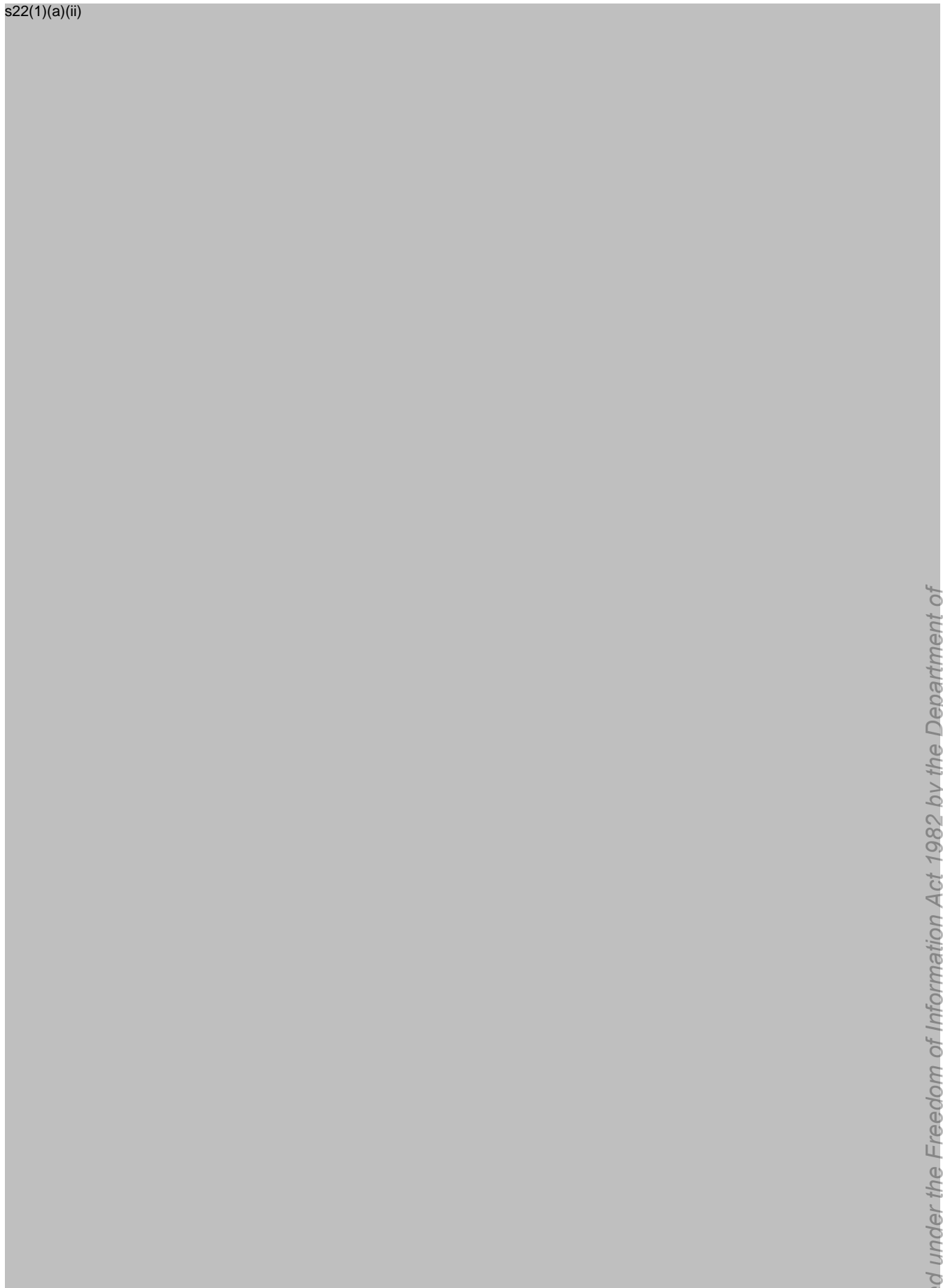
Australian screen content requirements

- We have brilliant talent in Australia, and we want to make sure that people have access to Australian scripted drama, documentary and children’s stories across different platforms.
- In our National Cultural Policy *Revive*, the Government reiterated its election commitment to introducing Australian screen content requirements on streaming platforms to ensure continued access to local stories and content.
- The Government is aiming to introduce legislation in the near future. Consultation is taking longer than the Government would like, but we are undertaking a genuine consultation process and taking time to get the new obligation right.
- I thank the ABC for its continued engagement, and welcome its support of policy settings that would result in an increase in Australian children’s and documentary programs.

s22(1)(a)(ii)



s22(1)(a)(ii)



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ATTACHMENT C

BIOGRAPHICAL DETAILS

Name: Mr Kimberley (Kim) Williams AM


Position: Chair, ABC Board

Current appointment term: 7 March 2024 to 6 March 2029

In addition to being the Chair of the ABC Board, Mr Williams is also the Chair of Thomson Reuters Founders Share Company and a Director of Stradivarius Pty Ltd.

Prior to joining the ABC, Mr Williams held a number of Chief Executive positions across a number of creative industries, including the Australian Film Commissions, Southern Star Entertainment, Fox Studios Australia, Foxtel and NewsCorp Australia.

His previous non-executive positions have included Chair of the Copyright Agency, the Sydney Opera House Trust, the Sydney Symphony Orchestra, the Australian Film Finance Corporation, the Richard Gill School, and Co-Chair of the State Library of NSW Foundation.

	<p>Australian Government</p> <hr/> <p>Department of Infrastructure, Transport, Regional Development, Communications and the Arts</p>	<p>Meeting/Event Brief</p>	<p>MB24-000477</p>
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To: The Hon Tony Burke MP, Minister for the Arts
cc: The Hon Michelle Rowland MP, Minister for Communications

MEETING: Minister Burke meeting with Patrick Delany, Chief Executive Officer, Foxtel Group

Timing: Wednesday 3 July 2024 5:00pm – 5:30pm (pre-brief with Minister and Advisor at 4:55pm) - Advisor: ^{s22(1)(a)(ii)} Departmental officer required to attend in-person.

Venue: Suite MG 43, Parliament House, Canberra

Meeting with: Patrick Delany, Chief Executive Officer, Foxtel Group

Mr Delany requested a meeting with you to discuss the Australian Government’s proposed regulatory model for an Australian screen content obligation on streaming services.

Prior meetings: You and Minister Rowland met with Mr Delany and Ms Lynette Ireland, Chief General Counsel and Executive Director of Regulatory, as well as representatives from streaming services on 1 May 2024 to discuss the Government’s proposed regulatory model for the obligation. You also attended Foxtel’s Official Showcase Event in Canberra on 26 February 2024. Minister Rowland met with Mr Delany and Ms Ireland to discuss the obligation on 5 June 2024.

Our Proposed Objectives:

To confirm that a decision on a regulatory model is currently under consideration by the Government.

Their Objective:

Foxtel will likely seek details of the Government’s proposed regulatory model and a date for introduction, as well as continuing to advocate for a 10 per cent expenditure model advocated for by free-to-air broadcasters and streaming services.

Key Points:

- ^{s34(3)}

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s34(3)
2.

s47C
3.

s42
4.

s47E(d)
5.
6.
7.

Name: Jason Potkins
Position: Acting Assistant Secretary
Branch: Screen and Arts Workforce Development
Mob: s22(1)(a)(ii)
Date Cleared: 29 June 2024

Contact Officer: Jason Potkins

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Attachments:

Attachment A: Biographical Details

Attachment B: Talking Points

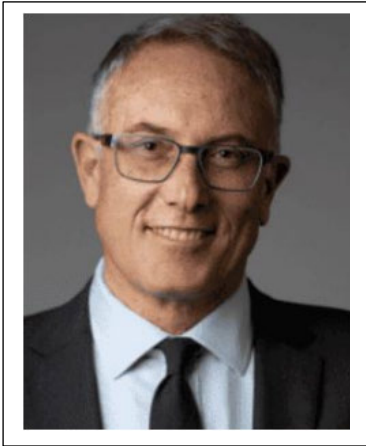
Attachment C: Background Information

Attachment D: ^{s47C} [Redacted]

Attachment E: ^{s47C} [Redacted]

ATTACHMENT A

BIOGRAPHICAL DETAILS



Name: Patrick Delany

Position: Foxtel Group and Hubbl CEO

Organisation: Foxtel Group

Biography: Mr Delany is CEO of the Foxtel Group which includes Kayo Sports, Binge, Fox Sports, Foxtel Media and Hubbl. He was appointed to the role in January 2018 following his successful tenure as CEO of Fox Sports.

Mr Delany's career in television began in 1998, at Southern Star Entertainment as Head of Non-Drama, before taking on the role of Chief Executive Officer, XYZ - the channel creation and production business - in 2000. At XYZ, Mr Delany successfully revitalised and relaunched the Lifestyle Channel, Channel [V], Music Max and The Weather Channel for the Foxtel and Astar platforms.

ATTACHMENT B

TALKING POINTS

- In our National Cultural Policy, *Revive* the Government reiterated its election commitment to introduce requirements for Australian screen content on streaming platforms to ensure continued access to local stories and content.
- We have brilliant talent in Australia and want to make sure that people have access to Australian scripted drama, documentary and children’s stories across different platforms.
- The Government is undertaking a genuine consultation process and is taking the time to consider views to support ongoing investment in, and production of Australian stories.

- s47E(d)


- The Government is aiming to introduce legislation in the near future. The requirements will be implemented as part of the Government’s broader reforms to media legislation and are the joint responsibility of the Minister for Communications and the Minister for the Arts.

s47C


ATTACHMENT C

BACKGROUND INFORMATION

Company information – Binge (Foxtel Group)

- s47(1)(b) [Redacted]
- s47(1)(b) [Redacted]
- Notable Australian productions include the adult dramas *Love Me*, *Mr Inbetween*, *High Country* and *Colin from Accounts*.
- Binge is a part of the Foxtel Group, a subscription television broadcaster in Australia under the flagship Foxtel brand, with services such as Kayo Sports and Hubbl.
- The Foxtel Group licenses and commissions content for all subsidiaries, including Binge, with some Foxtel programs duplicated on Binge.
- Binge does not voluntarily report data to the Australian Communications and Media Authority. Subscription television broadcaster Foxtel reports its Australian drama expenditure to the Authority as part of the New Eligible Drama Expenditure Scheme.

s47E(d), s47C



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Hubbl

- On 21 February 2024, the Foxtel Group announced Hubbl, its new entertainment operating system that aggregates live, streaming and on-demand services into a single interface.
- Hubbl offers access to the following services: Netflix, Disney+, Prime Video, YouTube, Apple TV+, Paramount+, Kayo Sports, Stan, Binge, Optus Sport, Flash, ABC iView, ABC Kids, SBS On Demand, 7plus, 9Now and 10 Play. Hubbl will also offer LifeStyle, a new streaming app from the Foxtel Group.