

## SUBMISSION TO THE MEDIA REFORM GREEN PAPER

### A new regulatory paradigm

Australia's screen production industry delivers substantial economic and cultural contributions, leveraging a complex mix of regulation and support measures to do so. This value has been recognised and supported in a bipartisan way by successive federal, state and territory governments.

In addition to delivering a diverse range of high-quality and highly valued cultural content to Australians, and providing a diverse range of employment opportunities, the industry also takes our stories to the world and has a rich export potential. Screen exports play a vital role in Australia's 'soft diplomacy' efforts internationally.

It is therefore evident that expansion of Australia's network of regulatory supports to include the rapidly expanding streaming sector is an opportunity to maximise the economic, employment, cultural and soft power benefits that increased export activity can provide.

Reform has been on the agenda for almost 10 years, but with the impact of coronavirus, and with changes in consumer behaviour, entertainment choices and industry economics all arriving at increasing speed, this is a singular opportunity to update regulatory settings and set a stable foundation for growth in industry exports. We must get this reform process right, so that in years to come, Australians are able to access new generations of Australian stories, on the platforms that are relevant to them and that the nation can receive a greater value of this investment in local stories, both in economic return and heightened soft power.

A fundamental condition precedent of successful Australian screen exports is a healthy, vibrant, diverse and sustainable domestic production industry. If production activity is not maintained at a level that supports sustainable employment and quality of output, then the cultural and economic objectives of Australian screen content are jeopardised. The Screen Export Council (SEC) notes the likely downturn in industry activity arising from the partial deregulation of the commercial free-to-air and subscription television platforms.

The Screen Export Council therefore supports the reform measures in the Screen Producers Australia (SPA) submission, which seek to capitalise on this crucial opportunity with a set of proposals which will underpin growth and sustainability in the sector, and hence export potential, for many years to come.

The fundamentals for a growth-focused regulatory scheme are:

- A requirement that streaming platforms which meet certain size and scale thresholds are required to spend a proportion of locally earned revenues on commissioning new Australian content.
- Minimum obligations to engage with the Australian independent production sector.
- Minimum obligations which protect vulnerable genres (drama, children's, documentary).
- A pathway to negotiated terms of trade to enable local production businesses to retain sufficient intellectual property to facilitate monetisation and export opportunities.
- Public and transparent reporting requirements, to give regulators the tools to monitor the framework, and to give production businesses the information required to properly value their outputs.

- ABC and SBS obligations, with funding quarantined for vulnerable genres

Getting these settings right will lead to cascading benefits in terms of jobs, economic output, export opportunities and, most importantly, a rich return to Australians in terms of the quality and quantity of culturally relevant content.

The SEC also submits that there is an urgent need for the Government to act promptly and implement the new framework for commencement on 1 January 2022. Partial deregulation of linear broadcasting platforms has created a gulf in commissioning demand and it is vital for the ongoing sustainability of the local production sector that the regulatory transition is completed as soon as possible.

The SEC also wishes to emphasise the importance to Australia's screen export potential for the current reform process to include a pathway negotiated terms of trade. The imbalance in bargaining power between large global streaming platforms and independent Australian screen businesses is resulting in deal terms, provided on a 'take it or leave it' basis, which sees all rights assigned to the streaming platforms, but without a proportionate producer fee that properly compensates for the loss of export potential. There is a clear need for all parties to be brought together in a process that results in fair, agreed minimum terms of trade. Whilst open negotiations are preferred, there is merit in there being a back stop of possible Government intervention if negotiations do not complete in good faith.

### **Measures to unlock Australia's Screen Export potential**

The SEC also notes its submission to the *Supporting Australian Stories on our Screens* Options Paper, which included a range of recommendations related specifically to maximising the potential of Australia's screen exports.

Whilst the regulatory settings for lucrative new streaming platforms are central to maximising that potential, we note the SEC submission also put forward a range of other recommendations for which there has been no formal Government response.

They included:

- A co-ordinated approach to screen exports from Government
- Competitive tax incentives
- Growth in the number of official co-production treaties, with a particular focus on Asia and Europe
- Modernisation and harmonisation of existing co-production treaties
- Streamlining of visa processes for key elements of production
- A single umbrella branding and strategy for the sector internationally, including expanding marketing and relationship maturing opportunities.
- Make permanent the increases to the Export Market Development Grant scheme announced in April 2020

The SEC reiterates its support for these measures and looks forward to further engagement with the Government to advance their implementation.

### **About SEC**

The Screen Export Council was formed in April 2019 to help advance the export potential of Australia's local screen industry in taking Australian stories to the world. The SEC's role is to advance the export potential of the screen industry as a key part of Australia's creative industries.

The SEC provides strategic oversight and focus on building export skills and capabilities of Australian screen businesses as well as boosting screen trade and co-productions in underserved Asian and European markets.

The SEC is comprised of prominent business leaders and industry experts and is supported by a secretariat provided by Screen Producers Australia (see Attachment A for biographies).

### BRUCE BAIRD AM, FORMER MINISTER FOR TOURISM, NSW - SEAC CO-CHAIR



Bruce Baird has an extensive background in business, politics and tourism. He has served as the Australian Trade Commissioner in New York and Germany as well as Government Affairs Manager at Esso. Bruce was appointed Minister for Transport (NSW) and later became CEO of the Tourism Council of Australia. He served as Federal Member for Cook and has chaired both Economics and Trade committees. Upon leaving politics, Bruce became Chairman of the Tourism and Transport Forum. He is a board member of several not-for-profits. He was appointed Member of the Order of Australia in 2010 and was granted honorary doctorates from the University of Newcastle, and the University of Technology, Sydney.

### SIMON CREAN, FORMER ARTS & TRADE MINISTER - SEAC CO-CHAIR

Simon Crean served as a member of the House of Representatives from 1990 to 2013 and leader of the Labor Party from November 2001 to December 2003. During his time in Parliament, he was appointed to various portfolios including Minister for Trade and Minister for the Arts. After leaving Parliament, Simon was elected Chairman of the Australian Livestock Exporters Council. He is currently Deputy Chair of the European Australian Business Council.



### BARBARA STEPHEN, MANAGING DIRECTOR, FLYING BARK



Barbara Stephen has worked as a producer for over 10 years. She first joined the children's television industry in 2007 at Ambience Entertainment, where she produced the hit series *Erky Perky* and line produced the pre-school series *Magical Tales* and the highly successful *The Adventures of Figaro Pho*, working with Chocolate Liberation Front. Barbara joined the team at Flying Bark Productions where she produced the animated children's series *The Woodlies*, the Logie nominated television series *Tashi* and the successful feature film *Maya the Bee Movie*, along with the CGI feature film, *Blinky Bill the Movie*. Barbara is currently producing a film adaptation of Jane Lyons' modern classic series, *100% Wolf* for the big screen and a spin-off series adapted from the film concept for the ABC. Barbara is also currently serving as the Vice-President of the Screen Producers Australia Council.

# SCREEN PRODUCERS AUSTRALIA

SCREEN EXPORT ADVISORY COUNCIL (SEAC)

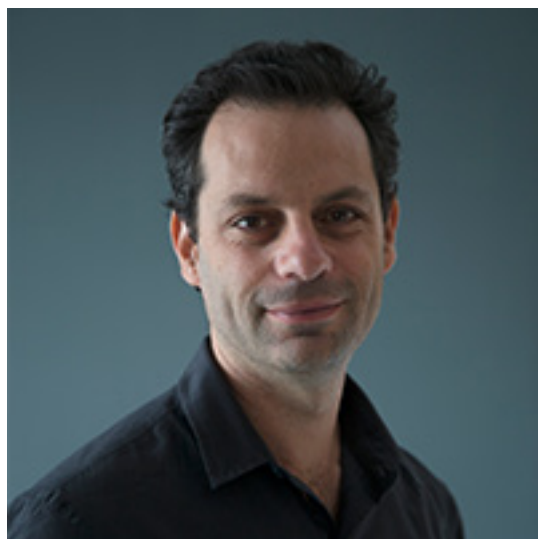


## BYRAN BROWN, ACTOR & FOUNDER, NEW TOWN FILMS

Bryan Brown is an internationally renowned Australian actor who has starred in iconic Australian films and TV shows such as *Breaker Morant* and *A Town Like Alice*. In 1999 he starred in Golden Globe nominated *On The Beach*, which won an Australian Film Institute Award. His latest film credits include *Kill Me Three Times* with Simon Pegg and Sullivan Stapleton, Alex Proyas' studio epic *Gods of Egypt*, *The Light Between Oceans*, *Red Dog: True Blue*, and *Sweet Country* directed by the Cannes Award winning director Warwick Thornton. Under production company New Town Films, Bryan's passion for storytelling behind the camera emerged. In 2002 Bryan produced and starred in *Dirty Deeds* opposite Toni Collette. In 2007 he co-produced *Beautiful Kate* written and directed by Rachel Ward. He has recently completed filming on *Palm Beach* which he starred in and produced.



## EMILE SHERMAN, FOUNDER, SEE-SAW FILMS



Emile Sherman is an award-winning producer and co-founder of See-Saw Films. He has produced a number of prestige projects, including the six-time Academy Award nominated *Lion* and the acclaimed *Widows* from the Academy Award-winner Steve McQueen. Sherman won an Academy Award for the 2011 film, *The King's Speech*. Emile is a current board member of The Sydney Writers Festival, and Fulcrum Media Finance. He is a major film and television financier, having financed tax credits and provided other forms of debt finance to over 60 productions to date.

## FIONA DE JONG, HEAD OF AUSTRALIA'S NATION BRAND, AUSTRADE

Fiona de Jong is Head of Australia's 'Nation Brand' at the Australian Trade and Investment Commission (Austrade). As part of this, she is working with more than 17 Government departments and over 50 industry sectors through private and public partnerships in order to encourage the world to visit, study, invest and do business with Australia. Prior to Austrade, Fiona served as CEO and Director of Sport at the Australian Olympic Committee (AOC). Fiona holds degrees in Law (Hons), Information Technology and is a graduate of the Harvard Business School Advanced Management Program.





## JASON COLLINS, CEO, EUROPEAN AUSTRALIAN BUSINESS COUNCIL (EABC)



Jason Collins was appointed Chief Executive Officer of the European Australian Business Council in 2007. As CEO, Jason carries overall responsibility for the delivery of the Council's core programmes, membership and relations with Australian and European government agencies, chambers of commerce, industry groups, and other public and private sector organisations.

He is also the Chairman of the European Business Organisations Worldwide, a peak association headquartered in Brussels of European business organisations and chambers of commerce across Africa, the Americas, Asia, Europe and Oceania.

His previous experience includes working as an advisor and was the Chief of Staff in the NSW Parliament, Executive Director of the NSW Millennium Forum.

## PROF LARISSA BEHRENDT, FILMMAKER, LAVARCH PRODUCTIONS

Prof. Larissa Behrendt is a Eulalayai/Gamillaroi woman and Director of Research and Academic Programs at the Jumbunna Indigenous House of Learning at the University of Technology, Sydney. She is a graduate of UNSW Law School, has a Masters and SJD from Harvard Law School, is a Fellow of the Academy of Social Sciences in Australia and is a founding member of the Australian Academy of Law. Larissa won the 2018 Australian Directors Guild Award for best Direction of a Documentary Film for *After the Apology*. She also wrote and directed the Walkley nominated documentary, *Innocence Betrayed*. She has written and produced several short films and published numerous textbooks on Indigenous legal issues. She is a board member of the Sydney Festival and a member of the Major Performing Arts Panel of the Australia Council. Larissa was awarded the 2009 NAIDOC Person of the Year award and 2011 NSW Australian of the Year.



## MARTA DUSSELDORP, ACTRESS & PRINCIPAL, ARCHIPELAGO PRODUCTIONS



Marta Dusseldorp has worked extensively in theatre, film and television and is one of Australia's most recognised actresses. Marta received the AACTA Award for Best Lead Actress in a TV Drama for ABC's *Janet King* in which she plays the title role and is also an Associate Producer. She stars in the popular series *A Place to Call Home* for Foxtel and in the ABC series *Jack Irish* opposite Guy Pearce. Marta has a wealth of experience on stage including being a member of Sydney Theatre Company's Actor's Company where she received a Helpmann Award for her role in Shakespeare's *War of the Roses*. Her film credits include Paul Cox's award-winning *Innocence*, John Curran's *Praise*, Bruce Beresford's *Paradise Road* opposite Glenn Close, Francis McDormand and Cate Blanchett, Jonathan Teplitzky's *Burning Man* and the forthcoming *Ellie & Abbie* directed by Monica Zanetti.



### GENERAL THE HON SIR PETER COSGROVE AK AC (MIL) CVO MC (RETD)

After a successful military career, Peter Cosgrove served as Chief of the Defence Force from 2002 until his retirement from the Australian Defence Force in 2005.

Subsequently, he accepted positions on several boards, including QANTAS, Cardno and the Australian Rugby Union. He was appointed by the Queensland Government to lead the taskforce rebuilding communities following Cyclone Larry in 2006. From 2007 to 2012, he chaired the Council of the Australian War Memorial and served as Chancellor of the Australian Catholic University from 2010 until early 2014.

On 25 March 2014, Prime Minister Tony Abbott announced that General Cosgrove would become a Knight in the Order of Australia when sworn in as Governor-General.



### RUSSEL HOWCROFT, CHAIR OF AFTRS & CHIEF CREATIVE OFFICER, PWC



Russel Howcroft is a well-known media personality with over 30 years' experience in marketing and media. He has held leadership roles across industry and agencies. Russel joined PwC Australia in March 2017 and is a key leader in the firm's CMO Advisory Practice, currently serving as PwC's Chief Creative Officer. Russel was previously Executive General Manager of Network Ten and the former national CEO of advertising agency George Patterson Y&R. He has worked with many of Australia's iconic brands and is the champion of big and brave ideas that transform business and brands. Russel is also Chair of the Australian Film, Television and Radio School (AFTRS).

### ZOE MCKENZIE, PRINCIPAL, TRADE AND INVESTMENT ADVISORY

Zoe McKenzie is principal of Trade and Investment Advisory, a firm which advises Australian and international entities on their market expansion into Australia or into one of Australia's current or future Free Trade Agreement partners. Prior to this role, Zoe was Chief of Staff to the Trade and Investment Minister and has held senior policy development roles in Federal and State Governments. Before working in Government, Zoe practiced as an employment and industrial relations lawyer in one of Australia's largest law firms and was a strategic adviser to the CEO of a major professional services firm. Zoe is a board member of the Australia Council for the Arts and the French Australian Chamber of Commerce and Industry.



**Fiona Phillips, Policy Consultant**