

SAFC SUBMISSION

Media Reform Green Paper: Modernising Television Regulation in Australia, May 2021



South Australian **Film Corporation**

Introduction

The South Australian Film Corporation (SAFC) is the South Australian Government's Screen Investment Agency.

SAFC values the cultural and economic contribution of Australian-made and Australian-owned film and television content and welcomes the opportunity to respond to the Media Reform Green Paper: *Modernising television regulation in Australia*.

This submission builds on our previous submission to the *Supporting Australian stories on our screens options paper*.

SAFC acknowledges that the Government is seeking to propose a new broadcasting licence and model that will harmonise media regulation in Australia.

SAFC contends the purpose of any policy design should be the expansion of quality Australian made and owned screen content that is representative of Australian diversity and is widely accessible to Australian audiences, and that regulations and interventions should serve that purpose.

In principle, SAFC suggests that regulatory reform should:

- Increase the volume of Australian-made content for Australian audiences
- Support a sustainable and thriving independent Australian screen production sector
- Ensure that commercial platforms which derive economic benefit from operating in the Australian marketplace contribute to the growth and sustainability of the independent Australian screen production sector.

As a state statutory authority with a mandate to champion the South Australian screen sector, SAFC is especially focused on ensuring that regulation and intervention positively benefits the South Australian independent screen sector and South Australian audiences.

This submission reflects the position of the SAFC. In developing these responses, SAFC has consulted with representatives of the South Australian screen industry however this submission does not purport to reflect the views of all industry participants in South Australia.

SAFC has engaged with other state screen agencies to prepare this submission and has aligned its position with other states.



Proposal 1: A 'new licence' for commercial broadcasters

SAFC broadly supports the proposal to remove the multi-channel requirement on the condition that the implementation of Proposal 3 and Proposal 4 is designed to increase the amount of new Australian content available to Australian audiences.

SAFC acknowledges that the existing regulatory framework was designed before the existence of digital content delivery.

SAFC understands that under the new licence, Australian content requirements would be still be required on primary channels but not on multi-channels.

SAFC suggests that a reduced channel offering should not disadvantage audiences currently served by specialist services, such as National Indigenous Television (NITV).

In addition; as a consideration of any new licence arrangements, SAFC is supportive of further expansion of Audio Description on Free-to Air Television to ensure Australian content can be enjoyed by more Australians.

Proposal 2: Reshape an industry and realise a digital dividend

In principle, SAFC supports the Federal Government creating a second digital dividend where a substantial portion of the proceeds of the spectrum auction are used to support new Australian content and to grow the Australian independent screen production sector.

SAFC suggests the mechanism for how the proceeds of any future sale should be managed requires further discussion and modelling. Ultimately, SAFC's view is that any intervention must support increased levels of Australian content that is reflective of Australia's diverse population and which sustains a thriving, sustainable and genuinely national independent screen production sector.

SAFC suggests that new policy objectives should include considerations around where Australian screen content is developed and produced, to enable greater opportunities for building a skilled screen industry workforce and sustainable screen businesses across Australian jurisdictions.

A spectrum sale would ultimately impact community television broadcasters across Australia. Adelaide Community Television Broadcaster Channel 44 delivers skilling and training pathways for screen production personnel and provides the South Australian community with locally produced



content. SAFC would recommend that the Federal Government consider a further licence extension to the remaining community television broadcasters across Australia.

Proposal 3: Set aside a portion of the proceeds from the auction of digital dividend spectrum to support a stronger media sector and public policy outcomes

In principle, SAFC supports the proposal to establish a trust such as CAST that would provide a new source of funds to support new Australian content. Future trusts should represent additional funding for content production, rather than replace Screen Australia or other Federal Government funding.

SAFC suggests further consultation with industry is required to consider a range of models for this fund as well as greater detail about its purpose, operational structure and governance. Within these discussions, SAFC supports including digital games as part of the Australian screen sector.

Proposal 4: Impose an Australian content investment obligation on SVOD and AVOD services

In principle, SAFC is supportive of clear content investment obligations applying to commercial platforms which derive economic benefit from operating in the Australian marketplace. SAFC suggests the Federal Government undertakes modelling to determine the volume and type of production activity likely to be generated by the new investment obligation on VODs.

SAFC recommends:

- A new content investment obligation being imposed on Video on Demand (VOD) services that provide professional content to Australian audiences.
- Promoting Australian content and making it discoverable to Australian audiences.
- The proposed reporting requirements to ACMA.

In addition, SAFC suggests that VODs are required to acquit their investment obligation by commissioning new Australian content that:

- Is based on Australian-owned Intellectual Property

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- Meets the ACMA definition of Australian content
- Has significant involvement from Australian Heads of Department and is substantially produced and post-produced by Australian crews with a substantial number of roles for Australian cast
- Matches the genres available on their service (e.g. if they have children's content in their catalogue, they should commission Australian children's content)

Proposal 5: Australian content commitment and reporting requirements for national broadcasters

In principle, SAFC supports Australian programming requirements for Australia's public broadcasters. These requirements must be accompanied by sufficient Federal Government funding to ensure quality Australian content is able to be commissioned and aired by the ABC and SBS.

SAFC recognises the vital role of Australia's public broadcasters in creating and sharing Australian-made stories for Australian audiences. Through their respective charters, Australia's public broadcasters support Australia's independent screen production sector by commissioning Australian drama, documentary, and children's content.

For smaller jurisdictions, such as South Australia, these commissions are a vital pathway to market for producers seeking to commercialise locally owned intellectual property (IP).

SAFC acknowledges that content obligations may formalise the activities of the public broadcasters but recommends that funding should be provided to both ABC and SBS at a level to ensure they are able to deliver Australian content of sufficient quality and quantity to meet any proposed content obligations. This approach will provide certainty to the Australian independent production sector and to Australian audiences and maintain flexibility for the ABC and SBS to exercise editorial independence.

Conclusion

SAFC is pleased to engage in this important consultation regarding the potential plan for reform of the media regulatory framework in Australia and looks forward to contributing to further stages of consultation.