

A submission to the Department of Infrastructure, Transport, Regional Development and Communications

in response to

Supporting Australian stories on our screens,

Options paper, March 2020

The Government is 'seeking community and industry feedback on options to support Australian stories on our screens in a modern, multi-platform environment.'

The Australian Publishers Association serves and represents Australian book, journal and electronic publishers. The Association's members include publishers that are large and small, commercial and non-profit, locally and overseas owned. They work across all sectors of the industry and represent over 90% of the industry's total turnover.

Books are an important source of Australian stories

In its submission on the Options Paper, the Australian Society of Authors has pointed out the importance of Australian books to the creation of Australian stories. Its submission shows the large number of Australian stories that have succeeded on screens that were first published as books.

Acquiring rights to adapt Australian books supports the creation of Australian stories.

The *Broadcasting Services Act 1992* (s.103B) appropriately includes in **expenditure** in relation to a program or program material

"(a) expenditure incurred in acquiring the program or program material"

Many of the authors who create Australian stories and the publishers who first make them available earn little from those endeavours. Revenue from the acquisition of rights to adapt a book for the screen is important and has a significant impact on the continued development of Australian stories.

The Options Paper notes (p8) the challenges of consolidation and the difficulty that independent films have in cutting through, and (p27) the consequences of rising budgets. It concludes (p36) that the status quo will provide for little innovation and that reform can encourage the industry towards more diverse future-facing opportunities.

Book authors and their publishers are a source of that innovation and diversity and of a richer variety of Australian voices and their stories.

The Broadcasting Services Act does not count acquisition of rights to adapt Australian books not made as an eligible drama program

S.103JA of the Act appears to have the effect of not counting towards the fulfilment of screen expenditure requirements, any expenditure on acquiring adaptation rights if, when a program is made, it is not an eligible drama program.

S 103JA provides:

(2) If:

(a) during a financial year (the first financial year), a person incurred designated script development expenditure in relation to a drama program; and

(b) principal photography did not commence for the program before the end of the first financial year; and

(c) principal photography commences for the program during a later financial year; and

(d) when principal photography commences for the program, the drama program is not an eligible drama program; and

(e) the person nominated the whole or a part of the designated script development expenditure for the purposes of the application of a particular provision of this Division in relation to a subscription TV drama service;

then, for the purposes of the application of this Division to the subscription TV drama service, the total expenditure incurred by the person during the later financial year on new eligible drama programs is taken to be reduced (but not below zero) by the amount of the whole or the part, as the case may be, of the expenditure referred to in paragraph (e).

All acquisitions of rights to adapt Australian books for the screen should count towards content requirements

Expenditure on adaptation rights is a very small proportion of the total expenditure needed for the creation of drama programs. However, this relatively small expenditure makes a significant difference to those people and firms who create and publish the majority of Australian stories.

Even a small change in the incentive is likely to have a positive effect on the range of Australian authors from whom adaptation rights are acquired and the diversity of voices and stories considered and developed by drama producers and broadcasters.

Division 2A of the Act should be amended so that any expenditure incurred in the acquisition of adaptation rights for a work by an Australian author counts towards fulfilment of Australian screen content obligations.

1 July 2020