

SUBMISSION BY
MEDIA, ENTERTAINMENT & ARTS ALLIANCE
TO
DEPARTMENT OF ENVIRONMENT, WATER, HERITAGE AND THE ARTS
REGARDING
SCREEN AUSTRALIA BILL 2008 – EXPOSURE DRAFT
NATIONAL FILM AND SOUND ARCHIVE BILL 2008 – EXPOSURE DRAFT
FEBRUARY 2008



The Media, Entertainment & Arts Alliance

The Media, Entertainment & Arts Alliance (Alliance) is the industrial and professional organisation representing the people who work in Australia's media and entertainment industries. Its membership includes journalists, artists, photographers, performers, symphony orchestra musicians and film, television and performing arts technicians.

The Media Entertainment & Arts Alliance welcomes the opportunity to make comment on the Screen Australia Bill 2008 Exposure Draft and the National Film and Sound Archive Bill 2008 Exposure Draft.

The Alliance made comment on the Screen Australia Bill 2007 Exposure Draft in September last year and a copy of that submission is attached.

The Alliance commends the Government for introducing legislation to establish the National Film and Sound Archive as a separate authority. This move will see the Archive finally established in its own right and will allow it to take its place alongside Australia's other major collection institutions.

While the Alliance welcomes the Government's announcement that the Chief Executive Officer of the new Screen Australia will be appointed by merit selection following the advertising of the position, the Alliance considers the same process should apply with respect to the newly independent National Film and Sound Archive.

In addition to comments made in September last year with respect to the new authority, Screen Australia, the Alliance considers that the role of administering the new Producer Offset should be undertaken within the Department of Environment, Water, Heritage and the Arts (the Department), as is the case with the Location Offset and the Post Digital Visual Effects Production (PDV) Offset and as was the case the administration of tax deductible investments previously available under Divisions 10B and 10BA of the Income Tax Assessment Act.

The Location Offset has proved most effective, principally because it is prescriptive and clear. Users can approach it with confidence. The same is not currently true of the new Australian Producer Offset.

In addition to being administered by the Department, the Alliance believes that a similarly prescriptive set of guidelines needs to be developed to ensure certainty for producers and most importantly to ensure it cannot be used by productions that more rightly should be accessing the Location Offset. A points system is preferred. A precedent exists with the guidelines that accompany the current Film Coproduction Program.

In order to reflect the underlying intention of the new Australian Producer Rebate, namely to foster an indigenous industry telling Australian stories to both Australian audiences and audiences internationally, guidelines for the Producer Offset should require demonstration of high levels of both Australian content and Australian participation in production.

The Alliance understands that the reason such guidelines have not been developed for the new Australian Producer Offset is that to do so might compromise ministerial discretion. However, the prescriptive nature of the Location and PDV Offsets and the Film Coproduction Program has not offended ministerial discretion and the Alliance believes it will be in the interests of the Government and the industry to develop guidelines that offer more certainty for producers and for the Government than is the case at present with the Producer Offset.

As pointed out in the September 2007 submission, the Alliance believes that the research and statistics functions of the Australian Film Commission should be retained in the new screen authority. The Alliance considers that no evident benefit will accrue from moving the functions, that there is no enthusiasm to do so on the part of either the Film Commission or the Australian Film Television and Radio School where it is proposed it will be housed, or indeed on the part of industry, but that there is every likelihood of expertise being lost and much waste associated with reinventing the wheel.

In conclusion, the Alliance appreciates the speed with which the Government has moved in introducing these Bills, in particular the Screen Australia Bill to ensure that the new entity will be operational by the scheduled date of 1 July 2008.

ATTACHMENT

SUBMISSION BY

MEDIA, ENTERTAINMENT & ARTS ALLIANCE

TO

**DEPARTMENT OF COMMUNICATIONS, INFORMATION TECHNOLOGY
AND THE ARTS**

REGARDING

SCREEN AUSTRALIA BILL 2007 – EXPOSURE DRAFT

SEPTEMBER 2007

The Media, Entertainment & Arts Alliance

The Media, Entertainment & Arts Alliance (Alliance) is the industrial and professional organisation representing the people who work in Australia's media and entertainment industries. Its membership includes journalists, artists, photographers, performers, symphony orchestra musicians and film, television and performing arts technicians.

The Media Entertainment & Arts Alliance welcomes the opportunity to make comment on the Screen Australia Bill 2007 Exposure Draft.

The Exposure Draft accommodates the existing functions of the Australian Film Commission (AFC), the Film Finance Corporation Australia (FFC) and Film Australia and will enable the newly merged entity to undertake the range and diversity of functions currently undertaken separately.

The Exposure Draft will enable Film Australia to continue its range of operations within the new organisation, presumably as a separate department, in a manner similar to the way the National Film and Sound Archive is to operate. However, the Alliance remains of the view that there is no demonstrable benefit to incorporating Film Australia within the new organisation and no reason to not leave it as a stand-alone organisation as is the case with, for instance, the Australian Film Television and Radio School.

Equally, as previously stated, the Alliance remains of the view that no case has been made to remove the research and statistics function from the Australian Film Commission. Quite the reverse all evidence suggests that the Australian Film Commission has excelled in this role with little, if any, evidence the AFTRS has any expertise in this regard.

The Alliance is, however, disappointed that the definition of an Australian program has been narrowed from the definition currently contained in the Australian Film Commission Act 1975. Specifically, the AFC Act defines an Australian program as, in addition to having a significant Australian content, being a program that has been or is to be made wholly or substantially in Australia. This is no longer a determining factor in the definition in the Exposure Draft and the Alliance considers its absence does not reflect the intention of the legislation – namely to foster an Australian industry on Australian soil with Australians.

The Alliance appreciates that some concerns may have been expressed regarding the need for some programs to incorporate filming overseas – for instance feature films such as *Gallipoli* or documentaries such as *Joe Leahy's Neighbours*. However, the requirement for productions to be

predominantly produced in Australia has been part of the AFC Act since 1975 and was not an impediment to the production of such work, nor indeed were the requirements of Division 10BA an impediment in this regard.

The Alliance believes the definition of an Australian program needs amending to incorporate the requirement for a program to be made or wholly or substantially in Australia to avoid the offshoring of work and to ensure that the programs supported by the new authority are building the skills base in Australia essential to the fostering of a commercially viable Australian industry.

The Alliance notes that Section 6 of Part 2 at Clause 4(c) requires the new authority to “ensure the development of a diverse range of Australian programs that deal with matters of national interest or importance to Australians, or that illustrate or interpret aspects of Australia or the life and activities of Australian people” and in Clause 4(d) to “place an emphasis on (i) documentaries; and (ii) programs of interest or relevance to children”. The Alliance believes that, consistent with Government intentions, this clause needs to also include an emphasis on Indigenous programs.