



ABN: 24 000 379 368

28 May 2021

Committee Secretary  
Senate Standing Committees on Environment and Communications  
PO Box 6100  
Parliament House  
Canberra ACT 2600

By email: [ec.sen@aph.gov.au](mailto:ec.sen@aph.gov.au)

Dear Secretary

**Broadcasting Legislation Amendment (2021 Measures) Bill No.1 2021**

We refer to the legislation above and welcome the opportunity to make a submission to the Committee's inquiry into the Bill. We would like to comment on Schedule 1 of the Bill, relating to the New Eligible Drama Expenditure (NEDE) Scheme for subscription television.

The Australian Cinematographers Society (ACS) was founded in 1958 and continues to provide a forum for cinematographers to further develop their skills through mutual co-operation and understanding.

ACS does not support Schedule 1 of the Bill and the halving of the pay television requirement to invest in Australian drama.

Despite changing market conditions, it remains important for pay TV customers to have access to Australian stories and Australian voices. The proposed cut will not only damage cultural outcomes but will also have a contractual impact on the local production industry, and hence local jobs.

We note the NEDE scheme has created a wealth of high-quality cultural product for Australian audiences, including such notable and award-winning titles as *Top of the Lake*, *Hacksaw Ridge*, *Lion*, *Love My Way*, *Wentworth*, *Devil's Playground*, *Deadline Gallipoli*, *Fight Season*, *Mr Inbetween*, *Picnic at Hanging Rock*, *Secret City* and *Tangle*.

Given Foxtel has argued for complete deregulation, we are concerned that any reduction in the level of obligation will result in a redirection of investment away from Australian drama. The fact that recent levels of investment are at or about the minimum required amount, this suggests regulation is the determining factor in that content being created.

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We bring to the Committee's attention the Government's current consideration of regulation to ensure popular streaming services are making a contribution to Australian content. This is a key regulatory setting that will help determine the future of Australian content.

A decision on the future of the NEDE scheme should be delayed until the Government has determined the shape of regulation on streaming services and has moved to implement that regulation. This will ensure a holistic policy decision can be made and will help avoid a contractionary impact on the local industry.

At that point, the NEDE scheme should be thoroughly reviewed, with consideration given to whether it should be extended to cover other genres of Australian programming which are vulnerable to market failure.

We are also concerned that the Bill proposes to cancel the existing requirement to make-up any shortfall in expenditure that occurred before 1 July 2021. Given the generous deregulation included in the Bill, this seems excessive and all previous regulatory obligations should be required to be honoured.

Thank you again for the opportunity to provide a submission.

Yours sincerely

Ron Johanson OAM ACS

National President on behalf of the National Executive and members.

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