

27 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

Cc: The Honorable Claire O'Neil MP

Clare.ONeil.MP@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. Our comments are restricted to Schedule 1 of the Bill, relating to the New Eligible Drama Expenditure (NEDE) Scheme for subscription television.

FG Film Productions (Australia) Pty Ltd ("FGA") is a film and TV production company based in the Victoria suburb of Clayton in the electorate of Hotham for 30 years and has been producing Australian film and TV content for 50 years.

Our most recent production "Never Too Late", starring Jack Thompson and Jackie Weaver, grossed over \$1million at the Australian box office last year – COVID notwithstanding – and we start shooting our new movie "The Girl At The Window" with Radha Mitchell in Melbourne on August 30th.

We have won awards and achieved export business all over the world.

When in production, we provide jobs and employment opportunities for 50+ people including flow on employment in other sectors including tourism, hospitality, catering etc.

FGA does not support Schedule 1 of the Bill and the halving of Foxtel's relatively modest requirement to invest in Australian drama.

The halving of the obligation to spend 10% of drama channels' program budgets on Australian drama will cause substantial harm to Foxtel customer's access to Australian stories and will damage the local independent production sector.

The scheme has generated 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*.

We are very concerned that a reduction in the obligation will almost certainly result in less investment in Australian drama, a reduction in local employment and reduced cultural outcomes for Australian viewers of subscription television.

We note that the Government is currently considering measures to ensure popular new streaming services make a proportionate contribution to Australian content through its Media Reform Green Paper process. This is a critical decision for the future of Australian screen culture and the comparative balancing of regulation across different platforms.

We submit that if the NEDE scheme is to be reviewed, its future should be determined with reference to the final decision of the Green Paper process regarding streaming platform regulation. At that time the scheme should be subject to a thorough review that considers 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,

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