

TRIPTYCH PICTURES

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

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.

Triptych Pictures is a film and television production company based in South Australia owned by producers Kristian Moliere and Julie Byrne. Company credits include feature films THE BABADOOK (Sundance Film Festival 2014, winner of Best First Feature at the New York Critics Circle Awards and Best Film, Direction and Screenplay at the 4th AACTA Awards) and TOUCH (Australian release 2015, World Premiere Sydney Film Festival 2014, selected for Cannes Cinéphiles Cinema des Antipodes program 2015) as well as LUCKY COUNTRY and the critically acclaimed BOXING DAY, both films directed by RED DOG'S Kriv Stenders and recipients of a number of festival awards.

For television, Triptych's work includes WAKE IN FRIGHT (2017, Channel Ten, nominated for 7 2017 AACTA awards and winning two awards, international premiere in competition at 2018 FIPA) and two ABC factual entertainment series JILLAROO SCHOOL (2015) and CROC COLLEGE (2014).

Our permanent team has been proudly based in Glenside in the Sturt Federal electorate for 8 years.

Triptych Pictures 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*.

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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

KRISTIAN MOLIERE
Producer