

STATEMENT OF RESPONSE TO SCREEN AUSTRALIA

RE: DRAFT GUIDELINES PUBLISHED MONDAY 27 OCTOBER 2008

The following is a collective and formal response to the draft guidelines published by Screen Australia on the 27th October 2008, put forward by members of the Australian film industry whose names appear on the final page of this document.

INTRODUCTION

We acknowledge that much thought and discussion has gone into the preparation of the proposed Screen Australia guidelines and we welcome the opportunity for change that the formation of the new agency brings.

We feel that the guidelines should have a strong vision for innovation - there are new ways of approaching development and production that can take us in new and better directions that don't necessarily rely on traditional paths of development, production and release models. However, we feel this is lacking in the proposed guidelines, which have at best completely overlooked the next generation of the Australian film industry. If Screen Australia proposes to 'support innovation throughout the industry' then it cannot ignore this extremely valuable sector of the industry, which for the purpose of this statement, will be referred to as 'establishing producers'.

Chief amongst our concerns are:

- the lack of criteria related to the outsourcing of professional development for the establishing producers sector to experienced producers through the 'Enterprise' program,
- the rigidity and lack of consideration for track record and cross-disciplinary experience under the eligibility criteria for development and production investment,
- the abolition of the former Australian Film Commission's professional and industry development programs such as the Short Drama Production and the IndiVision low budget feature project lab and development rounds, which have aided in developing new and establishing talent.

Philosophically we are:

- opposed to the loss of development opportunities for the establishing sector, which was always central to the former Australian Film Commission's industry development agenda,
- opposed to the idea of experience, as it is defined by the guidelines, being used as the key eligibility criteria for access to federal funding,
- supportive of a return to the use of evaluation as the key assessment measure for access to federal funding,
- supportive of having a national film agency that is accessible to, and supports, filmmakers across all levels of experience.

Finally, we wish to underline our concern that the moves proposed by the guidelines - a move away from a holistic and merit based approach to project and professional development, and a move away from nurturing fresh talent - will have an enormous and deleterious effect on the future of our industry. In short, we expected there to be more, not less, on offer, for practitioners of our level and ambition, from our national screen agency.

In order to share with you a more specific response to the proposed guidelines, we have organised our response into the following three sections:

- 1. Professional Development**
- 2. Eligibility**
- 3. Short Drama Production**

1. PROFESSIONAL DEVELOPMENT

1.1 Comments

One of the key mandates of the former film commission was the development of our industry and screen culture through the development of individual practitioners and writer/producer/director teams. Under the new guidelines, Screen Australia proposes to do away with that mandate and 'outsource' the professional development of our industry to 'experienced' producers.

At the feedback session in Sydney on Wednesday 29th October regarding the proposed guidelines, Screen Australia suggested that new and establishing practitioners will be taken care of by experienced producers accessing funds from the Enterprise program, however as the Enterprise guidelines stand there is no criteria or KPIs that requires experienced producers receiving Enterprise funding to devote a percentage of those funds to help cultivate new and establishing practitioners.

While we acknowledge the benefits of consulting with and being mentored by experienced producers who come on board because they have an affinity with the project, we are concerned that by proposing the above, Screen Australia is 'outsourcing' the professional development of the next generation of producers and directors to a small group of production companies who themselves may not have the resources, the time, or may not necessarily possess the skills required to effectively take on this role. By outsourcing professional development, Screen Australia is absolving itself of its role as *the* national organisation responsible for developing and securing the future of the Australian film industry.

The former AFC's General Development Investment (GDI) focused on supporting professionals to run small businesses. The Enterprise program proposes to (exclusively) support an elite group of already well-established production companies. Screen Australia has not provided incentive, in the form of financial assistance, to establishing producers to develop their businesses, brands, networks and slates of projects. In every other sector in Australia, the small business owner is incentivised to allow growth and diversity across the local industry. Under the proposed guidelines an establishing producer cannot access development funding of any kind through their own business and will be forced to hand over intellectual copyright and share creative control with one of the established companies.

As establishing producers we would like to have access to development funding for our projects. We believe our projects should be assessed based on merit, track record and quality of the teams we have already worked hard over the years to develop.

There is no mention of SPARK or other workshops such as the IndiVision Project Lab or Marketing Workshops in the draft guidelines. Instead there is a general note about Workshops. As there are no specific details under the general heading of Workshops, we would like to underline the value of SPARK and the Indivisions workshops in professional development and implore Screen Australia to develop workshops in full consultation with establishing producers and other members of the industry.

1.2 Recommendations

- a. Establishing producers, and their projects, should be eligible for development funding, and in a way that does not force us into partnerships with other companies.
- b. Additionally, the Enterprise program needs criteria that states that a percentage of Enterprise funds be allocated to nurturing the new and establishing sectors during development and production periods (similar to the Film Victoria Internship program for producers, which has recently been abolished). The Enterprise program also needs criteria that gives financial incentive for EPs to become consultants on projects being developed by establishing or emerging producers.
- c. Screen Australia must retain valuable industry workshops such as the IndiVision Low Budget Feature Project Lab and Marketing workshops, the SPARK intensive script workshops, or develop similar initiatives and workshops in full consultation with establishing producers and other members of the industry.

2. ELIGIBILITY

2.1 Comments

The second area of concern is the issue of 'experience' as the key eligibility criteria for most Screen Australia programs, especially as it relates to both slate and project-by-project funding. We refer to the following eligibility criteria under the proposed Screen Australia development guidelines:

The producer must be considered an experienced producer, or must have an experienced producer or experienced executive producer working with them.

An experienced producer must have at least one credit as producer on a feature film that has been released on a minimum of 10 commercial screens in one territory, or exceptional credits in other genres such as a primetime broadcast miniseries or telemovie.

An experienced executive producer must have at least two credits as producer or executive producer on a feature film that has been released on a minimum of 10 commercial screens in one territory, or exceptional credits in other genres such as a primetime broadcast mini-series.

We reject these definitions of experience and reject the idea that our national film agency should distribute taxpayer funds under such criteria. The proposed eligibility criteria is based on the assumption that experience = talent, which history has proven is not necessarily the case. This criteria is not based on any qualitative consideration, and does not acknowledge strong track records and success in other disciplines, such as short films.

Under the above criteria, a producer who has produced a number of short films that have screened in major festivals internationally such as Cannes, Berlin, Venice or Sundance, and/or won prestigious awards is not eligible, and yet a producer that has made one feature film released on 10 screens, which was a commercial and critical failure, is eligible.

The proposed eligibility criteria does not acknowledge screenings of feature films in major festivals, such as those mentioned above. Surely the producer of a feature film that has screened at the Berlinale but was only released on 8 screens in Australia should be eligible for development investment for their next film?

Another failing of the eligibility criteria is that it does not acknowledge cross-disciplinary production experience, such as TV drama series, documentaries, television commercials or music videos. Many first time feature film producers have found their experience in these areas invaluable when making their first feature film. The guidelines do not allow experienced or establishing producers working in these areas to make the move into feature film.

The distribution criteria of 10 screens does not take into account new distribution models and assumes that a theatrical release is the best way to engage the largest audience in every case. This is not true, and it would seem that in coming years, theatrical may become the least likely way to engage an audience. Theatrical distribution as the key indicator of a film's success is an old-fashioned, out-moded, and increasingly non-commercial measure. Surely it is the producers and distributors who should be making decisions about the method of release and number of screens that is best for a particular film? The BAFTA and Academy Awards do not have a 10 screen requirement – they require a release in one cinema for one week. We are at an exciting juncture in re-imagining distribution models and innovation should be the top priority in reaching new audiences. The existing criteria will pull us back to traditional and unsuccessful models of distribution. As establishing producers we want to embrace the opportunities that our technological age offers and we don't want to be excluded from working with the screen agency towards a new and commercially successful industry.

The only criteria for development assistance should be the respective merits of each individual project. In determining which projects receive development funding, Screen Australia assessors should be taking into account the many aspects of a project's prospective appeal: the team, the content and quality of the screenplay and its potential to be realised. It is imperative that the guidelines do not restrict any producer with a worthy project from receiving development funding. If a producer has developed a project to a certain standard, does this not demonstrate that he or she knows what they

are doing? As Screen Australia reserves the right to fund or not fund a project based on their internal assessment, it is completely unnecessary to have a restrictive eligibility criteria. Projects must be assessed case by case to ensure that the best projects with the most potential are able to receive funding, not just the projects that tick all the boxes. Screen Australia must be in a position to back individual talent. Good projects can come from anyone, anywhere.

Like the lack of professional development opportunities present in the guidelines, the eligibility criteria does not recognise the importance and ability of the next generation of filmmakers. If Screen Australia does not invest in the development of new talent now, Australia will simply not have a film industry in 20 years time.

It is salient to point out that other creative industries in Australia such as the music industry, the computer gaming industry, the graphic design industry and the advertising industry, regard young professionals as a valuable commodity. They invest a great deal in the professional development of their emerging talent and have people under 35 in high profile creative and management positions. Each of these industries is very lucrative in Australia, and each is far more commercially successful than the Australian film industry. Screen Australia would be wise to take their mark from these progressive approaches to the marriage of art and commerce.

Screen Australia needs to acknowledge the value of the new and establishing film sectors. The next generations of film producers are developing the next generations of film directors, and creating new business models. They will be the ones who will bring the change.

On this note, we feel that it would be extremely beneficial if Screen Australia included representatives from the new and establishing sectors on assessment panels.

The proposed eligibility criteria forces establishing producers into 'shot-gun weddings' with EPs or other producers, which may be detrimental to projects. The EP/producer relationship, or the producer/producer relationship is a very important and delicate one. These relationships are like marriages – it takes a long time to find the right person, and if you get the wrong person things can go horribly wrong. Establishing producers should be able to attach EPs or co producers to their projects of their own accord, if at all, at a time that is right for the project and for them. The proposed eligibility criteria, insisting on 'legal' agreements between such parties at the exploratory phase of development, is onerous. It is forced mentorship, which simply will not work.

Furthermore, we feel that this forced mentorship between experienced and establishing producers, amounts to government interference in private contracts. Why should establishing producers, who have developed their own ideas and relationships, share fees, copyright and potential profits with someone for the sole purpose of ticking a box? Which of these experienced producers will take time out from developing their own projects and relationships to nurture someone else's project without expecting something in return? The tokenistic appointment of EPs (and there is currently nothing in the draft guidelines that protects this marriage from being tokenistic) will inflate budgets needlessly and will not necessarily benefit the project.

The bottom line is that being forced to partner with another producer, or with companies, under the Enterprise program will not work for every project or for every establishing producer. We have our own slates in development, we have formed our own partnerships with directors, writers and key creatives, and we do not wish for our credits to be diluted or our roles undermined by a group of individuals/companies who may or may not be suited to our projects. More often than not we do seek mentorship and advice of our own accord – we do not need to be mandated by Screen Australia to do so.

2.2 Recommendations

- a. Redraft the eligibility criteria for development and production investment to assess projects case by case and acknowledge producers with strong track records that are relevant to the project. This could include producers with strong track records in short film, television, documentary, television commercials, music videos, or producers of feature films that have been critical and/or commercial successes without having been released on 10 screens

theatrically. Abolish the idea that experience, as defined in the guidelines, should be the only criteria that enables a producer to access funds,

- b. Abolish the 10 screens distribution criteria,
- c. Allow development funding (as per solution point A under Professional Development) for establishing producers. If the eligibility criteria is relaxed this would be possible,
- d. Abolish the insistence that EP's or other 'experienced' producers be attached to projects applying for development funds. EPs should not be imposed on projects but rather they should be incentivised by Screen Australia to *consult* on projects,
- e. Appoint members of the establishing producer community on assessment panels for development and production investment.

3. SHORT FILM PRODUCTION

3.1 Comments

We strongly oppose the abolition of Short Drama Production, and the feedback we have received indicates that the industry at-large recognises the vital role short films play in the professional development of producers and directors, and agrees that short film funding should be reinstated immediately.

Most of Australia's established producers and directors began their careers by making short films, many of them under the former Australian Film Commission's Short Drama Production fund. These producers and directors include Liz Watts (Little Fish), Cate Shortland (Somersault), Anthony Anderson (Accident's Happen), Tony Ayres (The Home Song Stories), Helen Bowden (Soft Fruit), Christina Andreef (Soft Fruit), Jan Chapman (Bright Star), Jane Campion (The Piano), Louise Smith (The Square), Andrew Lancaster (Accident's Happen), Kath Shelper (Samson and Delilah), Warwick Thornton (Samson and Delilah), Lynda House (Ned Kelly), Michael McMahon (The Home Song Stories), Anna Kokkinos (Head On), Geoffrey Wright (Romper Stomper), Sarah Watt and Elissa Down (The Black Balloon).

Elissa Down, whose first feature film 'The Black Balloon' has been the highest grossing Australian film this year, made seven short films before going on to make her first feature. By this example, Screen Australia should in fact be funding more short films to allow directors and producers to practice and refine their crafts.

For a producer, the experience of making a fully funded short film cannot be compared to producing an amateur short film. Having a reasonable budget to expend in a professional, fully accountable manner, and dealing with an institution such as Screen Australia, goes a long way in preparing producers for the next step: producing a feature film. In making a short film in a professional manner, the producer and director learn to work within the confines of a professional environment as opposed to an amateur one. For producers this includes: adhering to union regulations, respecting the rights of cast and crew, and paying legal and appropriate wages.

In the feedback session in Sydney on Wednesday 29th October Screen Australia claimed that one reason for abolishing short film funding is that people can go out and make a short film for \$5,000 using a video camera. Again, this does not provide producers and directors with a professional framework within which to refine their skills, nor does it perpetuate quality short film production in Australia. We cannot expect to develop a pool of sophisticated, professional feature filmmakers if the production of short films can only happen in a largely amateur environment.

Screen Australia assumes that the state funding agencies (Film Victoria, NSW FTO, Screen West, Screen Tasmania, the PFTC, the South Australian Film Commission and the Northern Territory Film Office) will take on the role of facilitating and funding short film production, however it is a well-known fact that the state agencies are mostly under-funded and do not have enough funds to support short filmmaking at a professional level. For example, a maximum amount of \$30,000 under the NSW FTO

Emerging Filmmakers Fund, does not allow enough funds for anyone to be paid award wages, if at all, and necessitates local services and facilities to offer free or hugely discounted rates.

In New Zealand, as in most other nations with a healthy national cinema, short film production funds are highly prized. The New Zealand Film Commission Short Film Fund is managed by three executive producer groups who are appointed annually to select the short films to be made under the fund. The executive producer groups accept submissions from filmmaking teams directly and assist with the development, production and the delivery of the films to the Commission.

We feel the short film program is vitally important in kick-starting careers and developing new talent, and thus should be retained. Many of us would not have made our start in this industry, or have any reasonable stature within it now as establishing producers, if not for this fund.

3.1 Recommendations

- a. Screen Australia should reinstate the short film funding program
- b. If Screen Australia does not reinstate short film funding under its charter then it is absolutely essential that Screen Australia lobbies state governments to sufficiently fund the state agencies so that they may facilitate the production of *professional* short films.
- c. Refer to the New Zealand Film Commission's approach to their Short Film Fund - (<http://www.nzfilm.co.nz/DevelopmentAndFinancing/ShortFilm/ShortFilmFund.aspx>)
We propose that this could be a viable option for Screen Australia.

IN SUMMARY

We, the undersigned, are deeply concerned about the assumptions and philosophies articulated in Screen Australia's interim guidelines.

If the main aim of the board in preparing the new guidelines is, as was stated at the Sydney consultation, 'successful outcomes for our industry', we urge that the board gives serious consideration to the issues we have raised.

Our desire is to have a national screen agency that is committed to supporting the development and growth of the Australian film industry, and encourages talent and innovation from new, establishing and experienced filmmakers, equally.

This statement is submitted on behalf of the following members of the Australian screen industry:

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This statement is endorsed by the following members of the Australian screen industry:

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The following support the appeal contained in this letter without necessarily endorsing the detailed points:

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