



**RESPONSE TO THE SECOND DRAFT
DOCUMENTARY GUIDELINES**

OCTOBER 2014.

**Australian Directors Guild
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ABOUT THE AUSTRALIAN DIRECTORS GUILD

This submission is made by the Australian Directors Guild (ADG), the industry association representing the interests of film and television directors, writer/directors, documentary filmmakers, animators and independent producers throughout Australia. Formed in 1980, the ADG has hundreds of members nationally. These members include directors in feature film, television drama, documentary, animation and new media. They include some of the highest profile director in the world including BAZ LUHRMANN, PETER WEIR, GILLIAN ARMSTRONG, FRED SCHEPISI and PHILLIP NOYCE to name a few.

The ADG works to promote excellence in screen direction, to encourage communication and collaboration between directors and others in the industry, and to provide professional support for its members. It maintains a high profile and leading cultural and policy role through its efforts to address issues affecting the industry from a broad perspective.

The ADG is affiliated through the International Association of English-Speaking Directors Organisations (IAESDO) with the Broadcasting, Entertainment Cinematograph and Theatre Union (BECTU), the Directors Guild of America (DGA), the Directors Guild of Canada (DGC), Directors UK, the Screen Directors Guild of Ireland (SDGI) and the Screen Directors & Editors Guild of New Zealand (SDEGNZ).

The ADG is also a member of the Copyright Council.

OVERVIEW

The Australian Directors Guild has consulted widely with its documentary members regarding Screen Australia's 2014 review of its documentary guidelines.

In our initial submission in response to Screen Australia's March Discussion Paper '*Stories That Matter*' we outlined clearly our view that fundamental change is needed in the way documentary is funded by Screen Australia. We supported Screen Australia's observations that distribution environments are changing and that documentary practice is also changing.

We were pleased and excited by the release of the draft guidelines in June this year with their emphasis on recognising the changing nature of documentary production and distribution whilst supporting the creation of unique Australian stories for Australian and International audiences. The decoupling of broadcaster allocations, recognition of new marketplace opportunities and the general reaffirmation of "stories that matter" is a welcome development in Australian documentary funding.

While contributing feedback to the frankly overdue review process with some suggestions for improvements to the draft, e.g. we considered prohibiting access to PEP a mistake, and suggested adjustments to floor and ceiling budget boundaries, in principle we strongly supported the intentions and mechanisms proposed that were designs to allow greater equity across Screen Australia's remit, and support world best practice in Australian documentary.

We felt that the balance was about right to facilitate Screen Australia delivering the priorities of its enabling legislation and its remit, supporting a variety of Australian factual content and documentary to numerically and culturally significant audiences and supporting the viability of the production sector.

We were therefore dismayed and shocked when a further set of guidelines were announced in September effectively dumping a number of these appropriate reforms and changes to the June guidelines. In particular we were disappointed to note:

- The dismantling of a more equitable and defined documentary categories, collapsing programs from four to three;
- The reintroduction of notional allocations for the ABC and SBS;
- The prohibition of documentary features from applying through the feature door and forcing them to compete with all documentaries in the new "Producer" fund;
- The reduction in overall funding for documentaries that do not go through the "Broadcast" fund;

- The continued disparity of experience between development and production when applying for funding.

Other changes we can support. In particular:

- The retention of the Producer Equity Program (PEP);
- The expansion in marketplace attachment to include film festival, online distribution and philanthropic trusts, etc.

We are aware of the pressure that has been brought to bear by the broadcasters and producers and their arguments against change of the magnitude proposed in the first draft guidelines. We note many of these objections are not evidence based and call for modelling to further assess ramifications of the June proposals

As trials and modelling have not been part of the review process, we agree there is necessarily a degree of speculation involved in anticipating the degree to which proposed changes might better meet Screen Australia's objectives. However the fearful speculation underlying a number of hostile reactions to the June proposals seem to us extreme, and unhelpful.

We recognise that there are policy tensions Screen Australia must address in the process of the review of its programs from time to time. We also recognise that Screen Australia must prioritise its objectives according to its remit, and we support change that can better meet Screen Australia's published objects. Fundamental to these is a diversity of production in non-fiction filmmaking.

Screen Australia needs therefore to address aspects of its policy and practice that mitigate against the expansion of diversity in the sector. In fact prior to the allocations the system of funding provided more diversity in documentary production than we now have. In one of our earlier submission we have shown that we have less diversity in documentary production (i.e. less authored singles or series) than before 2001. We have increased hours but reduced titles and this is in an environment where there are many more networks and channels than prior to 2001.

In our view diversity, excellence and world best practice should drive policy priorities. Australian content for Australian audiences is not mutually exclusive of excellence and innovation in Australian documentary. Screen Australia's policy settings must balance the evident preferences of broadcasters with the creative enterprise originating in the creative community across a variety of platforms, genre and forms. Screen Australia's June proposals held far more promise in achieving this than the September revisions.

We recommend the following:

RECOMMENDATION 1: Reinstate a funding strand dedicated to supporting

documentaries with strong creative vision. Maximum Screen Australia contribution of \$250,000. Pathway to audience must be clear but marketplace attachment not required. Notional allocation \$2-4million.¹

RECOMMENDATION 2: Documentary features continue to have access to the Feature Film Production Program.

RECOMMENDATION 3: Screen Australia does not implement the notional allocations until a full study of their effect on diversity can be undertaken to determine the effect of these allocations on documentary filmmaking.

RECOMMENDATION 4: That the eligibility criteria for applicants in both development and production be consistent and less restrictive.

¹ From Draft Guidelines, Released in June 2014, p.6.

PROGRAMS

Producer Programs

We would support a return of the Vision and Voice program as an important quarantining of funds to enable “Stories that Matter” to be developed and produced without the pressure of a marketplace attachment. Under the current “Producer Programs” all non-broadcaster allocation documentaries must compete. This will also include feature documentaries which are now not eligible to go through the general feature door. With the restriction in number it is clear to us that those documentaries with the strongest marketplace attachment will be the one’s that get funded thus leaving a major hole in the way “stories that matter” can get to the screen.

We have a recent example of this with “ONCE MY MOTHER”. As has been reported in the press and generally this documentary would never have been made without the support of funds that did not require a marketplace attachment. It was rejected by many including the ABC but went on to win awards and accolades the world over.

This “one-door” approach will only prevent a variety of stories being told. It will mean disadvantage for the radical and revolutionary documentaries that come from many different places. One of the overwhelming responses by our members to the continuing “cookie cutter” style of documentary commissioning that has become prevalent in the ABC and SBS was the original Signature Fund. In all our submissions to Screen Australia we have called on an increase in this fund. When the first draft guidelines were released we were pleased to see that this allocation had been maintained in the Vision and Voice program.

RECOMMENDATION 1: That Screen Australia to reinstate the Vision and Voice program that supports innovative documentaries with a strong creative vision and a minimum budget allocation of \$120,000/hour. Maximum Screen Australia contribution of \$250,000. Marketplace attachment not required but pathway to audience must be clear. Notional allocation \$2-4million.²

Feature Documentaries

We have noted that Feature Documentaries will now not be eligible to apply for funding through the Feature Film Production Program and that they must go through the documentary door exclusively. This further reduces the funds available to documentary in an already shrinking pool. In the first draft guidelines a total of \$17.4m was allocated across the programs including development. Under the second draft guidelines this has been reduced to \$16m but with features now having to also compete for this pot of money. This further reduced the likelihood of feature documentaries being funded.

² From Draft Guidelines, Released in June 2014, p.6.

RECOMMENDATION 2: That documentary features continue to have access to the Feature Film Production Program.

Producer Equity Program (PEP)

We fully support the reinstatement of the PEP as it is clearly a very successful and important way that independent documentary makers can access funds.

Broadcast Program

The reinstatement of the broadcaster allocations is not supported by the ADG. As we have argued in our initial submission before the first draft guidelines were released in June this year. We recommended that:

1. *Scrapping of the current allocations under the Signature, NDP, GDP, Digital and International and replacing this with a new structure to be developed in conjunction with the documentary industry;*
2. *Redefining market place attachment to include other forms of distribution such as film festivals, VOD, self-distribution and other internet based methods such as the YouTube Channel supported by Screen Australia;*
3. *Changing the guidelines for the allocation of funds that emphasizes “Stories the Matter” and not nominal allocations to broadcasters locking away large amounts of Screen Australia’ documentary funding;*
4. *A review of documentary development.*³

We are supportive of the broader definition of ‘marketplace attachments’ and believe this will open up the opportunities for directors and documentaries and enable access by documentary directors into new funding and distribution paradigms like GOODPITCH.

Notional allocations between broadcasters proposed in the September draft guidelines vary slightly from earlier allocations. With the ABC being reduced by 5%, SBS remaining the same and the other broadcasters getting an extra 5%, this minimal change is insufficient to impact significantly on the current situation in which the ABC and SBS dominate the funding received for documentary from Screen Australia. Notional allocations of this kind to public broadcasters is difficult to justify as a ruling; it would make more sense to make allocations if they are required at all, fully contestable, acknowledging that broadcasters’ varied access to audiences are an important factor among others in Screen Australia decisions.

We have continued to argue that the dismantling of the allocations would not reduce the amount of documentary content on either SBS or the ABC but would ensure a greater diversity of programming on these broadcasters. In the

³ Response to Screen Australia’s paper : DOCUMENTARY FUNDING: STORIES THAT MATTER , April 2014. p.5.

submissions by the ABC, SPA and SBS have argued that there is no evidence to support a change to the system that they claim has been working well. In fact they claim that:

*“This will result inevitably in fewer productions and less diversity of content”.*⁴

They also state that:

*“We are not aware of any industry modelling that has been conducted to assess the impact of these proposed changes to allocations in certain programs but would welcome the opportunity to discuss such modelling”*⁵

We agree that this reversion to the original allocations with some small modification is not based on any modelling or evidence that it will increase diversity and generally enhance the documentary sector to create “stories that matter”.

How then can this dumping of the first draft guidelines and the abandonment of a more even playing field be justified by Screen Australia?

SPA also agrees that there should be adjustments in the notional broadcaster splits and that they should be conditional on an agreed set of key performance indicators. They also proposal a delay in implementing any further changes until a further review and refinement is undertaken.⁶

RECOMMENDATION 3: That Screen Australia does not implement the notional allocations until a full study of their effect on diversity can be undertaken to determine the effect of these allocations on documentary filmmaking.

As we outlined in our initial submission in April the number of titles has declined since the introduction of allocations for broadcasters. In 1997 the average number of titles produced was 213 and in 2012 it had dropped to 192⁷. This number of titles reflects a downward trend in diversity over the past 15 years. This is in stark contrast to the number of hours that now are produced. Since the establishment of Screen Australia and the introduction of the Producer Offset in 2007-08, average annual hours of documentary made by production companies have increased by 34% on the previous five-year period, to 311 hours. Documentary series hours comprise more than 76% of that annual average; single documentaries fewer than 24%.⁸

⁴ ABC Submission to Screen Australia, 18th July, 2014. P.6

⁵ *ibid*, p.3

⁶ SPA Response to Screen Australia’s draft documentary guidelines, 17th July 2014, p.3-4.

⁷ <http://www.screenaustralia.gov.au/research/statistics/mpdocosactivity.aspx>

⁸ Screen Australia discussion paper, February 2014.

These increased hours are being fed by a smaller and smaller group of companies that are pitching constantly for programs to sustain their overheads. In many cases they provide programs that are developed specifically by the broadcasters again reducing diversity and restricting trade. Any restriction on the diversity and employment of screen directors and producers should be of grave concern to Screen Australia.

Apart from the lack of diversity that the allocations promote, there is also the issue of the way both SBS and the ABC commissions documentary programs and manages these programs. Under the allocations system they say that this gives them certainty and that any other way would be detrimental to both the ABC and production companies. We think the current system is detrimental – to the documentary program.

Development & Production Eligibility

A number of our members are concerned at the level of experience needed to be eligible for both development and production funding. They are also concerned at the inconsistency between development eligibility and production eligibility. As one of our younger members said:

“I am able to apply for production funding for my projects but am unable to apply for development as I do not have the required screen credits and therefore will require a producer on board before I can apply. This seems absurd when I do not need a producer when I am developing an idea but the freedom to explore that idea to its fullest.”

We believe that there needs to be consistency between the two eligibility criteria and other ways can be found to ensure the best use of Screen Australia’s resources.

RECOMMENDATION 4: That the eligibility criteria for applicants in both development and production be consistent and less restrictive.

We look forward to the November release of Screen Australia’s resolved guidelines, anticipating a thoughtful, progressive and forthright new framework guaranteeing a degree of ‘certainty’ across the sector, and with a priority to excellence and variety in support for Australian documentary film.

Kingston Anderson
Executive Director
Australian Directors Guild
October 2014.