

SUBMISSION
BY
MEDIA ENTERTAINMENT AND ARTS ALLIANCE
TO
SCREEN AUSTRALIA
REGARDING
DRAFT DEVELOPMENT AND PRODUCTION GUIDELINES

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The Media Entertainment & Arts Alliance

The Media Entertainment & Arts Alliance (Alliance) is the industrial and professional organisation representing the people who work in Australia's media and entertainment industries. Its membership includes journalists, artists, photographers, performers, symphony orchestra musicians and film, television and performing arts technicians.

The Media Entertainment & Arts Alliance welcomes the opportunity to make comment on Screen Australia's Draft Program Guidelines for Development, Production Financing and Indigenous Programs. The Alliance also appreciates the opportunity afforded by Screen Australia to discuss the guidelines with Screen Australia representatives.

The opportunity to discuss the Draft Guidelines was illuminating in that it enabled some concerns to be allayed. However, some concerns remain.

The Alliance welcomes some initiatives set out in the Guidelines – such as the abolition of rounds in many strands and the streamlining of the development programs – but regrets that notional budgets for the various branches are not available and that it is not possible to consider these Guidelines within the broader context of how marketing and screen culture functions will operate, nor the impact terms of trade will have.

While notional budget allocations for the development and production strands are not available the Alliance understands that funds for development are likely to be slightly higher and funds for production investment slightly lower than is currently the case.

This would be in accord with the Government's expectations – that, overall, Australian productions would benefit from more development and the establishment of the Producer Offset as a financing mechanism additional to direct Screen Australia investment. It also reflects the fact that, with the establishment of the Producer Offset, agency funding has been cut by \$10 million in the current financial year and in each of the next two financial years. It is, however, regrettable that the appropriation has been reduced so early in the life of the Producer Offset, effectively allowing no transition period to the new arrangements.

Notwithstanding the feedback the Alliance received from Screen Australia representatives, concerns remain that the core function of the former Australian Film Commission (AFC) is, at worst, missing or, at best, substantially diluted. The AFC's central role was a developmental one – the development of projects and the development of careers.

It is difficult to meaningfully assess the impact the Draft Development Guidelines will have on the industry in the absence of knowing how the development funds will be divided between the different programs but it is likely there will be less funding for project-by-project development – either directly from Screen Australia or indirectly via the Enterprise Program.

The Alliance questions the need for an “experienced producer” or “experienced executive producer” to be attached to all project-by-project development applications other than where the applicant is a “highly experienced writer or director” as required by the eligibility criteria for feature film development applications. Further, the Alliance questions the need for “a successful track record of the producer, writer, and, where appropriate, the director and script editor” as required under the assessment criteria.

Had these Guidelines been in place, productions like *Chopper*, *Getting' Square*, *The Castle*, *Kenny*, *Strictly Ballroom*, *Mad Max*, *Crocodile Dundee*, *Malcolm*, *Wolf Creek*, *The Man From Snowy River* and *The Adventures of Barry McKenzie* along with many other successful Australian productions would have been ineligible for development funding. This is not to say they would not have been developed at all but it does seem odd to design a set of guidelines that would have precluded the development of some of Australia's most iconic and most successful films. The Draft Guidelines would not have assisted the development of the careers of many of Australia's most successful filmmakers from Gillian Armstrong (first feature film *My Brilliant Career*), to Philip Noyce (first feature film *Newsfront*), Fred Schepisi (first feature *The Devil's Playground*) and Peter Weir (first feature film *The Cars That Ate Paris*).

Compounding the problem is the elimination of production funding for short films.

As many others have noted in their responses to the Draft Guidelines, the experience of making a short film without finance is not the same experience as making a short film with paid professionals. Short films are the surest test of whether a director has the potential to make the move to a feature film. They offer advantages not just to first time/early career directors but offer many technicians the opportunity

to move from say camera operating to lighting, from set decorating to production design, to edit a first work and so on. Adequately funded shorts offer a professional experience.

The Alliance understands that concerns have been expressed about the quality of some of the short films produced with AFC finance in recent years. However, to drop financing shorts films altogether is not necessarily the answer. Short film experience has been so crucial to the development of a large number of Australia's successful film practitioners that walking away seems simply unhelpful.

The Alliance would have expected that in considering Screen Australia's role in developing projects and careers, it would have examined what has previously worked and built guidelines accordingly. The production of short dramas has manifestly assisted the development of the industry over decades.

The *Screen Australia Act 2008* requires Screen Australia to "support and promote the development of a highly creative, innovative and commercially sustainable Australian screen production industry" and to support "the development, production, promotion and distribution of Australian programs".

The Alliance considers that restricting access to development funding to experienced practitioners and no longer financing the production of short films will not best serve the development of individual projects or the development of the careers of the practitioners on whom the industry will necessarily depend in the future. Further, it is not consistent with the Act.

The Alliance notes Screen Australia's comments that less experienced personnel will be able to work with companies in receipt of Enterprise Program funding. However, nothing in the Draft Development Guidelines indicates that any business in receipt of Enterprise Program funding is required to accept unsolicited scripts. Nor is it likely that many such businesses would wish to receive unsolicited scripts on an ongoing basis. It hardly seems sensible to require them to do so as dealing with unsolicited scripts requires staff with the time to do so and does not seem the most sensible way for companies in receipt of Enterprise Program funding to utilise some of those funds. Nor is it likely that geographical location will be of prime concern when Screen Australia is considering applications for the Enterprise Program to ensure emerging filmmakers in all state and territories have access to a successful recipient.

The Alliance does not consider the establishment of the Enterprise Program should remove the responsibility of supporting new and emerging practitioners from Screen Australia.

Although not clearly articulated in the Development Guidelines, the Alliance assumes that those in receipt of Enterprise Program funding will be expected to develop the kinds of program types that Screen Australia is charged with developing – namely feature films, mini-series, telemovies, documentaries – and not be able to utilise the funding for the development of program types that are more rightfully and appropriately the domain of broadcasters and others.

The Alliance understands that Screen Australia intends consulting closely with state film agencies regarding development, the production of short films and development workshops. Whilst that is practical and appropriate, the Alliance does not consider that Screen Australia should devolve responsibility for some of its core obligations to state agencies. Indeed, devolution of development functions to state agencies is not countenanced under the Screen Australia Act.

In any event, devolving responsibility to the states would also serve to disadvantage practitioners in states where the funding base is lower than is the case in other states. For instance, Film Victoria has a budget of \$17.9 million whereas The Pacific Film and Television Corporation has \$12.4 million and in the home of what used to be the industry's capital, the New South Wales Film and Television has just \$9.19 million.¹

The Alliance also questions the definition of "experienced" where the principal benchmark is set as being "a feature film that has been released on a minimum of ten commercial screens in one territory" in the case of a producer, two such credits in the case of an executive producer and three such credits in

¹ Film Victoria Annual Report 2006-2007, Pacific Film and Television Commission Pty Limited Annual Report 2006-2007, New South Wales Film and Television Office Annual Report 2006-2007.

the case of a writer or director. The Alliance recognises that this relates to eligibility rather than assessment criteria but believes that talent and track record are more useful indicators than whether a person has produced an unsuccessful film that nonetheless was released on ten screens in one territory.

The Development Guidelines set an even higher benchmark for documentary development applications, namely three broadcast programs.

As required by the Government, Screen Australia must “ensure that audiences continue to benefit from a diverse range of engaging Australian film and television productions”. The Draft Production Guidelines make mention of the need to finance a diverse range of productions but the Draft Development Guidelines do not. It seems axiomatic that in order to finance a diverse range of work, diversity needs to be considered at the time of development.

Not only is there no mention of diversity in the Draft Development Guidelines, the Alliance is not sure how diversity across the productions being developed through the Enterprise Program can be assured, given that Screen Australia will not creatively assess applicants’ proposed slate of projects. Rather, Screen Australia will only take into account the range of genres and formats. The Alliance is sure that when the Government talks of a “diverse range of engaging and important Australian screen productions” it is referring to content as well as genre and format.

Whilst in principle supportive of the objectives of the Enterprise Program, the Alliance remains concerned that an appropriate balance be maintained between funding for the Enterprise Program and project-by-project development. This concern is made more acute because the Development Program also encompasses the new Innovation Program – both development and production funding – production funding for short animated films, fellowships, high level workshops and master classes. The Innovation Program will provide support for a range of projects including “online and some console games”. Given the often very high costs associated with developing games, the Alliance questions whether Screen Australia should be broadening its remit in this way.

Curiously, the Development Guidelines countenance applications for interactive television within the Innovation Program but the development of telemovies and mini-series are overlooked – although applications can be made for production finance.

The Alliance recognises that the Enterprise Program is intended to assist “the development and creation of viable screen businesses” but notes that this is also one of the key reasons the Government introduced the Producer Offset. As Senator George Brandis noted when the legislation was passed, “the Government expects the Producer Offset will provide a real opportunity for independent producers to retain substantial equity in their productions and build stable and sustainable production companies.”²

Given the opportunities afforded to producers by the Producer Offset, coupled with the Enterprise Program, it is all the more important that Screen Australia support the development of new and emerging practitioners as well supporting established producers.

Further, the Alliance is concerned about what appears to be a desire for low budget productions to become ever increasingly lower budget. This does not necessarily serve the interests of the final product or its chances in the market. Productions need to be budgeted appropriately in order to realise their full potential. Under-resourcing a production is likely to result in failure. Equally, productions that are too expensive for their likely market simply should not be supported.

Of concern is that all productions eligible for the Producer Offset must utilise it. The Production Guidelines require all productions eligible for the Offset to have a guarantee of theatrical distribution in Australia and an international sales agent attached. As the amount Screen Australia can invest in productions eligible for the Offset is capped, low budget features eligible for the Offset will need to secure the balance of their finance in the market place and undoubtedly from other state agencies.

² *Film laws introduce new era for Australian film*, Media Release, Senator George Brandis, 20 September 2007, see online at http://www.minister.dcita.gov.au/brandis/media/media_releases/2007/111

If these Guidelines had been in place at the time, low budget features with first time directors like *Proof* (budget approximately \$1.2 million) and *Romper Stomper* (budget approximately \$1.7 million) would not have been made.

And films like *Thank God He Met Lizzie* and *Love and Other Catastrophes*, not to mention those listed above in respect of the Development Guidelines would not have been eligible for production finance because the assessment criteria include “a successful track record of the producer, writer and director”.

The Alliance does, however, welcome the reassurance given by Screen Australia representatives that productions in receipt of Screen Australia production investment will be expected to have higher levels of Australian content and participation than is the case for the Producer Offset. The Alliance considers this to be both appropriate, and indeed essential, if Screen Australia is to foster productions that are demonstrably Australian and to foster and sustain an on-going industry in which Australian practitioners, technicians and actors are able to work

Finally, the Alliance welcomes the Draft Guidelines for Indigenous Programs. The Indigenous Branch of the AFC has had a fine track record in supporting work by Indigenous practitioners and it is pleasing to see that its programs are to be continued.

What is striking is that the eligibility criteria countenance supporting new and emerging practitioners and that support is available for both the development and production of short drama works.

The Indigenous Branch of the AFC has a long history of successfully supporting new and emerging practitioners and in the production of acclaimed short films. Rather than Screen Australia abandoning short drama production for non-Indigenous practitioners it might be better served exploring why the Indigenous Branch has had such a long list of successes.