

The Australian Writers' Guild is the professional association for Australian screen and stage writers in film, television, theatre, audio and interactive. We are a not-for-profit arts organisation and arts peak body. For sixty years, we have campaigned to see Australian stories, in all their diversity, on our stages and screens. This submission was written in consultation with Australian Writers' Guild members, including First Nations writers. For further information please contact claire.pullen@awg.com.au.

1. First Nations

“Nothing about us – without us”: Whenever First Nations stories are being told on our screens and stages, First Nations creatives must be front and centre in the project's development and production. Production companies looking to produce First Nations content must genuinely engage with the story holders and communities who have given permission to share their cultural knowledge or stories. State and federal funding agencies must emphasise the training and professional development of First Nations creatives as writers, series creators and producers whenever First Nations-specific funding is granted. Government has the opportunity to grow the sector through increased funding for First Nations-specific initiatives, particularly funding for grassroots projects involving emerging writers, state and federal funding for mid-career writers, and more accessible funding for First Nations creatives who live on country or in regions outside the city.

Funding agencies have an important role in facilitating genuine collaboration between producers and First Nations artists. The agencies must discourage a “box ticking” approach to content funding and prioritise professional development and sector growth. Any production company that receives funding for Indigenous screen content should have obligations to commission First Nations artists from the outset of a project all the way to its completion. Funding terms of trade must oblige companies to engage creatives under fair contractual terms that grant proper credits (including producer credits where applicable), fair remuneration and creative control. There should be an emphasis on the professional development of First Nations producers.

True collaboration between artists, production companies and First Nations story holders means recognising that First Nations communities and story holders own their stories and cultural knowledge. We therefore recommend that Indigenous Cultural and Intellectual Property (ICIP) is recognised under the Australian copyright law rather than left as a matter of contract. The owners of stories and culture must retain control over the way their stories are depicted on screen and stage and they should be fairly compensated for the use of those stories.

2. A Place for Every Story

We believe that the challenge that must be overcome in our small industry is the relative lack of opportunities in Australia (as opposed to the USA or UK) for emerging talent to get a foothold and sharpen their skills and for experienced writers to maintain sustainable careers. We have long argued that the reason for the decline in scripted Australian content is a **market failure in our current content regulation system**. A defining feature of the Australian content market that determines local production rates, is that we share the same language with two of the world's largest content markets - the USA and UK. This easy-to-access content exchange is one of the main reasons why local content requirements exist and are still needed. The current era represents a unique opportunity to deliver an optimal future framework that ensures a diverse, high-quality range of homegrown content on Australian screens. A robust local industry will generate commercially successful screen products that Australia can export internationally and use to drive post-pandemic tourism. In the 2016 Screen Currency Report, Screen Australia found production industry contributed over \$3 billion in value to the economy and attracted around 230,000 international tourists to Australia each year, driving an estimated \$725 million in tourism expenditure.

We therefore support the swift introduction of a **20 per cent requirement** on Australian commissioned content expenditure on global technology streaming businesses, such as Netflix, Amazon and Disney+, with specific protections for critical genres. Currently, large streaming companies have an advantage over commercial free-to-air networks in not being required to produce any local content in Australia at all and Government should ensure a level playing field. Additionally, by ensuring demand for local content through

steady commissions across the commercial and public broadcasters, SVODs and AVODs, the government can create more pathways to production, remove barriers of entry and stimulate a robust and sustainable local industry. A 20 per cent re-investment obligation would deliver approximately \$336 million in Australian content investment annually, creating an additional 10,000 industry jobs and over 300 hours of Australian content for streaming audiences here and around the world. This export product and intellectual property will ensure a dividend for Australians economically and creatively.

Government should restore the local content obligations on the commercial broadcasters (Seven, Nine and Ten) to previous levels. The reduction of the obligation under the Morrison government's relaxation of the local quotas under a 'points system' predictably resulted in the commercial networks halving their investment in local drama from \$107m in 2018/19 to \$54m in 2020/21 following these changes. By reducing the number of hours of drama on television, the previous government reduced employment for thousands of Australians in the screen sector and worsened the pandemic-created under-employment and unemployment crisis, weakened the career trajectories of content creators and limited opportunities for emerging writers from all backgrounds to develop their craft. Any reinvestment obligation should aim to protect vulnerable genres of scripted content such as drama, children's television and documentary. There should also be a sub-quota on hours of scripted content produced. This would prevent streaming platforms from discharging their obligations by investing huge amounts of money in single, high-budget productions (calculated to entice new subscribers to their service, not necessarily to retain them) rather than incentivising a variety of content and consistent local production.

We support an increase in funding for small games studios (i.e. of teams comprised of less than twelve people). We believe that the future of the Australian games sector lies in these small studios which are usually wholly Australian-owned (as opposed to large developers that are generally owned by overseas companies) and generate Australian intellectual property for export. It's these studios that have produced work like *Florence*, *Untitled Goose Game* and *Unpacking* which have been met with critical acclaim and commercial success. The developers of *Cult of the Lamb* received \$40,000 in funding from VicScreen and Creative Victoria and the game has gone on to sell a million copies in its first week of release. Yet these small studios will also face difficulties applying for the Digital Games Tax Offset, introduced by the previous government, due to its minimum expenditure threshold. It will be another advantage the big international studios have in our small local sector. There is also little state support for games development outside of Victoria (and Queensland to a lesser extent). Government can support these small businesses and grow the emerging local games sector by introducing federal enterprise funding for small studios.

The Australian theatre industry is in a dire state. Live performance was hit hard by the pandemic and there has been a consistent lack of government support for mid-career and established playwrights. During the COVID-19 lockdowns, many theatre practitioners left the industry looking for more sustainable work. Opportunities for production have narrowed for these writers despite the development of their skill and experience. A sustainable career in theatre is impossible for all but the most in-demand playwrights (unless supplemented with work in screen or teaching). Again, this disparity was sharply felt during the pandemic when experienced practitioners were left destitute at an age where they needed to provide for their families and found it difficult to translate their skills into a new career – particularly when screen jobs had halved as a result of the Morrison government's relaxation of quotas. These playwrights reported losses of income of at least 36% and up to 62% between 2018-19 and 2019-20. In the following financial year, even greater losses were sometimes reported (e.g. up to 81% compared to 2018-19). In contrast, some playwrights advised the AWG that the pandemic did not affect their income since they were already earning so little as playwrights. A minimum standard of remuneration would be invaluable for playwrights at all stages of their careers looking to forge a sustainable and long-term career in the sector. Australia Council funding must formalise a requirement for original Australian work to incentivise commissions, as well as the work of mid-career and established writers.

Regional artists, artists living with disability, and older artists continue to have fewer ways to access funding and this imbalance should also be addressed. Government should continue to prioritise gender disparities in our industry in its national cultural policy.

3. The Centrality of the Artist

Our Australian talent is as well-placed as anywhere in the world to make hits shows like *Wakefield*, *Underbelly*, or *Firebite*. We have such great export and domestic product because of the legacy of our governments facilitating investment in our stories. In order to properly leverage our local talent, Government should commit to increasing funding to the **development** of screen, stage and interactive projects. **Artists are workers** but few artists are paid a living wage through the long development process. They are paid when they achieve an end result – compensation that does not square with the hours of planning, effort, skill and expertise of creation. There are currently very few market incentives for writers to work in Australia. There are Australian writers who have been forced to work in the USA and UK to sustain their careers and their families and express a desire to work at home. Writing work is insecure. Writers work based on commissions and have little job security. The hours are irregular and there is often an expectation of engaging in unpaid work. It is common for writers not to be paid superannuation. Writing is “gig work” and we believe that it is well past time that a minimum standard is introduced for screen, stage and games writers. We support the introduction of a statutory remuneration scheme, modelled on Article 18 of the EU Copyright Directive, which will secure an important stream of income for writers without relying on direct investment. Further examination is needed to ensure this regulation is properly implemented to deliver outcomes. We are of course willing to present evidence as part of a Committee or Parliamentary process in relation to this proposed scheme and to give further detail on what the scheme might mean for our screen sector.

Time and funding is needed in order for our playwrights to create and develop outstanding Australian plays. The grants that playwrights apply for are project-based. This means that, to access funding, a playwright must create a new project and apply for funding for that specific project. The problem with this system is that a playwright may have multiple projects in development, some of which may need further polishing before delivery. Funding should be accessible to playwrights looking to polish or write additional drafts of existing work.

Emerging artists, especially those from underrepresented backgrounds, need ongoing support and mentorship to develop their skills. We support government investment in the discovery and creation of capable artists. The pathways which will foster these talents need to be funded. Excellence in craft is developed over time, and direct investment is needed both to support emerging practitioners and the mentors who share their time and expertise.

4. Strong Institutions

In order to achieve more pathways for playwrights and the production of Australian stories on our stages, the Australia Council must be adequately funded and the funding of small and mid-sized theatre must be prioritised. All funds that are distributed by the Australia Council should come with a clear mandate for minimum requirements in the development and staging of new Australian work and minimum conditions on employment. A national cultural policy must recognise games and interactive storytelling as a vital part of English literacy. Australia does not currently have an institution that champions games development like the USA (NYU Game Center) or New Zealand (CODE). Institutions like NIDA and the AFTRS, for example, can work together towards this goal of developing and retaining Australian talent in the growing sector as well as helping to set a national agenda for the creation of significant and successful interactive experiences. The AWG also recommends an increase in direct funding to the ABC and SBS tied to scripted drama (including audio drama), children’s television and documentary.

5. Reaching the Audience

We have already discussed, above, the importance of a reinvestment obligation of 20% on the streaming platforms. Regulation should be coupled with transparent transmission and promotion obligations. Both the European and Canadian models include requirements to ensure that region-specific products are promoted and given prominence across the platforms for local audiences. In the absence of a requirement on the streaming platforms to give Australian content algorithmic prominence, the content might end up being buried in a streamers’ catalogue and not seen by Australians audiences.