



NATIONAL CULTURAL POLICY CONSULTATION

Submission of Screen Producers Australia

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'Heartbreak High' Series 3, Fremantle Media

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INTRODUCTION

Screen Producers Australia (**SPA**) welcomes the opportunity to provide a submission as part of the National Cultural Policy Consultation (the **Submission**). The average Australian household has more than 6 screen devices capable of video,¹ making screen content the most ubiquitous and accessible form of culture. It therefore remains a central piece of any cultural policy. In recent years, with the increasing role of regulators like the e-Safety Commissioner, there has been social focus on what type of content we do *not* want on our screens, particularly on the screens of our children. However, SPA wholeheartedly embraces the opportunity as part of this next iteration of Australia's National Cultural Policy to be more positive and ambitious – to focus instead on the type of screen content we want to foster and to celebrate. SPA remains focused on what is necessary to continue great Australian storytelling that challenges us as a nation to be brave, proud, and empathetic.

About Screen Producers Australia

SPA comprises screen industry businesses representing enterprises of all sizes across production of all forms and formats of screen content. As the peak industry and trade body, SPA consults with a membership of more than 800 production businesses in the preparation of its submissions. This consultation is augmented by ongoing discussions with SPA's elected Council and members. SPA's members employ hundreds of producers, thousands of related industry practitioners, and drive over \$3 billion worth of annual production activity from the independent sector.

SPA's members are drawn from all elements of the Australian production ecosystem, including emerging and established producers, production businesses, services and facilities businesses. Its members vary in size from large internationally owned entities and mid-sized proprietary companies, to partnerships, sole traders, and other corporate structures. They are found in every region, state, and territory of Australia.

A new horizon for Australia's cultural policy

SPA believes that Australia's next National Cultural Policy should be ambitious, building on the solid foundations of the current policy, *Revive*. In considering the screen sector specifically, SPA believes that this ambition comes from acknowledging the shifting commercial and technological forces that are shaping the evolving industry. Broadly, Australian policy makers have had the right intentions, but it is an opportune time to consider whether present circumstances have rendered their policy settings and tools less effective than needed.

In this submission, SPA has sought to illustrate this shifting landscape, with recommendations placed throughout. These recommendations for the most part are directed at modernising and harmonising existing policy levers: making the system fairer overall. In an increasingly globalised industry, Australia's culture should be carefully safeguarded to ensure our audiences see and hear their own stories. SPA believes that curation of that culture involves carefully recalibrating policy settings to ensure that Australian creatives are able to thrive and build sustainable careers delivering world class content to audiences at home and abroad, on screens large and small.

¹ ThinkTV, [TV Tech Penetration, H2 2022](#), 2022.

1 FIRST NATIONS FIRST (PILLAR 1)

The stories of Australia's First Nations people are central to our unique culture, and the screen industry has an important role to play in ensuring First Nations communities are supported in bringing their stories to life. First Nations creatives should be supported to develop pathways to tell their stories themselves, in their own voice, language, and culture. First Nations Australians come from a range of different cultural nations, each with unique experiences, customs, and languages and these should be recognised and shared with future generations.

SPA itself endeavours to facilitate and support First Nations participation and industry focus in our annual conference *Screen Forever*. A priority in this engagement is to build international pathways between Australia's First Nations screen practitioners and their counterparts in other countries, through participation global market sessions and in recent years this has included joint session presentations with Canada's First Nations producers.

In 2026, two First Nations practitioners took part in SPA's Advisory Board, and 23% of sessions at *Screen Forever* had First Nations participation, including sessions that featured First Nations speakers or were produced by First Nations practitioners. Additionally, Screen Australia and Screen Queensland jointly hosted a First Nations event, and a Bootcamp webinar was held that supported early career First Nations attendees.

SPA regularly runs other industry events, skills training seminars, and forums, and have ensured First Nations participation and engagement in programs such as "Ones to Watch" and "Genr8".

1.1 Strengthening First Nations Screen Storytelling

Australia's cohort of First Nations screen producers is steadily growing: with 27 First Nations owned screen production business members of SPA, up from 18 in our submission on the last National Cultural Policy. In addition, SPA has other members with significant First Nations leadership and contribution (despite non majority First Nations ownership). All of these screen businesses and practitioners are making an important contribution to telling unique Australian stories, which enrich our shared national culture.

SPA believes that this growth in the number of First Nations screen businesses is at least partly attributable to the renewed focus on First Nations in *Revive*. This elevation, and primacy as the first pillar, has provided a clear message to federal and State agencies and practitioners that the Australian Government has an expectation not only for audiences to be able to see and hear more First Nations stories, but to prioritise First Nations storytelling.

SPA acknowledges the critical work that Screen Australia undertaken through its First Nations Department, which has been complemented by Australia's state and territory screen agencies and education and training institutions such as the Australian Film and Television and Radio School (**AFTRS**) and the National Institute of Dramatic Art.

National Indigenous Television (**NITV**) remains a critical part of the First Nations screen ecosystem, as a dedicated public broadcaster (auspiced within the Special Broadcasting Service (**SBS**)). It provides a place that First Nations screen stories can be provided critical funding and pathways to audiences. As is discussed in section 4.2 below, public broadcasters are central to the ongoing health and sustainability of the production ecosystem, and SPA believes that additional, ongoing funding for NITV (as well as Screen Australia) will allow more First Nations stories to be platformed, and facilitate the growth of First Nations storytellers.

Recommendation 1 That additional and ongoing funds be committed to NITV and Screen Australia given their central roles in supporting the telling of First Nations screen stories.

1.2 Modernising Cultural Safeguards

Feedback from SPA First Nations members notes the importance of Screen Australia's *Pathways Protocol* and the need for it to be modernised. At the time of its creation, it was primarily for non-First Nations film makers working with communities, rather than the increasing number of First Nations producers looking to work with their own or other communities. Updating the *Pathways Protocol* would reflect recognition of the changing nature of First Nations storytelling.

SPA First Nations members also support a change in language from First Nations 'consultants' to 'manager' or 'ambassador' to better connote the enduring and significant nature of the role. This concern arises from a perception that a 'consultant' is a temporary and non-authoritative source of information. In SPA's view, this nomenclature change would be consistent with the ambitions of Pillar 1 – of putting First Nations first.

1.3 Expanding the Concept of First Nations Stories

SPA notes that Screen Australia's First Nations Department plays an important role in supporting the development and production of First Nations stories and creative talent. This includes investment in skills development and internships, travel grants and funding for First Nations programs.

It is important that Australia's First Nations screen producers are supported to bring screen stories across a full range of platforms and genres, including documentary, narrative content and digital games and indigenous-created action, comedy, thrillers, crime, science fiction stories and many others. In part, this reflects a growing confidence among First Nations film makers, as well as the depth and nuance of conversations taking place within and around First Nations communities, and how they are reflected in storytelling.

A good example of this is the Screen Australia's First Nations Department's romantic comedy short film initiative, *Proper Loved Up* – run in partnership with the Australian Broadcasting Corporation (ABC), NITV and state and territory screen agencies. This initiative provided an opportunity for early-to-mid career First Nations creatives to strengthen their skills, gain experience and enrich their understanding of local and global markets. It also supported mid-career producers in acquiring practical experience, knowledge and credits.

First Nations screen practitioners have identified that they would benefit from a dedicated funding program for development to assist slate-building, as well as single stand-alone project support. This would entail longer-cycle development and franchise planning which may not be envisaged in current funding programs.

Other SPA member feedback indicates that First Nations screen stories would also benefit from increased focus on strategies to build audience reach through embedding marketing plans to ensure First Nations screen stories find their audience, both locally and internationally. In summary, the Australian Government and screen agencies should build on existing success with an aim to grow Australia's First Nations screen storytelling and audience engagement through every avenue available.

- Recommendation 2** That Screen Australia codesign (with First Nations screen practitioners and communities) arrangements for how it deals with First Nations people, stories and communities, reflecting the growing ambitions of First Nations storytellers, including through:
- refreshing the *Pathways Protocol*;
 - reframing as First Nations involvement from 'consultant' to 'ambassador' or 'manager'; and
 - allocating stable, longer-cycle funding for First Nations stories, with a focus on audience building.

1.4 Importance of First Nations Intellectual Property

SPA endorses the application of Creative Australia's *Protocols for using First Nations Cultural and Intellectual Property in the Arts*² to protect the traditional arts and culture of First Nations peoples. Screen Australia currently requires recognition of Indigenous Cultural and Intellectual Property (ICIP) in projects in which it invests.

SPA and the Media, Entertainment and Arts Alliance (MEAA) have independently recognised the significance of ICIP in the industry, and have committed in principle to formal recognition in actors' film and television industrial agreements.³ This would apply ICIP rights to all Australian screen productions that include First Nations people, culture or concepts that are covered by SPA/MEAA industry agreements. This extends the application of ICIP rights, beyond the current practice in which ICIP is recognised only where Screen Australia is an investor in the project.

As SPA outlined in its submission to *Revive*, the ownership and control of intellectual property (IP) is of paramount importance to all screen producers, but is of most significance and cultural sensitivity when it comes to First Nations cultural content.

Ownership and control of intellectual property in screen projects is currently subject to cut and thrust of commercial negotiations. In that context, and with Australia's market, which features few commissioners and a much larger number of producers, competition drives terms for financing and commission which are frequently unfavourable to IP retention by creatives (discussed further at section 3.1 below), including and especially First Nations creatives.

Without a framework to support IP ownership and control, especially for ICIP, Australia's First Nations screen producers will continue to be faced with a challenging dilemma: to accept a 'buy-out' deal with no IP rights retained by them; or wait and hope for a better deal that does not require them to forgo their IP rights. As part of this growing sector development, First Nations screen practitioners are keen to continue the shift away from a 'cultural consultant' role toward increased authorship of their own stories through IP rights, backend, and long-term IP control. SPA is continuing to seek Government support for a flexible solution to this issue, that provides some guardrails around the ownership and control of valuable IP, particularly in First Nations stories.

² Creative Australia, *Protocols for using First Nations Cultural and Intellectual Property in the Arts*, 2019.

³ *Actors Television Programs Agreement (ATPA)*; and *Australia Feature Film Collective Agreement (AFFCA)*.

1.5 Training and Development

Growth in access to First Nations stories can only occur if investment is made in developing creative skills for new entrants and mid-career practitioners and by providing multiple pathways to enter the industry through diverse funding streams.

The social and cultural opportunities and dividends from telling First Nations stories extends well beyond the immediate producers, creatives, cast, and crew involved but also includes the communities drawn into the production process, both directly as suppliers and indirectly through reinforcement of the importance of these stories to our culture. SPA's First Nations members noted that it is critical that training be linked to industry experience, and for there to be a pathway for First Nations creatives after completion of their formal training. SPA members would welcome increased screen agency incentive support for projects hiring First Nations crew and for longer placements and ongoing opportunities for First Nations people, that extend beyond just their first project.

These structural barriers to recognition and opportunities are not unique to Australia's First Nations communities. In fact, a recent European Audiovisual Entrepreneurs (**EAVE**) report that noted that First Nations producers, and others from non-mainstream backgrounds, can face additional and compounding barriers in accessing financing and receiving recognition.⁴ The pressures facing producers that are documented in this report do not fall on all producers equally and SPA believes that intersectionality should be acknowledged in screen agency programs and processes.

2 A PLACE FOR EVERY STORY (PILLAR 2)

2.1 Supporting Diverse Screen Projects

SPA believes that Australia is, at its core, a success story in multiculturalism. Australia exists almost paradoxically as both an ancient and enduring culture, and a modern nation: where identity is built on the nuanced, multifaceted sense that we are greater than the sum of our parts. Australian culture is all the richer for its diversity. SPA believes that Australians deserve, and indeed need now more than ever, to see that range of identity and experience.

Screens – in each teenager's hand, in each family living room, and each local cinema – are one of the most egalitarian modes of culture. The stories Australians watch every day on their screens shape how they see themselves and who they believe we can be as a nation. It is on these screens that Australians learn to empathise with those different from themselves, see fairness, mateship, and care writ large, and feel – hopefully – that they are a little less alone. SPA believes that a cultural policy must acknowledge the role Government policy settings play in protecting the uniquely Australian way of life: that it is instrumental to social cohesion.

Australia is a proudly multicultural nation, enriched by the waves of immigration that have shaped its sense of national identity. This means that often to tell a story of an Australian experience, is actually to tell a story not just of the Lucky Country, but of the places from where Australians have come. Perhaps one of the greatest virtues of its multi-culturalism is that Australia does not force people to choose between being, for example, Vietnamese or Australian, but rather happily embraces these people as

⁴ European Audiovisual Entrepreneurs, [Producers in Focus: Mental Health, Resilience, and Support](#), 2026, p. 7.

Vietnamese-Australians, in the multi-faceted understanding of this sense of self, culture, history and traditions.⁵

It should be no surprise that Australians wish to tell stories about their lives and experiences, which take place in other countries. At a time when Australia's great multicultural project may seem like it is fraying at its edges,⁶ enabling storytellers is critical. The viewpoints of these diasporas speak to communities that sometimes feel alienated or excluded from Australian culture, so seeing people and histories similar to their own, proudly heralded as 'Australian' is a critical part of building and celebrating multiculturalism.⁷ Furthermore, when Australians are presented with stories that differ from their own, but are nonetheless distinctly Australian in tone, humour and sensibility, it helps to bridge cultural divides, and build empathy and social cohesion.⁸

In the case of screen production, these Australian stories of diasporas matter not just domestically but abroad. In choosing to tell stories of migration and differing cultures, producers will often want to shoot in other countries, or seek financial support from other jurisdictions due to the cultural value of these stories to those communities.

Coproductions

To facilitate such arrangements, Australian screen producers enter into co-production arrangements with foreign producers. The Australian Government maintains a series of official co-production treaties and memoranda of understanding (**MoUs**) with a variety of countries to enable and facilitate this process with guidance around reciprocal treatment for the project. These treaties and MoUs are important tools to signal to multicultural Australians that their stories matter and should be facilitated, and are also an important mechanism to signal Australia's willingness to work with other nations around stories that enrich across cultures and economies. Official co-production activity enhances unofficial co-production activity and vice versa all leading to significant opportunities for the export and expansion of Australian creativity.

Currently, Australia only has 14 official co-production arrangements.⁹ Given Australia's diverse population, this figure seems extremely low, especially by comparison to other similar sized nations (eg Canada has 57).¹⁰ Australia's list reflects, to some extent, the waves of migration historically – featuring countries such as the United Kingdom, Italy, and India. However, with Australians coming from increasingly different backgrounds SPA believes that it important to expand this range of treaties.

The European Union Free Trade Agreement

The finalisation of the European Union (**EU**) Free Trade Agreement earlier this year provides perfect opportunity to quickly expand Australia's co-production arrangements with new partnerships as well as update existing bilateral arrangements with many EU member states who, over a number of years, have sent strong signals to Australia about their interest in such arrangements. For example, the

⁵ Nguyen, M. T., Cultural Adaptation and Integration of the Vietnamese Community in Australia, *Resolusi Jurnal Sosial Politik*, 2023, 6(2), pp 103 -118, at pp. 111-112.

⁶ As can be seen from the tragic events in Bondi in December 2025, and also those recent historical examples in Australian Human Rights Commission, *The Struggle to be Seen, the Power in being Heard: the Community Insights from the Seen & Heard Project*, April 2026, p 14.

⁷ Screen Australia, *Seeing Ourselves*, 2016, p. 1.; see also Screen Australia, *Seeing Ourselves 2*, 2023.

⁸ Khoo, O et al., *Incentivising Australian Screen Diversity: Proposal for a Diversity Tax Offset, Grant or Minimum Industry Standards*, 2024, Monash University, p. 6.

⁹ Screen Australia, *Co-Production Partner Countries*, 2026.

¹⁰ Telefilm Canada, *International Treaties and Memorandums of Understanding*, 2026.

Danish-Australian co-production agreement's text was settled and ratified by the Danish Parliament in 2012. Ten years on and Australia has still to uphold its end of the bargain and ratify this agreement.

There are 23 EU nations with whom Australia does not currently have co-production arrangements. A focus on co-production reform and expansion is necessary and urgent if our industry is to be able to maximise global opportunities as well as be competitive in its partnering with other nations.

Making Australia easy to work with

Despite the policy objective of co-production treaties being to stimulate production activity with treaty countries, Australia's existing treaties narrow the pool of eligible co-production partners. Over the years, the Australian Government has negotiated several agreements that limit common management, ownership and control between co-production partners. This can be seen in the official agreements with the United Kingdom,¹¹ Canada,¹² China,¹³ Ireland,¹⁴ Israel,¹⁵ Italy,¹⁶ Korea,¹⁷ Singapore,¹⁸ South Africa¹⁹ and the MoU with New Zealand.²⁰ The result of this narrowing of eligible partners is to punish companies that have attracted foreign direct investment and exclude them from the benefits enjoyed by other companies.

Further, it is contrary to Australian Government policy, which sees foreign investment as 'crucial'.²¹ As the market consolidates and restructures, this situation will become exacerbated. The Australian Government should explore renegotiating the annexes (which are less than treaty status) to provide Screen Australia with the power to approve co-productions with partners with common management.

Many of the co-production treaties were concluded before the internet, the rise of Asia as an economic power, and the emergence of Google, Facebook, Netflix, and Amazon. As such, there are many anachronisms within the treaty texts that require updating to make them fit for purpose. There are restrictions in the co-production treaties and their administration on:

- non-party involvement;
- limits on the location of the provision of services; and
- multi-party co-productions.

¹¹ *Annex to the Films Co-Production Agreement Between the Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland*, cl 4(d).

¹² *Annex to the Films Co-Production Agreement Between the Government of Australia and the Government of Canada*, cl 4(d).

¹³ *Annex to the Films Co-Production Agreement Between the Government of Australia and the Government of the Peoples' Republic of China*, cl 3.

¹⁴ *Annex to the Films Co-Production Agreement Between the Government of Australia and the Government of Ireland*, cl 9.

¹⁵ *Annex to the Films Co-Production Agreement Between the Government of Australia and the Government of the State of Israel*, clause 9.

¹⁶ *Annex to the Films Co-Production Agreement Between the Government of Australia and the Government of Italy*, clause 3(d).

¹⁷ *Australia-Korea Free Trade Agreement*, Art 3(d), Annex 7-B.

¹⁸ *Agreement Between the Government of Australia and the Government of the Republic of Singapore Concerning the Co-Production of Films*, Art 3(2)(a).

¹⁹ *Agreement Between the Government of Australia and the Government of the Republic of South Africa Concerning the Co-Production of Films*, Art 4(c).

²⁰ *Memorandum of Understanding Regarding the Co-Production of Films*, para 1(6).

²¹ Australian Government, [Australia's Foreign Investment Policy](#), p 1.

Another constraint is the high barrier to entry relating to the minimum Australian contribution in some co-production agreements. Official co-production arrangements are valuable when they represent legitimate, commercial terms within which to produce and finance screen projects. For this to be the case, the provisions of official co-production agreements must be in line with co-production arrangements of other territories.

For example, one key feature of co-production treaties is the creative ownership and financing rates provided by each of the territories party to the agreement. Many Australian co-production treaties, have rates above 20%²² sometimes up to 30%²³. By contrast, global trends have moved to lower minimum requirements, and separately acknowledging a shift toward multilateral co-production (cf. bilateral models). The co-production treaty between Canada and Ireland (from 2016) already shows these trends, with bipartite rates at 15%, and multipartite rates at just 10%.

Together, these barriers limit producers' ability to work in and with other territories efficiently and cost effectively, make co-production less attractive, and limit trade opportunities for the industry. If Australia does not revisit its existing agreements, it risks undermining a key policy intention of their creation: to encourage the world to help tell Australian stories.

Recommendation 3 That Australia prioritise entry into co-production arrangements that facilitate the opportunities for the export and expansion of Australian creativity, help enable Australia's diaspora communities to access capital and audiences, and modernise existing arrangements to make them fit for purpose.

2.2 Loading Discourages Television Co-productions

The Actors Television Repeats and Residuals Agreement (**ATRRRA**) is an agreement negotiated between SPA and MEAA, and sets out the agreed industry terms under which a producer can commercially exploit a television program. The ATRRA was first agreed by Actors Equity (now MEAA) and SPA in 1982. It has been renegotiated in 1997, 2000, 2004 and 2016. Currently, both ATRRA 2016 and ATRRA 2004 apply to commercial exploitation of a performer's image.

A legacy from the original ATRRA is a loading for performers that discourages co-productions. This loading is triggered by the clause governing the sharing of 'key creative decisions' with overseas companies. The loading is 90% of the Basic Negotiated Fee (ie the performer's fee for time worked).

This loading first appeared in the ATRRA in the 1980s in response to the proliferation of US network-led television production in Australia. At that time, US networks were setting up temporary Australian companies to access the then Division 10BA tax scheme.²⁴ SPA and MEAA agreed that, given the significant capital available to the US networks, and loss of opportunity to Australian performers on these taxpayer-supported programs, a loading should be paid to the Australian performers.

Over time the original reasoning for the loading has been lost and because of the broad scope of 'sharing key creative decisions'. MEAA have successfully insisted that all co-productions with other territories be covered. This runs contrary to the original intent of the loading because co-productions arrangements are, in part, designed to encourage greater levels of production and international cooperation by pooling the

²² Coproduction arrangements with China, Ireland, Israel, South Korea, Singapore and South Africa.

²³ Coproduction arrangements with Canada, Germany, Italy and the United Kingdom.

²⁴ Then division 10BA of *Income Tax Assessment Act 1936*, was a tax regime designed to incentivise private investment through preferential treatment where those funds are invested in a screen project. It was replaced by the Producer Offset (discussed separately in this submission).

limited production resources of two or more countries together. It would thwart the policy objectives of official co-production arrangements to adversely impose 90% loading on the Basic Negotiated Fee of Australian Performers on a co-production. This reduces the incentives for, and commerciality of, telling more diverse stories about Australian and its people.

3 CENTRALITY OF THE ARTIST (PILLAR 3)

Creative workers are both central to culture as a matter of fact, but also should be prioritised in developing cultural policy. For SPA's part, its members, independent Australian screen producers, like other creative workers, create their works in a state of precarity. This precarity is driven by desire to express and get their screen stories told, coupled with a system that takes advantage of that drive rather than rewarding it.

Producers today operate as creative partners, cultural translators, and ethical stewards. Despite their immensely important role, their creative work is defined by unpaid development labour, deferred compensation, irregular income, and periods of prolonged uncertainty.²⁵ No creative worker in Australia should have to exist, nor be expected to thrive, under such conditions.

In 2024, in a survey of its members, SPA found that screen producers were being increasingly being asked to bear the financial and creative burdens of project development, adding to the strain producers find themselves under. SPA members reported that less than 10% of projects that proceeded received sufficient external funding to cover all development costs, and in 26% of projects that proceeded to production, the producer funded over 80% of the development costs.²⁶ This highlights the significant unpaid work producers undertake, and costs they frequently bear in bringing stories to screens. These burdens do not just increase the likelihood of business failure, but have real human costs. Recent research, presented at the Cannes Film Festival 2026, called out this precarity as most cited driver of mental health issues among screen producers.²⁷

SPA considers that centralising the creative workers cannot be just a philosophical position of recognising creatives, but a concrete commitment to ensuring the markets into which their works are licenced, sold, and shown provide fair value for labour, risk-taking and ingenuity.

3.1 Economic Precarity in the Screen Industry

Screen production in Australia, is an industry largely comprising independent, small-to-medium businesses.²⁸ Screen production involves a range of different creatives, and the producer is the nucleus driving the vision across the lifecycle of project: development, commissioning, and production. This involvement makes producers the key interface between the creativity and the platforms on which audiences will view the work.

For more than half a century, much cultural policy has been directed to ensuring the ongoing existence of the Australian screen sector: reflected in aspects of tax policy²⁹ and around requirements of Australian

²⁵ European Audiovisual Entrepreneurs, *Producers in Focus: Mental Health, Resilience, and Support*, 2026, p. 2.

²⁶ SPA, Factsheet: '*Australian Producers Aren't Supported While Developing New Ideas*', 2024.

²⁷ European Audiovisual Entrepreneurs, *Producers in Focus: Mental Health, Resilience, and Support*, 2026, p. 5.

²⁸ Lateral Economics, *Taking Australian Stories and Skills to the World in the Age of Global Streaming*, 2023, p. 2.

²⁹ Division 376 of the *Income Tax Assessment Act 1997*: that is, the Producer Tax Offset.

produced content on broadcast,³⁰ pay television,³¹ and most recently streaming;³² as well as direct funding models through screen commissions and agencies.

These measures reflect a particular market dynamic in the Australian screen sector, where – especially in the case of television³³ – those that exhibit screen content hold significant market power. Broadcast or streaming platforms (or theatrical distribution businesses in feature film) individually provide the trigger by which a producing business can unlock different forms of Government financing (including tax incentives and direct investment) giving these businesses additional market power. This is reflected in the chokepoint these operators control between creatives producing work and audiences viewing it.

Broadcasting and streaming businesses are companies substantially larger and more secure than Australian independent production businesses. As a Lateral Economics report in 2023 found, the buyers in the Australian television market are very likely have greater bargaining power than production companies, and this enables them to secure more rights than they otherwise would be able to.³⁴ Without a pathway to audience via one of these streamers or broadcasters, other financiers are unlikely to provide funds, and indeed the viability of a project as a whole is called into question. Screen producers feel the pressure that an uncommercial deal is often preferable to a ‘no deal’ scenario with a commissioner or acquirer. Screen producers, who champion projects from their inception, want nothing more than to have audiences see their project and to recoup costs already outlaid before commissioners are involved.

Over time, commissioners – required by law to have Australian-made content – have begun to either reduce their willingness to pay for content, thereby devaluing that content in the market, or required further and further rights in exchange for platforming (and wholly or partly financing) a project. For instance, TV networks require Advertising Video on Demand (**AVOD**) or Subscription Video on Demand (**SVOD**) rights as a matter of course and streaming companies seek worldwide screening rights in perpetuity.³⁵ This behaviour has been known to industry for a number of years, with Screen Australia already highlighting its concern in its 2022 submission on *Revive*:³⁶

Pressures on budgets, finance and retention of equity are exacerbated by the terms of some commissions and acquisitions. Traditional business models based on [intellectual property] retention have been challenged by the practice of some [video on demand] platforms, which seek to pay a single fee in exchange for all rights, as well as any equity held by the producer. These deals may involve large lump sum payments, but may leave creators with no control over content, or opportunities to realise ‘long tail’ revenue.

SPA’s understanding is that such deals have become increasingly common, and represent a long-term trend which sees Australian screen producers, and therefore all the other creatives who work with and for them, pushed into economic precarity.

Screen producers, like many other creative workers, are experiencing the intensified pressures that have arisen from the disruption caused by global streaming giants dominating our sector. SPA believes that it is important to consider these structural changes to ensure all of our sector’s creative and entrepreneurial work is recognised and rewarded. SPA believes that addressing unfair terms will enable screen projects

³⁰ *Broadcasting Services (Australian Content and Children’s Television) Standards 2020.*

³¹ Division 2A, Part 7 of the *Broadcasting Services Act 1992*: the New Eligible Drama Expenditure (**NEDE**) scheme.

³² Part 8C of the *Broadcasting Services Act 1992*: the Streaming content obligations.

³³ The term television is generally used in this submission to refer collectively to linear broadcast, subscription video-on-demand, and broadcast video-on-demand services.

³⁴ Lateral Economics, *Taking Australian Stories and Skills to the World in the Age of Global Streaming*, 2023, p. 2.

³⁵ Lateral Economics, *Taking Australian Stories and Skills to the World in the Age of Global Streaming*, 2023, p. 2.

³⁶ Screen Australia, Submission on the National Cultural Policy, 2022, p. 11.

to be commissioned on a basis that ensures all creative workers in the sector can enter into and build a sustainable career in a viable local screen industry.

Unlike directors, writers, and others whose contributions are managed largely through industrial agreements and awards, producers have no guarantee of payment from the breadth of work they do. They are always the last ones to get paid - sometimes this risk works out for them, and sometimes it does not.

3.2 Exploring Solutions to Precarity

3.2.1 Embedding Fair Practice as Industry Standard

As a starting point, SPA considers there are 3 basic principles which should form the basis of the environment in which screen commissioning occurs, and on which all other principles should build:

Good Faith

- 1 Parties should negotiate in good faith.**
- 2 Parties should be prepared and willing to vary terms in a manner that results in mutual benefit or a re-balance of terms that favour one party.**
- 3 Parties should provide terms in advance, with reasonable timeframes for negotiation.**
- 4 Commissioners should only licence rights they actually intend to exploit at the time of commissioning. Additional rights should be acquired at the appropriate time for fair market value.**

This baseline would assist producers in ensuring that they are not unduly pressured into deals which are unnecessarily uncommercial and detrimental to sustainable business. The timing of agreeing to all terms upfront (including those relating to rights the commissioner has no immediate intention to exploit, and those committing producers to nominal re-licence fees), means that the Producer has no opportunity to be rewarded for the commercial success of a program. Were this not the case, the competitive market may provide greater financial reward to a Producer: ie available rights in a program once it has achieved commercial success could be acquired by another party. Deal terms and timing are critical, and in the present market they are imbalanced in favour of commissioners.

Fair Value

- 5 Intellectual property rights must be fairly valued.**
- 6 Commercial success should be factored into extensions, re-licencing, new season and derivative commissions.**
- 7 Protection of downstream value for producers should be prioritised.**

It is important to acknowledge the significance to production business sustainability of deriving revenue from a program into the longer term. There are a number of mechanisms that can enable the Producer to hold onto the downstream benefit (including by way of fair deal terms, IP ownership, back-end revenue participation, equity participation and participation in future and derivative programs, to name a few examples). Referring above, 'Fair Value' stands side-by-side by 'Good Faith' in baselining a sustainable and fair production ecosystem. For a Producer, building a slate

(projects in development preparing to take to market) together with a back-catalogue (of delivered projects) provide ways to stabilise businesses economically.

Transparency

8 Parties should be open and transparent in data sharing about commissioned projects.

9 Commissioners should share regular and comprehensive information relating to the exploitation of programs, including views, audience, territories, commercial success.

Commissioners who do not pass on meaningful data about programs to producers structurally inhibit a producer both from advocating for their position and rights in a deal environment, as well as denying them valuable information around producing other successful shows which audiences would enjoy. Success in securing commissions is mechanism by which producers can build sustainable businesses, and avoid economic precarity.

3.2.2 Model or Minimum Terms: Solutions of other jurisdictions

SPA has considered how issues of fairness are dealt with in other jurisdictions, and in particular models used in France, the UK,³⁷ and more broadly across Europe³⁸. These models all seek to set out either model or minimum terms. These models present possible policy tools the Australian Government could consider adopting or adapting, in order to prevent unfair dealings with producers. An Australian version would seek to govern commercial relationships between Australian screen businesses and ‘designated’ digital platforms who benefit from a significant bargaining power imbalance. These models are not novel to the Australian regulatory environment, and enforceable codes administered by the Australian Communications and Media Authority (**ACMA**) and Australian Competition and Consumer Commission (**ACCC**) already exist.

Operating in a similar way to the *News Media Bargaining Code*, Australia could implement legislation to enable the relevant Minister to designate certain digital platforms as subject to the obligations under the code in agreement with SPA. In deciding whether to designate a digital platform, the Minister could consider whether there is a significant bargaining power imbalance between the platform and Australian screen businesses. The existence of this code would operate as an incentive to commissioning platforms to engage with Australian screen businesses on fair terms and provide these screen businesses with a fall-back process through which they could seek government intervention and scrutiny of commercial contracts, if required.

SPA has made a number of representations to Government over the last number of years around the need for some kind of terms system that can fetter the significant commercial power commissioners possess in the market. For its part, SPA has been working proactively within the Australian regulatory frameworks, in the absence of direct Government intervention, to try and resolve the pressures producers are facing. It has made applications to the ACCC to enable it to collectively bargain with commissioners, in order to establish terms that would enshrine fairness in the dealings with producers.³⁹ In those applications, and in subsequent submissions to the ACCC, SPA has highlighted the imbalances in market

³⁷ For further information on the UK terms of trade framework, see: PACT, [Terms of Trade: PSBs Comparison](#) (March 2026).

³⁸ European Producers Club, [ECP Code of Fair Practices](#), 2026.

³⁹ Holding Redlich (on behalf of SPA), [Application for Authorisation: Negotiation of terms with Broadcasters](#), 19 December 2019; Holding Redlich (on behalf of SPA), [Application for Authorisation: Negotiation of terms with Streamers](#), 19 December 2019;

power, and the shift in commissioning deals. The applications remain on foot and SPA remains committed to taking steps to protect sustainability of screen production businesses.

3.2.3 A new possibility: ‘Australian’ productions should be done the Australian way

Australian cultural output, and certainly the creatives at the heart of it, remain at risk due to this economic precarity. Multiple policy levers over time have been used to protect the pipeline for Australian stories, and to ensure that this precarity does not drive Australian stories further to the fringes of the market. These include placing domestic content requirements on broadcasters, subscription television services (**pay TV**), and streaming services. These regimes rely on requiring the broadcasting or commissioning of ‘Australian’ content (such as the *Broadcasting Services (Australian Content and Children’s Television) Standards 2020 (ACCTS)*).

The definition of ‘Australian’ for the purposes of these regimes relies on Australians being centred in the creative endeavour – in key positions such as producer, director, cast, or writers. While SPA thinks this centrality remains key, these regimes do nothing to protect the nature or terms of that engagement or involvement. For its part, SPA considers that the public would expect that for a project to be considered Australian, that it would not only have Australians involved, but that there would be Australians would reap financial returns from the project’s success, and those involved were treated fairly, reasonably, and equitably. Put simply, there is an expectation that Australian content involves Australians getting a fair go.

A process requirement would assist in mitigating the risks posed by the structural inequality between the businesses involved in independent screen production and the large oligopsonistic commissioners. These risks, as appear in any oligopsonistic market dynamic, include:

- buyers being able to set sellers off against one another, thereby forcing down the prices paid by all buyers;
- buyers being able to dictate costs to sellers through imposing exact specifications relating to quantity, quality, suppliers, wages/fees, innovation, and rights; and
- buyers being able to pass on risks inherent in the products.

Minimum requirements for fairness and reasonableness would provide safeguards to the system while maintaining degree of flexibility, allowing commissioners and producers alike to engage in bespoke or novel deals around Australian content. This fairness requirement should enable Australian producers, and the other creatives that work alongside them, to negotiate terms that recognise their labour, expertise and creativity. SPA wants to see an industry that not only celebrates Australians, but the very fairness at the centre of the Australian ethos.

SPA considers that the demand of fairness in these respects is no more than to ask for fair and reasonable treatment in engagements. Australians would expect that those who make Australian screen content would be treated as such, and SPA believes that such an expectation should be made explicit. This expectation is already part of the Australian contractual ecosystem, with the extension of the Unfair Contract Terms regime to applying to contracts with small businesses (as well as individual consumers).⁴⁰ The need for this requirement arises from the imbalance in market power described above.

⁴⁰ *Treasury Laws Amendment (More Competition, Better Prices) Act 2022.*

Recommendation 4 That a process requirement for ‘fairness’ could be introduced into the Australian regulatory landscape for screen production, potentially through a terms of trade model, or as part of the test for ‘Australian’ within the various domestic content requirement regimes.

3.3 Sustaining Screen Businesses

One of Screen Australia functions is to ‘support and promote the development of a highly creative, innovative, and *commercially sustainable* Australian screen production industry’ [emphasis added].⁴¹ SPA believes while funding individual projects provides a degree of sustainability, there should be resources dedicated to assisting the commercial understanding and financial literacy within the industry. Screen Australia had previously provided support of this nature through its now discontinued Enterprise Program. This type of program not only directly enabled individual business growth, but also built increased capacity across the sector. In the context of emerging and novel screen businesses (discussed at section 5.8 below), a revised Enterprise Program could also assist meaningfully supporting these screen producers.

The broader need for these skills and knowledge across the screen production community was highlighted in recent European research, where the unspoken perceived absence of these skills led to feelings of shame and mental distress among producers, and contributed to their sense of economic precarity.⁴²

Recommendation 5 That Screen Australia receive resources to assist in building capacity skills within production businesses (on an enterprise rather than project basis) – viz. re-introduce a modernised / adapted version of Screen Australia’s enterprise program.

3.4 Ensuring Safe Screen Workplaces

SPA welcomes the State and Territory Governments’ recognition of psychosocial safety under workplace health and safety legislation. SPA has been a proactive proponent of safe and respectful workplaces within the sector as a number of years. Screen producers are ultimately the employers of other creative workers and they take these obligation and duties very seriously. The screen industry is characterised by a challenging and demanding work environment particularly during the shooting stage for live action work.

Over the last number of years, SPA has developed training that can be rolled out on screen projects, *Respectful Workplaces*. This training was developed to reduce the instances of harassment, discrimination, and bullying in the screen industry, which regrettably historically took place. To date, over 5,000 people in the screen industry have undertaken *Respectful Workplaces*. This program has been expanded with the recent development and launching of SPA’s *Contact Officer* training. This program aims to support designated Contact Offers on production sets – often the first point of contact for someone with an issue or complaint. It assists them how they can support the person raising the issue, and navigate the Officer’s duties and responsibilities. Most recently, SPA has also been involved in the development of The Australian Screen Industry’s National Mental Health Action Plan,⁴³ which aims to make all workplaces mentally healthy and safe workplaces.

⁴¹ *Screen Australia Act 2008* s 6(1)(a).

⁴² European Audiovisual Entrepreneurs, *Producers in Focus: Mental Health, Resilience, and Support*, 2026, p. 5.

⁴³ ScreenWell, *The Australian Screen Industry’s Mental Health Action Plan*, May 2026.

3.5 Safeguarding Creativity: copyright reform in the age of generative artificial intelligence (Gen AI)

While in some ways the rapid technological development in the Gen AI⁴⁴ space is unprecedented, the scramble and lag of national governments to respond, to innovate, and to regulate technological change is perennial. In the case of Gen AI, SPA is of the view that policy settings, including intervention as necessary and appropriate, to protect IP of creatives (including through copyright law) is essential.

The screen production industry is no stranger to technological innovation, and has long been an early adopter of new and sophisticated technology, such as the computer modelling behind computer-generated imagery, motion capture technology, and animation. However, the adoption of these tools has always been accompanied by an understanding that it is a tool of creatives' imaginations: to bring worlds, characters and scenes to life. SPA considers that Gen AI risks reversing this relationship: rendering human creativity and imagination tools of the technology. All participants in the screen industry ecosystem should be able to benefit from the opportunities that Gen AI systems present, while being protected by reasonable safeguards.

Gen AI has already shown promise in already delivering productivity benefits in the Australian screen industry, particularly in administrative and production management workflows. In a survey of its members in 2024, around 75% of Australian producers reported using AI for scheduling, budgeting, and metadata management, freeing up resources for creative activities. However, benefits extend beyond this, as reducing administrative tasks allows producers and other creatives to automate the business operations of the production companies. This allows the company to spend more time concentrating on the ideation and development of the stories they want to tell.

Several large language models and text-to-image have been built on the largescale ingestion of creative works – the rightsholders of which were often provided limited or no compensation. SPA believes that Australia's cultural policy should actively consider the risks to the sector that arise from Gen AI if it is not properly regulated. With the independent screen production sector facing the economic precarity set out above, it is important that its culturally and economically valuable creations are not devalued or expropriated in the name of 'technological innovation'.⁴⁵ Australian creatives and Australian stories deserve to be protected, as they have been historically.

Recommendation 6 Australian copyright laws (and broader IP framework) prioritise the creative sector's ability to work sustainably into the future.

4 STRONG CULTURAL INFRASTRUCTURE (PILLAR 4)

As the Consultation Paper identified, Australia's creative sectors rely on institutions and systems which support and facilitate their success. In the case of the screen sector, this includes both the public bodies that invest directly into the sector, i.e. Screen Australia, and relevant state agencies, as well as the publicly funded broadcasters (i.e. the ABC, SBS, and NITV). Together, these funding bodies and broadcasters provide critical pathways for projects, especially for those of cultural value beyond what can simply be measured as commercial success. Australia's screen sector is a highly complex commercial

⁴⁴ This submission uses GenAI to mean 'a class of machine learning that can create new content, such as text, images, videos and music' (OECD, [Generative AI – Overview](#), OECD Website, 2026 – accessed 31 May 2026)

⁴⁵ A concern currently live in the context of ongoing debates around data centres: see e.g. op-ed from the Australian Financial Review, [AI's Billions won't land here without copyright reform](#), 19 February 2026.

and regulatory environment, and SPA believes that therefore reforms to the cultural infrastructure, should be holistically considered to ensure that policy settings are achieved.

4.1 Screen Australia: Future Focuses

As the primary, direct public funding body for Australian screen content, Screen Australia plays a vital role in Australia's screen production ecosystem. SPA firmly believes that Screen Australia must be adequately funded to enable it to meet the growing creativity of Australians. Despite industry growth and the increase in production costs, SPA understands that Screen Australia's overall funding has not increased over the last decade. As a consequence, Screen Australia has had to rationalise its programs, including cutting the Enterprise Program, in an attempt to meet the demand for production funding. Even with this rationalisation, in FY2024, Screen Australia was only able to provide funding to 27% of scripted content applications.⁴⁶

4.1.1 Allocation of Screen Production Investment

SPA understands that Screen Australia aims to provide funding to as many projects as it is able, especially in circumstances where the receipt of the funds from Screen Australia makes a material difference to the viability of the project. SPA is aware, based on feedback from its members, that this has resulted in Screen Australia adopting a practice of providing projects less funding than the full amount contemplated in the project's finance plan. Where funding short of the amount sought in the finance plan is provided to a project, it creates a financing gap that producers often fill by foregoing their fee, and/or offering a proportion of their remaining equity to financiers. This increases the financial precarity of producers, and in so doing risks undermining the mandate of Screen Australia to create a sustainable screen production industry.

SPA acknowledges the tension this exposes at the heart of Screen Australia's production funding envelope. On the one hand, putting more projects onto screens (providing funds to a higher quantity of projects), and on the other, fully supporting projects and the business. SPA's view ideally is that Screen Australia is able to meet both.

4.1.2 Telling Australian stories to the World: National Screen Export Strategy

As part of its remit under its current Statement of Expectations, Screen Australia is tasked to, '*strengthen international engagement, including through co-productions, festival and export activity to support both market outcomes and Australia's cultural diplomacy*'.⁴⁷ This is currently measured against: international investment (the percentage of total production budgets for Screen Australia-supported projects that is sourced from international partners); the number of post-financing international acquisitions of Screen Australia-funded projects; and the number of Australian titles selected for major international festivals.⁴⁸ The measures are not able to inform how export activity as a whole is tracking and whether Australia's traditional deficit in IP trade (particularly relating to screen content) is improving or worsening.

Screen Australia is not alone in receiving Commonwealth funding to assist with international engagement for the Australian screen sector. The Australian Children's Television Foundation (**ACTF**) and AusFilm

⁴⁶ Apostolou, N, [Screen Australia drama report reveals production spending decline, with kids TV on brink of collapse](#), C21 Media, 17 December 2024.

⁴⁷ Screen Australia, Statement of Expectations 2025-26, 25 September 2025.

⁴⁸ Screen Australia, [Corporate Plan 2025-2029](#), 2025.

(non-Government bodies) also receive Government funding and consequently the work of these three organisations needs to be evaluated holistically.

Properly funded, strategic coordination around export activity represents an opportunity for Australia, at a time when there is a real demand for Australian stories on the global stage: from the success of series like *Heartbreak High* (Fremantle Australia) and *High Country* (Curio Pictures). In many ways, while these represent successes, they are broadly unsupported by an ecosystem designed to leverage the soft power created by these moments. By contrast, the Canadian media ecosystem has a dedicated Creative Export Strategy designed to help Canadian creative industries maximise their export potential and stand out in the global market.⁴⁹

The absence of a strategy for the screen industry's export growth limits its ability to close a growing trade gap and highlights an imbalance between Australia's efforts to bring international productions into Australia compared to Australian efforts to export Australian screen products. As a result, Australia has a massive and growing cultural trade deficit: reportedly, for every dollar of cultural products exported we import eight.⁵⁰ To fully realise future global growth opportunities and adapt to changed industry dynamics, the Australian screen industry urgently needs a more active engagement with global financing and distribution partners to improve our export success. This helps Australian stories find new audiences abroad.

A screen export strategy could consider key markets for a broad range of Australian content, as well as new co-production treaties (see section 2 above). Work is already being undertaken by SPA as a key industry body to actively promote inter-territorial connections. SPA appreciates that the challenges faced for the export of television and feature films is very different, and this strategy could consider the synergies and areas of divergence between these two channels to audiences, alongside modern direct-to-audience models via platforms such as YouTube or TikTok. These new models increasingly represent a possible pipeline to success in the screen sector, and should be considered as platforms with inherently global reach.

Children's Content as a Key Export Category

Children's content could form a key export category within any national screen export strategy. Australian children's brands have historically and consistently ranked among the country's most successful screen exports, with series such as *Mako Mermaids* (Jonathan M. Shiff Productions), *Round the Twist* (ACTF), *Dance Academy* (Werner Productions) and *Bluey* (Ludo Studio) demonstrating the global appeal of Australian storytelling for young audiences. These properties generate long-term value through international distribution, publishing, licensing and consumer products. Unlike many forms of screen content, successful children's intellectual property can remain commercially relevant for decades, creating sustained export earnings and supporting Australian production businesses over the long term.

A presentation on Australian content at SPA's Screen Forever conference in May 2026 by Allied Global Marketing outlined some of the characteristics of children's content that make it both audience and global-market friendly – belying SVOD investment reluctance. These include that children's content is made up of distinctive programs with a clear audience, are repeatable formats, and feature IP that works across markets, platforms, and launch windows.

⁴⁹ Government of Canada, [Creative Export Strategy](#), May 2026.

⁵⁰ Australian Academy of the Humanities, [Australia's Cultural and Creative Economy, A 21st Century Guide](#), A New Approach, 2021, p 71.

Investment in children’s content should therefore be viewed not only as cultural policy, but also as export, trade, and IP policy. A national screen export strategy should explicitly recognise the strategic value of Australian children’s content and support the development, financing, distribution, and international growth of Australian children’s brands.

Export Market Development Program

While the Australian Government provides funding to *Ausfilm*, an organisation that is funded to promote Australia as a destination for international film and television production with a focus upon and for its members, there is no equivalent body or focus that has the objective of increasing Australia’s screen exports across all genres and types. By contrast, Australian screen export support is subsumed within Screen Australia, and its cultural mandate and screen producers compete for marketing funding with other industries through Austrade’s Export Market Development Grant (**EMDG**) Program.

The EMDG program provides grants to assist small-to-medium businesses, like many of Australian production companies, with access to markets to promote goods and services globally and to undertake export training. While a small number of screen producers continue to utilise the EMDG program, this is far from a scheme which recognises the significant ways that screen products are different to manufacturing goods and which is designed to grow screen sector exports.

Screen production, much like project work in other sectors, relies on the establishment of specific companies, known as special purpose vehicles (**SPVs**), which carry the risks and liabilities for a project distinct from its parent company. SPA has previously expressed concerns around the limitations to the EMDG program including that many of the proposed EMDG criteria implemented in Round 4 in 2025 do not accommodate the dynamic nature of SME screen businesses, which utilise SPVs.

SPA considers that a review of the current cultural infrastructure geared toward the import and export of Australian content of all types would allow identification of structural tensions between the goals of the different organisations. If Australia wants to grow and foster its screen exports, consideration must be given to how resources are allocated as between import and export priorities.

Recommendation 7 That there should be review of AusFilm, ACTF and Screen Australia, with a view to identifying and leveraging success and efficacy as part of a broader screen export strategy.

Building Business-to-Business Linkages

SPA has previously identified that a “Screen Export Accelerator” type of program could address the existing business-to-business gaps in the export and global marketplace and provide a curated international screen market program for a cohort of Australian screen producers and the broader creative teams they nurture. This type of program should be resourced to support international activities focused on co-productions and international distribution to reinforce and further develop relationships and networks with Australian screen businesses.

The existing gaps identified by SPA based on the needs of screen producers are:

- Assisting Australian producers to access international markets and securing distribution channels for their and their creative team’s work, thereby expanding Australia’s screen exports.
- Supporting the participation by Australian producers in a broader range of international screen markets and festivals, where co-productions can be showcased to a global audience and further distribution deals secured.

- Helping Australian producers to establish partnerships with international distributors to ensure that collaborative projects have the potential for widespread distribution.
- Working with Australian producers for the curation of meetings, identifying the most beneficial international partners to meet with.
- Bespoke slate development and strategic introductions with relevant international financiers.

SPA has previously made submissions to Government for funding to support development of this type of program.

Recommendation 8	The Government develop an aligned national export strategy for Australian content, with funding provided for its development and ongoing implementation.
Recommendation 9	Funding be allocated to SPA to develop a business-to-business global export program to build inter-territorial connections for capital, creativity, and audiences.

4.2 Public Broadcasters: Role in the shifting market

One of the most enduring and significant features of the Australian television landscape is the role the public broadcasters. The ABC, SBS, and NITV are all key commissioners of Australian content, and serve vital functions in putting Australian stories into homes right around the nation. As a recent Deloitte Access Economics report has highlighted, the ABC was valuable in its capacity to ‘catalyse’ investment in independent sector, and therefore ‘strengthened’ the broader production sector.⁵¹ Viewership across broadcasters, both commercial and public, has been in decline since the advent of streaming services with audience viewing habits shifting. In response to these changing preferences, broadcasters have offered on-demand services of their broadcast material.⁵² Most notably, in the public space, ABC iView and SBS On-Demand, have been developed. These services now form a key part of the audience engagement with public broadcasters,⁵³ and this is reflected in the commercial terms now demanded by these broadcasters in commissioning or acquiring programs from Australian screen producers.⁵⁴

At the same time, the SVOD services that have entered and now dominate the Australian market (especially, those 8 with over 1 million paying subscribers),⁵⁵ have significantly shifted the type of television being produced across the globe. There has been a marked trend driven by these services competing using high-budget, platform-exclusive, prestige dramas often produced on 6-to-8-episode seasons. This preference for low-quantity, high-quality adult drama programming has dramatically shifted both audience expectations and as a result the behaviour of broadcasters in needing to keep up with this trend.

⁵¹ Deloitte Access Economics, *Lights, Camera, Action: The economic and social contribution of ABC-commissioned screen productions*, 2026, p 16.

⁵² Deloitte Access Economics, *Lights, Camera, Action: The economic and social contribution of ABC-commissioned screen productions*, 2026, p. 9.

⁵³ eg 50% of children’s animation on the ABC was viewed on iView: Deloitte Access Economics, *Lights, Camera, Action: The economic and social contribution of ABC-commissioned screen productions*, 2026, p. 32.

⁵⁴ When enable, for example, nearly the 100% of ABC screen productions to be available on iView: Deloitte Access Economics, *Lights, Camera, Action: The economic and social contribution of ABC-commissioned screen productions*, 2026, p. 32.

⁵⁵ Netflix, Stan, Disney+, AppleTV, Amazon Prime, HBO Max, Paramount+, Binge ([see ACMA, Subscription Video on Demand Services \(2026\)](#)).

As explained further in section 5.2.2 below, non-drama commissioning has become particularly vulnerable.⁵⁶ In this context, the role of the public broadcasters in commissioning documentaries and content for children has never been more vital.

4.2.1 Evolving Public ‘Broadcasters’ in a digital-first world

Long-Term Transition

Audiences are shifting away from linear broadcast toward streaming / video on demand services. The ABC, SBS and NITV are not immune from this trend, and their charters should actively reflect their need to consider the changing ecosystem. These platform shifts do not come without costs, both in the transition, but also in the administrative and maintenance costs of video-on-demand services as distinct from linear broadcast. Australians rely on the public broadcasters to help them see themselves reflected in stories being told. For example, while the ABC Charter permits the development and maintenance of its iView platform, there is no concerted requirement or direction around how it should manage its future functions in light of changing audience preferences for access. The question of this balance is specifically important to public broadcasters, with ABC iView being the most watched broadcast video-on-demand (BVOD) service in Australia in 2024-5.⁵⁷

Supporting Local Industry

As recipients of significant amounts of public money, public broadcasters ought to tell Australian stories and to support Australian creatives who tell those stories. While the governance documents of Australia’s public broadcasters (eg the ABC Charter) reflect the expectation for the former in broad terms, there is no guarantee of the latter. Indeed, current charters permit a perverse outcome where Australia’s public broadcasters could contribute actively to the demise of the independent screen sector. Either through in-housing production, or through offering commercial terms that are unsustainable for the independent sector. The United Kingdom, by contrast, due to its terms of trade environment has a regulatory mechanism to ensure sustainability of the independent production sector is facilitated in dealings with public broadcasters.⁵⁸ As set out in section 3.1 above, Australia’s independent screen sector already faces an economically unsustainable future due to current commercial trends, which include the present behaviour of public broadcasters. SPA firmly believes those voices that want to tell surprising, confronting, humanising stories of contemporary Australia – consistent with the mandates of the public broadcasters⁵⁹ – reside firmly in the independent production sector.

SPA recognises the relationship between the independent production sector and public broadcasters is an important and complex one. While on the one hand, public broadcasters should be prudent with their expenditure in the commissioning and acquisition of programming, public broadcasters should also not deal with the Australian independent producers unfairly, or in ways that are adverse to the sector’s sustainability. This is because, as a recent Deloitte Access Economics report highlights, work with the independent producers strengthens the broader production sector, and thereby helps bring Australian stories to the screen.⁶⁰

⁵⁶ ACMA, [Spending by Subscription Video on Demand Providers](#), Nov 2025.

⁵⁷ ABC, Australian Broadcasting Corporation Annual Report 2024-25, p. 26.

⁵⁸ SPA notes that a 2023 report in the UK terms of trade framework highlighted the significance of the model to the survival and success of the independent production sector: Oliver & Ohlbaum Associates, *Celebrating 20 Years of Terms of Trade*, December 2023.

⁵⁹ eg *Australian Broadcasting Corporation Act 1983*, s 6(1)(a)(i); *Special Broadcasting Services Act 1991*, s 6(1).

⁶⁰ Deloitte Access Economics, *Lights, Camera, Action: The economic and social contribution of ABC-commissioned screen productions*, 2026, p. 16.

Public broadcasters are an integral part of the cultural infrastructure that foster Australian creative talents through the choices they make as commissioners of content. Ordinary Australians would reasonably expect that the public broadcasters would be model commissioners of Australian content – that is, they would treat Australian production businesses fairly. SPA is cognisant of the tension that exists between public broadcasters' prudence and their ability to support the sector is a product of limited resources provided to the broadcasters. SPA believes that further funding for the public broadcasters should not only ensure that they can commission significant volumes of Australian screen stories, but also do so in manner that is fair and sustainable for producers.

SPA believes wholeheartedly in the ongoing role of national public broadcasters in the fabric of Australian life, not just for news, current affairs and sport, but in all forms of screen content. Seeing Australians on screen, means not only the faces in the extreme closeup shot, but seeing Australian businesses able to build careers and livelihoods.

Recommendation 10 The public broadcasters be subject to public review in relation to their commissioning and delivery of Australian content, in the context of changing audience viewing habits. Such a review could consider:

- the quantum of funding allocated to, and transparency in, the commissioning independent Australian production companies;
- the terms of commissioning and acquisition in an increasingly digital-first audience environment; and
- the role that public broadcasters play in the commissioning of particularly vulnerable types of content (eg documentary and children's).

4.2.2 Transparency in Public Broadcaster Decisions

The public broadcasters (specifically, the ABC and SBS) to date have not had statutory requirements to produce, fund and show particular amounts of Australian content.⁶¹ This, combined with expanding their service delivery activities and managing reductions in operating budgets, has created challenges for consistent expenditure by the broadcasters on the number of hours of Australian content commissioned.

In acknowledging that, for public broadcasters, direct minimum requirements or tied funding may impinge on their independence, SPA sees transparency the key mechanism to interrogate commissioning practices and trends. Indeed, it can be argued that the broad understanding of the ABC's independence should be through the prism of news and current affairs and editorial independence (ie an absence of government interference in news and current affairs), which SPA continues to wholeheartedly support.

SPA notes, for comparison, that a layer of regulatory oversight and minimum obligation has been applied to the British Broadcasting Corporation (**BBC**) in the United Kingdom,⁶² and to the Canadian Broadcasting Corporation (**CBC**) in Canada⁶³ and submit that a similar model could successfully be

⁶¹ SPA recognises the general expectation on public broadcasters that follows from their charters. However, this is less clearly expressed than the obligations placed on other broadcasters (and SVOD providers) in the market.

⁶² Through Office of Communication (OfCom)'s [Performance Measurement Framework](#) (2023).

⁶³ Through the Canadian *Broadcasting Act* and the relevant regulator, the Canadian Radio-Television and Telecommunications Commission.

deployed in Australia, through the ACMA. The ACMA already administers oversight and reporting of both commercial free-to-air broadcasters and SVOD services – who bear explicit requirements.

A robust system of reporting to the ACMA on measures such as annual numbers of Australian programming (both on an hour and program count basis) as well as total expenditure on Australian commissions would enable comparisons between the public broadcasters and other commissioners in the ecosystem. While the public broadcasters may report some of these figures in aggregated forms in their annual reports, it would be publicly beneficial to require a degree of formality and rigour around the reporting of these figures. The capacity of the ACMA to then compare the public broadcasters to their regulated populations would assist in understanding the relative impact of public broadcasters within the commissioning environment.

Recommendation 11 That public broadcasters be required to report to the ACMA on commissioning and broadcasting of Australian content, with those reports to be published.

4.3 Appropriately Resourced Regulators

With the introduction of Part 8C into the *Broadcasting Services Act 1992* (ie the streaming content obligation regime), the ACMA was tasked with implementing, administering and overseeing a new regulated population. As part of the legislative regime, the ACMA received a range of powers to compel those operators to produce their documents and accounts, and to make determinations in order to prevent avoidance of / non-compliance with the regime. The regulated population in this case are some of the largest, most well-resourced corporations globally, whose operations are highly complex and sophisticated, and form part of multi-national corporate structures. Despite a need to oversee and monitor the operations of such powerful entities, to SPA's knowledge, the ACMA has not received substantial further funding to enable it to meaningfully exercise its powers or pursue non-compliance. SPA considers funding of the ACMA could be monitored, with a view to providing further funding if it becomes necessary for the proper administration of the new regulatory regime.

Recommendation 12 That the ACMA should be ensured adequate funding to implement, administer, and ensure compliance with the SVOD regulatory regime.

4.4 Screen Incentive Reforms

A critical piece of cultural infrastructure for the arts has been its treatment under taxation system, especially measures designed to protect creatives and incentivise investment. The Producer Offset is a tax incentive which preferentially treats certain qualifying expenditure of screen producers on their individual projects.⁶⁴ When the Producer Offset was first introduced in 2007, the Explanatory Memorandum of the relevant amending Act clearly indicated its purpose as intending to provide 'a real opportunity for producers to retain substantial equity in their productions and build stable and sustainable production companies', and to 'support industry...to meet the challenges of a changing global environment.'⁶⁵ The intention of the Producer Offset is therefore to help Australia grow sustainable screen businesses, enabling them to continue to employ other creative workers. In short, it was to assist independent production businesses to be robust enough to withstand the very economic uncertainty articulated in section 3.1 above.

⁶⁴ *Income Tax Assessment Act 1997*, s 376-55.

⁶⁵ Explanatory Memorandum to the *Tax Laws Amendment (2007 Measures No. 5) Act 2007*, paras 10.5 and 10.2.

In the nearly two decades since its introduction, the screen production landscape has dramatically shifted technologically, commercially, and culturally, driven largely by the advent of digital streaming platforms. As a result, the economic dynamics have shifted, as exemplified by the increasingly common one-sided terms of streamer and broadcaster commissions. A consequence of this is that the benefits of the Producer Offset do not necessarily flow in full to a producer, despite that being its intention.

Notwithstanding these shifts, it remains imperative the supportive intentions of the offset be maintained. The statutory body which administers the Producer Offset, Screen Australia has previously raised concerns that market conditions have driven some producers to increasingly 'trade away' equity to ensure productions commence and fees to other creatives can be paid.⁶⁶

Screen Australia described this phenomenon as 'effectively bolster[ing] individual project budgets, rather than supporting the ongoing sustainability of businesses'. Australia's screen production sector relies on these funds to keep telling stories, and contributing to Australian culture in the process. SPA believes what is required is a broad modernisation of the Producer Offset framework to ensure it is still fit-for-purpose and able to assist the much-needed fairness in the commissioning environment (see section 3.2.1). In the sections that follow, SPA sets out a range of measures by which the Offset could be modernised to ensure that the system better meets its intended function.

4.4.1 Equalising Producer Offset for theatrical and non-theatrical release

Currently, the Producer Offset provides a different level of rebate for projects released theatrically (40%) and those projects that are not (30%). The higher rebate level for theatrical release was established to support cinemas as significant cultural spaces (discussed section 5.7 below). Changing audience behaviour that skews towards SVOD services (over cinema attendance) means that this mechanism has decreased in significance and impact for screen producing businesses.

The distinction between content for cinema and television is increasingly blurred, with prestige miniseries, and straight-to-SVOD feature films attracting comparable budgets to cinematic releases. Financing these increasingly high-budget, non-theatrical release projects is challenging for producers. Feedback from SPA members is that they often face a 10% gap in finance plans for non-theatrical projects. An increase in the non-theatrical offset would help to address this gap and could be advanced on a genre-by-genre basis.

4.4.2 Equalising treatment of genres: Removing the 65-hour cap on documentary content

In 2021, the Producer Offset rules were amended to remove the 65-hour cap for drama but not for documentary. SPA has questioned the rationale for not applying the same benefit to documentary as has been applied to drama. Documentaries remain an important but nevertheless vulnerable type of project, playing a vital cultural role for audiences. Documentary production is equally important as drama in Australia and this cap should apply to neither documentary nor drama to ensure consistency.

4.4.3 Recognising financing costs caused by administrative delays

SPA recognises that financiers broadly endeavour to process funds as expediently as they are able. However, on occasion, delays resulting from administrative processing or other factors beyond a producer's control, create cash-flow issues on a production. These result in producers facing additional financing costs (due to payable interest), that they would not have otherwise incurred. Currently, these financing costs are borne by the producer, but cannot be claimed as Qualifying Australian Production Expenditure (**QAPE**) for the purposes Producer Offset, despite being a legitimate cost a production has

⁶⁶ Screen Australia, Submission on the National Cultural Policy, 2022, p. 11.

incurred. SPA considers that recognition of financing costs would be both consistent with the objective of the Offset (in recognising costs of associated with a production), and relieve a degree of the precarity generated by events outside of a producer's control.

4.4.4 Providing capacity for interim rebates on multiyear projects

The Producer Offset is only available upon a project's completion. This means that for projects which may take multiple years to complete, access to the benefit of the Producer Offset may be effectively limited. Far from achieving its aim of stabilising the production business, it rather generates an interim need for the production business to rely on other sources to access liquidity. This exposes the production business to potentially more problematic forms of finance, such as the owners of production businesses collateralising their personal assets (eg re-mortgaging their homes). Other territories, such as New Zealand, resolve this problem by permitting a gradual realisation of tax offsets through interim payment on an annualised basis. This smooths the receipt of funds back into a production company, ensuring that its equity investment in productions does not result in unnecessary liquidity issues. SPA therefore considers the Producer Offset should allow the payment of interim rebates.

- Recommendation 13** That the Producer Offset regime be modernised to ensure it remains able to achieve its intended statutory purpose, including through:
- equalising the offset percentage for cinematic and non-cinematic distribution at 40%;
 - equalising treatment of documentaries and scripted content, in relation to uncapping the 'hours' eligible for the offset;
 - including financing costs arising from administrative delays in qualifying expenditure (QAPE) for the offset; and
 - providing capacity for interim rebates on multi-year projects.

4.4.5 Announced but not legislated Screen Incentive Reforms

Two important reforms have been announced by the Federal Government but not yet legislated. The policy rationale for these reforms is not re-prosecuted in this submission. Instead, issues arising from the ongoing delay have been highlighted.

Removing the Producer Offset "Above the Line" cap

In May 2024, the Australian Government announced the abolition of the "above the line" cap in the Producer Offset. The removal of this cap put Australian projects on a more equal footing with international projects as the Location Offset did not contain a similar cap. The announcement indicated the abolition would apply to principal photography that started from 1 July 2024 onwards for the 2024-25 financial year. However, the measure has not yet been legislated.

While this announcement of backdating to 1 July 2024 was welcome, the significant passage of time has meant that whole screen projects have been finalised and completed, with their accounts submitted to Screen Australia and the Australian Tax Office. For such projects, regardless of the indicative backdating, they are not able to receive an offset that has not been legislated. The use of SPVs in screen production also assists in meeting the requirements of investors (including Screen Australia) to maintain separate accounts / books. These SPVs are closed upon the finalisation of the project and the distribution of funds, including the Producer Offset amounts. As a result, any relief that may have been achieved from the

backdating cannot be claimed by the relevant tax entity, due to being wound up. This problem of projects continuing to proceed without the cap's removal is only exacerbated as the failure to legislate continues. Passage of legislation will have already come too late for many projects.

Further, despite commitments by the Australian Government to legislate the cap's removal being heartening, the reality is that financiers are not accepting that commitment as a basis of a finance plan, and are requiring plans reflecting the status quo (without the removal of the cap) – negating any incentive intended by the cap's removal. The passage of soon-to-be two financial years has rightly made financiers sceptical of Government's commitment, especially given projects in the market are completing and winding up without the relief of the backdated removal. Continued delay makes the Government's initial commitment particularly difficult to work with in the financing of screen projects.

Removing format duration requirements for television to modern commissions

In May 2024, the Australian Government also announced it would remove minimum length requirements for most formats under the Producer Offset, on the basis they were based on a terrestrial free-to-air broadcast system, that no longer reflected commissioning for video-on-demand platforms. The continued delay in legislating this reform has meant that Screen Australia (and the ATO), must – in the absence of a statutory mandate to the contrary – continue to reject applications for the Offset that are short of the current minimum duration requirements (most notably, 30 minutes for non-animated television series). This has negated the benefit of the offset to producers who are finding their audiences, particularly children, wanting shorter episode length, or alternatively driven them to create content longer than wanted by their audience. Ongoing delay continues to producers opt not to make these short length projects, which in turn fails a generation of Australian audiences.

Returning the Location Offset threshold to \$15m

As part of MYEFO, in December 2024 the Australian Government announced the Location Offset threshold would return to \$15 million. This welcome change has not yet been legislated. The sudden and now ongoing increase in this threshold reduced the stability of those independent screen production businesses who rely, at least partially for their financial stability, on service work arising from international productions. Much like the above the line cap removal, the ongoing lack of legislation is now causing uncertainty to screen producers who are already contending with economic uncertainty.

Recommendation 14 That the Australian Government prioritise legislating of announced screen incentive reforms as a matter of urgency.

4.5 Post, Digital and Visual Effects (PDV) Offset Reforms

Currently, the PDV Offset (a 30% rebate for work on post, digital and visual effects production in Australia, regardless of where a project is filmed)⁶⁷ is not currently available for feature documentaries. This exclusion has prevented some Australian screen businesses, for whom the PDV offset was designed to benefit, from partnering with global businesses that would bring that PDV work here.

SPA has raised this with the Commonwealth (specifically, the Office of the Arts) and been advised that historically, producers making this format were not considered to be a likely applicant to the PDV Offset given the relatively high expenditure threshold of \$5 million put in place at the time of its introduction in

⁶⁷ *Income Tax Assessment Act 1997*, Div 376.

2007. Since then, the threshold for the PDV Offset has been reduced to \$500,000 and the Commonwealth appears to remain aware that this exclusion is an issue for Australia's feature documentary makers (who are already particularly at risk), but has not sought to remedy this issue.

Enabling feature documentary to have access to this incentive would remove a current barrier and facilitate documentary makers in developing these important global partnerships and also bring more valuable PDV work to Australia. Feature documentaries are hard hit by changes in market and local funding, and this change would be very welcome by these producers.

Across the board, SPA members have also said that a faster turnaround in PDV offset returns would benefit producers and reduce interest payments on borrowings against this amount.

Recommendation 15 Feature documentary projects should be able to access the PDV Offset

5 ENGAGING THE AUDIENCE (PILLAR 5)

5.1 Streaming Regulation and New Horizons

SPA welcomed the commencement the Australian content requirements for SVOD services⁶⁸ from 1 January 2026 (the **SVOD Content Obligation**) as an important step in delivering on the commitment in *Revive* for Australian audiences to see and hear Australian screen stories. This was the critical and singular commitment to the screen industry from the current cultural policy.

However, SPA notes that this one piece of legislation does not fully resolve the structural issues in the Australian screen production sector – far from it. The key achievement of the SVOD Content Obligation is to finally bring SVOD platforms within Australia's longstanding regulatory framework to support audience access to Australian screen culture.

Owing to well-known challenges arising from the weaponisation of the Australia-US Free Trade Agreement by influential US-based film and television companies, Australia's SVOD Content Obligation is robust but accompanied by a modest investment ambition. SPA believes that effective regulatory settings require both incentives and mandated investment obligations – both the carrot and the stick. Despite SVOD provider resistance, Australian audiences now have the benefit of both tools.

5.1.1 Key Features of the SVOD Regime

An undeniable and significant achievement of the SVOD Content Obligation is the valuable data set that will be available to government and policymakers in future years to inform any necessary regulatory improvements. Until now, data on program expenditure (apart from drama in the *Screen Australia Drama Report*) in Australia was only provided by the five major SVOD businesses on a voluntary basis. Screen Australia can only compel provision of information in relation to projects to which they financially attached. Notably, SVOD projects in the Australian market have typically proceeded with single source financing,⁶⁹ to the exclusion of Screen Australia, and therefore absent the existing historical oversight mechanism.

Under the new framework, both revenue and expenditure data must be provided by regulated SVOD providers to the ACMA each year, across all relevant genres, accompanied by investigative powers and

⁶⁸ Via the *Communications Legislation Amendment (Australian Content Requirement for Subscription Video On Demand (Streaming) Services) Act 2025*; inserting Part 8C into the *Broadcasting Services Act 1992*.

⁶⁹ Screen Australia, Submission to the National Cultural Policy, 2022, p. 11.

penalties for non-compliance. As discussed in section 4.2.2 above, it remains to be seen whether the ACMA has been appropriately resourced to monitor and, if necessary, pursue non-compliance.

A public report after four years, expected in 2030, will be significant for the industry to better understand the impact on industry dynamics. SPA notes that, to date in 2026, there has been no discernible upswing in commissioning activity, likely due to the flexible three-year Australian acquittal framework. It is expected (and hoped) that the *status quo* will start to shift in 2027 and continue in the years ahead.

However, as this regulation only pertains to one aspect of the entire screen ecosystem (SVOD commissioning), there are many areas for further Government regulatory intervention are urgently needed to meet the challenges of the changed market conditions confronting Australia's screen production sector.

SPA has previously signalled three areas for future reform to strengthen the SVOD Content Obligation:

- Guaranteeing children's and documentary programs are commissioned under the SVOD Content Obligation, with sub-quotas if necessary (see further section 5.5.3 below);
- Ensuring the producer offset amount is not acquitted as SVOD Content Obligation spend (see further section 5.3 below); and
- Supporting fair commissioning terms that recognise the significance of IP control to screen producers' stability.

5.1.2 New Horizons

The Australian Government still have some policy challenges to address to ensure Australian audiences are engaged by screen stories. These can be summarised as follows:

- Australian audiences remain unable to easily locate their own screen stories on regulated television services;
- Australian production companies must be able to create screen content in an environment conducive to their sustainability;
- Commercial free-to-air broadcasters are no longer a meaningful source of Australian screen stories for drama, documentary and children's programs;
- Australian children are increasingly unable to see and hear themselves on screen; and
- BVOD services are growing in popularity but as yet do not have any local content requirements.

5.2 Finding Australian Stories

5.2.1 A problem of prominence

Australian taxpayers invest significant funds into the production of screen content, of both international and local origin. However, despite this investment, due to the lack of a prominence framework, audiences struggle to find Australian stories.

SPA remains very concerned that many streamers – particularly internationally owned businesses – have little incentive to promote Australian content without some form of regulatory intervention. These relatively very small Australian 'outposts' of global businesses have little if any sway in being able to argue for or leverage promotional resources or for example 'home page' real estate when faced with completing internal global priorities within these platforms. The reality remains that 'home page' real estate 'tiles'

given to Australian content are incredibly rare. SPA believes it would assist Australian audiences to find their own screen stories if all television services were required to provide a mechanism or portal through which a platform's Australian content could readily be located.

In the absence of a prominence framework, Australia is instead relying strongly on a SVOD provider to promote Australian stories to its subscribers through a solely commercial lens, on the assumption that commissioning investment will translate directly to audience promotion and algorithm selection. Relying on a commercial transactional basis to inform the platforms algorithm to fulfil a cultural mandate is inherently risky, not least due to countervailing commercial incentives set out above. At the very least, SPA believes Government must monitor and report on the prominence and discoverability the algorithms do in fact provide to Australian content.

Considerations of discoverability and prominence are not novel concepts in the global media regulatory environment, with European (for example, France) and Canadian jurisdictions having (often quite flexible) requirements in different forms across broadcast, cable / satellite and streaming platforms. In these cases, government motivations have included a need to preserve and highlight native language content. The problem of finding local stories in Australia is more acute: our local screen stories are overwhelmed by English-language content from much larger markets (such as the United States or United Kingdom).

Recommendation 16 The Australian Government should commence consultation on a discoverability and prominence framework on video on demand services to ensure that Australian audiences can more easily locate Australian screen stories.

5.2.2 Treatment of New Zealand content

Due to there being no 'cultural exception' in the Protocol on Trade in Services to the Australia New Zealand Closer Economic Relations Trade Agreement,⁷⁰ for the purposes of the ACCTS, New Zealand programs qualify as Australian for the purposes of domestic content quota regimes.⁷¹

Historically, this has meant that instead of commissioning new Australian-produced content, commercial free-to-air broadcasters buy second-run, cheap New Zealand programs and have them qualify as Australian programs to acquit their obligations, particularly first-run Australian content obligations. On previous occasions, SPA has noted that this means Australian producers are competing with New Zealand producers at a price point that is uncompetitive.

However, this problem takes on a new dimension in the era of the SVOD Content Obligation, which anchors back to the ACCTS for its definition of Australian content. The problem now emerges that SVOD providers are able to acquit their expenditure obligations through commissioning of New Zealand content. This dilutes the policy intention of the SVOD Content Obligation to create Australian stories.

Further, in the context of New Zealand contemplating its own content obligations for SVOD providers, the continued ability to count New Zealand content as 'Australian' could see further spending move from the domestic production market to New Zealand's. This would further add to the structural precarity of the Australian's screen producers and further reduce the truly Australian content available to audiences.

SPA recognises that this is policy problem that has existed in Australia's screen ecosystem for a number of years, and that holistic consideration the different policy regimes may be required fully resolve the

⁷⁰ Department of Foreign Affairs and Trade, [Protocol on Trade in Services to the Australia New Zealand Closer Economic Relations Trade Agreement](#), 1988.

⁷¹ *Project Blue Sky v Australian Broadcasting Authority* (1998) 194 CLR 355.

problem. However, one clear path forward would be for the Australian Government to renegotiate the Protocol to provide a cultural exception.

5.3 Ensuring Streamers Commit Real Spend

SPA has been informed by its members of a concerning practice that undermines both the integrity of the Producer Offset, and the SVOD expenditure obligation. The practice involves producers being offered arrangements with some SVOD provider where those providers structure financing to include a loan for the amount the production would be entitled to recover through the Producer Offset (**Offset Passthrough Arrangements**). These amounts become repayable when the Producer Offset is received by the production: effectively passing through that Offset to the SVOD provider. Offset Passthrough Arrangements are often subject to interest charges that the overall production is required to pay, thereby generating returns for the SVOD. As discussed in section 3.1 above, screen producers are experiencing an unprecedented level of economic precarity, and given the scarcity of commissions, producers are accepting Offset Passthrough Arrangements, on the basis that they preferable to a 'no deal' scenario.

These arrangements are orchestrated to not only provide additional financial benefits to the SVOD, but also enable significant control over the operating budgets and handling of contingencies in the production, denying the production business the independence to operate and use the Producer Offset as it was intended – that is to provide stability and sustainability to producer businesses (as discussed in section 4.4 above). With financial control also comes creative controls which, again, muddies the relationship between production company and commissioner, and obscures the true recipient of the Producer Offset, and risks endangering the offset's intended purpose.

The SVOD Content Obligation intends to require SVOD providers to commit 10% of their total program expenditure for Australia (or alternatively, 7.5% of revenue) to new Australian programming.⁷² SPA believes that Australians expect that 10% of expenditure means 10% of the funds SVOD providers spend in real terms of their own funds. Concerningly, SPA considers it highly probable that some SVOD providers' Qualifying Expenditure Amount⁷³ will not comprise 10% of their *own* spend due to the inflation created by including these offsets, which would properly be characterised as public money (via a tax rebate) designated for producers. In short, this undermines the commitment to 10% of their own funds – adjusting to a less ambitious figure of 7-8%.

SPA is concerned that this creates a precedential and compounding problem for industry. This means that those SVOD providers who do not presently push producers into Offset Passthrough Arrangements, are likely to be incentivised engage in the behaviour due to the preferable impact such arrangements have on the acquittal of the Qualifying Expenditure Amount: reducing their expenditure obligation by 20-30% in real terms.

To this end, SPA strongly encourage the Government to monitor the degree to which productions claiming the Producer Offset, have been counted toward the expenditure acquittal under the SVOD Content Obligation and any changes to this over time as SVOD Content Obligations are bedded down. Comparisons to behaviours over time with the NEDE scheme should also be made noting the relatively low size in both dollar and participant terms and therefore impact of the NEDE scheme when compared to the SVOD Content Obligation.

⁷² *Broadcasting Services Act 1992* s 122FZL.

⁷³ *Broadcasting Services Act 1992* s 122FZK.

SPA has consistently advocated for a clear prohibition on the counting on arrangements that undermined the intention of the producer offset, including through suggesting a clear prohibition on expropriating its value by other parties. This is especially true in a context, where it being mischaracterised as expenditure for a different obligation by a different party. This problem is evidence for the fact that the screen industry's policy settings must be reviewed holistically, so as to ensure that the policy interventions can achieve their intentions.

In the absence of statutory or regulatory intervention, SPA calls on the Office of the Arts (*qua* the part of the Commonwealth Government with policy responsibility for both the Producer Offset and the SVOD Content Obligation) to monitor treatment of the Offset, and match the relevant data sets (acknowledging their highly confidential and commercially sensitive natures).

Recommendation 17 That the Government consider amendments to the SVOD Content Obligation to ensure that the Producer Offset is not functionally used to acquit expenditure, depriving the producer of its benefit; or in the alternative, monitoring the treatment of the Offset in the context of expenditure acquittal under the SVOD Content Obligation.

5.4 SVOD Audience access to all culturally important screen content genres

Australian audiences should have access to a range of Australian screen content across a range of key genres, including those specified in *Revive* (ie scripted drama, children's programs and documentaries).

Regulated SVOD providers must now acquit their content obligation through expenditure on programs across the genres of drama, children's, documentary, arts or education programs. This requirement for Australian content is expressed in the legislation disjunctively – that is, it can be acquitted on any of the program types (to the exclusion of the others).⁷⁴ Major global streaming platforms have historically competed with one another the basis of prestige, high-budget adult drama series. SPA considers that it is probable that SVOD providers may look to acquit their spend on this type of content, given historical trends. According to the 2024-25, SVOD spend on drama was responsible for 98% of Australian SVOD investment, compared to just 1% for children's drama.⁷⁵

SPA firmly considers that this cannot and should not be all the cultural content Australians receive. A real test of the success of the SVOD content requirements will be whether Australian audiences have access to the range of screen program types set out in the legislation, otherwise their inclusion is no more than polite window dressing on a drama commissioning requirement. As explored at section 5.5.1 below in the case of broadcast, forms of Australian content – such as children's – have been particularly vulnerable to policy settings which impose no specific obligation for investment. SVOD providers could be reasonably expected, absent any requirement, to acquit their expenditure obligations in the most commercially efficient manner, rather than in a socially responsible manner.

Further and perhaps alarmingly, there is currently no requirement for SVODs to report to the ACMA or the Minister, or indeed publicly, on the proportional expenditure on each of these specified genres. SPA believes that the Government's commitment to Australian audiences in *Revive* to protect key genres requires active monitoring and adjustment.

⁷⁴ *Broadcasting Services Act 1992*, s 121FV(1) read with s 121FZK.

⁷⁵ ACMA, [Spending by Subscription Video on Demand Providers](#) (Nov 2025).

Recommendation 18 The Australian Government should monitor (and publish reporting on) the investment on Australian screen content by SVOD platforms in a range of ways, including whether expenditure has been acquitted (i.e. in-house vs independent production), whether by New Zealand content, the number of hours created, and spend and hours by genre.

5.5 Australian Culture begins in Childhood: Children as Audience

SPA believes that that Australian's children's screen content is among some of our most valuable and important cultural output. Children's content rewards both Australian audiences and, in the case of certain shows like the much-celebrated *Bluey* (Ludo Studio), audiences all around the world. It is also an area of screen production that has historically offered significant space for screen industry practitioner skills development, as well as broad commercial and audience success and growth.

Yet, despite these many positive externalities that should ensure children's content a thriving screen production ecosystem, both a lack of investment and policy failure have resulted in the opposite being the case. As a consequence, Australian children are our most neglected audience for screen production investment, despite being central to cultures both today and into the future.

Not only is any type of Australian screen content hard to find due to the lack of prominence requirements (as described in section 5.2 above), but when it comes to screen stories for Australian children, the already grim situation is significantly worse. Australia's children and youth audiences, who are particularly underserved by access to their own screen stories, instead have ready access to, and indeed are algorithmically fed, a tsunami of mostly American content. This is a significant failure of cultural policy and screen commissioning requiring urgent and specific intervention.

5.5.1 Bottling Lightning: Bluey and the Deregulation of Commercial Broadcasters

Australians are rightly proud of the global success of Australian children's program *Bluey*. However, *Bluey* did not emerge in isolation. It is the latest example of a children's screen sector that has historically produced globally successful Australian IP across animation, preschool and live action programming.

Bluey was commissioned through Australia's public broadcasting system, demonstrating the critical role public broadcasters play in developing and investing in Australian children's content. However, its success was also built within a broader children's production ecosystem that, for decades, supported producers, writers, directors, animators and studios through multiple commissioning pathways. It was an ecosystem that required commercial free-to-air broadcasters to platform children's content.⁷⁶

Australian children's content has long been one of Australia's most successful screen export categories, generating international sales, coproduction opportunities, publishing, licensing and consumer products revenue. Successful children's brands can remain culturally and commercially valuable for decades, creating long-term export returns that extend far beyond their initial broadcast window (as discussed in section 4.1.1 above).

The policy challenge is not how to create another *Bluey*. It is how to rebuild the ecosystem capable of consistently producing globally successful Australian children's brands. While public broadcasters continue to play a vital role in commissioning children's content, they cannot sustain the entire children's production ecosystem on their own. In late 2020, the policy settings that had supported this broader

⁷⁶ Under the *Australian Children's Television Standard 2009* (prior to being superceded by the ACCTS).

ecosystem were fundamentally undermined by changes that removed children's content requirements from Australia's commercial free-to-air broadcasters.

This deregulation meant that commercial broadcasters were no longer required to invest in Australian children's content. This predictably, but nonetheless alarmingly, led to a narrowing of audience access to Australian children's content and precipitated a collapse in the number of Australian children's screen production businesses and commissions almost overnight.

5.5.2 The Worsening State of Australian screen stories for Children

On commercial free-to-air platforms, figures show that before deregulation, there were 391 hours of new Australian children's content, but this has now dropped to just 48 hours in 2024. When it comes to children's drama, the drop is from 98 hours to just 10 hours for the entire year.⁷⁷ Australian children – as our cultural future – deserve better.

The situation is no better on streaming services. Voluntary data provided to ACMA (by 5 SVOD platforms) for 2024-25 showed that Australian children's drama and non-drama programs made up less than 3% of the total hours of Australian content available and just 112 titles out of a total of 3,919 titles available.⁷⁸

More broadly, across platforms, Screen Australia reporting also reflects this trend, with expenditure on children's drama content declining for many years. In 2024/25, just five titles entered production (down from 7) and hours dropped from 34 to 21.⁷⁹ Screen Australia cites a number of factors behind this decline including shifting audience behaviour, platform diversification, tightening global investment, and reliance on one consistent source of support for children's content production.

Of the 5 titles that entered production in 2024/25, four were commissioned by the ABC, and one by Stan. For the last five years, Australian children and the children's screen production sector has been exposed to the worst of the screen industry market forces (described in section 3.1 above) that squeeze creatives, and enable commissioner extraction of value through lower licence fees and disproportionate rights assignments. The commissioning of new children's programs is now mainly limited to producers willing to deliver content under unsustainable market conditions. Without intervention, Australia stands to lose incredible, brave, poignant stories for its children – the absence of which are not just felt presently, but across the lifetimes of the generation.

Children's content is increasingly found across many platforms, including YouTube, expanding visibility and discoverability. In a recent paper on [Kids Content](#) by Evan Shapiro, it was noted that children's video content now transcends cultural and language barriers, reaching audiences worldwide. The noted market outcome of this is that SVODs de-risk their investment in children's content by acquiring existing programs with a proven audience (ie from the ABC) instead of commissioning new programs, or by providing children non-Australian content.

5.5.3 How we Undervalue Australian Content for our Children

Australia has a proudly egalitarian history of ensuring audiences can view culturally valuable content. Most famously perhaps, Australia's anti-siphoning scheme,⁸⁰ which provides a generous level of industry

⁷⁷ ACMA, [Broadcaster Compliance with TV Content Standards](#), 15 August 2025.

⁷⁸ ACMA, [Spending by Subscription Video on Demand Providers](#), November 2025.

⁷⁹ Screen Australia, [Drama Report 2024/5](#), 2025.

⁸⁰ *Broadcasting Services Act 1992*, Part 10B.

assistance to commercial free-to-air broadcasters, is designed to underpin egalitarianism and social equity by ensuring free access to significant events of ‘national importance and cultural worth’.

Historically the mainstay of the anti-siphoning regime has been sports programming, and SPA has long argued that the equity of access should extend to children’s content – that those stories should not exist not behind a pay wall. The ability for all children to see stories that are designed for and matter to them, with characters that sound like them, is perhaps one of the most nationally important and culturally worthwhile projects. It is no less critical a part of development than formal education, because it is the cultural environment in which Australian children grow up.

With the decline of Australian voices delivering content for Australian children, not only do they largely miss out on experiencing not only their own screen *content*, but also their own screen culture. If Australia fails to nurture and educate the next generation on the value of telling their own stories, it fails to develop them both as consumers of Australia media into adulthood, and devalues their potential future careers within the Australian creative sectors.

Recommendation 19 That the Australian Government explore additional and ongoing stable investment options (on the funding and commissioning side) to ensure that Australian children see and hear their own screen stories.

5.6 Australian Stories wherever Australians watch them

The ambition of *Revive* for Australian audiences was not confined to any specific platform but was very broadly expressed as “Australian stories are seen and heard, regardless of platform.”⁸¹ Australia’s screen content requirements (touched on in section 3.1 above) emerged separately and over time in response to technological changes that shift audience viewing habits. While all generally directed to achieving the same policy goal of ensuring Australian audiences are able to see Australian stories, they do not align on expectations, nor reflect the shifting role each of commercial broadcaster, pay TV provider and streamer in the evolving screen ecosystem. For example, requirements on broadcasters have historically been anchored to hours of their linear broadcasting. It was measurable in a quantum of time. By contrast, the new SVOD content obligation is anchored to spend requirements, and therefore measurable in a dollar figure.

5.6.1 Non-alignment Across Platforms

While it can be intuitively persuasive to suggest that differing technologies operate differently and therefore should be regulated separately, that ignores the ownership models of these businesses. In the case of Channel 9 and Stan (or Channel 10 and Paramount), for example – they are related businesses, and SPA understands often engage in co-commissions. Equally, as the market shifts, non-related commissioners may co-commission screen content.⁸² SPA is concerned the interplay between the various regimes may encourage double counting or spend-minimisation by commissioners, in a way that is contrary to the policy intentions of the regimes to provide, which was to provide a solid, stable pipeline of Australian screen stories for audiences to watch.

⁸¹ Australian Government, *Revive*, p. 19.

⁸² This co-commissioning example is the subject of recent guidance from the ACMA, which resolves the issue as between co-commissioning SVODs, but not an SVOD and broadcaster (ACMA, [Australian Content Requirement for Subscription Video on Demand Services: Expenditure](#), 2026).

5.6.2 Audience Trends and Broadcasting Video on Demand (BVOD)

The SVOD content obligation, as the name suggests, specifically applies to *subscription* services. However, there are significant parts of the streaming ecosystem that do not operate on a subscription basis, most notably, broadcasting video-on-demand services (BVOD) services. BVOD services include the digital on-demand services of all major free-to-air television stations. In the case of commercial broadcasters, their primary linear broadcast channel has historically been regulated. However, as discussed extensively in section 4.2 above in relation to the public broadcasters, viewing trends are tending away from broadcast toward video-on-demand first platforms. Australia's content requirements on these broadcasters continues to anchor to a declining form of viewership, thereby eroding the value of the policy lever to Australian audiences as a whole. Meanwhile, somewhat concerningly, the broadcasters have resisted regulation in their capacity as video on demand providers, by relying on a narrative that these are secondary services. However, increasingly these video-on-demand services are becoming primary platforms for exhibition. SPA considers this creates an increasingly problematic gap in the screen landscape, particularly for genres such as children's and drama.

In an alarming perversion which is emblematic of this policy oversight, the recently commenced 'prominence regime' (in Part 9E of the *Broadcasting Services Act 1992*) requires 'smart televisions' supplied or manufactured from January 2026 to give prominence to the very type of platform, BVOD services, not subject to *any* legislative domestic content requirements.⁸³ This is despite the Explanatory Memorandum for the relevant amending legislation stating that the prominence was to "...ensure that Australian audiences continue to have access to the local television services that play a crucial role in supporting Australia's sense of cultural identity and informing and entertaining all Australians."⁸⁴ This policy cannot ensure this cultural outcome if the Government does not guarantee in some meaningful level of Australian content across genres such as children's, drama and documentary on these services.

The digital platform-only future and the likely end of linear broadcasting channels is rapidly approaching. Producers have seen a trend toward broadcasters future-proofing their contracting by expanding the rights sought in commissioning contracts. This will shift the current platform-specific nature of existing content regulation and offer the opportunity for increased regulatory consistency. This hybrid broadcaster and streamer landscape is a feature of television markets across the world. In other jurisdictions, such as Canada, models are emerging with singular measures of differing levels (i.e. percentage revenue on both broadcasters and streamers).⁸⁵ Without necessarily wanting to prejudge the measure appropriate for the Australian screen landscape, SPA believes the Australian Government should actively review existing regimes and examine new opportunities for minimum levels of local content across all platforms, including BVOD services.

Recommendation 20 That the content requirement regimes (eg NEDE, SVOD, and broadcast) be holistically reviewed, with a view to establishing a regime that is optimised for policy outcomes and is comparable across all platforms (including, currently unregulated ones).

⁸³ See *Broadcasting Services (Minimum Prominence Requirements) Regulations 2024*, reg 6(2); in conjunction with *Broadcasting Services Act 1992*, s 130ZZJ.

⁸⁴ Explanatory Memorandum to the *Communications Legislation Amendment (Prominence and Anti-Siphoning) Act 2023*, p 2.

⁸⁵ CRTC, [CRTC takes action to support the creation and discoverability of Canadian and Indigenous Content](#), 21 May 2026.

5.7 Boosting Cinema Audiences

By contrast to television in Australia where regulated content obligations have baselined the volume of Australian content, unlike a number of other territories such as in Korea, Brazil, Malaysia, China, Spain and France, cinematic exhibition has never been subject to obligations to platform Australian films. Reporting from Screen Australia shows that in 2025, a meagre 2.6% of the Australian box-office revenues was made from Australian films.⁸⁶ SPA remains concerned that these figures represent a systemic lack of pathway to audiences for Australian feature film makers. Domestic cinema programming is dominated by large international releases.

Available data for cinema audiences attendance shows that levels have not yet returned to pre-Covid-19 levels, with figures showing that just 58% of Australians attended a cinema in the 2024 calendar year, compared to 68% in 2019.⁸⁷ It is likely that the audience shift away from cinema attendance towards at-home streaming was a consequence of Covid-19 public gathering restrictions. This has placed a significance commercial pressure on cinemas and distributors, which has exacerbated the tendency toward large international films (especially franchises) with proven commercial success. This has resulted, and continues to result, in Australian feature films either struggling to receive wide distribution or meaningfully long exhibition windows.⁸⁸

A recent report by the CEO of Independent Cinemas Australia analysed box office and admissions data to examine how Australian films are funded, released and encountered.⁸⁹ This report found that while Australia's screen policy settings had succeeded in growing levels of screen production activity, it has failed to ensure these projects connect with audiences.

SPA has also noted feedback from members around the decline in cinema audiences that confirms this is a widespread concern in the industry with no easy solution. One factor that has been explored by SPA at our Screen Forever conference is the lack of marketing and communication around "Brand Australia" and what that might mean in 2026, both for domestic and international audiences. Support should be provided to enable the successful exhibition of Australian films, especially where they tell local, place-based stories.⁹⁰ This is particularly true of regional stories which not only has value to the local community about whom it is told, but also a wider story to tell Australians about themselves.

While the important Producer Offset for Australian projects supports a measure of production expenditure, there is no complementary mechanism to assist with the high and unavoidable costs of marketing and distribution, especially given Australian films are competing with the advertising budgets of major Hollywood films. A targeted rebate for eligible marketing and advertising expenses would assist Australian films secure visibility in cinemas (through exhibition of trailers), strengthen their box office potential, and increase the likelihood of recoupment and reinvestment. This recoupment is critical to the sustainability of independent feature film making in Australia.

Other new initiatives such as the Screen Australia *Narrative Content Market & Audience - Audience Testing Program* which is designed to provide producers, creatives and distributors with funding for

⁸⁶ Screen Australia, *Domestic Box Office and Share Since 1977*, 2026.

⁸⁷ Screen Australia, *Cinema Audience Attendance Patterns*, 2025

⁸⁸ Length of exhibition windows was highlighted by 2022 research by Queensland University of Technology into the barriers to watching Australian films: Elkington & Van Hemert, *How much do we Support Australian-made Cinema? Maybe we should take a lesson from French cinema*, QUT Real Focus, 24 February 2025.

⁸⁹ Hayes, N., *Made, Not Seen: The Misalignment of Australian Film, Cinema and Audiences*, 2026.

⁹⁰ For more analysis on the value of 'place-based' Australian films, see Hambley, G., Restoring Cultural Identity in a global world: a 'place-based' test for Australian feature films, *Studies in Australian Cinema*, 18(1), pp. 59-74.

audience testing before release to assist with developing a strategy for narrative projects to find their audiences are likely to be of significant value to the sector.

Recommendation 21	That the Australian Government offer a marketing and advertising rebate to assist with marketing and distribution costs to enable screen projects to have more success in connecting with audiences.
Recommendation 22	That further measures be explored for the distribution and exhibition of Australian films exhibited in cinemas, including potentially through incentives for the exhibition of Australian films.

5.8 Direct-to-Audience Screen Content

SPA recognises that evolving technology has also shifted audiences to digital platforms that allow screen producers to connect directly to audiences – for instance, TikTok or YouTube. These platforms no longer represent fringes of screen content, but are a significant and rapidly growing part of the Australian screen ecosystem. SPA believes that greater national recognition of this subsector of the screen industry presents an opportunity to accelerate the growth of Australian-owned media businesses that are already creating exportable stories, developing world-class talent and building global audiences for Australian content. These businesses employ writers, producers, editors, directors, designers, marketers, community managers and technical staff in much the same way as traditional production companies.

Direct-to-audience screen production reflects how audiences can be novelly engaged and built as a critical path to long-term success for Australian stories. While the creation of Australian stories remains important, supporting the building of Australian audiences that actively seek out, support and advocate for Australian stories is equally important. These audiences and their attitudes to Australian content *are* the culture at the heart of the policy. Cultural policy should reflect the changing realities of how audiences are engaging with their cultures: that cultural value is not determined by *where* content is distributed, but by its ability to engage audiences, employ creatives, build sustainable businesses and contribute to Australian cultural expression and economy.

CONCLUSION

SPA firmly believes Australia's cultural policy has the capacity to enable the creative industries and Australians alike to reimagine themselves. The screen sector has undergone significant change since many of the current policy settings were enacted, and much reform needed to keep up with this change has been welcome but piecemeal. SPA believes that now is the time for the Government to be brave, and to ask large holistic questions about whether existing measures are delivering, or what can be done to modernise and harmonise their operation. Every day, Australians watch screen stories on their phones on their morning commutes, watch television in their family living room, and watch films in the quiet communal darkness of local cinemas. Ensuring that Australians now and into the future, from all walks of life, have the opportunity tell and see Australian stories on those screens matters. It is with each flickering moment of screen content, that our culture is built – frame by frame.