

National Cultural Policy Submission

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- 1. Submitted:** As father and son Indigenous (First Nations) Australians - Members of the Gumbaynggirr and Yuin communities of coastal New South Wales (as two individuals). This submission addresses the *Australian film sector and associated elements within the larger domain of Australian culture.*

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2. Recommendations for Five Pillars of Cultural Policy

A. First Nations

The first pillar of the new cultural policy should reflect and remain consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) 2007. Specifically Articles 11, 16 and 31.

1. The Establishment of More Community Media Outlets

The creation of a larger variety of Indigenous owned and operated outlets (radio and television broadcasters, film production companies, film exhibitors) is consistent with Article 16: "***Indigenous peoples enjoy the right to establish their own media, in their own languages***" (UNDRIP).

2. *Greater Contribution(s) From Private Broadcasters*

Public broadcasters (ABC, SBS, NITV) contribute the majority of Indigenous representation on television. Contributions from the private broadcasters (Seven, Nine and Ten) are *minimal*. Article 16 reads:

"States...should encourage privately owned media to adequately reflect Indigenous cultural diversity" (UNDRIP).

3. *Indigenous Film Development Fund (IFDF)*

We propose the creation of a fund of \$15 million for Indigenous feature film production. Using money sourced from the National Indigenous Australians Agency and private philanthropic interests and administered by Screen Australia's Indigenous Department. This funding should include a minimum \$1 million grant per production, loaned to 10-15 productions with 2-3 *feature films* produced per year for a period of *at least 5 years*. The IFDF's mission should be to support original work from first-time Indigenous filmmakers. A group of assessors, consisting of 14 Indigenous *community representatives* (two from each state and one from each territory) would vote on the successful applications. This is in accordance with Article 11:

"[Indigenous peoples] have the right to maintain, protect and develop past, present and future manifestations of their cultures" (UNDRIP).

B. A Place for Every Story

4. *Community Television as New Platform for Australian Drama*

Little consideration has been given to linking the potentiality of community television with the flow of (and support for) fringe/alternative drama output. If community television networks were sufficiently supported, this could open a new avenue for Australian practitioners to reach significant domestic and international audiences.

C. The Centrality of the (Australian) Artist

5. *Streaming Tax*

A 10% levy that streaming services must pay from their revenues in Australia to support the local audio-visual sector. This would be administered by the federal government and split equally between film subsidies and State screen agencies, supporting local drama series and documentaries. This is in-line with a similar commitment undertaken by Denmark as part of the EU's Audio-Visual Media Services Directive (AVMSD).

Reform Film Production Tax Incentives

Location Offset (LO) – This is an expenditure rebate pegged at 16.5% for projects that spend \$15 million plus to film in Australia. Because the LO is 'globally uncompetitive', a Location Incentive Grant (LIG) is available (to an anointed-by-governments few), raising the rebate to 30%.

6. Our considered suggestion is that the LO be raised to 20% for projects that spend \$20 million plus.
7. In addition, we suggest implementing eligibility requirements for the Location Incentive Grant (30%). To qualify for the LIG, productions should be both set in Australia and feature Australian actors in lead roles.
8. Post, Digital, Visual Effects Offset (PDV) – This is a 30% rebate provided to productions that spend \$500,000 plus on visual effects. Despite being designed to mainly benefit film productions, many reality TV programs claim this offset. The PDV Offset should be amended to exclude reality TV and other formats for which the Offset was not intended.

D. Strong Institutions

9. *Re-Structuring Film Funding Bodies*

Begin the gradual process of re-organizing Screen Australia into 3-4 separate bodies, each responsible for a separate medium (film/television/SVOD/games). At present, the organisation is spread thinly, frequently placing it in a vulnerable position in relation to other stakeholders – particularly government.

10. *Collaborate with Universities*

The Australian Government should offer establishment grants to the university sector to create at least 5 new film schools within our universities that do not currently possess them. These should promote an emphasis on film theory and Australian film history.

E. Reaching the Audience

11. *Screen Quota Initiative*

Consideration should be given to a Draft Screen Quota Law, requiring that Australian exhibitors screen Australian films for at least 100 days within each calendar year.

12. *Streaming Quota*

Consideration should be given to introducing a 30% minimum quota for Australian productions across all streaming services. Significant financial penalties should apply to those SVOD services that do not meet their stated and agreed obligation(s).

13. *National Cinematheque*

Arguably, this is an essential reference point in the formation of a critical and productive national film culture. Such an entity would require a properly equipped and attractive site, with a permanent high level of funding to pursue appropriate cultural objectives and sustain the necessary level of service. A properly constituted Cinematheque, (with a permanent staff and site and a continuous, well-conceived programme) could act as a long-term 'magnet' in the accrual and development of larger and more engaged Australian audiences.

3. Are there any other things that you would like to see in a National Cultural Policy? Answer: Yes

14. A Dedicated Minister

Create a separate 'Arts portfolio' with Minister possessing no other portfolios. A Junior Minister may need to be promoted to ensure this outcome.

15. Re-Define 'Significant Australian Content'

Immediate consideration should be given to amending Section 376-70 of the Income Tax Assessment Act 1997 (ITAA) – 'SAC Test' with more explicit provisions regarding the 'Australianness' of productions.

16. Greater Protection(s) for Australian Television

- a. From 1st January 2023, amend quota for 55% Australian content on Free-to-Air Television to 70% new Australian content (excluding any New Zealand-derived content).
- b. Re-instate quota for children's television (which was scrapped by previous government).

3.2 Recommendations Pertaining to the National Film and Sound Archive (NFSA)

17. Overhauled NFSA Board

The NFSA's governing Board is appointed by the minister. It is important that the Board has direct access to expertise in the relevant professional and academic disciplines and enjoys active connections with audio-visual communities and industries. At present, **none** of the 9 members of the current Board has experience in any of the above. It is recommended that the NFSA Board be overhauled (in-line with similar requests for the board of the AAT by A-G Mark Dreyfus). Amendments to the NFSA Act should be mandated to ensure a transparent, non-political public appointment process for members of the board.

18. Restoration of NFSA Budget

The NFSA's base budget has declined at least 20% over the last decade, while its role has expanded dramatically. To restore the budget to previous levels will require an increase of at least \$6 million per year to the base, irrespective of additional, short-term project funding.

19. *Restoration of Public Sector Staffing Levels*

Permanent expert staff are the backbone of the NFSA. In 2010 the approved permanent average staffing level (ASL) was 220. Today it is 20% lower, at 164.

20. *Lowering of Access Fees*

Access fees for the NFSA should be lowered by 90% to encourage research and use of the collection. At present, the access fees for footage contained in the archive are obscenely high.

4.	Dr Graeme La Macchia and Rowan La Macchia	
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*With thanks for affording us the opportunity
to write and submit this document.*

Graeme and Rowan