

National Cultural Policy Submission

Beyond International Limited

Submitting: On behalf of a for-profit arts business

Summary

The Australian Government is developing a new national cultural policy; Beyond is grateful for the opportunity to contribute to the important discussion on Australia's Cultural Policy.

Beyond strongly supports Screen Producers Australia's response, which represents the views of independent production companies and the wider industry. We also support the statement on behalf of the children's television sector, recognising the invaluable learning and cultural benefits to the development and enrichment of Australian children's lives.

Background

Beyond International Limited is a leading Australian content creation, production and international distribution business listed on the Australian Stock Exchange (ASX: BYI). Beyond is based in Sydney, Australia, and has offices in Sydney, Perth, Los Angeles, Dublin and London.

Beyond Productions was established in 1984 and has development and production offices in Australia, the UK, Ireland and USA. With over 5,000 hours of production experience, we're recognized as having science programming in our DNA. From seminal science magazine series **Beyond 2000**, through Beyond Tomorrow, pop-science classic, **MythBusters** and The **White Rabbit Project** for Netflix, Beyond is at the forefront of bringing science to a mass global audience.

Beyond has also collaborated with award-winning producers and directors, such as James Cameron and Scott Hicks to executive produce blue chip documentaries, including **Deep Sea Challenge 3D**, **Submarines Sharks of Steel**, **The Great Wall of Iron**, **Atlas: Australia** and **The Space Shuttle**.

Children's programs include Emmy Award-winning animated series **Beat Bugs** and

Motown Magic or Netflix and the Seven Network, as well as **Nippers (ABC), Milly Molly, Labrats, Hoopla Doopla (ABC/CCTV)**).

Beyond's drama team co-produced **Tropo**, currently screening on ABC and internationally on Amazon's Freevee, the **Halifax** series with Roger Simpson and Roger Le Mesurier, which was broadcast on Nine from 1994-2001, and "rebooted" in 2020 as an 8 x 1-hour premium drama **Halifax: Retribution**, created by Roger Simpson for Channel 9 and acquired by PBS in the US, and the medical drama **Pulse** for ABC Australia. From 1996 -2004 Beyond produced well-known Australian drama series **Stingers, Good Guys - Bad Guys, Big Reef** and **Dogwoman** for the Nine Network, and **Something In The Air** for ABC TV.

Beyond Rights is a leading distributor of world-class television content representing an extensive program catalogue sourced from third-party producers as well as internal productions. With over 30 years of experience co-producing and distributing high-quality content, Beyond's sales and acquisitions team is based in Dublin, London and Sydney.

What challenges and opportunities do you see in the pillar or pillars most relevant to you? Feel free to respond to any or all pillars:

First Nations

Respect and celebrate the centrality of First Nations cultures to the uniqueness of Australian identity.

It is important that a National Cultural Policy addresses the challenge of how to build on the incredible successes of Aboriginal and Torres Strait screen stories and ensures this continues through increased support, strong institutions, and funding opportunities. It is important that not only can Australian audiences see more of these stories on our screens, but that our First Nations creative workers can tell these stories themselves, in their own voice, representing their culture. The screen industry has an important role to play in bringing these stories of high cultural importance and value to audiences, both at home and abroad.

Beyond supports the Screen Producer's and Australian Children's Producers in recommending incentive programs that provide support across all screen platforms recognising the importance of First Nations storytellers. Growth in access to First Nations stories will 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.

A Place for Every Story

Ensure that government support reflects the diversity of Australia

The Australian market consists of a small number of domestic broadcasters currently commissioning Australian stories. However, the international landscape is increasing with new global streamers entering the market, bringing international stories to Australian audiences and the potential to take Australian stories to a global audience.

It is important that a National Cultural Policy finds the right balance and regulatory settings to continue to develop Australia's screen culture, grow our industry to meet the increasing demand for quality content and ensure that Australia's cultural and creative industries are sustainable.

Australian stories are unique, celebrating who we are as a diverse culture, our place on the world stage, our characters, stories, strengths and weaknesses, flaws, and vulnerabilities. They feature landscapes - urban and rural, our oceans, colours, sounds and wildlife. Australian audiences deserve to see themselves and expressions of their culture on screen. Stories that entertain, that are born out of who we are and where we are from, distinctive stories that have something to say, stories to explore, interrogate and challenge who we are as a nation and a culture.

Our stories resonate in the broader international marketplace as they are distinctive yet explore universal, globally appealing themes and emotions. However, the international television market is fiercely competitive with Australian companies competing in a market with behemoths of the USA and UK with their global businesses and significant economies of scale. Creating programmes that compete for international attention need to be able to match international development and production values.

Beyond supports SPA's claim that this is the primary case for justifying market interventions, investment mandates and incentives that support Australian screen culture. A new National Cultural Policy is a welcome opportunity to ensure policy and regulatory settings can meet the current global landscape. Regulation to require major streaming platforms to make a reasonable and fair contribution to investing some of their Australian revenue (earned from Australian subscribers) in Australian stories has been on the policy agenda for more than ten years and is long overdue for government action. At the same time, the deregulation of Australian content requirements on commercial television broadcasters has led to a significant decline in the commissioning of children's and adult drama content.

We therefore support the Australian industry bodies in proposing that an investment of 20% of Australian revenue should be spent on newly commissioned Australian stories. As an integrity measure, any investment by streaming platforms into Australian content should include a cap of 20% on the amount which can be allocated within vertically integrated businesses, with the remaining 80% to be directed to arms-length independent commissions.

The Centrality of the Artist

Support excellence and the special role of artists and their creative collaborators.

Australian Screen Producers are artists responsible for driving a creative project forward. They are central to ensuring that the vision of the creator is realised and managing the process from initial concept through to final delivery. They often employ a diverse range of practitioners to bring Australian stories to our screens, including writers, directors, cast, visual designers, artists, post-production producers, sound crews, composers and arrangers, animators, costume and set designers, camera crews, musicians, legal and production financing experts.

They also take the burden of the financial risks, funding creative development and cash-flowing production. It is therefore important for a National Cultural Policy to ensure that screen industry practitioners can operate within an economic framework that enables independent producers to create, participate and prosper within the cultural sector.

Beyond strongly supports SPA's assertion that a Terms of Trade Framework is urgently needed to protect local ownership of Australian intellectual property, ensuring independent screen businesses can hold a reasonable amount of IP in their work, by making it a condition of licence or registration of a content distribution platform that terms of trade are agreed with the independent production sector. For instance, other jurisdictions, e.g. UK, France, Italy, Canada, are implementing limited timeframes over the use of their programs/works by the commissioning platforms, requiring a reversion of rights to the producer after a specified time period. Screen production deals should be underpinned by fair negotiation of commercial contracts to ensure screen businesses and those they employ are all able to operate sustainably.

Beyond has been able to build a sustainable business, provide employment and support cultural and creative practitioners by holding onto rights in series that we produce in Australia and sell into multiple international territories. If global streaming platforms require worldwide rights, it impedes our ability to generate income after the production is completed.

Strong Institutions

Strengthening the capacity of the cultural sector to contribute to national life, community wellbeing and the economy

Australia's public broadcasters play a key role in telling local stories that might not otherwise find a place on commercial channels. Increased and greater security of funding for public broadcasters to deliver Australian stories for all audiences has a flow-on effect into the screen industry.

Beyond strongly supports the role of the ABC, SBS and NITV as critical to sustaining the arts and culture of our population and the Australian Children's Television Foundation as an

institution that is vital to the funding of Australian children's screen content. Well-funded public institutions help support a diversity of stories and creators by investing in innovative storytelling and providing pathways to new entrants to the industry. They also set the standard of business practices that are a model for the industry to adopt.

It is also important to ensure that our screen agencies and institutions, that are funded to support the industry, are fit for purpose, and achieve the best outcomes for the sector.

Reaching the Audience

Ensure Australian creativity thrives here and abroad in the digitally enabled 21st Century

It is important that Australian audiences can discover and locate Australian stories on all platforms, including on the increasingly prominent streaming services. Screen culture offers one of the easiest and most accessible opportunities for all Australians to engage with their own culture and see themselves reflected on screens. There are growing audiences for streaming services in Australia, yet regulation to secure a share of Australian stories on streaming platforms has not yet followed audiences onto digital platforms. We therefore strongly contend that regulation of all such platforms must be urgently implemented to reflect the market.

In relation to children's programming, we actively support the encouragement of promotion and discoverability of children's content across the various services available in Australia. Programs should be broadcast/communicated across all the broadcasters, streaming platforms, and other service providers to ensure Australian children's programming remains available to Australian children across free-to-air and pay television, streaming platforms, and other platforms, ensuring that there is not just one destination for Australian children's television.

Australian children are an important part of our population, who deserve content created specifically for them, told through their own point of view, reflecting the issues of Australian children.

Content consumption is at its highest level across all demographics, yet the commissioning of Australian Children's Programming is at its all-time lowest level. Australian children 16 and under make up more than 21% of the Australian population, yet there is no regulation for any channel or platform service to commission Australian Children's Screen Content. Without regulation, the Australian audience has no protection to see its own culture and hear its own voices.

Similarly, commissioning of Australian adult drama and documentaries has declined significantly since the deregulation of Australian content requirements on Australian commercial television broadcasters.

Given the exponential growth of Australian audiences to streaming services, it is therefore vital that Australian stories in adult dramas, documentaries and children's programs reach our screens and can be easily located on those services.

Beyond also supports SPA and The Australian Children's producers calls for new regulation to ensure newly commissioned Australian stories are produced for Australian audiences under the age of 16.