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Australian Writers' Guild

Submission

to the

**Department of Broadband, Communications and
The Digital Economy**

Convergence Review - *Framing Paper*

9 June 2011

Australian Writers' Guild

The Australian Writers' Guild (AWG) is the peak industry body representing writers and creators of film, theatre, television, radio and new media. On behalf its members, the AWG works to improve professional standards, conditions and remuneration; to protect and advance creative rights and to promote the Australian cultural voice in all its diversity.

The Australian Writers' Guild welcomes the opportunity to comment on the *Framing Paper* released as part of the Convergence Review.

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The AWG commends the Review's approach of defining key principles with which to focus the review and the resulting reforms.

We consider these principles essential in finding the balance between the vast technical considerations of the new regulatory landscape and ensuring the primary purpose of all regulation – serving the public interest.

We are broadly supportive of all of the Principles with some concerns about a lack of clarity in the drafting of Principle 3.

As an organisation representing Australian storytellers we have a particular interest in ensuring Australians continue to be able to access Australian stories, and we welcome the emphasis placed on continued support for local content in the Framing Paper: "The government has made it clear that the ongoing production and distribution of Australian content will be a focus for the review".

We applaud the strong emphasis on quality, and the obligation to maximise public benefit, contained in the proposed principles and we note the importance placed on competition and the BSA in achieving these.

We know from 50 years of experience that Australians only see and hear Australian stories as a direct result of government intervention, and we therefore fully endorse the intention of Principle 3 - *Australians should have access to Australian content that reflects and contributes to the development of national and cultural identity.*

We would emphasize that the most culturally important, yet least financially viable element of Australian content, is scripted 'drama' (used broadly to include all forms of scripted content including comedy etc). Other forms of content are not subject to the same degree of market failure as domestic English language drama. We would therefore like to see specific reference to Australian access to local Australian drama.

We are also mindful that the local market distortions created through Australian government interventions need to be carefully calibrated if they are to stimulate the quality and competition the Review seeks to foster, rather than act as anti-competitive industry protectionism, serving only a limited range of commercial interests. We therefore support the emphasis on competition throughout the Proposed Principles.

We note, particularly, a concern with the framing of Principle 3 – Argument 3 - *If local content is to be available to media services, arrangements are required whereby local production skills and capabilities at a high level are developed and maintained in a local production industry.* We are strong advocates for the role of the media in reflecting Australian national and cultural identity (Argument 1), and the need for policy interventions to ensure the production of local content is financially viable (Argument 2).

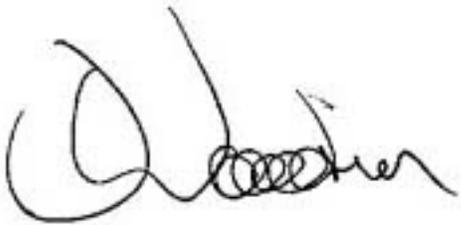
Argument 3, however, is inadequately defined; the language is overly focussed on production skills and the local production industry. There appears to be an inherent presumption that if these are developed, investment will be made in the 'key creatives' of the industry (generally referred to as Writers, Directors and Actors), and a further presupposition that investment in industry will inevitably lead to the Review's objecting of the development of quality Australian content that reflects and contributes to the development of national and cultural identity.

We accept that the local production industry, if it is to exist, requires policy interventions to counter the oligopolistic market imbalances in English-language audio-visual content production and distribution. However, we maintain that while support for the production industry is an important policy objective, it should not be equated with, nor be presumed to lead to, Principle 3 of this Framing paper. Several existing policy interventions, and responses to them, can be identified which demonstrate this lack of a causal link.

We therefore respectfully suggest that Principle 3 be re-framed to ensure that recommendations for government policy and subsidy are unequivocally targeted at precise creative investments and outcomes, and not just broad industry support.

We thank you for the opportunity to comment on the Framing Paper and look forward to making further contribution as the Review progresses.

Yours sincerely,



Jacqueline Woodman
Executive Director