



SCREEN
PRODUCERS
AUSTRALIA

PARLIAMENTARIAN MEETING KIT

Helping local screen producers
use their voices in the political
and parliamentary process.

AUGUST 2024



Limbo, Bunya Productions & Windalong Films

BACKGROUND

The Federal Government has been undertaking a stakeholder consultation around Australian screen content requirements on streaming services for more than a year now.

It is important that any model of streaming regulation achieves the policy goals and expectations of the National Cultural Policy *Revive*, and delivers more genuinely Australian stories of cultural worth on our screens.

The Australian screen industry has been waiting patiently for nearly ten years for the Australian Government to regulate digital streaming platforms for the benefit of Australian audiences and to ensure that like other platforms, streaming services fulfil their mutual obligation to invest in minimum levels of Australian content. Getting the details right in any legislation is of critical importance.

The Government has been in discussion with streaming businesses and the local industry recently about what the final regulatory model might look like. However, there is still much that is unknown. We are concerned that streamers are getting their own way on much of this detail and that the industry voice is not being heard. That's why we need your help.

WHAT DOES THIS MEAN FOR YOU?

As an Australian screen producer with skin in this game, now is the time to contact your local Member of Parliament and give them some feedback on what the Australian screen industry needs to grow and prosper. This is an opportunity to provide your experiences, perspectives and feedback on what is needed.

Your voice has never been so important.

The following is a step-by-step guide to help you share the Australian screen producer perspective in this debate.

You can contact Screen Producers Australia at any time if you have any questions or need additional support.

STEP 1.



IDENTIFY YOUR LOCAL MP (WHERE YOU LIVE AND/OR WORK)

You can find your local MP by entering your suburb on the Australian Electoral Commission website here - [Find my electorate \(aec.gov.au\)](https://www.aec.gov.au).

Once you've found your electorate, you can find your local MP's contact details on the Australian Parliament House website. The full list of MPs and Senators is available here - [Contacting Senators and Members](#). We suggest starting with your MP, but a second meeting with a Senator from your State is also well worthwhile.

STEP 2.



REQUEST A MEETING

Using the contact details sourced as outlined above, we suggest you email your MPs or Senator's office requesting a meeting as soon as possible. We have prepared a draft email for you to tailor and send to your local MP/s.



Template 1: Email to Your Local MP

Dear <MP / Senator>

I am one of thousands of Australian screen producers, behind the scenes businesses bringing Australian stories, voices and content into homes and cinemas.

I <live in your electorate / am currently producing <title> in your electorate> and would appreciate an opportunity to meet with you to let you know about my business and share my views on the importance of securing fair and flexible Australian screen content requirements on streaming services.

The Australian Government is in the final stages of consultation with industry stakeholders ahead of legislation being introduced into Parliament in 2024 and I would like to share my view on how this legislation will affect my business.

Please contact me to arrange a mutually convenient time to meet.

Kind regards,
<Your name>
<Your title>
<Your company>

STEP 3.



FOLLOW UP YOUR MEETING REQUEST

If you have not heard back within a few days, then you should phone your MPs/Senators office and follow up your email. Again, use the contact details sourced in Step 1. Get the name of the person you speak with and continue to follow the same person up as needed.

Do not hesitate to get in contact with Screen Producers Australia if you need any support leading up to your meeting.

STEP 4.



HOLD THE MEETING

The meeting will likely be held in the MP or Senator's electorate office but if you have an interesting site, you could offer to hold the meeting at your own location.

Ideally you will be able to secure a direct meeting with your MP or Senator. Given how busy MPs are, it is also possible they will instead offer a meeting with their Electorate Officer. This is still very worthwhile because the Electorate Officer will report back to their MP/Senator and you will have an opportunity to develop a working relationship with the office.

We have prepared talking points to help inform the discussion. You can use the attached fact s to step through the industry's key asks, and delve into the important topic of Intellectual Property. These face sheets have been designed as "leave behinds". Please ensure you have some printed copies that you can leave in the MP's office or you can send these in by email later.



Template 2: Meeting Talking Points

- It is important that any model of streaming regulation achieves the policy goals and expectations of the National Cultural Policy *Revive* and delivers more genuinely Australian stories of cultural worth on our screens.
- *Revive* sets out the Australian Government commitment for streaming services to invest in key genres including children's content, scripted drama and documentaries and any streaming regulation legislation is expected to give effect to it.
- The Australian screen industry has been waiting patiently for nearly ten years for the Australian Government to regulate digital streaming platforms for the benefit of Australian audiences and to ensure that like other platforms, streaming services fulfil their mutual obligation to invest in minimum levels of Australian content. Getting the details right in any legislation is therefore of critical importance.

What we want -

- A 20% of revenue investment obligation by the steaming services. Any other model (such as expenditure) lacks integrity, transparency and will be a challenge to administer.
- A strong definition of 'Australian content', that will deliver screen stories of Australian cultural value. We need a better balance between foreign projects that use Australia as a low-cost location and valuable Australian stories that are driven by Australian creative workers to ensure that public investment results in public value.
- Ownership of intellectual property in Australian creativity secured for Australians and treated as a valuable national asset to be retained by us. The Australian Government must take action to stop the abuse of market power by powerful digital streaming platforms who are bullying creatives into surrendering these rights including for projects that receive generous public funding through screen incentives. Licensing rights to the creative work must revert back to Australian creatives to count as part of this investment obligation.
- Retain the independence of the Australian screen industry that currently ensures diversity of screen stories and supports our unique character and creativity. This can be done by ensuring the majority of regulated commissioning is done as an arms-length transaction and by minimising in-house commissioning by streaming services.
- Minimum levels of investment by streamers in scripted drama, documentary, and kids' content, should be legislated as part of their investment obligation. We reject any so-called 'multipliers' that will in fact dilute overall investment in vulnerable genres and undermines the intent of what is to be achieved from regulation.

EXPENDITURE VS REVENUE REGULATORY MODEL

SPA has long argued for a revenue-based model of regulation, for reasons of integrity, transparency and administrative simplicity. The arguments in favour of an “expenditure-based” model, as has been applied to cable (Foxtel) is an inferior approach. For example, there is nothing in the AUSFTA that requires us to apply an expenditure model to streaming services, however, it is preferred by them as it can be easily manipulated and lacks accountability.

Expenditure Model	Revenue Model
Opaque – easy to obscure and manipulate	Transparent and readily verifiable from independent sources, ie, ATO
A challenge for a regulator (ACMA) to administer	Simple and straightforward to administer
This approach requires the determination of a streaming service’s expenditure on licensing non-Australian content made available in Australia – would they really tell us this and how would we know the figure was accurate or reasonable?	By comparison, revenue is easily defined and determined
No other country in the world with streamer regulation has taken this approach, for good reasons	<p>In adopting a revenue-based approach for Stage 1 of Canada’s Online Streaming Regulations, their regulator recently said:</p> <p>The Commission considers that none of the interveners in this proceeding provided compelling evidence that using other criteria would be a significant improvement to a revenue-based threshold. In fact, using any other criteria would make base contribution requirements much more complex.</p> <p>Accordingly, the Commission will use revenues to determine which online undertakings will make base contributions.</p>
Preferred by Big Tech Streamers	Preferred by the Australian Screen Production Industry

VERY IMPORTANT POINT FOR YOUR CONSIDERATION AND ATTENTION!

Please add your local experiences and perspectives as an Australian screen producer.

Your MP/Senator will be most interested in the way this impacts their community, so please take some time to consider how your company or project generates value for the local community.

For example, if your work in the community generates Australian jobs, you should absolutely add these local facts to your discussion. If you have a local production in the electorate:

- How many jobs does it generate?
- How long is the project running?
- How much does the project cost?
- How much revenue is it expected to bring into the community?

At the end of your meeting, be sure to get a picture taken with your local MP/Senator. You can use this in social media after the meeting.



STEP 5.



GET A PHOTO & POST ABOUT THE MEETING ON SOCIAL MEDIA

A MP will expect that you want to get a photo with them. Get a photo at the end of your meeting, and use that picture on your social media channels - especially X (formerly Twitter).

We have provided a draft Tweet below.

Template 3: Social Media Post

Thank you @LocalMP for meeting with me today to discuss the urgent need for a 20% investment obligation on global streaming providers. I appreciated the opportunity to discuss the certainty this would bring to our Australian screen producers. We are counting on you to stand up for Australian stories, voices and culture.

@Screen_Producer @Tony_Burke @MRowlandMP

STEP 6.



OPTIONAL: INFORM LOCAL MEDIA

Your local media is another opportunity to reinforce your messages to MPs.

We encourage you to send the fact sheets to your local newspapers, with a cover note (as drafted below).

Local newspapers are sometimes very small operations that rely mainly on email. Where possible, phone the publication, explain the issue you're phoning about and see whether there is anyone in particular you should connect with. As part of that discussion, mention that you're trying to / have scheduled a meeting with your local MP.

Make sure you follow any local publications on social media and share your relevant posts with them.

Provide local publications with some written content/media briefing which they can use as direct quotes, as a letter to the editor, or as background for an article.

STEP 7.



SEND YOUR MP/SENATOR A THANK YOU NOTE

A thank you note is a great way to loop back and reinforce the key points made in your meeting. Also be sure to attach digital versions of the SPA Fact Sheets.



Template 5: Thank You Note

Dear <MP / Senator>

Thank you again for meeting with us to discuss the stakeholder consultation on Australia screen content requirements on streaming services.

- It is important that any model of streaming regulation achieves the policy goals and expectations of the National Cultural Policy Revive and delivers more genuinely Australian stories of cultural worth on our screens.

This is what the Australian screen industry wants to achieve:

- A 20% of **revenue** investment obligation by the steaming services to take our industry forward, meet the promise to audiences of Revive, and demonstrate an ambition to grow the Australian screen industry.
- A robust definition of 'Australian content', to deliver screen stories of Australian cultural value. We need a better balance between foreign projects that use Australia as a low-cost location and valuable Australian stories that are driven by Australian creative workers.
- Ownership of intellectual property in Australian creativity secured for Australians and treated as a valuable national asset to be retained by us. The Australian Government must take action to stop the abuse of market power by powerful digital streaming platforms who are intimidating creatives into surrendering these rights including for projects that receive generous public funding through screen incentives. Licensing rights to the creative work must revert back to Australian creatives to count as part of this investment obligation.
- Retain our independent screen industry and entrepreneurial SMEs that ensures a diversity of screen stories and supports our unique character and creativity. This can be done by ensuring the majority of regulated commissioning is done as an arms-length transaction and by minimising in-house commissioning by streaming services that obscures accountability and Australian industry sovereignty.
- Minimum levels of investment by streamers in scripted drama, documentary, and kids' content, should be legislated as part of an investment obligation. We reject any so-called 'multipliers' that will in fact dilute overall investment in vulnerable genres and undermines the intent of what is to be achieved from regulation.

Thank you again for your time, and for standing with your local screen producer.

Kind regards,
<Your name>
<Your title>
<Your company>

STEP 8.



ADDITIONAL FOLLOW UP LETTER

If you have already met with your MP/Senator and want to advance the conversation, we have a suggested follow up letter that is more specific about some regulation proposals.



Template 6: Follow up letter

Dear <MP / Senator>

Thank you again for meeting with us recently to discuss the stakeholder consultation on Australia screen content requirements on streaming services. As a screen business in your electorate/State, ensuring Australia has decent local content laws on streaming services is very important to me. These laws should not be dictated to the Australian Parliament by international tech companies- or anyone else..

Unless Australia's streaming regulation contains the following critical elements, the future of Australia's screen industry will be at risk. We need:

- A **revenue** obligation on steaming services so that they invest some of the profit made from Australian subscribers on our local content. This principle has served Australia well for the past 70 years on other platforms and should continue for popular streaming services. A revenue model offers the most transparency, integrity and accountability.
- Anything else (such as an Expenditure Model) can be easily manipulated by streamers and could see investment go backwards. No other regulating country in the world has adopted a hard to administer Expenditure Model, for good reason.
- There is nothing in the Australia-US Free Trade Agreement that dictates an Expenditure Model is needed, but streamers want this because it is harder to verify than revenue.
- In 2004, when the AUSFTA was negotiated, Australia specifically reserved the future right to regulate interactive video services, subject to some minor qualifications.
- A **robust definition of 'Australian content'**, to deliver screen stories of Australian cultural value. We to invest in genuine Australian local content and not provide a backdoor for "global" stories with little Australian creative control.
- An **Intellectual property** protection framework so that rights to Australian creativity is treated as a valuable national asset. A monitoring and reporting framework is inadequate and provides no protections for Australia's creative workers and businesses.

Thank you again for your time, and for standing with your local screen producer.

Kind regards,
<Your name>
<Your title>
<Your company>

STEP 9.



KEEP SPA INFORMED

Screen Producers Australia would love to hear about your meeting because it is vital information that will help inform our broader engagement.

We'd also love to share your experiences and achievements throughout the member community - we will also achieve more by working together!

Please send updates to jane.mulligan@screenproducers.org.au.

STEP 10.



IF YOU CANNOT SECURE THE MEETING

Send them an email thanking them for their consideration and attaching the Fact Sheets for their information.

Invite a Senator from the same state, but a different Party, to meet with you and follow all of the above steps.

Be sure to post about that meeting and send a post of the meeting to your local MP and/or their office so that they know you've held a separate meeting.

STEP 11.



KEEPING YOU INFORMED

SPA will send you regular updates as the consultation progresses. If you manage to create a good working relationship with your local MP and/or their office, then it would be very useful for you to use these updates to continue to keep them informed.



WHAT WILL IT TAKE TO MEET THE AMBITIONS OF THE NATIONAL CULTURAL POLICY?



A meaningful investment obligation, based on a streaming service's Australian revenue.

We need a robust, transparent and incorruptible regulatory model that all Australians can have confidence in and that will take our industry forward, meet the promise to audiences of *Revive*, and demonstrates an ambition to grow the Australian screen industry as an important future industry for our economy in a screen content-hungry world. A revenue-based model revenue model offers the most transparency, integrity and accountability. No other regulating country in the world has adopted the alternative, a hard to administer Expenditure Model, for good reason.



A recognised role for Australia's independent screen sector.

We cannot fulfill the promise of "Revive" without ensuring a strong role for screen stories from the hundreds of small, independent voices - including Aboriginal and Torres Strait Islander producers - committed to developing original and creative projects. If done right, new investment will flow across the screen ecosystem to foster new projects that reflect the diversity of our culture.



A mechanism to retain Australian intellectual property in Australian stories.

Ownership of Intellectual Property (IP) is foundational. Australian Producers need a mechanism to ensure IP is under Australian ownership and control. A rights reversion model would allow the ownership of IP and rights in Australian screen stories to revert to the independent producers who created the material, after a fixed period of time. If the Government proposes a reporting framework for this, it is important that data on the duration of a primary rights assignment is captured and reported on, as well as if any secondary rights have been assigned. This data should be provided by both commissioners and those commissioned for veracity an authentication.



Genuinely Australian content.

We need a robust definition of "Australian content" that meets the aspirations of the National Cultural Policy to see and hear more Australian stories and voices on our screens. The current ACMA definition is inadequate in that it includes spending by streaming platforms on 'acquired' programs - which are mainly re-runs, not new titles.

SCREEN PRODUCERS AUSTRALIA

STREAMING REGULATION FACTS & MYTHS



BACKGROUND

In 2004, Australian and the USA signed a Free Trade Agreement. It included some rules around local content for commercial free-to-air, cable (Foxtel) and future interactive video services (ie, streaming). Local content rules have served Australian audiences and our own industry very well for around 60 years. Just as happened in 2004, when the USA did not want Australia to enshrine existing local content laws, Australia is now facing a tough challenge in enforcing the agreed AUSFTA rules and responding to acute pressure from powerful US-based streaming businesses. It is important that Australia does not allow a “Big Tech” takeover of our local industry. We already subsidise international production costs that film on location in Australia by up to 45%. The many benefits of a robust screen industry should flow both ways, not in one direction. Australian audiences deserve better access to Australian screen culture. The promise made in our National Cultural Policy *Revive* is important and should be kept.

IS THE AUSFTA AN OBSTACLE TO REGULATION BY AUSTRALIAN PARLIAMENT?

MYTH	FACT
The AUSFTA means that Australia cannot regulate to ensure streaming services have some minimum levels of Australian content.	Under Annex II to the AUSFTA, the Australian Government enshrined the right, subject some minor qualifications, for the future ability to regulate interactive video content or genres. Streaming services did not exist in 2004 but the clear intention of the Australian Government was to have the ability to apply local content rules to new services, as technology developed.
MYTH	FACT
The AUSFTA means that the Australian Parliament cannot put robust regulation on streaming platforms.	Labor’s support for the AUSFTA in 2004 was conditional on the reservation applied to local content laws. Labor’s Shadow Minister for Trade, said the following in the Senate: <i>“Labor senators on the committee recommended that Australia’s local content standards be legislated. That was the basis for the Labor Party’s decision to make our support for the FTA conditional upon this amendment to the broadcasting act.”</i>
MYTH	FACT
The Howard Government put weak local content rules in place in the AUSFTA in 2004.	The then Labor Opposition insisted on amendments to the US Free Trade Implementation Act 2004, that protected local content laws, including for commercial free-to-air television, subscription (Foxtel) and importantly, reserved the future right for the Australian Parliament to regulate interactive video services or genres (streaming). The then Trade Minister said the following: “Our right to ensure local content in Australian broadcasting and audiovisual services, including in new media formats, is retained.”
MYTH	FACT
The USA is worried about protecting jobs in the US film and entertainment industries, particularly in a US Presidential election year.	If the USA was concerned about protecting US jobs, streamers would have opposed the increase to 30% of the Location Offset which provides taxpayer support for international screen projects filming on location in Australia. They didn’t. In fact, through ANZSA, the representative of the Motion Picture Association of America, they lobbied very strongly in favour of this increase. Their concern is not about US jobs, but about opposing regulation in order to push back against global attempts to similarly regulate them.

SCREEN PRODUCERS AUSTRALIA

STREAMING REGULATION FACTS & MYTHS



MYTH	FACT
Australia is limited in how it can regulate streaming platforms because of the AUSFTA.	<p>In Annex 11 to the AUSFTA, outlines some minor qualifications to Australia's right to regulate but these do not present any obstacle. This is what Annex II actually says:</p> <p><i>(e) Measures to ensure that, upon a finding by the Government of Australia that Australian audiovisual content or genres thereof is not readily available to Australian consumers, access to such programming on interactive audio and/or video services is not unreasonably denied to Australian consumers. Any measures addressing such a situation will be implemented through a transparent process permitting participation by any affected parties, be based on objective criteria, be the minimum necessary, be no more trade restrictive than necessary, not be unreasonably burdensome, and be applied only to a service provided by an enterprise that carries on business activities in Australia in relation to the supply of that service.</i></p>
MYTH	FACT
The US Government has a veto over Australian Government streaming regulation.	A current DFAT Fact Sheet on the AUSFTA says that: "The Government has protected our right to ensure local content on Australian media, and retains the capacity to regulate new and emerging media, including digital and interactive TV." If this is not the case, then the Australian Parliament and public are being misled about the effect of the AUSFTA.
MYTH	FACT
The AUSFTA compels the Australian Government to apply an Expenditure-based model, similar to the New Eligible Drama Expenditure (NEDE) framework applying to subscription (ie, Foxtel) services.	The NEDE scheme is dealt with in a separate paragraph to online video services and regulation for these different platforms should be considered on their own merits and limitations. Local content rules for commercial free-to-air and subscription television are specific to those platforms. Interactive video services are different and should be dealt with differently. There is nothing in the AUSFTA that requires the model for regulation of one platform (subscription television) to be applied to another (interactive video).
MYTH	FACT
If Australia insisted on fair and reasonable local content rules for streaming services, the USA would retaliate through the WTO or other ways.	It is highly unlikely that any action in the WTO against Australian local content laws would succeed because of the clear and specific reservations set out in Annex II of the AUSFTA. This would also be a very controversial step.
MYTH	FACT
An Expenditure-based model will ensure investment in Australian content grows over time.	Unless the Australian Government includes some sort of minimum baseline in the flawed Expenditure model, [such as a minimum 5% of Revenue baseline requirement], there is no guarantee that streaming services will increase their Australian content. Any expenditure model without some sort of baseline expectation allows investment to decline over time.

SCREEN PRODUCERS AUSTRALIA

STREAMING REGULATION FACTS & MYTHS



MYTH

An Expenditure Model of Regulation is viable and offers a reasonable alternative to a Revenue-based model.

FACT

No other regulating nation has adopted anything other than a Revenue-based approach to applying local content rules to streaming platforms. Recently, the Canadian regulator, the CRTC, with the authority of their *Online Streaming Act 2023* which is similarly aiming to regulate streaming services, considered this matter in some detail and took evidence from all stakeholders. The CRTC decided on a Revenue-based model, for the following reasons:

“31. The Commission considers that none of the interveners in this proceeding provided compelling evidence that using other criteria would be a significant improvement to a revenue-based threshold. In fact, using any other criteria would make base contribution requirements much more complex. 32. Accordingly, the Commission will use revenues to determine which online undertakings will make base contributions.”

MYTH

The Australian regulator, the ACMA, will be able to determine a streamers’ total drama expenditure for Australia” as part of an Expenditure Model.

FACT

It will be next to impossible for a third party such as the ACMA to accurately assess a global streaming business’ expenditure figures given layers of commercial sensitivity, the involvement of third parties, and determine how global licence fees or internal in-house expenditure should be attributed to the Australian market. Any model needs a fair, transparent and arm’s length way to attribute international programming expenditure to Australia. Australia’s experience in regulating other Big Tech platforms such as Meta through the **News Media Bargaining Code** shows the likely problems. Allowing streaming platforms to dictate the rules they want to the Australian Government is a recipe for future failure and more uncertainty for Australian audiences.

MYTH

Australian audiences have access to plenty of Australian content right now, so there is no need to regulate.

FACT

Some streaming platforms do invest in Australian content, for sound commercial reasons, but others don’t. For example, some services are reported as having just around 3.3% of their catalogue devoted to Australian content. Some important genres such as children’s and documentary are missing. Australian audiences have said they want to see more Australian stories on their screens. Australia provides generous screen incentives to streamers as well as paying a subscription to these businesses. We deserve something decent in return.

MYTH

An Expenditure Model doesn’t need any reference to Revenue to be effective.

FACT

Any model without some baseline based on revenue will allow declining investment over time. The previous Morrison Government proposed a reporting scheme based on a 5% of revenue baseline to avoid designation and regulatory action by the Minister. Providing a baseline minimum would be an important safeguard and send a strong signal of expectations to streamers.

WHAT ARE THE QUALIFICATIONS TO ANNEX II OF THE AUSFTA?

Annex II to the AUSFTA allows Australia to regulate audiovisual services, subject to some minor qualifications, which we believe present no obstacle to the Australian Parliament:

The Australian Government finds that Australian audiovisual content or genres is not readily available to Australian consumers	The Australian Government's 2022 Discussion Paper on streaming considered this issue and found that some services had no Australian content, while others devote only a small proportion of their catalogues to Australian content. For example, Netflix, Australia's most popular SVOD service then had an estimated 3.3% of its catalogue devoted to Australian content. When compared to a 55% minimum local content quota for broadcast services accepted under the FTA, local content on streaming services in most cases is well under 5% and ranging down to zero (0%) so this satisfies this FTA requirement. In addition, there is almost no Australian children's content on streaming services.
Be implemented through a transparent process permitting participation by affected parties	Under the current Government, there have been two formal rounds of consultation with industry, including streamers (April & November 2023) as well as numerous stakeholder meetings. Prior to that, the previous Government conducted extensive industry consultation around regulation and both the Senate and House of Reps Committees held inquiries.
Be based on objective criteria	This is a straightforward proposition that is set out in our National Cultural Policy <i>Revive</i> , that Australian stories are seen and heard, regardless of platform.
Be the minimum necessary	In other regulating countries, this depends on a number of factors such as language barriers and ranges from minimal up to 25% in EU. Canada, a comparable English language nation, is currently working towards 25%.
Be no more trade restrictive than necessary	Australia reserved the right to ensure our audiences had access to local content when it signed the AUSFTA in 2004. In the eyes of the USA with its huge film and entertainment sector, any regulation will be viewed as trade restrictive. Local content regulation has been applied to both free-to-air (55%) and cable services (10%) in Australia for decades, confirmed in the AUSFTA. Australian audiences now mainly use streaming services to watch drama, documentary and children's programs, more than any other platform and their ability to access local content should match the popularity of these services.
No be unreasonably burdensome	Australia has a long precedent for regulating to ensure that our local audiences have access Australian screen culture and that we were not overwhelmed by content from other countries. Mostly global streaming platforms are already investing in Australian screen stories like <i>Boy Swallows Universe</i> and <i>The Clearing</i> because they are globally successful. In 2022-23, they invested \$324.1 million in Australian content.
Be applied only to a service provided by an enterprise that carries on business activities in Australia in relation to the supply of that service	All major streaming services carry on business in Australia because as an English-speaking country, receptive to US culture, we are a highly profitable and low-overhead market for mostly global streaming businesses.

EXPENDITURE VS REVENUE REGULATORY MODEL

SPA has long argued for a revenue-based model of regulation, for reasons of integrity, transparency and administrative simplicity. The arguments in favour of an "expenditure-based" model, as has been applied to cable (Foxtel) is an inferior approach. There is nothing in the AUSFTA that requires us to apply an expenditure model to streaming services, however, it is preferred by them as it can be easily manipulated and lacks accountability.

Expenditure Model	Revenue Model
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A challenge for a regulator (ACMA) to administer	Simple and straightforward to administer
This approach requires the determination of a streaming service's expenditure on licensing non-Australian content made available in Australia – would they really tell us this and how would we know the figure was accurate or reasonable?	By comparison, revenue is easily defined and determined
No other country in the world with streamer regulation has taken this approach, for good reasons	<p>In adopting a revenue-based approach for Stage 1 of Canada's Online Streaming Regulations, their regulator recently said:</p> <p>The Commission considers that none of the interveners in this proceeding provided compelling evidence that using other criteria would be a significant improvement to a revenue-based threshold. In fact, using any other criteria would make base contribution requirements much more complex.</p> <p>Accordingly, the Commission will use revenues to determine which online undertakings will make base contributions.</p>
Preferred by Big Tech Streamers	Preferred by the Australian Screen Production Industry