



**RESPONSE TO THE DRAFT DOCUMENTARY
GUIDELINES**

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ABOUT THE AUSTRALIAN DIRECTORS GUILD

This submission is made by the Australian Directors Guild (ADG), the industry association representing the interests of film and television directors, writer/directors, documentary filmmakers, animators and independent producers throughout Australia. Formed in 1980, the ADG has hundreds of members nationally. These members include directors in feature film, television drama, documentary, animation and new media. They include some of the highest profile director in the world including BAZ LUHRMANN, PETER WEIR, GILLIAN ARMSTRONG, FRED SCHEPISI and PHILLIP NOYCE to name a few.

The ADG works to promote excellence in screen direction, to encourage communication and collaboration between directors and others in the industry, and to provide professional support for its members. It maintains a high profile and leading cultural and policy role through its efforts to address issues affecting the industry from a broad perspective.

The ADG is affiliated through the International Association of English-Speaking Directors Organisations (IAESDO) with the Broadcasting, Entertainment Cinematograph and Theatre Union (BECTU), the Directors Guild of America (DGA), the Directors Guild of Canada (DGC), Directors UK, the Screen Directors Guild of Ireland (SDGI) and the Screen Directors Guild of New Zealand (SDGNZ).

The ADG is also a member of the Copyright Council.

Introduction

The Australian Directors Guild is very happy to respond to the draft documentary guidelines released by Screen Australia in June, especially as the documentary directors of the ADG believe it is time to reform support for documentaries. The ADG has been concerned about the demise of the one-off documentary and the devaluing of documentary generally by broadcasters. We were particularly disappointed in changes at the ABC where documentary was replaced by factual in their organizational structure.

We applaud the draft guidelines as a step in the right direction especially as it shows that Screen Australia wants to return to its core functions as stated in its charter.

*ensure the development of a diverse range of Australian programs that deal with matters of national interest or importance to Australians, or that illustrate or interpret aspects of Australia or the life and activities of Australian people; and (b) place an emphasis on: (i) documentaries.*¹

The emphasis on “Stories that Matter” is fully supported by the ADG.

We also recognize that Screen Australia has had its funding reduced by the Federal Government in its most recent budget and that this has necessitated the reduction in the amount of money available to the documentary area. Although we would always argue for the maximum funds for this important part of film production we also recognize that Screen Australia will need to cut their budgets in line with this overall reduction in funding.

We do have some comments on some of the changes and hope that these will be seriously considered in the formulation of the final guidelines.

¹ Draft Guidelines for Comment – Documentary Programs: Stories the Matter.

Background

For the past five years the ADG has been campaigning extensively in many forums for the support of individual documentary directors and producers. This campaign has highlighted the changing nature of documentary production in Australia and has drawn on reports from Screen Australia as well as independent reports from documentary directors and other film based institutions.

These reports show a rapid increase in documentary series production and a reduction in the number of single documentaries being produced and broadcast on our taxpayer funded networks (SBS and ABC). It is worth noting these changes here for reference:

- *Since the establishment of Screen Australia and the introduction of the Producer Offset in 2007-08, average annual hours of documentary made by production companies have increased by 34% on the previous five-year period, to 311 hours. Documentary series hours comprise more than 76% of that annual average; single documentaries fewer than 24%.*
- *In 1997-98 71% of total documentary hours produced by production companies were single documentaries. A decade later the proportion had fallen to 30%. By 2011-12 fewer than 23% of total documentary hours were single documentaries.*
- *The trend for an increasing volume of documentary production to comprise greater numbers and hours of television series, and fewer one off documentaries was clear prior to 2007-08. Neither the Producer Offset nor funding programs designed by the newly created Screen Australia addressed the issue.*
- *The domestic market for documentary is largely the two public broadcasters, which between them screened an average of 66% of all first release Australian documentary hours broadcast on free to air networks between 1998 and 2012.*
- *The ABC and the SBS make significant financial contributions to Australian documentary production. Their commissioning decisions also determine where most Screen Australia documentary production monies are invested.*
- *Screen Australia's General Documentary, National Documentary and International Documentary programs deliver about 85% of direct Australian Government subsidy for production of documentaries and require all projects to have "a local presale for Australian free-to-air or subscription television rights."*
- *Of TV documentary hours in which Screen Australia invested in 2012-13, 79% were series and 21% were single documentaries.*

- *Both public broadcasters profess a preference for commissioning documentary series over single programs and both have significantly increased hours of “factual” programs screened.*
- *A serious shortage of finance and exhibition opportunities available for production of single documentaries has significant cultural implications and consequences for Screen Australia’s ability to meet its obligation to support **development of a diverse range of Australian programs that deal with matters of national interest or importance to Australians, or that illustrate or interpret aspects of Australia or the life and activities of Australian people.** (Screen Australia Act 2008,s.6[3])*
- *Although the number of hours has increased in the production of documentary on the national broadcasters, the number of titles has decreased, thus reducing the diversity of Australian stories being told through documentary production.*

It is this last point that prompted the ADG to raise awareness of the changing nature of documentary production.

In early 2014 Screen Australia announced that they would review their funding of documentary. The ADG applauded this as a timely and important review in light of the changing nature of the way documentaries are developed and produced. At the Australian International Documentary Conference in March 2014 in Adelaide, Screen Australia began this process with a forum on documentary that was a great way to air the issues.

The follow up to this forum was the release of the discussion paper on documentary and funding by Screen Australia. The ADG responded to this discussion paper in April 2014 after consulting documentary directors.

We made several recommendations as follows:

1. Increase in support for a SIGNATURE FUND or equivalent. We believe the way to increase the number of documentary films being made is to significantly increase this fund or its equivalent to at least 30% of the current budget allocation for documentary production. The requirement for this fund allows the development and production of documentaries without marketplace attachments and is vital to increase the diversity of films being made;
2. We believe it is time that Screen Australia acknowledge that the expanded marketplace attachments need to be recognized as legitimate ways to finance documentaries. This reflects the changing nature of distribution and recognizes the shift away from traditional broadcasters. But we do not want to “throw out the baby with the bathwater” and recognize that broadcasters will continue to play a crucial role in documentary funding

and distribution. We would therefore suggest the incorporation of other marketplace attachments such as VOD, Documentary Australian Foundation, Online (such as SMH-TV), Crowd Funding and Private Equity alongside the current broadcaster pre-sales and commissions;

3. The recognition of new distribution models such as self-distribution, online and impact producing that will allow for the widest possible audience reach. In some cases wider than national broadcasters.
4. Removal of the requirement of a traditional distributor for feature funding and allow the above self-distribution method or film festival distribution which would also allow for the use of the tax offset;
5. Develop a second tier for smaller TV presales that sits below a complete presale and an acquisition. This will make films more attractive to private funders/ philanthropists if they know that the film will have an automatic audience. Note that this is not intended to reduce TV presales as they stand - we keep those - but broaden the opportunity to access more funds for other projects;
6. Allow development funds for TV series without a broadcaster attached;
7. Allow for social impact marketing grants for documentary features. It is clear that if self-distribution is going to become more common it will need to be resourced. This category would become part of the standard budget template supplied by Screen Australia;
8. Develop slate development grants for independent documentary companies. This would enable small companies to apply for a slate of 3-5 documentaries for a development grant rather than applying separately for each round. This will reduce administrative costs for all and make the development process streamlined, productive and efficient.

The draft guidelines were released in June 2014 and this is a response by the ADG in consultation with its documentary working group.

General Response

The ADG supports in general the proposed draft guidelines for documentary funding released by Screen Australia in June 2014. We feel they acknowledge the changing situation with documentary in Australia and the need to refocus on the core values of Screen Australia in the documentary field.

We support the right to make decisions on the basis of culture and diversity in broadcast documentary rather than as allocations per network. We believe this will enable the best documentary projects to be funded and broadcast. This is especially crucial, as the introduction of Factual content into the schedule of the major broadcasters has made it more difficult to establish what are documentaries and what are “reality” style programs. Just as we supported the application of the documentary definition that Screen Australia now applies to all applicant films that apply for the offset, we support these new guidelines.

Some of the draft changes could be modified to make them more effective and some we believe should be reconsidered. We will outline these in the following assessment of the guidelines but in brief these are:

- The Producer Equity Program (PEP) changes that will not allow directors to apply for PEP with other Screen Australia funding;
- The level of \$1m for the premium fund may not be the right level for Australian documentary projects;
- Although we understand there needs to be a cut to the overall Screen Australia budget we do not feel that documentary production should take such a large reduction;
- Clarify the discrepancy between eligibility criteria of “Development” and “Vision and Voice”;
- Support the increase of the threshold for grants from \$200,000 to \$250,000;
- Support the discontinuing of the notional allocation of funds across the various broadcast platforms;
- Support the broadening of accepted forms of marketplace commitment.

Producer Equity Program

The Producer Equity Program (PEP) has been an outstanding success in supporting a range of documentary programs both for television broadcast and cinema release. It has enabled documentary directors to fund projects outside of the traditional funding models and like the Producers Offset allowed for more finance to be injected into the system.

In the draft guidelines it states:

“The Producer Equity Program (PEP) will continue to fund projects that require no additional subsidy from Screen Australia beyond 20% of their budget, via the least onerous process possible. They will not be assessed beyond establishing eligibility.

However, to help simplify the process, PEP will not be accessible in conjunction with other Screen Australia funding.²”

This effectively takes out 20% of the lower end scale of documentary production. It also seems inconsistent with the way the producer offset is used. Producer Offset projects are able to attract support from other programs but the PEP can't.

As one of our members remarks:

“PEP has been instrumental on several low budget half hours docs I have done, one of which had a presale but had no SA input apart from PEP. By abolishing PEP 20% of a budget is being taken out, projects that don't make the Offset threshold. I expect that SA is abolishing PEP for SA funded projects to help pay for boosts of other funds like V&V.”

We would propose that rather than make all projects that received SA funds ineligible for PEP, instead draw the line and make some eligible and some ineligible. The idea would be to restrict PEP to financing plans that don't include a broadcaster i.e. the old Signature Fund (now V&V). Doing away with PEP will make it harder for those projects to raise a reasonable budget – especially given that state agencies are cash-starved, and DAF is not suited to many projects.

We would therefore suggest a cap on availability of PEP set at \$300K, budgets over that amount are ineligible. This allows for low budget, with or without broadcaster to access PEP.

² Draft Guidelines for Comment – Documentary Programs: Stories the Matter. p.5.

New Programs

- **Vision and Voice:** Supports innovative documentaries with a strong creative vision and a minimum budget of \$120,000/hour. Maximum Screen Australia contribution of \$250,000. Marketplace attachment not required but pathway to audience must be clear. *Notional allocation:* \$2–4 million. This new program, which could be seen as a replacement for the Signature Fund, provides more funds for documentary production. We support this new program and its increased allocation.
- **Meaning and Market:** Designed to stimulate the production of stories that matter, in the context of today’s evolving media and distribution landscape and the changing commercial realities of increasingly diverse finance sources. Supports medium- to large-budget projects with a minimum budget of \$250,000/hour. Screen Australia will match the contribution of genuine marketplace attachments (not limited to broadcaster license fees) up to \$250,000 for a one-off and \$600,000 for a series. *Notional allocation:* \$7–9 million. The opening up of the marketplace attachment to include film festivals, Documentary Australia Foundation and other finance is a significant step forward in recognizing the changing nature of documentary financing.
- **Premium Documentary Program:** Focused on the production of high-end projects, including theatrical documentaries, that are ambitious in scale, offer a compelling vision and have clear cultural value. Requires a minimum budget of \$1 million per hour, and a broadcaster or distributor attachment. *Notional allocation:* \$3–5 million.

We believe that the minimum budget of \$1m is too high and does not represent the reality of Australian documentary production. It certainly would apply to international co-productions. We would therefore like to suggest that the threshold be dropped to \$750,000 per hour. We believe this is a more realistic level with the general reduction in documentary budgets across the world

Documentary Development and Criteria for Applicants

We have noted that there seems to be a discrepancy in the criteria for development and the “Vision and Voice” category. In this latter category the criteria state:

“The creative team responsible for the project must:

*→ Include a producer or director (or equivalent roles relevant to the type of project) with at least **one** ‘eligible documentary credit’ in their respective role.”³*

In the Documentary Development guidelines it states:

*“Sole applicants must have at least **three** eligible documentary credits (half an hour or longer) in the role of producer or director”⁴*

To illustrate how this would seem unworkable I would point to an ADG member, Genevieve Bailey, whose documentary feature “I AM ELEVEN” has been screened theatrically all over Australia and throughout the world. It is currently being distributed in the US. She would not be eligible for any development funding.

We would therefore recommend that one documentary credit be the criteria for development and production as per “Vision and Voice” criteria. That is:

*“Include a producer or director (or equivalent roles relevant to the type of project) with at least **one** eligible documentary credit in their respective roles”⁵*

It is important to facilitate the development of individuals with proven abilities so that they are given critical support at this important stage. To support directors like Genevieve Bailey after they have shown they will be important new voices in the Australian documentary world is vital.

³ Draft Guidelines for Comment – Documentary Programs: Stories the Matter. p.10.

⁴ Draft Guidelines for Comment – Documentary Programs: Stories the Matter. p.20.

⁵ Ibid,p.10

Streamlining Administration

We support the case for providing more funding in the form of grants rather than recoupable investment, especially for lower-budget documentary. Currently all funding up to \$200,000 is provided as a grant, with everything else above that provided as a recoupable investment.

We would propose raising this threshold to \$250,000. This would match the total combination of a variety of possible marketplace attachments. In some financing plans the marketplace attachment could go above \$200,000 if you have a TV presale, DAF funds, MIFF fund etc

Kingston Anderson
Executive Director
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