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# FEDERAL ELECTION 2022

MEAA Issues and Priorities

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## Media

### **PING (Public Interest News Gathering) Program (Communications)**

The PING program was of insufficient scale and duration to ensure the retention and/or revival of public interest journalism in regional (and other) areas. Regional news provision is in decline and there are no plausible future programs aimed at arresting this situation.<sup>1</sup>

MEAA support increasing the PING fund from \$50m to \$250m per annum as recommended by the Centre for Future Work 2021 report, *The Future of Work in Journalism*.<sup>2</sup> Renewed PING funding should be for a minimum of three years with \$150m per annum available to the small to medium news media sector, with substantial funds quarantined for providers of regional news services.

- *Will your Party maintain and improve the PING program (or equivalent) if elected to Government? If not, what other measures will be introduced to ensure that quality news media is equitably produced across Australian regions?*

### **ABC (Communications)**

ABC funding has been cut by \$526 million since 2014. Indexation pauses, efficiency dividends and general funding cuts have been the order of the day. 640 ABC staff have lost their jobs over eight years. Programs have been cut or had their production severely curtailed. Critical initiatives such as the Enhanced News Gathering program remain the subject of 'grace and favour' government funding.

It is critical that the ABC be provided with funding and resources to enable it to fulfil its brief as our quality national broadcaster across all broadcast platforms.

MEAA call for the progressive restoration of ABC funding to match the funding that would have been provided on a 'business-as-usual' basis had cuts and efficiency dividends not been implemented from 2014.

MEAA also call for greater funding certainty by replacing (current) three-year triennium funding with a five-year funding commitment, with guaranteed indexation.

### **SBS Funding (Communications)**

Funding of SBS has flatlined over the period of the current federal government. Efficiency savings and base funding cuts imposed over the last eight years have severely compromised the organisation's ability to fulfil its Charter obligations.

Funding over the next triennium (2022 to 2025) provides no scope for service expansion and will hamper delivery of critical cultural programming across radio, television and online.

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<sup>1</sup> MEAA notes the mooted two-year \$10 million Journalists Fund

<sup>2</sup> *The Future of Work in Journalism*, the Centre for Future Work at the Australia Institute, Dr Jim Stanford, June 2021

MEAA calls for the SBS funding growth in real terms to realise at least \$1 bn in government funding over the coming triennium (compared to the projected \$932 million). MEAA also seek the replacement of triennium funding with a five-year funding commitment, with guaranteed indexation.

- *Will your Party increase and protect funding for Australia’s national broadcasters over a five-year funding cycle?*

### **Media Merger Protection (Communications / Treasury)**

By any measure, Australia has one of the most highly concentrated and least diverse media markets in the world. The progressive relaxation of media ownership rules that have simply extended the dominance of long-standing media companies. Further consolidation will result in even fewer distinct media voices; it will result in further job losses and further reduce the range of views available to the Australian community.

MEAA seeks an amendment to the competition regulatory arrangements to include new provisions to require an independent panel of experts to conduct a “diversity of voices” test to prevent further concentrations of ownership arising from proposed media takeovers or mergers. MEAA envisage the Panel’s views about the viability and merits of a takeover or merger will be binding.

- *Will your Party amend the Consumer and Competition Act to ensure that media mergers are subject to a diversity of voices test as a binding input on any media merger proposals?*

### **Tax Reforms (Communications / Treasury)**

Several countries have introduced or signalled support for taxation reforms aimed at ameliorating the costs of producing and consuming domestic news content. These reforms make consumption of domestic news content more attractive and directly aid the financing of public interest journalism.

The Centre for Future Work, in its 2021 *Future of Work in Journalism* report, assessed a range of international tax-related incentives designed to maintain and bolster domestic news consumption. The Centre’s report recommended the following:

- Tax support for employment of journalists. Refundable 25% tax credits to offset the cost of wages and superannuation for in legitimate news organisations. (A cap would be implemented on costs per eligible employee.)
- Tax incentives for digital or print subscriptions. Subscriptions to domestic media could be made tax-deductible for personal use (they are already tax-deductible for businesses). Subscriptions could be further increased by making them GST-free.<sup>3</sup>
- Tax deductibility for advertising. Classify advertising as an allowable business expense when purchased through a domestic media or information provider.

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<sup>3</sup> GST-free (or ‘zero-rated’) products do not charge GST from consumers for ultimate purchase, but their suppliers are able to claim credits for GST paid on purchased inputs.

- *Will your Party implement reforms that will enable the costs of journalism to be offset via taxation incentives?*

### **Streaming Services Content Rules (Communications Portfolio)**

The Australian content rules that applied to free-to-air (FTA) broadcasters were effectively gutted as the pandemic took hold in the second half of 2020. It is already clear that FTA broadcasters are scaling back their commitments to the production of Australian drama. Over time, this will lead to a decline in Australian story-telling and substantial reductions in the amount of work available for screen performers, specialist crew and allied workers.

An essential means of ensuring that satisfactory levels of production are ensured into the future is to make streaming services of scale contribute a set proportion of their Australian revenues to the production of Australian content. Despite massive increases in subscriber numbers and swelling profits, streaming services remain outside the regulatory net.

MEAA and other industry groups strongly support the immediate introduction of a requirement that relevant streaming services make binding contributions of no less than 20 per cent of their annual Australian revenues to the production of Australian programs.

MEAA note that the House of Representatives Standing Committee on Communications, in its 2021 report, *Sculpting a National Cultural Plan - Igniting a post-COVID economy for the arts*, supported legislating such a requirement.

- *Will your Party, if elected, require 20% of Australian revenues for streaming services of scale be devoted to the production of Australian content? When will you introduce this requirement?*

### **Public Interest Disclosure (Whistleblower) Reforms (Attorney General's portfolio)**

There have been unconscionable delays in reforming Australia's public interest disclosure legislation, especially inaction following the Moss Review in 2016. Although some private sector disclosure reforms have taken place, protections for whistleblowers and journalists under the public sector regime are poor or do not exist.

*MEAA seek your Party's views about the progressing the following matters:*

- *implementation of the recommendations of the Moss Review of the PID Act*
- *removal of general secrecy offences (including the definition of 'intelligence information') and the provision of clear protections for public interest journalism*

- *reform of provisions facilitating direct disclosure to media and emergency disclosure regime*
- *improvements to public reporting on the frequency and type of public interest disclosures*

### **National Security Laws (Attorney General's portfolio)**

The number and scope of national security laws has ballooned over the past twenty years. While these laws are geared towards increasing public safety, they also frustrate and/or penalise reporting of public interest news by prohibiting disclosure of any information deemed by government or its agencies. These restrictions have the twin effect of punishing those who seek to disclose and those who seek to report the substance of these disclosures, even where the information concerned poses no threat to the nation's security.

Journalists who seek to report on so-called national security matters can be monitored and have their sources identified through warrants and other means of surveillance. Journalists and their sources continue to face the threat of having their homes and offices raided, protracted court proceedings and possible imprisonment.

Two recent inquiries and reports – through the *Press Freedom Inquiry* and by the *Parliamentary Joint Committee on Intelligence and Security*<sup>4</sup> have identified a catalogue of provisions across our national security laws that unreasonably hinder journalistic work and facilitate the detection and prosecution of reportage that is plainly in the public interest, and which does not pose a threat to the safety of any citizen. Although there has been occasional mention of a departmental review of Commonwealth secrecy provisions, no real headway appears to have been made in addressing the concerns of Australian journalists and media organisations.

Existing laws must be urgently evaluated, with a view to providing credible exemptions and protections for public interest journalism and journalists.

- *Will your Party expedite a review of Australia's secrecy laws and take action to remove impediments and sanctions concerning public interest journalism?*

### **National Integrity Commission (Attorney General's portfolio)**

The absence of a federal integrity (or anti-corruption) Commission is blight on the body politic. The ongoing failure to enact credible legislation in support of such a body means that corrupt and improper conduct is not being investigated and deficiencies remedied.

MEAA support the Centre for Public Integrity's model for a National Integrity Commission. The Commission should have a broad jurisdiction, the powers of a Royal Commission - including the ability to hold public hearings, adequate funding, and independent non-partisan appointment and secure tenure of officials.

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<sup>4</sup> Report of The Senate Environment and Communications References Committee inquiry into freedom of the press (Press Freedom Inquiry) – May 2021; and the Report of the Parliamentary Joint Committee on Intelligence and Security Inquiry into the impact of the exercise of law enforcement and intelligence powers on the freedom of the press - August 2020.

- *Does your Party support the CPI's model for a National Integrity Commission? What is the timetable in which your Party will establish a Commission should you form Government?*

### **Shield Laws (Attorney General's portfolio)**

Considerable progress has been made in the past decade across Australian to implement journalist shield laws, whereby courts can protect journalists from identifying sources. This progress has been tempered by a raft of inconsistent provisions between the states and between the states, and the Commonwealth. Shield laws across Australian jurisdictions contain differing definitions of 'journalist' and 'journalism'; courts may also readily displace the shield 'privilege' (the protection against disclosure) where ill-defined public interest tests are not satisfied.

The Report of the Parliamentary Joint Committee on Intelligence and Security (PJCIS) Inquiry considered the state of shield laws in its inquiry (and subsequent report) into the impact of the exercise of law enforcement and intelligence powers on the freedom of the press recommended in

2020. The Committee recommended that: "the Australian Government promote consideration of harmonisation of State and Territory the state of shield laws into laws through National Cabinet, with relevant updates incorporated to expand public interest considerations, and to reflect the shifting digital media landscape."

- *Will your Party act on the PJCIS's recommendation and carry out a review of national shield laws with a view to ensuring harmonisation and improved journalist protections throughout Australia?*

### **Journalists Safety (Attorney General's and Foreign Minister portfolios)**

The International Federation of Journalists' *White Paper on Global Journalism* reported that between 1990 and 2020, 2658 journalists were killed in the performance of their work. Nine in 10 cases have gone unpunished. The Committee to Protect Journalists reports that, at the end of 2021, 293 journalists were currently in jail for their work – a record.

Daily, journalists are attacked, beaten, harassed, threatened, and detained. There are growing threats to their digital safety with cyber-attacks, hacking, online harassment – especially of women journalists – all creating a safety crisis for news professionals.

In the current international legal framework, there are no binding norms establishing safeguards for media workers specifically. International law is silent on the unique vulnerabilities confronted by journalists covering conflicts and gross misconduct in high office. To address these flaws and provide a rights framework in which media workers safely carry out their work, the International Federation of Journalists (IFJ) has drafted an *International Convention on the Safety and Independence of Journalists and Other Media Professionals*.

The draft Convention consolidates and clarifies existing legal obligations (contained in case law and various free speech and human rights instruments) as these would apply to journalists. It enhances the visibility of journalists' precarious position and provides for: the obligation to protect journalists against attacks on their life, arbitrary arrest, violence and intimidation campaigns; the obligation to protect against forced disappearances and kidnapping (by state agents or private actors); the obligation to carry out effective investigations into alleged interferences and bring the perpetrators to justice; and in the context of armed conflict, the draft Convention articulates an obligation to treat media workers and facilities as civilians (and hence illegitimate targets) and for military forces to conduct operations with due diligence.

- *Will your Party investigate the merits of adopting the International Convention on the Safety and Independence of Journalists and Other Media Professionals and take steps to promote the Convention's adoption at the domestic and international level?*

### **Advocacy for Incarcerated Australian Journalists (Attorney General and Foreign Minister portfolios)**

Australian governments have been heavily restrained in their advocacy on behalf of journalists and those who disseminate information in the public interest who are arbitrarily detained overseas and then subjected to the most questionable legal processes.

We have previously seen the unwarranted detention of Peter Greste; more recently, Cheng Lei and Dr Yang Hengjun have been arbitrarily detained and thrust into the most jaundiced quasi-judicial processes. Most prominently, Julian Assange continues to face the full force of British and US law. His ongoing detention and possible extradition to the USA present a real and present danger to his life.

Australian governments must protect the interests of its citizens when they are detained by foreign governments or foreign actors, including where this protection is perceived to be out of step with public sentiment. This protection must be consistent and vocal, and not compromised or overwhelmed by a foreign government's interests.

MEAA urges your Party to increase efforts on behalf of Australian journalists who are imprisoned abroad, and to raise concerns with foreign countries about laws and powers that have a chilling effect on public interest journalism in their countries and that could reach far beyond their borders.

- *Will your Party speak out in support of journalists and allied workers when they are exposed to arbitrary detention, imprisonment and threats to their life, and investigate the murder of journalists killed with impunity?*

## Arts and Entertainment

### **Arts Funding Generally (Arts Portfolio)**

The organisation, *A New Approach (ANA)*, has recently (2021) published data revealing that funding for arts and culture across all levels of Australian government is well below OECD averages. Based on 2016 to 2019 figures, Australian governments spent 0.95% of their GDP on culture, recreation (and religion) against an OECD average of 1.23% of GDP. Australia ranks 23<sup>rd</sup> out of 34 OECD nations.

Against this backdrop:

- Federal government cultural spending has fallen 17% over thirteen years
- The federal share of funding - as a proportion of all cultural expenditure across the three levels of government - is now 37.9%, compared to 45.7% in 2007-08
- Federal-level per capita cultural expenditure declined from \$138.71 in 2007-08 to \$107.20 in 2019-20

MEAA seeks assurances that your Party, if elected to government, will take steps to reverse the ongoing decline in federal government funding for arts and culture.

- *Will your Party commit to increasing funding for artistic and cultural activity for each year it is on office?*
- *Will your Party commit to working with governments at all levels to increase arts and culture expenditure as a proportion of GDP to improve Australia's low OECD ranking?*
- *Will your Party work to develop a national cultural plan that outlines concrete steps to be taken to bolster funding for artistic and cultural pursuits?*

### **Pandemic Support – Income Support (Arts / Treasury)**

The arts and entertainment industries have been ravaged by the COVID pandemic. Productions, events, performances and screenings have been suspended, postponed or cancelled as a result of either the spread of COVID infections or the adoption of public health measures aimed at preventing community transmission.

Approximately half of MEAA's members in the creative industries were unable to access JobKeeper payments. This was due to the nature of creative work, which is largely short-term, contract based and where workers are not classified as 'employees'. This was a gross injustice to these workers and has caused many in the creative industries to question the viability of maintaining their chosen professions.

MEAA supports flexible income support programs where work and work opportunities are compromised or terminated as a result of the pandemic. This support should not be predicated on a worker being employed at an arbitrary point in time or depend on classification as a sole trader.

- *Where further income support measures are implemented, will your Party ensure that non-employee workers and those who depend on short-term contracts across multiple employers will be eligible for the same level of financial assistance as conventional employees?*

### **Pandemic Support – Industry Assistance (Arts / Treasury)**

The current federal government introduced a range of time-limited programs aimed at assisting the creative industries to regain their feet during and post-Covid. Some of these programs are the:

**Restart Investment to Sustain and Expand (RISE) Fund** — \$200 million in competitive grant funding in 2020–21 to provide capital to help production and event businesses to stage festivals, concerts, tours and events as social distancing restrictions ease.

**Show Starter Loan Scheme** — \$90 million in loans to assist arts and entertainment businesses adversely affected by COVID-19 to access finance for new productions and events.

**Temporary Interruption Fund (TIF)** — \$50 million for Screen Australia for a Temporary Interruption Fund to kick start local screen production.

**COVID-19 Arts Sustainability Fund** — \$35 million to provide direct financial assistance to support significant Commonwealth-funded arts and culture organisations facing threats to their viability due to COVID-19. The Government is partnering with the Australia Council to deliver this funding.

These programs have expired or will shortly do so, leaving the sector without any tangible support in dealing future pandemic-related disruptions.

- *What will your Party do to ensure that industry receives the support it needs to maintain a viable and vibrant creative sector during and after the impact of COVID-19?*
- *What programs will you extend or create and for how long? How much funding will be devoted to these initiatives each year?*
- *Will you ensure that mechanisms are in place for support funds to flow through to performers and support crew and not just promoters?*

### **Live Performance Insurance (Arts / Treasury)**

The recent suite of COVID-related support measures for the entertainment industry was notable for the absence of any national insurance program in support of live entertainment.

Although several State governments have sought to fill this void, there remains a strong argument for national government underwriting of a durable live entertainment pandemic-related insurance scheme.<sup>5</sup>

- *Will your Party work with the states and territories to establish and help underwrite a live performance insurance scheme?*

### **Fair Payment for Musicians (Arts Portfolio)**

Musicians are precariously employed even outside pandemic times. Many gigs go unpaid, and contracts are often ignored. Although it is not possible to eradicate unconscionable conduct throughout the music industry, government has a clear role to play in setting standards. MEAA has recently secured the support of most State governments for a minimum \$250 payment per call for musicians where performances are part or fully supported by government funding. MEAA now seek federal support for this measure.<sup>6</sup>

- *Will your Party change guidelines and procedures to ensure that musicians are paid at least \$250 per call when performing at events partly or wholly sponsored by government funds?*

### **Inquiry into Music Streaming Services (Arts Portfolio)**

MEAA support a national government-led inquiry into the economic and other impacts of music streaming services on the Australian music industry. MEAA believe an inquiry is needed to examine the roles and relative bargaining strengths of streaming services, recording companies and artists in the provision of online music and make recommendations to remedy structural imbalances.

The UK House of Commons recently completed its inquiry, which recommended new measures to address power disparities and artists' remuneration and copyright concerns. Most notably, the UK report recommended introducing a 'right to equitable music remuneration'. See:

<https://committees.parliament.uk/publications/6739/documents/72525/default/?fbclid=IwAR3AMbjmEg42ltMa23MqIx8Q2fFl6oIWh4HAt6J6aiGjlhuPJX48LD4Lzx>

### **Screen Australia (Arts Portfolio)**

Over the life of the current Government, Screen Australia's funding and staffing levels have been massively reduced. Screen Australia's federal funding in 2013-14 was \$100 million. In 2021-22, Screen Australia was allocated \$92 million. In several intervening years, government funding was as low as \$81.8 million. \$50 million in funding was removed by the Abbott and Turnbull governments alone.

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<sup>5</sup> MEAA notes the report of the Environment and Communications Legislation Committee (November 2021) which recommended against a nationally underwritten insurance scheme. The Committee asserted that such responsibility rested with State governments.

<sup>6</sup> The \$250 per call per musician fee is based on the *Live Performance Award* rates of payment.

MEAA note that the 2021-22 federal budget provides an allocation of almost \$110 million. This amount includes episodic, one-off funding measures aimed at addressing production shortfalls arising from the Government's effective abandonment of FTA Australian content and children's content requirements.

MEAA believe that, as Australia's pre-eminent film body, Screen Australia's 2021-22 funding envelope should form the new baseline for the agency's funding. It should not be required to scrape around for reasonable funding levels. Under no circumstances should Screen Australia funding return to the 'business as usual' arrangements in the period 2014 to 2021.

- *Will your Party commit to ensuring that Screen Australia's current (2021-22) total funding is maintained and increased over time?*
- *What are your Party's plans to ensure that Screen Australia can build on its efforts to sustain and direct screen production?*

### **Australia Council (Arts Portfolio)**

The Australia Council has been battered since the current Government took office. The failed Catalyst and National Program for Excellence in Arts policies saw over \$100 million stripped from the Council in the first few years of this Government's tenure.

The Australia Council received government funding of \$220 million for 2013-14. In 2021, total government allocations were \$215 million - less than that provided almost a decade ago.

MEAA believe it is essential that the Australia Council be set on a path of year-to-year funding improvements. This will enable the Council to extend existing programs and create new opportunities for Australian artists and creative personnel, especially in the small-to-medium arts sector.

We seek your Party's commitment to ensuring that the Australia Council's funding is maintained at least at projected 2022 funding levels (\$219.7 million), notwithstanding the inclusion in this amount of special COVID-related appropriations.

In addition, we seek your Party's views on increasing Australia Council assistance to small-to-medium arts organisations and expanding the number of creative fellowships to eligible artists.

- *Will your Party commit to ensuring that Australia Council government expenditure does not fall below projected 2022 levels for the life of the next Government?*
- *Will you commit to improving the levels of funding support available to the small-to-medium arts sector and expanding the number of creative fellowships available through the Australia Council?*

## Other Arts Sector Matters – Sculpting a National Cultural Plan

The House of Representatives Standing Committee on Communications and the Arts released the report from its inquiry in October 2021. The report, *Sculpting a National Cultural Plan - Igniting a post-COVID economy for the arts*, made a range of bipartisan recommendations to assist Australia’s creative sector.

MEAA seek your Party’s response to the following recommendations, which are strongly supported by MEAA’s members. (The **bolded text** is MEAA’s emphasis.)

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### Recommendation 1

The Committee recommends that, noting the significant short and long-term impacts of the COVID-19 public health emergency on the arts sector, **the Commonwealth Government develop a national cultural plan to assess the medium- and long-term needs of the sector.**

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### Recommendation 3

The Committee recommends that **the Office for the Arts investigate the establishment of a national centre of Indigenous culture and arts of Aboriginal and Torres Strait Islander artwork.** The Office for the Arts should ensure that any proposal is co-designed with Indigenous communities and arts bodies.

As part of the co-design process, the Office for the Arts should consider the most culturally appropriate site on which to build a national centre of Indigenous culture and arts; how to create a national network of Aboriginal and Torres Strait Islander galleries in partnership with State/Territory art institutions; and examine how museums and galleries can further improve Indigenous representation and participation across all areas.

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### Recommendation 4

The Committee recommends **the title of the Department of Infrastructure, Transport, Regional Development and Communications be amended to include the Arts.**

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### Recommendation 8 (see above also)

The Committee recommends that the Commonwealth Government introduce legislation that requires over-the-top (OTT) media services (streaming and video/subscription video on demand services) **to allocate at least 20 per cent of their local revenue on new Australian drama, documentary, children’s content, commissions, co-productions or acquisitions of content.**

The new legislation should also **prescribe that OTT services allocate at least 20 per cent of the 20 per cent quota to local children's content and drama.**

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### Recommendation 12

The Committee recommends that the Commonwealth, State and Territory Education Ministers Meeting **consider adding a fourth cross-curriculum priority: ‘the Arts’.** The Committee recommends that this priority be in addition to (and not a replacement for) the arts as a key learning area.

### **Recommendation 15**

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The Committee recommends the Commonwealth Government provide **additional funding to the Australian Bureau of Statistics to produce the Cultural and Creative Satellite Accounts annually, gather and publish data on levels and type of employment, trends, revenue, geographic trends across the creative and cultural industries.**

### **Recommendation 16**

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The Committee recommends the **Australian Bureau of Statistics add questions to the Census which better account for the professions of those working in gig economies, and across the creative and cultural industries with recognition of paid and unpaid work.**

### **Recommendation 18**

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The Committee recommends that the Office for the Arts **investigate the delivery of an ‘Art Starter’ portal containing information for artists, and those engaged in the creative economy, at all stages of their careers to enable Australia’s arts industry to continue to grow and reach new audiences.** The portal should include information on:

- financial literacy, including information on taxation regimes and subsidies;
- digital literacy;
- intellectual property and licensing of designs;
- working with a business mentor to allow readiness for monetisation opportunities;
- services and support available across government to help businesses through [business.gov.au](http://business.gov.au);
- information on grants and funding opportunities, scholarships and prizes particularly for emerging artists;
- information for Aboriginal and Torres Strait Islander artists on protecting their work, and accessing advice on moving forward in the global art world; and
- other information, as required.

The Committee further recommends that the Office for the Arts investigate the potential for an Art Starter portal with other relevant Commonwealth, State and Territory Agencies, and industry peak bodies.

### **Recommendation 20**

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The Committee recommends that **the Office for the Arts, in collaboration with the Australia Council for the Arts, establish a new ‘Local Artistic Champions Program’ (akin to the existing Local Sporting Champions Program) to enable emerging Australian student artists, musicians, authors, playwrights, filmmakers, digital artists and game developers to apply for grants to support attendance at competitions, exhibitions, skills development courses relevant to their craft.**

### **Recommendation 21**

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The Committee recommends that the Office for the Arts **establish a Music Access Assistance Program to increase active participation of school students, particularly in low socio-economic, rural and regional areas, in musical endeavours.**

The Music Access Assistance Program should **provide affordable access to music education opportunities including instruments, music books and other musical equipment.**