

## REPORT CARD: THE ACT TO REGULATE STREAMING PLATFORMS

### POSITIVES OF THE REGULATION



#### IMPROVED EXPENDITURE MODEL

which now captures globally licensed programs, which is the main offering of most streaming platforms to Australian audiences.



#### ANNUAL REPORT TO THE ACMA

Annual reports to ACMA on revenue, expenditure and subscriber numbers.



#### MORE PLATFORMS COMMISSIONING

any platform with more than one million subscribers will now commission local content.



#### ABC FUNDING BOOST

secured, with an extra \$50 million committed to the national broadcaster



#### THREE-YEAR ACQUITTAL PERIOD

A streaming service has two years to acquit the first year's expenditure amount. A shortfall cannot be carried forward for more than two years, or significant penalties apply as well as the shortfall amount.



#### REVENUE MODEL INCLUDED

as an alternative to the default expenditure model. Streamers will need to pick one model and stick to it for three years.



#### ANTI-AVOIDANCE MEASURES

The ACMA can make a determination that transactions are not reasonable and can apply an expenditure amount as if an arm's length transaction had occurred.



#### STRONG DEFINITION OF AUSTRALIAN CONTENT

The ACCTS definition applies, which means that the program must be under Australian creative control. This is a stricter definition of Australian content than the Significant Australian Content (SAC) test in the Producer Offset.



#### NEW COMMISSIONS ONLY COUNT

The expenditure requirement applies to new commissions only, except where a program has previously had cinema release.



#### INTEGRITY MEASURES

The ACMA has broad powers to make determinations and for information gathering, to determine revenue expenditure and to monitor and determine the structure and ownership of companies.



#### A PUBLIC STATUTORY REVIEW AFTER 4 YEARS

After four years, a public report on the operation of the framework. The Minister can request other reports at any time.



#### QUICK IMPLEMENTATION

The regulation commences on January 1<sup>st</sup> 2026 to calculate expenditure requirements. Streamers have 60 days to opt for a revenue method or to stay in the expenditure method.



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### WHAT WE MISSED OUT ON



#### SUB-QUOTAS

for children's programs and documentary.



#### IP PROTECTIONS

to ensure screen producers retain ownership and/or control of rights in their programs.



#### OFFSETS CAN COUNT AS PART OF EXPENDITURE

depending on financing structure.

## NEXT STEPS FOR OUR INDUSTRY:



#### PRODUCER OFFSET INCREASE TO 40%

for both film and television to address finance gaps in TV projects.



#### MORE FUNDING FOR KEY SCREEN BODIES

including the ABC, SBS and Screen Australia, based on fair commissioning terms.



#### INTELLECTUAL PROPERTY FRAMEWORK

with fair 'terms of trade' to address power imbalances in the industry.



#### PROMINENCE REQUIREMENTS

so Australian audiences can easily find their local screen stories.

### FOR MORE INFORMATION, PLEASE CONTACT:

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