

New eligible drama expenditure scheme: Annual return and nomination form



For subscription television broadcasting licensees

Lodgement information

- > This form is for use by subscription television broadcasting licensees. Channel providers or part-channel providers should use ACMA form B43-CP.
- > Please read Division 2A of Part 7 of the *Broadcasting Services Act 1992* (the BSA) before completing this form.

Important notes

- > This form must be lodged within 60 days of the end of each financial year, that is, by **29 August**.
- > Please note that giving the ACMA false or misleading information – including information that may be misleading due to omission – is a serious offence (section 137.1 of the Criminal Code 1995).
- > Notes relevant to the new eligible drama expenditure (NEDE) scheme are at the end of this form.

Further information

For queries about completing this form, email Australiancontent@acma.gov.au.

Where to send this form

It is preferable that, wherever possible, the completed form (in PDF format) is lodged by email at:

Australiancontent@acma.gov.au

Alternatively, a hard copy of the completed form (please do not bind or staple the pages) may be sent to:

NEDE annual return (Licensees)
Australian Communications and Media Authority
PO Box Q500
Queen Victoria Building NSW 1230

Collection of personal information in this form

The *Privacy Act 1988* (Cth) imposes obligations on the ACMA in relation to the collection, security, quality, access, use and disclosure of personal information. These obligations are detailed in the [Australian Privacy Principles](#).

The ACMA may only collect personal information if it is reasonably necessary for, or directly related to, one or more of the ACMA's functions or activities.

The purpose of the collection of any personal information in this form is to enable the ACMA to assess compliance with the requirements at Division 2A of the BSA.

The ACMA will not use the information for any other purpose, nor disclose it, unless the relevant consent has been obtained or it is otherwise permitted to do so under the Privacy Act.

If the information requested in this form is not provided, compliance with the requirements at Division 2A of the BSA may not be processed.

Further information on the Privacy Act and the ACMA's Privacy Policy is available from the ACMA website www.acma.gov.au. The Privacy Policy contains details about how personal information that is held by the ACMA may be accessed, and how such information may be corrected, where appropriate. It also explains how a complaint about a breach of the [Privacy Act](#) may be lodged and how the ACMA will deal with such a complaint.

Any questions relating to the privacy of information in this form should be directed to the ACMA's privacy contact officer on telephone 1800 226 667 or by email to privacy@acma.gov.au.

SECTION ONE

Licensee details	
Licensee company name (as shown on the licence) and ABN/ACN/RBN	<input type="text"/>
Platform provided by licensee	<input type="text"/>

Nominated contact for processing of return	
Name	<input type="text"/>
Position/Title	<input type="text"/>
Phone	<input type="text"/>
Mobile	<input type="text"/>
Email	<input type="text"/>
Postal address	<input type="text"/>

Reporting details	
Reporting year covered by this return	<input type="text"/>
	1 July (yyyy) to 30 June (yyyy)
If this return covers a shorter period, provide dates	<input type="text"/>
	From (dd / mm / yyyy) to (dd / mm / yyyy)

SECTION TWO

Table 1: Licensee expenditure on new eligible drama programs available for inclusion in reporting year
(copy and paste rows into the table if additional rows are required)

Program title	Name of production company(s); & co-production company (if any); or name of relevant festival or competition and contact details or website	Type of program: Australian A; New Zealand NZ; Aust/NZ A/NZ; or Australian co-production AC	Format Feature film FF; Telemovie TM; Series S; Short Film SF; Anthology A; or Other O)	Series or anthology number, or number of episodes/ programs	Program duration per episode (minutes)	Has the program been released? Y/N	Amount and type of expenditure for program or program material: Acquiring A; Designated Script Development DSD*; Investment I; Production P; Pre-production Pp; or if Other O – provide details**		Final date of the program expenditure in reporting year	Amount of this expenditure to be allocated in this form (if not the full amount)	Included in reporting year broadcast schedule? Y/N
							Amount \$	Type			
Total licensee expenditure on eligible programs available for inclusion in this return							\$ []			[]	
All program expenditure was incurred in an arm's length transaction except for these programs:											

* If expenditure is made on *designated script development*, provide the details requested in Table 3 for each script benefiting from that type of expenditure. Please also refer to Note 1 below.

** Detailed description of 'Other' expenditure or comments []

Table 2: Expenditure by pass-through providers on new eligible drama programs

Program title	Name of pass-through (or part-pass-through) provider	Type of program: Australian A; New Zealand NZ; Aust/NZ A/NZ; or Australian Co-production AC	Format: Feature Film FF; Telemovie TM; Series S; Short Film SF; Anthology A; or Other O	Series or anthology: number of episodes/ programs	Program duration per episode (minutes)	Amount and type of expenditure for program or program material: Acquiring A; Designated script development D*; Investment I; Production P; Pre-production Pp; or Other O		Final date of the program expenditure in reporting year	Amount of this expenditure to be allocated in this form (if not the full amount)
						Amount \$	Type		
Total pass-through provider expenditure on eligible programs available for inclusion in this return						\$			

All program expenditure was incurred in an arm's length transaction **except** for the following programs: []

* If expenditure is made on *designated script development*, provide details for each script benefiting from that type of expenditure in Table 3. Please also see Note 1 below.

Complete the table below for each script identified in this return as benefiting from designated script development expenditure. If more than two scripts are identified in Tables 1 or 2, copy Table 3.1 and complete as required.

Table 3: Details of designated script development expenditure for reporting year

What is the working title of the screenplay or script? Also list all alternative titles.	
Provide the name(s) of the writer(s) involved in developing the screenplay or script outline.	
Is the contracted writer a director, officer or employee of the person incurring the expenditure?	
Is the writer, or each of the contracted writers, a citizen or permanent resident of Australia or New Zealand?	
Is the producer of the program a citizen or permanent resident of Australia or New Zealand?	
Was the expenditure paid before the commencement of principal photography?	

Table 3.1: Details of designated script development expenditure for reporting year

What is the working title of the screenplay or script? Also list all alternative titles.	
Provide the name(s) of the writer(s) involved in developing the screenplay or script outline.	
Is the contracted writer a director, officer or employee of the person incurring the expenditure?	
Is the writer, or each of the contracted writers, a citizen or permanent resident of Australia or New Zealand?	
Is the producer of the program a citizen or permanent resident of Australia or New Zealand?	
Was the expenditure paid before the commencement of principal photography?	

Provide any additional comments here: |

The ACMA recognises that some information provided in this form is commercially sensitive and will not disclose this information unless required to do so by law. However, the ACMA intends to release program titles and related information to promote transparency with the obligations in Division 2A of Part 7 of the BSA.

Where the title of a program is commercially sensitive, please provide details so that the ACMA is able to delay the public release of that program title for a specified time or until the program has been broadcast.

Table 4: Release of information

Program title	Reasons for the delay of public release	Date for release	OR, I undertake to advise the ACMA once the program has been broadcast UNDERTAKING Y/N

Table 5: Drama channels supplied by the licensee, pass-through providers (PTP) and part-pass-through providers (PPTP)

	Name of drama channel/part channel	Name of pass-through (or part-pass-through) provider	Is channel supplied to multiple licensees? Y or N
1			
2			
3			
4			
5			
6			

Complete an expenditure nominations table for each drama channel listed in Table 5. Copy Table 6.1 and complete as required. When completing these tables, refer to the Notes at the end of this form.

Table 6: Total program expenditure and new eligible drama expenditure nominations for channels listed in Table 6

Name of channel: []		
New eligible drama expenditure used to acquit this channel's obligation	1. Nomination of licensee's own expenditure in reporting year to acquit this channel's obligation	[]
	2. Nomination of pass-through provider's (PTP) expenditure in reporting year to acquit this channel's obligation	[]
	3. Nomination of carry-forward expenditure from previous year to acquit this channel's obligation	[]
Expenditure used to acquit this channel's shortfall	4. Expenditure shortfall from the previous year for this channel	[]
	5. Nomination of licensee's own expenditure to acquit shortfall	[]
	6. Nomination of PTP expenditure to acquit shortfall	[]
This channel's reporting year obligation	7. Licensee's total program expenditure (TPE) for the reporting year in relation to this channel (refer to Note 2 below)	[]
	8. NEDE requirement for the reporting year (i.e.10% of TPE)	[]
	9. Carry-forward expenditure nominated toward the reporting year's NEDE requirement	[]
	10. Nomination of licensee's own expenditure toward the reporting year's NEDE requirement	[]
	11. Nomination of PTP expenditure to acquit current reporting year's NEDE requirement	[]
This channel's obligation next year	12. Expenditure shortfall for the channel to be made up next year	[]
	13. Carry-forward expenditure nomination for next year	[]

Table 6.1: Total program expenditure and new eligible drama expenditure nominations for channels listed in Table 5

Name of channel: []		
New eligible drama expenditure used to acquit this channel's obligation	1. Nomination of licensee's own expenditure in reporting year to acquit this channel's obligation	[]
	2. Nomination of pass-through provider's (PTP) expenditure in reporting year to acquit this channel's obligation	[]
	3. Nomination of carry-forward expenditure from previous year to acquit this channel's obligation	[]
Expenditure used to acquit this channel's shortfall	4. Expenditure shortfall from the previous year for this channel	[]
	5. Nomination of licensee's own expenditure to acquit shortfall	[]
	6. Nomination of PTP expenditure to acquit shortfall	[]
This channel's reporting year obligation	7. Licensee's total program expenditure (TPE) for the reporting year in relation to this channel (refer to Note 2 below)	[]
	8. NEDE requirement for the reporting year (i.e.10% of TPE)	[]
	9. Carry-forward expenditure nominated toward the reporting year's NEDE requirement	[]
	10. Nomination of licensee's own expenditure toward the reporting year's NEDE requirement	[]
	11. Nomination of PTP expenditure to acquit current reporting year's NEDE requirement	[]
This channel's obligation next year	12. Expenditure shortfall for the channel to be made up next year	[]
	13. Carry-forward expenditure nomination for next year	[]

Provide any comments on the information requested in the expenditure and nomination tables here:
[]

Table 7: Drama channels supplied by channel providers and part-channel providers

	Name of drama channel or part channel	Name of channel/part channel supplier	If the channel is supplied to other licensees, provide your subscriber numbers (see Note 3 below)
1			
2			
3			
4			
5			
6			
7			
8			

Complete an expenditure nomination table for **each relevant drama channel** listed in Table 7 that was **in shortfall** from the previous reporting period. Provide as much information as possible to facilitate a reconciliation of nominations against the shortfall obligation amount notified in last year's returns. Copy Table 8.1 and complete as required.

Table 8: Expenditure nominations for the channels listed in Table 7 that incurred an expenditure shortfall last financial year

	Name of channel:
1	Is the channel supplied to multiple licensees? (Yes or No)
2	Expenditure shortfall from last year for this channel
3	Expenditure nomination for last year's shortfall

Table 8.1: Expenditure nominations for the channels listed in Table 7 that incurred an expenditure shortfall last financial year

	Name of channel:
1	Is the channel supplied to multiple licensees? (Yes or No)
2	Expenditure shortfall from last year for this channel
3	Expenditure nomination for last year's shortfall

Provide any comments on the information requested in the expenditure and nomination tables here:

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SECTION THREE

Certification of return

I certify that the contents provided in this form are true and correct:

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Signature

Name (please print)

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(Please tick one)

Secretary

OR

Public Officer

Dated on:

Day	Month	Year
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NOTES: New eligible drama expenditure (NEDE) scheme

Simplified outline of the NEDE scheme at Division 2A of Part 7 of the BSA

- > This Division requires subscription television broadcasting licensees to ensure the maintenance of minimum levels of expenditure on new **eligible drama programs**.
- > An **eligible drama program** is a drama program that is an Australian program, an Australian/New Zealand program, a New Zealand program or an Australian official co-production.
- > If a **licensee** provides a subscription TV drama service, expenditure on new eligible drama programs for each financial year must be at least 10% of total program expenditure.
- > If a **channel provider or part-channel provider** supplies a channel that is televised on a subscription TV drama service, the 10% expenditure requirement is calculated by reference to the expenditure incurred by the channel provider.
- > If a channel provider supplies a channel that is televised on a subscription TV drama service and the 10% expenditure requirement is not met for a particular financial year, the shortfall will have to be made up in the next financial year.
- > If expenditure on new eligible drama programs for a financial year exceeds the 10% expenditure requirement, the excess expenditure may be carried forward to the next financial year.
- > Licensees, channel providers and part-channel providers are required to lodge annual returns about their program expenditure.

Note 1: Cap on designated script development

There are limits that apply to the amount that designated script development can form part of a participant's eligible expenditure, refer to section 103R(2)(A) of the Act, for example.

Note 2: A licensee's total program expenditure

A licensee's total program expenditure in relation to a PTP channel means the total expenditure incurred by the licensee during the financial year in respect of the supply by the pass-through provider of the channel: refer section 103R(2) of the Act.

Note 3: Calculating the subscriber number for each channel for the purposes of calculating each licensee's subscriber percentage

1. Calculate the MONTHLY SUBSCRIBER NUMBER for each month as follows:

$$\frac{A + B}{2} \text{ where}$$

A = The number of subscribers to the subscription television drama service on the first day of the month.

B = The number of subscribers to the subscription television drama service on the last day of the month.

2. The subscriber number for the channel is the SUM of the monthly subscriber numbers for each month of operation during the period covered by the annual return.