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Julia Hammett-Jamart
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School of Social Sciences, Media and Communication

Trade in National Cinema: Australian film policy implementation on French-Australian official co-productions 1986-2006

(Volume I of II)

Julia Hammett-Jamart

This thesis is presented as required for the
Award of the Degree of
Doctor of Philosophy
of the
University of Wollongong

May 2014

Declaration

I, Julia Hammett-Jamart, declare that this thesis, submitted in fulfilment of the requirements for the award of Doctor of Philosophy, in the School of Social Sciences, Media and Communication, University of Wollongong, is wholly my own work unless otherwise referenced or acknowledged. The document has not been submitted for qualifications at any other academic institution.

Julia Hammett-Jamart
5 May 2014

Abstract

Since the introduction of public assistance to the Australian film industry in 1970, Australian governments have employed a variety of policy mechanisms to help build local production capacity and to ensure that Australian viewers would have access to films telling Australian stories. Such policies have been heavily critiqued for failing to meet either commercial or cultural objectives, resulting in films that are unsuccessful at the box office or that fail to resonate with Australian audiences, and for creating a welfare-dependant industry. Despite extensive criticism, there is little consensus as to why policy mechanisms might be failing.

This thesis explores the Australian film policy problem from a new angle. It is argued that Government Reviews and scholarship based on published or previously aggregated data are an inadequate means to understand the discrepancy between policy objectives and outcomes. The study instead aimed to understand how film policies are interpreted and implemented on the ground by filmmakers and public agencies. The study focused on a specific policy instrument, the Australian Official Co-production Program and examined seven films funded by the French-Australian co-production agreement between 1986 and 2006. Analysis drew on the voluminous files for each of the films held in the archives of the Centre National du Cinéma et de l'Image Animée, which provided a rich and detailed picture of how the co-production program worked in practice.

Key findings to emerge were: that policy was implemented in an opaque and inconsistent manner. The policy criteria were subject to evasion, circumvention and negotiation by a range of stakeholders normally considered external to the policy apparatus. This was known and tolerated by public agencies because it permitted the attainment of other unstated objectives. Second, the policy instruments had a tangible and often detrimental impact on the content of the film and the creative process, which were significantly reshaped to fit bureaucratic funding criteria. The findings of this thesis complicates in productive ways the conventional narratives of the film policy problem and contribute to arguments to rethink the framework of cultural nationalism underpinning government assistance to the Australian film industry.

Acknowledgements

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- My supervisors at the University of Wollongong, Kate Bowles and Nicola Evans who have steadfastly continued to believe in my ability to complete and have advocated on my behalf

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You deserve this to be over!

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Abbreviations

AAT	Administrative Appeals Tribunal
ABA	Australian Broadcasting Authority
ABCB	Australian Broadcasting Control Board
ABT	Australian Broadcasting Tribunal
ACMA	Australian Communications and Media Authority
ACS	Australian Content Standard
AFC	Australian Film Commission*
AFDC	Australian Film Development Corporation
AFECCAV	Association Française des Enseignants et Chercheurs en Cinéma et Audiovisuel
AFTRS	Australian Film, Television and Radio School
AFI	Australian Film Institute
AMPCO	Adelaide Motion Picture Company
ARC	Australian Research Council
ASDA	Australian Screen Directors Association (now DGA)
AUSFTA	Australian US Free Trade Agreement
AWG	Australian Writers Guild
BAFA	German Office of Economics and Export Control
BTCE	Bureau of Transport and Communications Economics
BIP	British Institute in Paris
CNC	Centre National de la Cinématographie (now Centre National du Cinéma et de l'Image Animée)
DASETT	Dept of the Arts, Sport, Environment Territory and Tourism
DCITA	Dept of Communications, Information & Technology and the Arts
DCMS	British Department of Culture Media and Sport
DEWHA	Dept of the Environment, Water, Heritage and the Arts
DFAT	Department of Foreign Affairs & Trade
DG	Distribution Guarantee
DGA	Directors Guild of Australia
DOP	Director of Photography
FAL	Film Australia Limited*
FFC	Australian Film Finance Corporation*
FLIC	Film Licensed Investment Companies
FN	Front National
FTA	Free Trade Agreement
FTO	New South Wales Film & Television Office
GATT	General Agreement on Tariffs and Trade
GFC	Global Financial Crisis
IAP	Industry Advisory Panel
MEAA	Media, Entertainment & Arts Alliance
MG	Minimum guarantee

MOU	Memorandum of Understanding
MPAA	Motion Pictures Association of America
MPDAA	Motion Pictures and Distributors Association of Australia
NFSA	National Film and Sound Archive
NSW	New South Wales
QAPE	Qualifying Australian Production Expenditure
RTO	Refundable Film Tax Offset
SAFC	South Australian Film Corporation
SCMS	US Society for Cinema and Media Studies
SBS	Special Broadcasting Service
SPV	Special Purpose Vehicle'
SRF	Société des Réalisateurs Français
SPAA	Screen Producers Association of Australia
SPI	Société des Producteurs Indépendents
TCF	Trade and Co-production Forum
TOR	Terms of Reference
TPS	Television Program Standard
UK	United Kingdom
UNESCO	United Nations Educational, Scientific and Cultural Organisation
WTO	World Trade Organisation

*In 2008, the three Australian film agencies AFC, FFC and FAL were merged to become one new federal film agency, known as Screen Australia.

Preface

The bulk of this thesis was written in Australia, where I lived and worked as a film industry professional for over two decades. I had trained at the national film school (AFTRS), produced and directed programs for public television (SBS-TV), taught cinema studies to undergraduates at the University of Wollongong and more recently, as Policy Officer and then Manager of Governance and Strategic Planning at the Australian Film Commission, had contributed directly to the development and implementation of the Australian Government's major film policy reforms.[1]

In short, my research was motivated by, wedded to, and destined for the Australian film policy context. So when I moved to France in 2009, I felt myself come slightly adrift – what relevance would my research have now? Little did I know that events would conspire to increase the pertinence of my study to the European context.

Somewhat sadly, issues which had hitherto seemed irrelevant to French politics have become primary national preoccupations. The rapid pace of globalisation - erosion of national borders (lifting of protectionist measures around trade, immigration, and employment), the outsourcing of political decision making to EU bureaucrats, and the GFC - has generated a rising tide of cultural nationalism in France.

Le Front National, an extreme right wing political party, has established a firm foothold in the collective imagination. In spite of, or perhaps because of, its explicitly xenophobic rhetoric, its popularity has doubled in recent years.[2] In an attempt to stem the tide of dissent and recapture FN voters, former President, Nicolas Sarkozy, established a Ministry exclusively for 'Immigration and National Identity' and in 2009 organised a series of 'national identity' debates, inviting French citizens to define what is French and give their views on the rise of minorities in France…a retrograde move which tapped into a sickening groundswell of nationalist fervour.

The political pressures that have brought this about are similar to those that weighed upon the Australian population when Pauline Hanson sprang from obscurity into the limelight under the banner of One Nation.[3] That is, the population is reacting to a perceived threat to an established way of life. In Australia's case, cultural nationalism has its roots in the nation's colonial past and has in recent years resurfaced in response to the acceleration of the trade liberalistion agenda which has seen small Australian industries squeezed out of the domestic market by giant multinational competitors. In France's case, it seems to have been ignited by the creation of the common European market, which has exposed previously protected French industries to 'foreign' competition. The outsourcing of national political decisions to non-elected bureaucrats in Brussells has fuelled extremist views.

---

[1] In 2008 I was appointed to the three person 'Transition Team' with responsibility for overseeing the merger of the three former federal film agencies into Screen Australia.
[2] The FN won 17.9% of the primary vote in the last French presidential elections, making it the third major political force in France, ahead of the ecologists.
[3] Australia's far right wing political party is known as One Nation

So the formerly contrasting political landscapes of Australia and France have become remarkably similar. The debates being held in France right now about 'Frenchness' echo those that have long been held in Australia about 'Australianness'. Gone is the nuance about the diversity of culture and the need to promote a variety of offerings. This has been replaced with a strident claim for the defense and production of 'French national culture'.

The cinema and audiovisual sectors are no exception to this trend. As the Government comes under increasing pressure to reduce public expenditure (GFC) and open national industries to 'foreign' competition, the generous financial subsidies which have underpinned the sector for decades are coming under scrutiny. In January 2013, French President, François Hollande, raised the spectre of redirecting funds away from the CNC and into consolidated revenue as part of the effort to reduce national debt. This would entail dismantling the prized 'taxe sur billets' system, which has underpinned the success of the French film industry for over 50 years. Hollande suggested that the tax continue to be collected but rather than being used to fund films, it should be used at the Government's discretion to fund other programs of public expenditure.

The uproar from the French film industry has been deafening. Newspaper headlines have decried the dismantling of a system that has been the envy of international filmmakers and that has until now enabled the French film industry to stand its ground against the global onslaught of Hollywood (Gonzales, 2013)[4]

In March 2013 the European Commission stoked the fire when it released a draft negotiating mandate for the US-EU Transatlantic Trade and Investment Partnership indicating its intention to bow to US pressure to include audiovisual as part of the negotiations. The sector, which until recently has proudly promoted cultural diversity and foreign participation, is quickly beginning to close ranks.

So the situation in France right now – the debates being held around what constitutes national culture/national identity and what deserves to be funded – is very similar to the one in Australia prior to the AUSFTA. That is, in an attempt to defend a prized French industry from an obvious situation of market imbalance, there has been recourse to a 'cultural nationalist' argument that, whilst very familiar in the Australian context, had long been absent from French debate.

It would seem that in this context my thesis has renewed relevance. Althrough the case-studies I present are historical, they reveal how cultural nationalism has played itself out in Australian film policy instruments, paralysing the industrial processes of filmmaking and thwarting creativity and emphasing the need to address asymmetries by legislating for diversity.

JHJ, Paris 2014

[4] French films' share of domestic box office is 40%, roughly equal to US share in France.

INTRODUCTION

In 2012 Screen Australia released the results of a survey which finds that the current mechanism for government support of the local production sector, the Producer Offset, is an unqualified success, assisting producers to more easily raise finance, more effectively negotiate with investors, and increase their profit participation (Screen Australia, 2012c).

A number of less palatable facts do not feature in the findings, namely:

i. **The local production sector is more reliant than ever on public funding**: The film industry is receiving record high levels of public financial support. Government support through the tax system trebled, with concessions to the industry calculated at $412.1m from 2007-2010 compared to $136.7m for the three preceding years (DPMC, 2011). The majority of 'non-offset' elements of budgets are also being funded through other Government agencies, rather than through private investment.[5]

ii. **Australian films continue to be shunned by Australian audiences:** Over the five years from 2008-2012 Australian films' share of domestic office was on average 4.3%, compared with 3.3% for the preceding five years. The slight increase in box office was directly proportional to the increase in the number of films released rather than to an improved performance of those films (Screen Australia, 2014a, 2014b).[6]

iii. **Independent producers are failing to build sustainable businesses:** Larger amounts of money are going towards a smaller number of companies, this funding is being channelled into SPV's rather than into established businesses,[7] legal and financing costs have escalated, and few producers are able to take advantage of the 'increased share in their project's potential revenue' simply because their films are not profitable.

Furthermore, the finding that the Offset 'offers producers relative certainty' (Screen Australia, 2012c:9) belies the controversy that has surrounded this support mechanism since it was introduced. Over the past five years, debate has raged about the perceived lack of consistency and transparency in the implementation of the 'Significant Australian Content' (SAC) Test that is used by Screen Australia to determine eligibility for the Offset. The local production sector has questioned why high-profile US-backed films such as *The Great Gatsby* are considered to satisfy the SAC Test and thus receive Australian government support, whilst 'home-grown' projects with arguably higher levels of Australian industry participation and content have been deemed ineligible. As one journalist observed, the issue is 'what makes a movie Australian and when taxpayers should subsidise it' (Frew, 2011). So the Producer Offset has certainly not fixed the Australian film industry's problems in the manner suggested by Screen Australia's recent report, but neither did it create them. The Australian film industry has always been inhabited by tensions between 'here' and 'there'. This has fuelled debates about what should be funded (national vs international), why (culture vs commerce) and how (protection vs expansion). Policy has oscillated between these tendencies with varying effects on local production. The one constant has been the bewildering disjuncture between policy rhetoric (the stated objectives of film policy) and policy outcomes (what is actually occurring), which I have termed 'the policy problem'. As suggested by the example above, this thesis posits that the problem lies partly in the way the debate has traditionally been formulated and studied.

[5] Approved projects are supplementing their budget with funding from Screen Australia, the state agencies and other government sources such as the federal government's Export Finance and Insurance Corporation.

[6] An average of 39 Australian features per year were released between 2008-2012, compared with just 24 for the five years preceding this. The increase in number of Australian films released can be directly attributed to the increase in government financial assistance i.e. the government funded more films.

[7] 'Special Purpose Vehicules', companies created for the purposes of making one film, which are then liquidated.

THE POLICY PROBLEM

A formal program of public assistance to the Australian film industry began in 1970, with the establishment of an agency to deliver direct production subsidy, followed by the introduction of indirect subsidies and other regulatory measures to shore up local production.[8] The Government's decision to invest significant political and financial resources in the film production sector at that time was motivated by the seriousness of the crisis facing the industry - three decades of steady decline had resulted in such precariously low production levels that it seemed likely the industry would cease altogether (Gardiner-Garden, 1994). The decision was also (implicitly) fuelled by a political conviction that maintaining a local production capacity was in the national interest.

Arguments to justify support of the sector were formulated in 'cultural' terms: ensuring the ongoing availability of 'Australian stories for Australian audiences', whereas the objectives associated with this program of expenditure were formulated primarily in economic terms - to stimulate production and generate high quality, commercially viable films. A matrix of assistance mechanisms were put in place towards the achievement of these objectives and have been tried and tested in various guises over the years, including: local content quotas for television; direct and indirect subsidy; training of local talent; marketing and promotion of Australian productions; investment in local production infrastructure; incentives to attract foreign productions to Australia; and regulations limiting the importation of foreign cast and crew. However, in spite of several high points, the Australian film industry has never re-emerged as a sustainable, commercially viable industry.

From the moment assistance was introduced, it became essential to the industry's survival; and each improvement in the industry's fortunes over the past thirty years has been underpinned by generous government support. Moreover, for the past decade Australian films have performed extremely poorly at the domestic box office despite record high levels of public investment,[9] stimulating public debate about the value of ongoing public assistance to the film industry and the efficacy of existing policy mechanisms (Bodey, 2008; Devine, 2005; Thompson, 2005). Whilst there is a degree of consensus that in a US-dominated global industry with inbuilt structural asymmetries ('market failure'), government assistance to the industry may be necessary to its survival (Dalton, 2003; Gardiner-Garden, 1994; Gonski, 1997) it is expected by all stakeholders that there will be some sort of return on that investment – be that cultural, economic or political - and there is a general feeling that the actual return on investment is inadequate:

> Let's not kid ourselves: if there is no increase in the number of people paying to see Australian movies, we risk squandering 30 years of public investment and any hope of staking a claim among the great national cinemas (Verhoeven, 2005).

[8] One-off initiatives had been trialled by the government prior to this, including distribution and exhibition quotas (NSW Cinematograph Films (Australian Quota) Act 1935) and government-commissioned production (Australian National Film Board 1945). However, it was not until the 1970s, that a comprehensive programme of assistance was rolled out – direct, indirect and regulatory measures - with corresponding policies, institutions and budgets.

[9] The average box office share of Australian films for the ten years from 2004 to 2013 was 3.8% compared to 5.8% for the preceding decade, despite a significant increase in public investment (DPMC, 2011; Screen Australia, 2014b)

Stakeholders have offered a multitude of possible explanations as to why the Australian film industry is generating such disappointing results. Suggestions range from inadequate script development (Sainsbury, 2004), to inappropriate selection of films (B. Bennett, 2005), to a lack of information about Australian audiences (Verhoeven, 2005). Disappointing policy outcomes have generated a plethora of reviews and policy reforms, but few constructive insights. In the absence of grounded analysis, evidence is often anecdotal and little understanding is gained, so that 'new' policy mechanisms are simply recycled versions of mechanisms that were found to be ineffective in years past, and the cycle of failure is perpetuated. The circularity of policy initiatives has led senior members of the film industry to despair. Producer Jonathan Shteinman noted that 'It's so sad…after $1 billion of taxpayers' money being spent, we're no closer to knowing how to do it' (Bodey, 2008).

In lamenting the fact that 'we're no closer to knowing how to do it' despite years of trying and enormous expense, Shteinman implies that the problem stems from an inadequate understanding of policy processes and their effects. This perception is shared by former AFC development executive and current Faculty Dean at Murdoch University, Jeremy Bean, who has warned that Screen Australia is likely to repeat old errors because it is developing programs 'based on anecdote and individual experience', rather than informed by historical analysis. In a recent public submission he observed, 'What is not apparent is any intention to ensure that the design of programs will be based on evidence of what has and hasn't worked previously or in other places' (Bean, 2008).

Along with Shteinman and Bean, I suggest that the reason we are no closer to knowing 'how to do it' may be due to a lack of information about how our film policies work on the ground and the associated lack of insights for meaningful policy reform. Two factors in particular have contributed to this lack of information: the inherent limitations of the government review process; and an inadequate articulation between policy-making institutions and scholars.

LIMITATIONS OF GOVERNMENT REVIEWS

Government reviews are a routine aspect of the management of public expenditure. Tax payers expect that public funds will be allocated appropriately, spent in a responsible manner, and deliver the outcomes for which they were intended. Funding recipients likewise expect that the public monies set aside to assist their sector will generate initiatives that are effective and that are administered efficiently. Reviews thus perform a fundamental public accountability function. A secondary but equally important aspect of government reviews is their stakeholder management function. Aside from statutory reviews, which are prescribed by legislation and relatively straight forward, reviews are usually instigated in response to worrying trends, negative media reports, and/or pressure in parliament. In this context, criticism as well as praise of a government program is likely to be elicited, and it is expected that the review will hold these tensions in balance.

Government review is thus a political tool. At best, it is capable of identifying weaknesses in existing programs and at worst it is a cynical manner of handling stakeholders and political dissent - productive lines of inquiry may be stymied in the interests of stakeholder management imperatives. Because the review of programs of public expenditure is politically fraught, governments maintain tight control over the process and outcomes. This is done through a myriad of small decisions, including: who performs the review, the scope of the review, whose input is sought, whether that input is made publicly available, how findings are presented and timing of their publication. Indeed, the journey between the initial eruption of discontent about a particular program of public expenditure, and the release of the final report is so heavily mediated that it is unfavorable to the emergence of transformative insights, let alone to the sorts of paradigmatic shifts that appear to be needed by the Australian film industry.

Who performs the review

Reviews are generally undertaken by an arm of government and very often by the very same agency that administers the program.[10] They are therefore highly susceptible to political influence. Where the government wishes to appease stakeholders, it may use the review process to demonstrate that change is unnecessary; and where the government wishes to eradicate a particular program of expenditure, it may favour the publication and exposure of negative program outcomes. The *2006 Review of Australian Government Film Funding Support*, for instance, which ushered in the most significant changes to the delivery of government assistance to the film industry in three decades, was undertaken by a bureaucrat within the Department of Communications Information Technology and the Arts, James Cameron. Likewise the Labor government's *2010 Review of the Australian Independent Screen Production Sector* was undertaken by the Office of the Arts within the Department of Prime Minister and Cabinet (DPMC, 2011). Such an approach enabled the relevant Ministers to keep a tight control on what was reported and recommended. Review findings could thus be used to promote the need for reform, in the case of the former, or dismiss it, as was the case of the latter, in accordance with the prevailing political agenda.

When negative press and public pressure bring about a non-statutory review, there is a great deal at stake for the government. Should the administration of public funds by a public agency be found to be inappropriate or inefficient, the government itself will face criticism for the mismanagement of public expenditure. In such cases, the government thus has a vested interest in having reviews recommend only the need for a minor tweaking of programs rather than a complete overhaul.[11] One containment strategy to reduce the likelihood of negative findings is to restrict the scope of the review.

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[10] Even where reviews are labelled 'independent', such as the Gonski Review (Gonski, 1997), the reviewer's initial report is submitted in the first instance to the responsible Minister, leaving the opportunity for unsavoury findings to be discussed, negotiated and if necessary couched in non-offensive terms. This is discussed further below.

[11] This is obviously different when a new government comes to power, when the intention may be to eradicate programs of the previous government. In this case, the review process may be used to emphasize problems with existing programs of public expenditure.

Defining the scope

The Terms of Reference for a review are established by the responsible Minister. Typically they are fairly restrictive, asking stakeholders to comment only on the effectiveness of existing instruments. By forcing contributors to think top-down and within the existing paradigm, Terms of Reference (TOR) can impede real reform and prevent the emergence of insights. Where submissions (solicited or unsolicited) raise matters that are not strictly within the TOR, the government can legitimately disregard them on the grounds that they are 'beyond the scope of the review'. Regrettably, this means that key issues or insights that could potentially stimulate thinking beyond the existing paradigm will not be considered and genuine reform will not occur. In this way, overly restrictive TOR tend to sustain and perpetuate dysfunctional systems.

Whose input is sought

Another way of ensuring that the review of a particular program does not give rise to undesirable findings, and also that a review is completed quickly is to limit public consultation. The Government can literally decide to solicit input from selected parties and simply not invite input from parties that would be likely to cause dissent. The appearance of democracy is maintained, but the processes of democracy are not upheld. When the Howard Government introduced the Producer Offset legislation in 2007, a draft was prepared by the Australian Government Solicitors and then a confidential exposure draft was circulated to selected individuals within selected organisations. Each individual was required to sign an undertaking of confidentiality prior to receiving a draft. In this way public discussion of the draft legislation that was to reform the entire model for industry funding was avoided. The government justified such limited consultation in terms of the need to prepare legislation hastily to enable its smooth passage through parliament prior to change of Government. However, it could also be perceived as an attempt to implement a contentious new policy instrument, prior to adequate industry and public consultation, and without needing to address potential criticism of the instrument.

Stakeholder input to the review process may also be controlled and filtered through the use of targetted 'focus groups' in lieu of public consultation. A government-nominated firm or individual consults with selected stakeholders whose views may be fairly well known in advance (the 'focus group'). Depending upon the government's motivation, there may be a broad selection of fairly representative views, or there may be a skewed selection so that the view expressed as being typical of the focus group in the final report is in line with government's own view. Industry consultation for the *2001 Review of the International Co-production Program*, for instance, consisted of focus groups with just thirty selected producers who had availed themselves of the official co-production program, benefitted from funding, and were therefore unlikely to be critical of the Program (AFC/DCITA, 2001).

Confidentiality of Submissions

Many government reviews stipulate that all submissions will be kept confidential. This may be justified as part of an effort to ensure the independence of the review – it is suggested that greater candour will be elicited by providing an assurance to stakeholders that their input will remain anonymous to the agencies under review. If the government film agencies are being reviewed, for instance, the responsible government department may assert that confidentiality will encourage filmmakers to make comments without fear of recrimination. However, were the government solely concerned to protect stakeholders, then providing the option to make confidential submissions would suffice. The other type of behaviour, where all submissions are systematically kept confidential, has the effect of limiting access to primary data. It prevents scholars from analysing submissions first hand and drawing conclusions other than those sanctioned by government. At times the level of secrecy around reviews may be even more extreme, and review findings may also be kept entirely confidential. This was the case for the *2006 Review of Government Film Funding Support*, where the reviewer's report was never released and only the government's response to the review was published (Commonwealth of Australia, 2006).

Framing the final report

One final way in which the review process limits true reform is by controlling the manner in which findings are framed and communicated to the public. This occurs both on reviews undertaken internally by a government department, and on 'independent' reviews undertaken by a government-appointed individual. In both cases, the report of the review is provided firstly to the responsible Minister and his/her Department who have the opportunity to suggest that the author may wish to re-work certain elements for clarity or to delete certain elements to remain within the scope of the TOR. The findings of the review are then prefaced by a Ministerial Statement which directs the public as to how these findings are to be interpreted. For example, the *1996 Review of Commonwealth Assistance to the Film Industry* and the *2010 Review of the Australian Screen Production Sector* were both 'independent' reviews of the same industry, were essentially similar in scope and had similar findings (DPMC, 2011; Gonski, 1997). However, the manner in which the Australian public was directed to interpret the findings was quite distinct.

So there are a number of inherent limitations to the government review process, which undermine its usefulness as a tool of meaningful policy reform. In light of these shortcomings, it might be hoped that independent scholarship would offer a more satisfactory alternative. Paradoxically though, it is the very independence of scholars from the political process that poses the biggest risk to government and ensures that academics are kept at a considerable distance from the data that would elucidate the concrete practices of policy implementation. Furthermore, critical theorists have historically expressed an ambivalence about engaging with policy institutions. These two factors have created an inadequate articulation between policy and scholarship, which is also contributing to our lack of understanding of how film policy works on the ground.

INADEQUATE ARTICULATION BETWEEN POLICY AND SCHOLARSHIP

The proposition that there is an inadequate articulation between the policy and scholarly domains requires some explanation, for on the face of it there is actually a great deal of literature available on film policy which originates from each of these sectors. Government agency publications such as *Get the Picture*, *Australian Audiovisual Markets*, and the *National Drama Survey* are all readily available and include some fascinating data on the local industry, albeit aggregated. And there is a mass of scholarly literature that analyses this data and places it within a broader theoretical context (Dermody & Jacka, 1988; Given, 2003; Goldsmith, Thomas, O'Regan, & Cunningham, 2001; Moran, 1996; Turner & Cunningham, 2002; Verhoeven, 2010). There has also been formal collaboration across government and academic domains, most notably through the Australian Key Centre for Cultural and Media Policy at Griffith University, the ARC Centre of Excellence for Creative industries and Innovation at the Queensland University of Technology and the AFTRS Centre for Screen Business. All of this gives the impression that there is a level of cross fertilization between policy and scholarly communities. So what then do I mean by 'inadequate articulation'?

My thoughts on this matter have been formed over a period of two decades during which time I have approached the issue from various angles: as a member of the film and television industry concerned that the local production sector would not survive; as a university researcher frustrated by the inaccessibility of primary data from government agencies; and as a senior executive within those same agencies, wanting to contribute to constructive policy transformation but thwarted in many ways by the very phenomena I discuss here.[12] The impediments to a productive dialogue between policy and scholarship emanate from both sectors. Policy institutions may impede research by restricting or interfering with access to primary data. Scholars may inhibit meaningful policy research by refusing to engage with policy institutions or by presenting research in a manner that does not facilitate dialogue. Both policy and scholarship are impoverished as a consequence of these behaviours.

How policy institutions inhibit dialogue

A closer look at the information published by the agencies reveals that, with few exceptions the data are aggregated. Individual stories and processes are effaced in the interests of the 'big picture'. Such an amalgam may distort and hide important events in order to serve a particular political agenda. The degree to which such politically slanted data can then be a useful part of the critical enterprise – its use to academics who may wish to look critically at the policy apparatus for instance – may therefore be fairly limited.

In 2008 Screen Australia announced an increase in box office. This 'fact' was employed in support of the agency's political message that the Producer Offset was a success, and on the face of it the message was convincing. However, a closer examination of the data revealed a different story i.e. if just one film – the US financed *Australia* (Luhrmann, 2008) – had been

[12] The author trained at the national film school (AFTRS), produced and directed programs for public television (SBS-TV), taught cinema studies to undergraduates at the University of Wollongong and, more recently, was Policy Officer and then Manager of Governance and Strategic Planning at the AFC and subsequently at Screen Australia.

excluded from the count, the box office for 'Australian films' in 2008 was in fact the lowest on record, even lower than 2004, despite a significant increase in public investment. A similar observation was made by industry commentators following the release of the 2010 Review of the Australian Independent Screen Production Sector, which found that the Producer Offset was succeeding (DPMC, 2011). As Brendan Swift noticed 'three major films accessing up to half of the Offset during its first three financial years of operation does not make a sustainable industry – another of the government's key aims' (Swift, 2011).

By amalgamating data and effacing individual cases, certain deceptive narratives may be construed in order to sustain a particular agenda. In 2004 for instance, the Australian Film Commission (AFC) and the Motion Pictures and Distributors Association of Australia (MPDAA) agreed to reclassify *Lord of the Rings* (Jackson, 2003) as an American film for the purposes of reporting end of year domestic box office results.[13] This contradicted the definitions habitually used by both organisations.[14] Although *Lord of the Rings* had US financial backing, it was creatively controlled by New Zealand writer/director/producer Peter Jackson, was produced and post-produced in New Zealand, and with a predominantly New Zealand crew. The decision to reclassify it as an American film thus represented a departure from established protocol. Coincidentally, it enabled the AFC to explain Australian films' record low box office share that year as an inevitable consequence of American 'cultural imperialism' thereby deflecting criticism regarding the poor performance of Australian films (and regrettably also inhibiting meaningful analysis). It also ensured that the Australian film industry did not appear to have performed less well than its smaller New Zealand neighbour, which would have reflected badly on the Australian agency. It is noteworthy that this approach was not applied consistently. Just three years earlier, these same organisations had classified the 20th Century Fox financed *Moulin Rouge* (Luhrmann, 2001) as 'Australian' on the basis that it was creatively controlled by Australians, thereby inflating the box office share of 'Australian films' in that year and reflecting positively on the AFC.

The impression of transparency and freely available data thus belies the reality of carefully selected aggregated data being used in the service of a political message. Yet much scholarly analysis occurs at the level of reported data, completed films and published policies, with only limited examination of practices, no doubt because the primary data is so closely guarded by government agencies. By blocking access to primary data, policy institutions limit the type of policy analysis which can be performed by scholars. There are also significant impediments to a productive dialogue between policy and scholarship that originate from within the scholarly community.

[13] During the course of that year, the MPDAA had released interim reports to subscribers, in which *Lord of the Rings* had been classified as a New Zealand film on the basis of creative control.
[14] The 2004 *National Drama Survey*, for instance, stipulated that a project's country of origin is determined according to **creative control** rather than by the source of financing (AFC, 2004b).

How the scholarly community may inhibit dialogue

Certain critical theorists have expressed an aversion to collaborating with policy institutions on the grounds that it would compromise their independence (Lee, 1992; Morris, 1992). The public debate about the merits of engagement and the credibility of the 'unattached intellectual', has been going on for decades.[15] Irrespective of which camp one occupies, it is clear that the reticience of the scholarly community to engage meaningfully with policy institutions has impoverished our understanding of the concrete practices that perpetuate the discourse of national cinema.

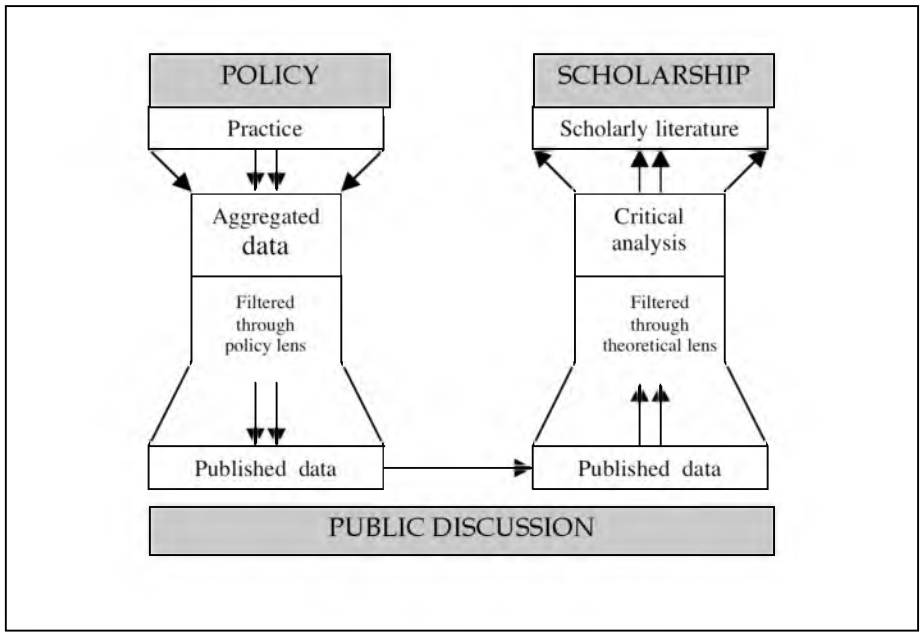
Another impediment to a productive dialogue between policy and scholarship, which is perhaps less often evoked, is the proclivity of scholars to write primarily for an academic readership. Scholarly input may be framed in terms that are remote from the concrete practices of policy and as a consequence the value of collaborating with scholars may be underestimated by the policy community. Whilst the use of discipline-specific terminology renders scholarly work more valuable to an academic audience (because more precise), it paradoxically makes it less useful to the policy community, as it may be characterised by forays into abstraction or may reference theories, methods and ideas that are unfamiliar to policy professionals.

Unfortunately, the academic-industry partnerships that constitute the Australian Research Council's (ARC) Discovery Grants program do not fully address these two issues, as they invite scholars into the political process by making them dependent upon industy and government agency partners for their research funding. As an Executive at the AFC I had occasion to represent the agency on Steering Committees for funded research projects. The official role of the Committee was to establish project objectives and supervise progress, but it also inevitably influenced the direction of research, if only through deciding which data would be released by the agency for analysis, and the manner in which research findings would be reported. It goes without saying that government agencies would be disinclined to fund projects with outcomes that might be critical of their own activity, and that researchers in dire need of funding may be reticent to bite the hand that feeds them. Accordingly political interference is introduced into research outcomes.

In sum, both the inherent limitations of government review processes and the inadequate articulation between policy and scholarship constitute an impediment to meaningful policy analysis. On the one hand policy professionals are aggregating data, formulating it into a palatable narrative, and publishing it in a form that correlates to the existing paradigm. On the other hand a relatively small number of academics are working with officially sanctioned data that has already been filtered by political agendas of the agencies that collect and present these data, analysing it at face value because other data is not available, and communicating findings within a very specific disciplinary framework and at an exclusively theoretical level. This relationship between policy and scholarship is expressed at Figure 1.

[15] For a concise overview of the policy debate, refer *In the Vernacular* (Cunningham, 2008): 185-214)

Figure 1: The Thought Silo Model



The Thought Silo Model' has the following characteristics:

- → Lack of articulation between policy and scholarship
- → Public discussion remains at the level of published data

It suggests the need for scholarship that intervenes earlier to focus on practices before these are shaped into aggregated data AND for unaggregated data to be made freely available to researchers to enable the study of the concrete practices of policy implementation. Such a cross-fertilisation between policy and scholarship would be more likely to generate the new knowledge and paradigm-shifting insights which appear to be sorely needed by policy organisations; and would also better inform scholarly understanding of the regulatory technologies that perpetuate the discourse of national cinema.

I am not alone in identifying the need for a new approach to policy analysis. Tony Bennett, Toby Miller, Tom O'Regan and Stuart Cunningham are amongst those who have advocated an engaged critique that, after Foucault, would examine the material density of cultural practice, and study power at the extremities of its exercise 'with methods far less totalising and abstract, far more modest and specific, than those to which we are accustomed' (Cunningham, 1993a). This study attempts to step into this breach by focussing on the production/policy interface and applying an analytical approach that differs from the top-down evaluative matrix of government reviews, and also from the abstract approach of purely theoretical works. It seeks only to chart the web of relations, interactions, negotiations and strategies that bring Australian films into being, in the hope that the picture that emerges might shed even a small amount of light on the chronic and bewildering gap between policy objectives and outcomes.

THIS STUDY

In this study I focus squarely on policy implementation. I look at film activities associated with a specific policy instrument: A French Australia co-production agreement which came into effect in 1986.

The object of analysis is the feature films made under the auspices of the French-Australian co-production agreement, during the first twenty years of the Memorandum of Understanding between France and Australia (1986-2006). This body of work is pertinent because it constitutes a subset of national cinema, generated by, for and through the Australian film policy apparatus – official co-productions are all officially 'Australian films' – and yet, by virtue of sanctioned international participation, official co-production unsettles the traditional boundaries around national cinema. Additional factors that recommend the corpus are :

a) the practice of official co-production embodies many of the tensions inherent in the Australian film policy struggle: protection versus expansion; local versus international; culture versus economy;
b) the features were generated over an extended period, during which time the film industry experienced a full cycle of boom to bust, enabling us to make observations that go beyond particular to the general and offer insight into how a policy operates over time;
c) the involvement of the French and Australian governments in the productions enables contrast and comparison of two fundamentally different policy paradigms.

In this study I examine negotiations/transactions between the film agencies, filmmakers and third parties as documented in the agency files for the projects to chart the process of policy implementation. My focus is not official co-production *per se*, nor am I seeking to assess the effectiveness of policy instruments in delivering stated outcomes (this would only replicate the approach of the aforementioned policy reviews). By studying the interface between production and policy on these films I am seeking to understand more about **the processes of policy implementation** – to analyse and describe what is being done and how it is being done. My hope is that this might shed a little more light on the issues we have been dealing with over the past several decades – perhaps revealing aspects of the policy problem which may not have been accounted for in previous analyses.

SOURCES AND METHODS

My study aimed to go beyond aggregated data and the predetermined narratives that these data permitted. To this end I sought access to archival material in order to capture the policy process in the moment of its implementation. I was guided in this approach by the work of Foucault in highlighting the value of empirical work that investigates the sites at which concepts confront practice. As Sarah Mills observes, Foucault often sought out obscure documents, finding rich possibilities in the banal, and often ephemeral material produced by an administrative apparatus (Mills, 2003). Such material frequently offers a window onto what was left out of the official accounts and provides as Foucault explains, a means to examine the 'way a particular kind of knowledge ... is formed and acts in relation to the institutions and roles prescribed for [it]' (Foucault, cited in (Eribon, 1991:235)). Foucault's approach lent itself to the goal of this study to anatomise what goes on at the interface between film policy and film production in the hopes of elucidating the mechanisms through which the concept of 'Australian cinema' as defined by a policy apparatus was translated into film.

Some information on how films were packaged to comply with regulations could be obtained from filmmakers' applications to the Australian administrative authority. Such applications would include synopses of the project, budgets and information on how the project intended to comply with the Australian guidelines (e.g., minimum levels of Australian investment, expenditure and crew participation). However, I was also interested in understanding whether and how government agencies brought about changes to the films and what rationales were employed to justify this. This meant looking not just at official applications and subsequent amendments, but also at the minutes of commission meetings and correspondence between government agencies.

Accordingly I first approached the Australian Film Commission to obtain access to their archives. Initially I was informed that I would need to provide a list of the documents I wished to view and, pending approval, these could be accessed and photocopied on my behalf. This was a problem for the analysis I was attempting. As will become apparent in the case studies, to restrict myself to a selection of material that was identifiable precisely because uniformly available across all film productions would have reduced the very complex and messy process of policy implementation to an uncharacteristically consistent account. I therefore made a second attempt to gain access to public records related to the development of these films under the Freedom of Information Act. This time my application was rejected on the grounds of 'commercial confidence', an unexpected outcome given that I was requesting documents which had formed the basis of a decision by a public agency to award public monies. In light of this decision, access to any documents would require the individual permission of producers, which was forthcoming in just one instance. Fortunately there was another avenue: the archives of the French film agency, the Centre National du Cinéma et de l'Image Animée (CNC). My request to access these archives was approved and the French government further awarded me a travel grant to facilitate my archival research in Paris. Because the projects were official co-productions and because protocol requires the sharing

between agencies of applications to each agency by the co-production partners (duplicates of all applications to the AFC), I had the information I had initially sought. An unexpected bonus was that I also had access to a whole range of other information that I would have not known to request. This included the French application for co-production status, which could then be compared to the Australian ones (the information provided rarely matched), as well as the applications to other European agencies, which had not even appeared as partners on the Australian application, nor in the Australian statistics. Furthermore, the CNC files included all of the correspondence relating to the processing and approval of these films. This correspondence was of three main types:

- Inter-agency correspondence, where the CNC and AFC would attempt to explain to each other their quite specific (and contrasting) interpretations of the common co-production agreement. It became apparent how different the two policy regimes were and how open to interpretation the legal instruments were.
- Applicant-agency correspondence, where filmmakers would inform agency personnel of the non-official aspects of their proposal. This type of correspondence is prolific at the French end, almost a non-official application running in parallel to the formal proposal, and clarified the astonishing superficiality of the official process and the horse-trading that goes on behind the scenes.
- Third-party-agency correspondence, where the pressure exerted upon the agencies by stakeholders that are normally considered external to the policy apparatus became apparent.

Notwithstanding, the CNC archives also presented certain challenges. The archives yielded vast quantities of data, much of it referring to people, agencies and events that I had not anticipated being relevant to the co-production agreement or the making of these films. In order to understand the correspondence and decipher the references it contained, it became important to look back at what had been happening at the time the correspondence had been written. I researched parliamentary transcripts, old policy submissions, industry trade journals - both French and Australian - where issues relating to the films had been debated publicly at the time, as well as books and journals where interviews and reviews of the filmmakers and their work had been published. I supplemented this research with material from the archives at the Bibliothèque Nationale de France on the historical origins of the CNC. In the speeches of Andre Malraux and successive Ministers for Culture, I found traces of the philosophy that underpinned the introduction of assistance to the French film industry in the 40s and could see how much this contrasted with the factors that had motivated the Australian government to introduce film funding in the 70s.

When certain questions remained unanswered, I interviewed representatives of the French industry in order to better understand the debates between the Australian and French industries and governments. Transcripts of these interviews are included as attachments to the thesis (App G1, G2, G3). These interviews were crucial in enabling me to flesh out and understand the magnitude of the ideological differences underpinning the French and Australian policy paradigms. A full list of the types of material consulted for this analysis is contained below in Figure 2.

Figure 2: Typology of Source Material

CNC Archives
- Official co-production application
  - Unofficial submissions
  - Application to CNC and/or AFC
  - Application to third countries
  - Producer amendments
  - Minutes related to assessment of application by agencies
- Correspondence
  - Inter-agency
  - Internal agency
  - Film agency and third party
  - Producer and film agencies
  - Producer and third party
  - Inter-producers
- Contracts
  - Crew contracts
  - Co-production agreements
  - Pre-sale/distribution agreements
- Legal
  - Audit of expenditure
  - Outcomes of legal proceedings

Government sources
- Parliamentary debate – using Hansard Online archive
- Background briefings
- Policy statements
- Speeches
- Policy Reviews/inquiries
- Legislation

Film Agency sources
- Submissions
- Reports
- Interviews
- Newsletters
- Surveys
- Statistics

Media (industry trade publications)
- Feature articles on co-production program
- Feature articles on film policy generally
- Film reviews
- Published interviews with filmmakers

Films
- Press kits
- Audiovisual recordings

I have described the obstacles to this research in some detail as it sheds light on the ways in which scholarship on the film policy conundrum has been constrained in the Australian context. For example, the requirement of both the Freedom of Information Act and the Australian Film Commission for scholars to stipulate what documents they wished to access would have meant that even had access been granted, I would have missed a wealth of information contained in correspondence that I had no idea existed. It was only through having the opportunity to consult the CNC files freely that I became aware of how valuable this correspondence would be to my research.

THESIS STRUCTURE

This thesis is structured in three distinct parts. Part I (chapters 1, 2) sets up the problem and the way it will be studied, Part II (chapters 3, 4, 5) contains case-studies of policy implementation on the feature films made under the auspices of the French-Australian official co-production agreement between 1986-2006, and Part III (chapter 6) reflects on how our insights into policy implementation may assist in rethinking the policy problem.

Chapter 1 provides an historical overview of the Australian film policy problem. The first part of the chapter constitutes a chronological account of Australian film policy from the introduction of assistance to the present. The second half of the chapter canvasses Australian film policy literature. The lack of articulation between these two domains is immediately apparent and the case for grounded analysis thus established.

Chapter 2 introduces official co-production as a specific instance of 'Australian cinema' generated by the Australian film policy apparatus – what it is, how it works, and provides an overview of the French-Australian MOU. This chapter provides an opportunity to reflect upon the puzzling disjuncture between apparently 'compliant' projects and unsatisfactory outcomes. That is to say, in spite of compliance with policy instruments, the feature films generated under the French-Australian MOU do not appear to meet stated policy objectives. This points to the need for a greater understanding of policy implementation.

Chapters 3, 4 and 5 step into this breach. These are the case-study chapters tracing policy implementation on the seven films made as French Australian official co-productions between 1986-2006, describing the interaction between the policy apparatus and each project from its genesis, to packaging as a French-Australian official co-production and its passage through the bureaucracy. The films are grouped into three distinct phases. This division is not intended to suggest hard and fast policy 'periods' but is simply used as a structuring device to elucidate tendencies that were observed at particular points in the MOU: a first phase characterised by confusion and conflict; a second by compliance and associated creative compromise; and a third by cynicism and indifference, to the point where policy instruments have become irrelevant.

Chapter 6 reflects on the findings, providing insights into the gap between policy rhetoric and practice. The case-study revealed that: policy instruments were ineffective and that this was known and tolerated (even to point of facilitating non-compliance); policy objectives were actually underpinned by a whole host of unstated objectives – both the multifarious objectives of government, and also the objectives of a range of 'external' stakeholders who exerted a significant influence upon the processes of policy implementation; and also that juridical instruments founded upon cultural nationalism exert a concrete influence on the creative process – filmmakers make decisions about their projects on the basis of nationality rather than criteria that may be more appropriate to the creative enterprise and more conducive to success. The implications of these insights for national film policy are discussed.

1 THE AUSTRALIAN FILM POLICY PROBLEM

The 'Australian film policy problem' is my label for the conundrum facing Australian film policy professionals; the perplexing and pervasive sense of 'not knowing' why policy instruments are not doing what they are ostensibly supposed to do. The Australian film industry was in need of assistance. Policy instruments were introduced to address that need. The instruments have not been effective in satisfying stated policy objectives, and this has led to repeated reviews and reforms. Yet film policy instruments still fail to deliver the desired outcomes and the situation is perpetuated. This has given rise to expressions of incredulity, incomprehension and impotence ('why are we no closer at knowing how to do it'?) but relatively few productive insights from either the policy or scholarly community. This inexplicable disjuncture between policy objectives and outcomes is the policy problem, and the point of departure for my thesis.

In the introduction I suggested that the sense of 'not knowing' has been fuelled by a lack of articulation between policy and scholarship, and proposed that such a breach requires an alternative form of analysis, one which (after Foucault) focuses on the concrete practices of policy implementation. An integral aspect of this 'archaeological' approach is to first situate the problem within its historical context. That is what this chapter is about – the history of the film policy problem – how it arose and what's been said and done about it.

The first half of the chapter looks when and why government assistance became integral to the Australian film industry and how the nature of that assistance has evolved over time. The second half of the chapter then considers the types of analysis that have already been undertaken by scholars of Australian film policy and what these analyses have revealed.

1.1 AUSTRALIAN FILM POLICY: HISTORICAL OVERVIEW

Government support of the Australian production sector is a relatively recent development. Notwithstanding, over the past four decades a number of distinct phases in the focus, objectives, and instruments of Australian film policy can be discerned.

The first was the introduction of government regulation and funding. This was motivated by a perceived need to protect the local production sector and defend it from US interests, and was characterised by tight definitions of what constituted 'Australian film' - as the means of determining what would and what would not be supported.

A second phase began in the mid-80s, when the industry was back on its feet and seeking to expand. New mechanisms such as the Official Co-production Program and the Film Licensed Investment Company Scheme were established to encourage foreign investment, and definitions of 'Australian film' were accordingly modified and expanded to accommodate international participation in the local production sector. New policy instruments had a mixed reception from the industry, who were keen to welcome foreign investment but concerned at the potential erosion of public support mechanisms for local production.

The third phase emerged at the conclusion of the GATT, with the creation of the WTO and an acceleration of the trade liberalisation agenda, including audiovisual goods and services. The Australian government also concluded a number of bilateral free trade agreements. At the domestic level there was a distinctive shift in the rationale for supporting local film production, with cultural objectives subordinated to commercial ones. Ironically, this phase culminated in record low box office earnings for Australian films.

The fourth phase encompasses the flurry of reviews which was then undertaken, resulting in apparently significant changes to the domestic film policy landscape. It takes us up to the current context, post the broad-ranging 2006 Review of Government Film Funding Support, in which chronic issues have resurfaced in spite of apparently significant policy reforms. Filmmakers are preoccupied by similar concerns to those they had in the late 1980s.

The constant throughout these four periods has been 'Australian film' as the object of policy and as the site of contestation. It is around this term that debate has focussed: what should be included and what should be left out.

To accompany the chronological account, appendices A1 and A2 provide a concise summary of key events influencing the Australian film policy landscape.

1.1.1 Public Assistance Measures

The Australian film industry got off to a strong start, independently of government. No production incentives were in place. None were necessary. Despite its small population and geographic isolation, Australia was initially able to sustain the production of sixteen privately financed films per year, an impressive accomplishment at the time (Molloy & Burgan, 1993). It has been claimed that the Australian production *The Story of the Kelly Gang* (Charles Tait,

1906) was the world's first feature length film and the precursor to the current international industry standard (Shirley & Adams, 1983).[16]

The early strength of the industry was negatively impacted by the First World War. Human and technical resources were redeployed towards the war effort. In the absence of local productions, Australian audiences took to watching American films, which continued to be readily available. By the end of the war, the Australian film industry confronted a number of challenges. Not only did filmmakers struggle to find the financing and expertise to produce films, they also struggled to find exhibition outlets that would screen the few Australian films that were made. US owned distribution/exhibition companies had established operations in Australia and routinely favoured productions emanating from their own studios (Doyle, 1985).

Despite the noisy resistance of local filmmakers and numerous government inquiries, the structures and practices that had been put in place by foreign companies during the war were allowed to persist, contributing to the decline of the Australian film industry (Bertrand & Routt, 1989; Lawson, 1982). In the 1910s, 163 films had been made, by the 1930s this had dropped to 50 films, and over the ensuing three decades it dropped further, to an average of 20 films per decade, or just two Australian films per year (Molloy & Burgan, 1993:9). Thus by 1960, infrastructure, skills, and financing had diminished almost to the point where local production was no longer viable (Gardiner-Garden, 1994).

The advent of television in the 1950s,[17] which had initially been a source of hope for the local production sector, only reinforced this downward spiral, with imported English language programming, predominantly from the UK and US, rapidly dominating Australian television screens. This worrying situation paradoxically brought about positive change for the film industry, for whilst the absence of local productions in cinemas had failed to rouse the government to intervene, the dearth of local content on Australian television was more readily apparent to a larger number of stakeholders and provoked a swift political response. An inquiry was launched - the Senate Select Committee on Encouragement of Australian Productions for Television – known as the Vincent Committee. The Vincent Committee's principal focus was Australian television, but the film industry inevitably became part of its purview on the grounds that 'no viable television industry could exist without a healthy local production sector to support it' (Dermody & Jacka, 1987:51). The Vincent Committee found there to be a direct causal relationship between the government's historical decision not to intervene in favour of the local film industry and the prevailing lack of availability of Australian content:

[16] As Goldsmith has pointed out, *The Kelly Gang* was not quite the world's first feature length film, but it was 'the longest narrative film made anywhere in the world to that date' (Goldsmith & Lealand, 2010, 2013).
[17] Although experimental television broadcasts occurred in Australia as early as 1929, mainstream commercial television was not launched until September 1956, in Sydney.

> This country has already demonstrated that it can make world quality films and export them and the only reason why it did not continue to do so is that the industry was left unprotected and squeezed out of business by an overseas industry which was well protected in its own country (Australian Senate, 1964).

In its final report, the Vincent Committee recommended the establishment of a financial and regulatory framework to support the Australian production sector, including local content quotas for television, direct subsidy, and tax concessions for investment in local production.[18] These recommendations were implemented by successive governments over the ensuing decade.[19]

Local Content Quotas for Television

From 1961, Australian television networks were required, as a condition of holding a broadcasting license, to screen a minimum level of Australian content per week.[20] Any breach of this condition could result in repeal of the broadcaster's license by the government, so this created a market for content that complied with the official definition of 'Australian Program'. The definition, breakdown of required genres and hours were set out in the Television Program Standard (TPS) administered by the Australian Broadcasting Control Board (ABCB). Local content quotas remain in place today, but the requirements, agency and legal instruments have changed.[21]

Local content quotas were touted to the Australian public as an initiative for its benefit, a means of ensuring that Australian audiences would have access to Australian programming - and it is predominantly in these terms that they have been promoted since (Australian Broadcasting Authority, 1998; Australian Broadcasting Tribunal, 1983, 1991; Australian Communications and Media Authority, 2005). The need for such a measure is attributed to 'market failure' - foreign companies which have amortised production costs in their domestic territory flood the Australian market with cheap programming, creating a disincentive for broadcasters to buy more expensive local productions (Dalton, 2003) - and the desirability of countering market forces is argued in terms of the intrinsic cultural relevance to all Australians of programs made by other Australian citizens:

> It is these local content rules that ensure Australians have the ability to make, see and tell our own stories and this is a key part of maintaining our cultural heritage (Dalton & Bott, 2003).

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[18] The Minister had tentatively introduced quotas prior to the Vincent Inquiry but these had not been enforced due to unavailability of local programming and inadequate powers of the regulatory agency. The Vincent Report recommended that quotas be increased and enforced.

[19] Whilst the Vincent Report was shelved by the Menzies government, the majority of its recommendations were subsequently implemented by the Holt, Gorton and Whitlam Governments (Dermody & Jacka, 1987:52).

[20] Initially the quota was 40% of total transition time with 4 hours in peak time every 28 days, but within five years this had increased to 50% of total transmission time.

[21] In 1977 the ABCB was replaced by the Australian Broadcasting Tribunal (ABT). In 1992, the ABT was replaced by the Australian Broadcasting Authority (ABA). In 2005 the ABA was merged with the Australian Communications Authority and renamed the Australian Communications and Media Authority (ACMA). Today it is ACMA that regulates content quotas for TV, through the Broadcasting Services (Australian Content) Standard 2005. The ACS requires that 55% of all programming between 6am-midnight be Australian content (Australian Communications and Media Authority, 2005).

Less vaunted and perhaps less understood, is the manner in which television content quotas help the local film production sector to stay afloat. Firstly, in order to fulfil their license obligations, broadcasters need to acquire programming that qualifies as Australian *in the terms* defined by the relevant legislation. The Broadcasting and Television Act 1942 referred to an Australian Program as one that was creatively controlled by Australians (Commonwealth of Australia, 1956). Although this definition has been hotly contested and subject to numerous amendments over the years,[22] the emphasis on a program's provenance has been sustained in broadcasting regulation and legislation over the years, and this fuels a demand for programs *made by* Australians, irrespective of subject matter (Australian Communications and Media Authority, 2005). Secondly, whilst the relevant legislation places no explicit obligation upon broadcasters to *pre-purchase* Australian Programs (they can acquire completed programs), buying programs ahead of production has become the norm, because it offers broadcasters numerous advantages including: first pick of programming (securing the most commercial programs to maximise advertising revenue); ability to influence program content (marketable elements of a production can be specified up front by broadcasters as condition of sale); and most importantly, certainty that the broadcaster's license obligations will be fulfilled. In requiring broadcasters to screen 'Australian programs' then, local content quotas simultaneously create a demand for programs made by Australians *and* provide the financial means for local producers to make those programs.

Content quotas unequivocally created a market for Australian programs, but they were not sufficient on their own to reinvigorate the film industry. By the late 1960s, Australian feature film production remained at critically low levels and the government began to explore other options (Australia Council for the Arts, 1969). The industry's newly formed lobbying organisation, the Australian Film Council, pressured the government for financial support. This claim was backed by a visiting UNESCO delegation and shortly afterwards direct subsidy was introduced (Gardiner-Garden, 1994).

Direct Subsidy

In 1970 an experimental production fund was created to provide direct subsidy to art films and a public agency, the Australian Film Development Corporation (AFDC), was established to provide finance in the form of loans to filmmakers.[23] The AFDC had an initial budget of $1million for this purpose and in these early days almost all of this appropriation was directly invested in production (Dermody & Jacka, 1987).[24] As in the case of local content quotas, assistance was made available exclusively to Australian productions. The definition of Australian production for the purposes of direct subsidy, however, varied from that used for local content quotas. Whereas the Television Program Standard had defined an Australian Program as one *made by Australians*, the AFDC Act defined an Australian Film as

[22] In 1998 the High Court of Australia found that the Australian Content Standard was in breach of Australia's international obligations and this resulted in the Standard being modified to include official co-productions and New Zealand programs as local content.
[23] In practice those loans were rarely repaid, which meant that the AFDC acted as a funding agency.
[24] Over the years the proportion of the government's allocation invested in production decreased as a function of the cost of delivering assistance i.e. the proportion retained by the agency for administrative overheads has increased progressively.

one *made in Australia* and with *significant Australian content.* This discrepancy is significant as it signals that, very early on, there was a level of confusion as to whether the primary objective of public assistance to the local production sector was to create jobs for Australian citizens (as suggested by broadcasting legislation), or to ensure Australian locations and stories were depicted on-screen. Furthermore, once the contrasting definitions had been created, they became embedded within Australia's legislative framework. When the Australian Film Commission (AFC) superseded the AFDC as the government's major film funding body in 1975,[25] the definitions that had been used in the AFDC Act were carried straight across to the AFC Act, and the lack of clarity about Australian film policy objectives was perpetuated.

Notwithstanding these nascent policy tensions, the introduction of direct subsidy had an immediate and positive effect on the Australian film industry. Local filmmakers, who had relevant skills but had hitherto been unable to finance their films, flooded the AFC with funding proposals. Production levels increased as did the domestic box office share of Australian films. Numerous Australian titles managed to penetrate the international market and the industry was considered to be enjoying a 'renaissance' (McFarlane, Mayer, & Bertrand, 1999).

Quite quickly it became apparent that the finite resources of the AFC could not meet the demand of the filmmaking community. There were many more projects being proposed than could possibly be funded and this was exacerbated by the fact that the AFC was often the majority investor, at times solicited to provide the entire budget for projects (Dermody & Jacka, 1987). The government became concerned that the existing subsidy model was not generating sufficient films nor sufficient private sector participation, both factors critical to the long term sustainability of the industry. It began a tentative foray into tax concessions for investors in local production.[26]

Tax Concessions

The Chief Executive of the AFC at the time, Joe Skrzynski, had a background in merchant banking. Drawing upon debt financing models with which he was familiar, he proposed the implementation of a generous tax incentive scheme that he believed would attract private investors to the film industry. A version of his proposal was adopted and in 1981 Section 10BA of the Income Tax Assessment Act was established.

10BA offered investors in 'qualifying Australian films' a two-fold benefit: a generous deduction on their investment; as well as a tax-free threshold on any earnings. The initial 10BA incentive was 150/50, meaning that 150% of the investment could be claimed as a tax deduction, and 50% of any profits would be tax free. This was an extremely attractive

[25] The AFC was created to integrate the AFDC and the government's own film production unit, the Commonwealth Film Unit, which then became a distinct division of the AFC known as Film Australia. The establishment of the AFC also represented the formalisation of a system of direct subsidy to mainstream production (refer footnote 18 above).
[26] Division 10B of the Income Tax Assessment Act was created, allowing private investors to claim a 100% tax deduction for their investment in Australian films. However this proved insufficient to attract investors. For a full discussion see *The Screening of Australia* (Dermody & Jacka, 1987:211).

proposition for the investment community because, irrespective of a film's commercial performance, investors could write-off large amounts of money, thereby reducing their income tax liability: a win-win situation. The definition of Qualifying Australian Film in the 10BA legislation was based upon the definition of Australian Film in the AFC Act, with one small but significant difference. In assessing the Australianness of a project, division 10BA stipulated that the Minister must take into account the details of a film's budget, specifically the *origin of investment* and *levels of Australian expenditure*. So by the early 80s Australia had in place a three-tiered assistance program, comprised of local content quotas, direct subsidy, and tax incentives for private investment in local production. Each tier contained the critical elements of a local production incentive, being: government-controlled definition of 'Australian film'; and fiscal advantages associated with that definition. However each tier defined 'Australian film' differently. The contrasting definitions are shown at appendix A3.

In terms of inciting private sector participation in the film industry, the 10BA scheme was an unequivocal success. In its first three years of operation, $295,500,000 was generated (Dermody & Jacka, 1988:8). Moreover, feature film production levels almost doubled from an average of 15 films per year in the 70s to 27 per year in the 80s (AFC, 1998). However, the government soon realized that 10BA had created a new series of problems: an escalating and prohibitive cost to consolidated revenue; a high susceptibility to rorting; and a complete lack of control over content being generated with public monies (AFC, 1986).

Paradoxically, it was the very success of the scheme which contributed to its downfall. In its initial 150/50 form the 10BA scheme was so financially attractive to investors that the take-up and the consequent amount of tax foregone by Treasury represented a substantial and unforeseen cost to consolidated revenue. The scheme had been established without a 'cap' and the level of participation far outweighed the estimates that had been forecast in economic modelling which had preceded its introduction. The fact that production was booming meant that Treasury was bleeding, and there was an intrinsic link between the two that could not be easily resolved. Figure 3 below shows the projected and actual cost to consolidated revenue of 10BA tax concessions over the first four years of operation.

Figure 3: Foregone revenue due to 10BA tax concessions

YEAR	PROJECTED COST TO REVENUE	REVISED COST TO REVENUE
1981/82	$13m	n/a
1982/83	$28m	$60m
1983/84	$49m	$100m
1984/85	$95m	$155m

Source: Dept. of Finance cited in Film Assistance Future Options (AFC, 1986)

The government initially responded by reducing the incentive levels to 133/33 in 1983. When this did not sufficiently stem the flow of activity, the incentive was further reduced to 120/20 in 1985. Notwithstanding, even once the investment frenzy had been curtailed to more affordable levels, the government remained unhappy with the 10BA scheme. A significant proportion of 10BA money being spent on activities peripheral to the sector for which it was intended, through artificially inflated financing/legal fees embedded in production budgets.

Dermody and Jacka have written extensively about the manner in which 10BA was appropriated by the finance sector for its own ends (Dermody & Jacka, 1987, 1988). Investors and legal advisors would nominally become Executive Producers so that their fees would be considered as part of a film's production budget and therefore a deductible expense. These fees were often excessive, so that increasingly large sums were being directed, not towards the film industry as intended, but to the financial sector, who were thus 'double dipping' i.e. benefitting from the deduction and being paid for the privilege of so doing. Moreover, because the quality of the film or television productions themselves had little to do with the financial transaction that was taking place (the film industry was notoriously unprofitable and financiers entered into the investment for the tax write-off rather than for any eventual profit), investors would often bankroll projects that were never destined to see the light of day. As well as many notable successes, 10BA spurned a raft of half-formed projects, often made by people with no prior filmmaking experience, with no presales or distribution guarantees, many of which sat on a shelf once made. It became increasingly difficult for the government to justify the levels of expenditure to the Australian public who were not even having an opportunity to see many of the films being produced:

> There is an upper limit to the price the Australian taxpayer can be expected to pay, particularly if a considerable number of the films are not achieving what is expected of them and if some unscrupulous people are making rubbish just to take advantage of tax write-offs (Australian House of Representatives, 1983).

The inability to intervene with respect to the content of the films it was financing (albeit indirectly) was indeed the third major aspect of the 10BA scheme that the government found undesirable. Over and above the concern that investors were squandering money on 'dummy' projects with neither artistic nor commercial ambitions, the government was concerned that a large number of 'real' films also reflected poorly on Australia. Parliamentary records from the period reveal that the government was dissatisfied about both the 'quality' and the political appropriateness of films being produced with its assistance (Australian House of Representatives, 1983; Australian Senate, 1984a).

By 1985/86, the government was thus looking for a means by which it could achieve two apparently irreconcilable objectives: to decrease the level of government investment in the industry; and to increase the degree of government control over the content produced. Moreover, it was hoped that this could be achieved without negatively impacting production levels.

1.1.2 The Struggle to Expand

In 1986 the AFC published a report 'Film Assistance: Future Options', which introduced two possible strategies to improve policy outcomes. The first was the establishment of an official co-production program 'to secure wider access to foreign markets and a broader base for future production' (AFC, 1986:44). The second proposed strategy was the creation of a government film bank with the capacity to make equity investments in commercial productions.

The Official Co-production Program was established immediately.[27] It enabled Australian producers to pool resources with producers from other countries and for the resultant film to be considered a local production in each country i.e. eligible to access government subsidy, local content quotas, tax concessions etc. in two or more territories. This was a major shift in domestic film policy, because it involved further expanding the definition of Australian film.

The policy definition of Australian film had taken on a fourth dimension. No longer was an Australian film only one made by Australians, or even one featuring Australian locations and stories on screen, or one which spent money in Australia. The official definition now included official co-productions made in conjunction with selected foreign producers, in foreign locations, with foreign crew/cast and intended for foreign audiences, as long as such films met the minimum levels of Australian investment, expenditure and participation stipulated in the Official Co-production Guidelines.

The film bank, known as the Australian Film Finance Corporation (FFC), was not established until almost three years later, in 1988, leaving a critical gap between the reduction in 10BA and the introduction of new funding. The FFC funded Australian films as defined by 10BA, but applied its own thresholds to different types of Australian films.[28] The delay in establishing the FFC significantly reduced the amount of private investment flowing into the local production sector and this negatively impacted the Australian production community, but not as much as did the final reduction in 10BA from 120/20 to 100. The production statistics shown at Appendix A1 paint a clear picture: in 1987, with 120/20 still available, 38 Australian features went into production; in 1988, with 100 percent tax deduction, just 21 Australian features were produced, representing a drop of almost 50% in production levels.

The decreasing availability of finance and its impact upon production levels caused anxiety, but this was overshadowed by another significant issue – Australian audiences were no longer going to see those few local productions that were being made. The drop in box office share earnt by 'Australian films' far exceeded the amounts due to the decrease in number of Australian releases. In 1986, 30 Australian titles earned a 24 percent share of the domestic box office (an average share of 0.8% share per title). By 1990, when 22 Australian titles were released, the local share of domestic box office had decreased to 3 percent (an average share

[27] A provisional agreement with industry organisations had been negotiated in anticipation the year before publication of the paper, which meant implementation was swift.
[28] For instance the FFC imposed an upper limit on the number of official co-productions that it would fund in any one year.

of 0.1% per title). Although the figures improved slightly in 1991, 1992, 1993, a clear pattern remained: Australian audiences were not going to see even the realatively few Australian films that were being released. This occurrence was entirely unexpected. One of the key criticisms of 10BA had been that the films it generated were of dubious quality. Indeed the Chief Executive of the FFC, John Morris, had deflected earlier criticism about low production levels on the grounds that the organisation would at least be financing films that audiences would want to see:

> We may not be producing as many films as we were but we are producing more good films than we were five or six years ago...we are very unlikely to invest in a film the market doesn't want (John Morris cited in (Gardiner-Garden, 1994:16).

So the assumptions that had underpinned the government's assistance strategies to date began to unravel. No longer could the government assume a direct correlation between number of films released and box office share, between market attachment at the point of financing, and the commercial viability of a film upon release. Action needed to be taken and, as had been done on previous occasions, another review was instigated.

In 1990, the Minister for the Arts, Tourism and Territories, asked the House of Representatives Standing Committee on Environment Recreation and the Arts to inquire into the performance of Australian films in Australian and overseas markets. Pending the outcome of this inquiry, no major changes were made to policy settings. But the inquiry dragged on for eighteen months and the government's response to the inquiry was not tabled in parliament until a full eighteen months after that, in December 1993. During those three years the industry became increasingly impatient. By 1992, industry dissatisfaction with the performance of the FFC peaked. Senior producers expressed concern that the Chief Executive was using public funds in a manner that reflected his personal tastes and that policy was not being applied in an equitable, transparent manner (Borham & Hutak, 1994). The government duly launched a review of the fledgling organization. Any comfort the FFC's detractors may have derived from this evaporated upon learning that the FFC's Chief Executive was himself a member of the review panel (Gardiner-Garden, 1994).

By 1994 the number of Australian features produced had dropped below 20 and this seemed to have symbolic significance, triggering the second review of the FFC in just two years, but these reviews did little to stem the rising tide of panic in the industry. In the ten year period since the peak of 10BA, private investment had fallen away and production levels had halved, as had Australian films' share of domestic box office. The industry was once again 'in crisis'. Ahead of the election, the government injected funds, with the total appropriation to federal agencies increasing by $26million in 1995. This had an immediate impact on the number of films produced (increasing from 17 in 1994 to 24 in 1995), which meant that the following year more Australian films were released, and this translated into a slight increase in box office. However, it was a temporary fix, because no new mechanism for attracting private investors had been identified. Furthermore, new pressures were emerging on the international front.

1.1.3 Trade Liberalisation Pressures

The conclusion of the General Agreement on Trade and Tariffs (GATT) in 1994 shifted the context for cultural policy significantly. Premature cries of success associated with the 'cultural exception' were echoed in the release of Australia's first cultural policy 'Our Creative Nation' (Australian Labor Party, 1994). This was subsequently abandoned by the incoming Liberal government as film policy shifted its focus to addressing the progressive liberalisation agenda of the newly formed World Trade Organisation (WTO). The explicit objective of the WTO was to dismantle all obstacles to free trade through transforming covert protective regulatory measures into transparent subsidies and then progressively abolishing those subsidies. The influence of these international shifts can be traced in film policy developments at the national level.

In 1996, the Coalition was elected to Government and there was a decisive shift in rhetoric concerning the rationale for support to the film industry. The protect/local/culture triptych that had been the central tenet of the Labor Party's Cultural Policy (Australian Labor Party, 1994), was replaced with the rhetoric of free trade: expand/international/commerce. Addressing the Screen Producers Association of Australia (SPAA), immediately prior to the federal election, the future Prime Minister said:

> A coalition Government will require all Commonwealth film agencies to focus clearly on the goal of creating a more innovative and export oriented independent production sector which is able to compete in the new global communications environment (Howard, 1995).

Once elected, Howard commissioned a broad ranging review of Commonwealth assistance to the film industry, with the stated aim of improving economic efficiency and reducing duplication between agencies (Gonski, 1997). As a consequence of the Gonski Report, the roles of the FFC and the AFC were more clearly differentiated into project development and industry development respectively; and a new avenue for private investment in the film industry was established, the Film Licensed Investment Companies (FLIC) Scheme. The FLIC Scheme was intended to revive private sector participation in the film industry by channelling investment through specialised companies who would then facilitate access to generous tax concessions. However the government chose to implement the scheme only partially, ignoring Gonski's recommendation to increase the 10BA tax offset provisions. Predictably then, the FLICS were under-subscribed, private investment dried up and production levels declined.[29]

Whilst Gonski had been researching his report, another significant international policy event had been unfolding in the Australian courts. Representatives of the New Zealand production industry, labelling themselves 'Project Blue Sky', had commenced legal proceedings against the Australian Broadcasting Authority on the grounds that the Australian Content Standard breached the Australia-New Zealand Closer Economic Relations (CER) trade agreement. The

[29] Local investment in Australian features fell from $45.5 million in 2001/02 to just $17.2 million in 03/04 (AFC, 2004b).

case was concluded in April 1998, when the High Court of Australia found that the Australian Content Standard was indeed 'unlawfully made' and inconsistent with Australia's treaty obligations (cited in (Australian Broadcasting Authority, 1998:31)). This led to an immediate review of the Australian Content Standard. The revised standard, which was released in 1999, sought to accommodate Australia's numerous existing international treaties within the framework of the Australian Content Standard. The previously restrictive description of programs eligible to count for local content quotas was thus enlarged to include New Zealand programs, all official co-productions, and any other program with 10BA certification, consistent with DCITA eligibility criteria. So the government's broader trade liberalisation agenda had begun to impact significantly upon national film policy settings.

The industry was extremely concerned by this shift, particularly as local production levels had begun to stagnate. In response to media reports of a looming film industry crisis, the Arts Minister commissioned an investigation into the state of the film and television production industries. The investigation confirmed that local production had stalled, whereas there had been a growth in foreign productions and co-productions in Australia. The final report concluded that the industry was indeed confronting serious issues and that in order to meet the cultural objectives of the Commonwealth Film Program, an adjustment of the overall framework of Government support to the industry would be required, including a possible increase in resources for local production (AFC & FFC, 1999:5). The response of the Minister surprised the agencies. He did not increase their appropriation as had been advocated; in fact, as shown at appendix A1, the 2000 appropriation was below the 1995 level. Instead he took the opposite direction. In keeping with the Howard Government's commitment to the trade liberalisation agenda, the Minister for the Arts issued a revised Statement of Objectives for the Commonwealth Film Assistance Program.

The new objectives downplayed the cultural significance of national film production, subordinating cultural and creative objectives to more measurable economic, industrial and political outcomes (DCITA, 2000). This was then followed by the introduction of a tax off-set scheme for foreign films whose focus was overtly and exclusively economic.

The Refundable Tax Offset (RTO) constituted an incentive for higher budget off-shore productions to shoot in Australia by offering generous tax concessions on 'qualifying Australian production expenditure' (QAPE). The RTO generated the anticipated result of increasing foreign investment in Australia, but did not directly assist the local production sector. Industry organisations pointed out that the key beneficiaries of this national film policy mechanism appeared to be American filmmakers.[30] Hollywood studios were indeed enjoying unprecedented access to Australian locations, crews and subsidies at this time, an advantage which the US government then sought to entrench when it insisted on the

[30] High budget US films including *The Matrix* and *Stealth* are among the films to have benefitted from the Refundable Tax Offset.

inclusion of audiovisual goods and services in the upcoming bilateral free-trade negotiations with Australia.

So it is that, a decade after the reprieve of the 'cultural exception' to the GATT, and despite having successfully negotiated a similar exception to the Australia-Singapore Free Trade Agreement in the interim, the Australian film industry found itself once again confronting de-regulation. Negotiations for a bilateral trade agreement between Australia and the US took place over 2003/04 and the Australian film industry lobbied the Australian government not to capitulate to the US government's demand to include audiovisual goods and services in the AUSFTA. The Chief Executives of ASDA, SPAA the AWG and the MEAA argued that it was essential for the Australian government to retain the unconditional right to make audiovisual policy as the need arises:

> Australia's capacity to regulate on new media services is a matter of national sovereignty. To agree to US Studio demands in the area of new media is to outsource our culture to Hollywood and to sacrifice Australia's ability to deliver minimum levels of Australian content to Australian audiences in the future (Harris, 2003).

The film industry's arguments fell on deaf ears. The US government was in a stronger position in this bilateral negotiation than it had been at the multi-lateral GATT and WTO negotiations because the Australian government desperately wanted access to the US market for a number of other industries and was prepared to make significant concessions in the audiovisual sector in order to obtain this access. At the conclusion of the negotiations, the Australian government had agreed to a standstill on audiovisual support measures, meaning that existing subsidies to the film production sector would remain in place, but that the Australian government had forfeited the right to introduce new regulatory measures, and would thus be unable to safeguard the presence of local content on new delivery platforms.

The industry expressed dismay and bewilderment that the hard-won victory of the 'cultural exception' in multi-lateral negotiations had been so easily conceded in bilateral negotiations. A factor that may have had some bearing on the Australian government's preparedness to concede to US demands in the audiovisual sector was the obvious ineffectiveness of the film production support mechanisms that the industry was fighting so hard to retain. Disappointing policy outcomes made it very difficult to mount a convincing argument in favour of continued Government investment in existing film policy programs.

In 2004, despite significant government investment, just 16 out of 318 features released in Australia had been Australian, and the combined earnings of those Australian films equated to just 1.3% of domestic box office, representing the lowest share since the Australian Film Commission began tracking box office in 1977 (AFC, 2004a). Local filmmakers were lambasted for producing 'terminally dreary' films (B. Bennett, 2005; Thompson, 2005). Of even greater concern to the government, the industry's disappointing performance had been framed in public debate as a policy failure. The logic of this argument ran as follows: the government invests significant sums in the Australian film industry; it does so in order to generate Australian films for Australian audiences; few Australian films are being made; and

even fewer Australian films are being watched. Therefore the government's film policy programs are ineffective. Political commentators had expressed outrage at the perceived misuse of public funds :

> No clearer demonstration of the corrupting influence of state sponsorship of the arts can be found than in the torrent of unwatched movies it has generated (Devine, 2005).

Whilst the critique of economic protectionism remained the remit of right wing commentators, the broader narrative of policy failure had been promulgated by a range of stakeholders of varying political persuasions, each of whom had their own explanation. Film studies scholar, Deb Verhoeven, posited it as a consequence of overlooking the audience in the design of policy instruments:

> When film production funding was first established in Australia in the 70s, the expectation was that audiences would automatically flock to our movies. For the early architects of the Australian film industry, what was missing was the opportunity to 'tell our own stories'. Once told, an audience of ready listeners was expected to miraculously appear. It didn't happen. After 30 years of government production subsidies, we now know that the assumption that supply creates its own demand is wrong. Yet this assumption continues to form the basis for government film funding strategies (Verhoeven, 2005).

Whereas producer and former agency executive, Peter Sainsbury, suggested it was the result of imposing bureaucratic processes on the creative process:

> Curiously, the administration of funds by the precepts of public service is considered satisfactory, while constant failure in the use of these funds causes publicly debated crisis. The disingenuousness entailed is more than worthy of analysis (Sainsbury, 2004).

Opposition members laid the blame squarely at the feet of the government, asserting that the local film production sector was 'an industry suffering from government neglect' (2005). As the narrative of policy failure gained momentum, and with increasing pressure from Australia's trade partners, so did the imperative for policy reform. In 2006, the Government announced a broad ranging review, the Review of Australian Government Film Funding Support (Commonwealth of Australia, 2006). The outcomes of this review were delivered as part of the 2007 federal budget, the three key tenets being: the de-merger of the National Film and Sound Archive from the AFC; the merger of three federal film funding agencies into one 'super agency'; and the introduction of the Australian Screen Production Incentive, a three-tiered tax incentive package to stimulate private investment in the sector.

These initiatives were greeted with enthusiasm by the industry and received bi-partisan support, ensuring that they would be implemented irrespective of any change to government in the November 2007 election (Australian Screen Directors Association, 2007; Screen Producers Association of Australia, 2007). The initialy positive outcomes of these initiatives – increased levels of private investment, production and box office share –momentarily lulled the debate about the appropriateness, effectiveness and efficiency of Australian film policy.

The irony, which did not escape the more senior members of the industry, is that these 'new' initiatives, on which the industry was pinning its hopes, resembled very closely a number of old initiatives which had been tried, tested and tossed-out in years gone by. For example, an earlier incarnation of the current 'super-agency' existed back in 1975. The Australian Film Commission was at that time an integrated 'one-stop shop' for delivery of development, production and marketing support to the industry, with Film Australia operating under its auspices as a branch of the agency. In response to industry pressure, however, the government had separated Film Australia from the AFC in 1987 and established a new agency, the FFC, in 1988. Likewise, the new private investment incentives were predated by the tax concessions of the 80s. The 10BA tax incentive generated a significant increase in private investment, production levels, and box office share. However the scheme produced some undesirable outcomes and the cost to consolidated revenue was unsustainable,[31] so the mechanism was progressively phased-out by the government. And still fresh in the memory was the uncomfortable grafting of the NFSA onto the fabric of the AFC in 2003 which, just five short years later, was being painfully unstitched.

So there is an unproductive circularity to events that seems to have been totally overlooked by the review processes. Predictably then the contemporary policy context is characterised by many of the same issues and challenges as the preceding decades.

1.1.4 Recent Reforms and Challenges

The reforms arising from the 2006 Review of Government Film Funding Support were apparently significant: three federal agencies were shut down and replaced by a new single agency; and numerous tax concessions of 'limited effectiveness' were replaced by a simplified three-tiered incentive (Tax Laws Amendment Bill 2007: Explanatory Memorandum, 2007). There was an undeniable sense of efficiency and renewal about these changes. However, the legislation underpinning the new agency and incentives reveals a disquieting continuity with the old structures. The definitions of agency functions and the object of assistance are founded on precisely the same cultural nationalist paradigm, with all its inherent difficulties – the problem of defining Australian and the consequent uncertainty surrounding agency interpretation of legislation and determination of eligible projects. Misalignments in legislation have been perpetuated with agency definitions remaining distinct from those of the Australian Content Standard of the Broadcasting Services Act. Consequently many of the issues that had plagued the industry prior to the reforms have resurfaced. Public controversies about funding decisions have raged, with frequent recourse to the Administrative Review Tribunal. Further reviews have been instigated to manage industry unrest around these issues.

Superficiality of Legislative Reforms

Screen Australia was established as the new 'super agency' in July 2008, bringing under one roof the former three federal agencies (AFC, FAL, FFC). The agency's functions and powers

[31] Consolidated revenue is the central pool of money administered by the Government and allocated in the federal budget towards the Government's approved programs of expenditure.

are prescribed by the Screen Australia Act 2008. When the Minister introduced the Screen Australia Act to parliament he acknowledged that the functions of the new agency 'largely reflect the combined functions of the existing agencies' (Minister for the Arts, 2008). Screen Australia is indeed legally required to perform precisely the same functions as its predecessor agencies, one of the primary responsibilities being the development, production, promotion and distribution of 'Australian' programs. Moreover, the definition of 'Australian program' in the Screen Australia Act remains exactly the same as it was under the previous legislation (Appendix A3). So the merging of the former three agencies into one new agency did not actually entail reform of the former agencies' functions, but rather just a repackaging into a single structure to deliver precisely the same functions as those delivered by the AFC, the FFC and Film Australia. Screen Australia thus remains firmly anchored in a cultural nationalist paradigm, supporting projects by virtue of their 'Australianness', as defined in the former and current legislation and as interpreted by the agency at a particular historical moment.

Similarly, the legislation for the Australian Screen Production Incentive uses the same definition of Australian film as the 10BA legislation before it (Appendix A3). The underlying legislation for the Australian Screen Production Incentive is Division 376 Tax Laws Amendment (2007 Measures No 5) Act 2007. It consists of the Location Offset for foreign films located in Australia (which incorporates a rebate for post digital and visual effects projects - the PDV Offset), and the Producer Offset for 'Australian films' as defined in the Act. Whilst the Producer Offset was launched as 'a major new support mechanism for film producers', the Bills Digest generated by the Department of Parliamentary Services notes that the new legislation 'offers a definition of "Australian program" which is almost identical to that legislated for the 10BA certification process' (Garden, 2008). That is, the eligibility criteria for the Producer Offset are exactly the same as those for 10BA.

The Bill's Digest also notes that the legal definitions will require a level of interpretation by the film authority and signals that this is an ongoing source of contention with respect to the Producer Offset:

> Public debate has continued (...) on the specific weight that is appropriate to different criteria, and whether to be eligible for the Australian producers' rebate there should be a specified minimum expectation with respect to the Australian nationality of key creative personnel e.g. Michael Bodey, 'Shoot and we'll cough up', The Australian, February 27, 2008 (Garden, 2008:6-7).

Retention of major tracts of the former legislation has thus seen chronic issues resurfacing.

Resurgence of Chronic Issues

Not long after the introduction of the Producer Offset, there was once again disquiet within the industry, this time about the manner in which the new mechanisms were being administered. Screen Australia invited the industry to identify key policy challenges and then presented the outcomes of public consultation in a series of 'industry roadshows'. The three most important policy issues identified by the industry were (Screen Australia, 2010)

1. defining 'Australianness' for funding eligibility;
2. a perceived lack of consistency and transparency in policy implementation; and
3. the distorting influence of policy instruments on content

The first issue raised by the industry concerned the manner in which Screen Australia was determining project eligibility for the Producer Offset. The agency had introduced a 'Significant Australian Content' (SAC) Test to provide a level of clarity and certainty about precisely how it would interpret the relevant legislation to determine funding eligibility. Only those projects that meet the SAC Test are eligible for the Producer Offset. Other projects, even those which may have significant levels of Australian involvement, must apply for the lesser Location Rebate. The SAC Test is a kind of 'Australianness' litmus test. It was supposed to provide clarity and certainty for the industry, but has instead been a source of contention.

The second issue raised by the industry concerned a perceived lack of transparency and consistency in policy implementation. Because the SAC Test remains open to interpretation by individual bureaucrats, decisions have at times appeared unfair. Contrary to the agency's intention to render the approval process transparent and to provide greater certainty, there is a perception that decisions are being made in a biased and ad-hoc manner.

The third issue to be raised was the impact on content of the SAC Test and its erratic implementation. As producers attempt to meet the requirements for the SAC Test, they modify on-screen elements to make their projects SAC-friendly. They may remove foreign on-screen elements and replace them with Australian content just to meet the guidelines. The producers organisation, SPAA has expressed concerns that projects are being distorted in significant ways in anticipation of agency requirements.

A broad sweep of recent media commentary shows the manner in which these issues are manifesting themselves in the industry. Debates have centred around the need for productions to exhibit an 'Australian look and feel' in order to qualify for the government's generous financial rebate under the Producer Offset. The industry has somewhat sarcastically labelled this 'the kangaroo and koalas requirement' (Gonzalez, 2011b).The government obviously does not require producers to literally put kangaroos and koalas on the screen in order to be eligible for direct funding and indirect tax benefits. Notwithstanding, because access to such benefits is made available only to projects which Screen Australia considers to contain 'Significant Australian Content', and because this nebulous descriptor is interpreted by Screen Australia as being determined in large part by the on-screen look and feel of a project, a legitimate concern has arisen: is the policy instrument prescribing the content of aspiring projects? This concern has intensified in the light of a number of recent decisions by Screen Australia. One in particular received extensive media coverage. It is the case of a documentary, *Taboo*, which Australian production company Beyond Productions was making for National Geographic.

Taboo was to be produced in Australia by Australian crew and included a number of segments about Australians, alongside segments shot overseas about non-Australian

citizens/residents. Screen Australia assessed the project as ineligible for the Producer Offset on the grounds that it did not satisfy the Significant Australian Content test and that, being the fourth and fifth series of the program, it was not a new creative concept. Beyond Productions appealed the decision and, in accordance with arbitration provisions, the matter was brought before the Administrative Appeals Tribunal (AAT). Screen Australia for its part submit that in determining whether a project had 'Significant Australian Content', 'particular weight should attach to the content and subject matter of the film itself because there was a 'significant cultural imperative' underlying the SAC requirement for the Producer Offset (Bodey, 2011).

The eventual ruling of the AAT was highly controversial, not so much because of the actual outcome (although that was widely debated in the industry), but for the justification provided for the ruling. The AAT stated:

> While series four and five were produced largely by Australian personnel, and we note that the behind the scenes work on series four and five – the research, writing, production, filming, editing etc. – was undertaken principally by Australians, we did not detect anything characteristically Australian about these series (Administrative Appeals Tribunal of Australia, 2011)

The use of the term 'characteristically Australian' posed a particular problem for industry unions because it implied that there was something Australian out there, which projects must show on screen in order to be eligible for funding, but by the same token, that characteristically Australian something was also undefinable and unmeasurable. If it could not be defined and measured, then there could be no certainty for the industry as to whether the projects they are developing will qualify for the Producer Offset or not, whether they will they be deemed to 'characteristically Australian' or not. Pointing out that the interpretation of the definition had changed after the administration of the Producer Offset had moved from the Film Finance Corporation to Screen Australia, the Executive Director of the Screen Producers Association of Australia identified policy inconsistency as a major issue for Australian producers. He argued, 'when the scheme was introduced in 2007 we didn't have to put a kangaroo and a koala in the film to get the tax break and we need certainty and we're not getting it' (Crook, 2011).

SPAA's concerns about inconsistency in the application of the SAC Test played themselves out publicly just a short time later, with another contentious decision by Screen Australia. This time, Baz Luhrmann (director of *Romeo and Juliet, Moulin Rouge, Australia*), applied for the Producer Offset for his upcoming screen adaptation of the American literary classic, *The Great Gatsby*. The story would be set in 1920s America, was budgeted at US$120m, had the financial backing of US Warner Studios and featured American stars, Leonardo Dicaprio and Tobey Maguire. In all of these respects it resembled Luhrmann's other Hollywood productions. However, Luhrmann himself is an Australian citizen and he was intending to shoot and post-produce the majority of the film in Australia, employing locals in down-the-line crew and cast roles – particular mention was made of 150 extras. Screen Australia assessed *The Great Gatsby* as being eligible for the Producer Offset on the basis that it was

shooting in Sydney and would employ hundreds of Australian residents in secondary crew and cast roles. That is, the project was deemed to meet the 'Significant Australian Content' test, that had proved an obstacle to Beyond Productions' *Taboo*. The decision seemed entirely inconsistent to the Producer of *Taboo*:

> We just think that the same assessment tests and criteria should be applied by Screen Australia to our projects as those films that are produced with Warner Bros, Universal or Fox (...) With Gatsby, it is set in New York in the 1920s. So how could you argue it has significant Australian content? (Mikael Borglund in (Frew, 2011)).

So there is real contention within the Australian film industry about which projects should be the recipients of public support mechanisms and on what basis. There are those who are concerned that the criteria used by the agency are not stringent enough and are principally benefitting US studios (Gonzalez, 2011a), and there are those who argue that the criteria remain too restrictive and are impeding the development of the industry. Australian producer George Miller, whose project, *Justice League Mortals* was deemed ineligible for the Producer Offset on the grounds that it was 'insufficiently Australian' noted wryly:

> That shows how rigid the thinking is here in Australia. That's working to a paradigm that's 30 years old and brought down the Australian film industry (George Miller cited in (Boland, 2008)).

In an attempt to address the ongoing discontent within the industry, the government has fallen back on the routine processes of public accountability and instigated yet further reviews: the 2008 Review of the Producer Offset, 2009 Screen Australia Review of the Producer Offset and Official Co-production Programs, the 2010 Review of the Independent Screen Production Sector, and the 2012 Convergence Review which also took in the screen production sector. Thus far, these reviews do not appear to have resolved the issues being raised by the industry.

Furthermore it is worth remembering that 2006 Review of Australian Government Film Funding Support was itself one in a long line of reviews, reports, inquiries commissioned by the government stretching back over two decades. It was preceded by:

- House of Representatives Inquiry into Australia's Film, Animation; Special Effects and Electronic Games Industries 2003;
- Report on the State of Industry 1999;
- Review of Commonwealth Assistance to the Film Industry 1997;
- Review of the Australian Film Finance Corporation 1992, 1994;
- House of Representatives Inquiry into the Performance of Australian; Films in Australian and Overseas Markets 1992; and
- Film Assistance: Future Options 1986.

Because of the limitations inherent in government review processes, independent scholarship would seem the most obvious way forward for meaningful policy reform. However, as we shall see, policy analysis has largely evolved in parallel with, and independently of the policy apparatus.

1.2 AUSTRALIAN FILM POLICY SCHOLARSHIP: HISTORICAL OVERVIEW

It is only in the past two decades that a substantial body of scholarship on Australian film policy has emerged. Early studies of the Australian film industry certainly took account of policy as an intrinsic element of the national cinematographic landscape (Bertrand & Collins, 1981; Lawson, 1965, 1982; Pike & Cooper, 1981; Shirley & Adams, 1983; Tulloch, 1982, 1977), but by and large Australian film policy did not constitute an object of analysis in and of itself until the late 80s.

1.2.1 Early Policy Literature

There a various reasons for the tardiness of scholarly interest in Australian film policy. The first and most obvious is that direct subsidy of the national cinema and the development of regulatory tools did not occur until the beginning of the 70s – so the production/policy interface was relatively insignificant in terms of the long history of the Australian film industry.[32] Secondly, as has been pointed out by Michael Dorland, there was very little reliable data on the industry such as might illuminate policy analysis (Dorland, 1996). That is, it was difficult to reflect upon the success of specific policy programs because information concerning the object and output of policy intervention was not readily available. The third and perhaps most significant reason is the resistance of the academy itself to undertake work that was perceived to undermine the vocation of cultural critique. Analysis of policy mechanisms had hitherto occurred within government, through commissioned reviews, inquiries, and reports generated by agency staff. With the exception of a handful of scholars (T. Bennett, 1992; Cunningham, 1992; O'Regan, 1992), policy analysis was considered to be the remit of bureaucrats.

Towards the end of the 80s, the first two issues were drained of their obstructive capacities. Twenty years of government intervention in the film industry had resulted in a substantial body of work with a direct link to film policy, and this stimulated a degree of reflection on the process and impact of policy as a regulatory technology. Additionally the MPDAA had begun to produce reliable data on the performance of Australian films, and the AFC established a research branch which also generated statistics on the productivity and commercial performance of the local film industry. This meant that a means of measuring the performance of policy outcomes became available.

The availability of research data coincided with a broader scholarly engagement in the mechanisms of 'official culture', which had been awakened by government preparations for the Bicentenary of Australian federation. As 1988 approached, cultural theorists turned their gaze away from previous international preoccupations and towards the domestic policy context (Cunningham, 2008).

This synergy of opportunity and interest generated a number of ground-breaking academic studies on the regulation of culture. Tim Rowse's analysis of the relationship between

[32] The industry had been the subject of analysis and debate in parliament well beore then, but the Government had not developed a comprehensive program of assistance.

cultural policy and arts practice paved the way for similar approaches in the area of audiovisual policy (Rowse, 1985). The newly formed research branch of the Australian Film Commission supported the publication of a number of studies by academics on the Australian film industry. These studies were distinct from earlier volumes on the domestic film industry, insofar as they replaced the historical, text-based approach with a multi-disciplinary framework. One such study was the work of two staff members of the NSW Institute of Technology. In the preface to *The Screening of Australia: Anatomy of a Film Industry*, Jacka and Dermody acknowledge the newness of the path they are forging and its relationship to cultural shifts at the broader level:

> ...it seems to be part of a fresh impetus in film scholarship, an impetus from film history, in which the cultural, the economic, and the technological are perceived as a fascinating complex of relations. It is a conjuncture in which the nature and moment of a society and the way that it thinks about itself can be glimpsed (Dermody & Jacka, 1987:11).

A distinct but complementary approach was taken by Moran and O'Regan, who published an anthology of writings about the film industry, dating back to its inception in 1919 (Moran & O'Regan, 1985). By juxtaposing evidence from the first Royal Commission into the Moving Picture Industry with reviews of early Australian films, and by positioning academic essays against contemporary articles by industry professionals, the editors managed to construct a picture of the Australian film industry which was at once coherent – it assembled divergent voices around a common theme - and complex:

> Just what is Australian film? Is it equivalent to 'Australian cinema' or are they separate entities? Is 'Australian film' merely the accumulated sum of films made in this country? Is it something more than that – or less? Should the local film distribution and exhibition sectors be included, or excluded, on the basis that a good proportion of the films they circulate have not been made locally? And what – to grasp the thorniest nettle of all – is Australian about Australian film? Wherein does the Australian-ness reside (Moran & O'Regan, 1985:13)?

The problematising of 'Australian cinema' as a unified object of study may indeed have been the key insight to emerge from this early policy analysis. Dermody and Jacka's follow-up volume to *The Screening of Australia* was aptly entitled *The Imaginary Industry* (Dermody & Jacka, 1988). Drawing upon Benedict Anderson's conceptual framework of the nation as 'imagined community' (Anderson, 1991), they set about unpacking the rhetoric of cultural nationalism which had informed earlier discussion of Australian cinema and continued to underpin film policy. At the conclusion of her analysis of traditional arguments for regulation, Jacka observes (p119)

> There are a number of consistent themes which run through these various statements; these are not necessarily consciously intended but they are an unavoidable concomitant of the discourses on which the rhetoric depends for its effectivity.

These are:

- Australia is a unified entity
- There is an essential Australianness which can be captured in an 'Australian look'
- There is a difference or set of differences which marks Australia off from other nations and Australians from the people of other nations
- These differences are more significant than the differences within Australia
- Foreign or imported material is somehow harmful or pernicious and encourages 'cultural dependency'
- Australians need to 'see' themselves in order to form a 'cultural identity' and become 'culturally independent'
- If Australian nationals (or residents) have creative control over production of films/programs, this will help to ensure the 'Australian look'

Jacka's implicit criticism of these presuppositions is developed within a chapter entitled 'Australian cinema: an anachronism in the 80s' (Jacka, 1988). The two arguments she develops within this chapter are: that the idea of national cinema conveniently elides cultural pluralism at the sub-national level; and that the domestic film industry is in any case highly internationalised, producing very few Australian-made films which deal with issues of relevance to domestic context. Notwithstanding, Jacka acknowledged that the discourse of 'Australian national cinema' has enabled the perpetuation of an industry and provided the conditions of possibility for the local to erupt unpredictably, which is a second significant insight from this period of policy analysis i.e. that the rhetoric of cultural nationalism, whilst theoretically unsound, performed a strategic function:

> For there is little chance of the local appearing in a situation where economic pressures make cultural production impossible, and once again, because of the ways national economies and regulation are organised, it is only by preserving the Australian nature of the production process that one can create the space for the local. Regulation of Australian content then is not a sufficient condition for the sort of cultural production I have discussed, but perhaps it is a necessary one (Jacka, 1988:127).

So by the late 80s there was a growing body of work looking at regulatory processes and an accompanying awareness of theoretical problems which underpinned national film policy. At a certain point, research in this area achieved a critical mass and this brought about the need to re-examine the theoretical framework within which policy studies was occurring.

In 1987 Tony Bennett established an Institute for Cultural Policy Studies at Griffith University, whose purpose was to organise research, publications and conference programs capable of playing a positive role with the processes of Australian cultural policy formation. The Institute became involved in the provision of consultancy services to government. The new field of research and particularly its involvement with the processes of government, challenged existing cultural studies orthodoxies and attracted criticism. Because the debate had a direct effect on the way film policy was then studied, I'll summarise it briefly here.

1.2.2 Policy Debates of 90s

In 'Framing Culture' Cunningham issued a provocative challenge to the cultural studies community to move beyond the safe boundary of post facto critique and towards a more engaged criticism that would contribute actively to the formulation of progressive policies and practices (Cunningham, 1992). He pointed out that academic debates over several decades had 'failed to deliver outcomes that could be implemented in pluralistic democratic societies' and argued that a politics of opposition must occur in dialogue with a politics of participation and reform (Cunningham, 1993b). Cunningham's arguments hit a wall of resistance and sparked what subsequently became known as 'the policy debate' (Cunningham, 2008:183). A number of senior academics refuted the suggestion that cultural studies intellectuals were disconnected from wider communities of interest and action. They cast suspicion over Cunningham's affiliation with policy institutions, labelling him a 'left technocrat' (Frankel, 1992) and dismissing his arguments as 'desperately gun-ho corporatism' (Morris, 1992). Morris was of the view that the type of engagement advocated by Cunningham, would compromise academic independence.

The debate preoccupied the Australian cultural studies community for several years. *Meanjin* dedicated an issue to the matter, juxtaposing the contrasting arguments of John Hartley, Stuart Cunningham, Meaghan Morris, John Frow, Bronwen Levy and Tom O'Regan (Lee, 1992). In that edition, O'Regan contested Morris' proposition that intellectuals working in collaboration with policy institutions are necessarily less 'independent' than academics. He pointed out that salaried academics are equally inscribed in institutional discourses that can be both constraining and enabling to the critical enterprise (O'Regan, 1992).

In a separate review of *Framing Culture*, Tim Rowse proposed that a distinction be made between cultural advocacy and cultural criticism, both having a significant function but each serving different audiences (Rowse, 1993). Toby Miller concurred, suggesting that the policy debate 'should lead to a sense of shared tasks across many disciplinary fields' (Miller, 1994). Tony Bennett published an entire volume arguing 'the need to accord questions of cultural policy a more central place with the concerns of cultural studies' (T. Bennett, 1998:4). The three tenets of his argument were:

1. Perspectives derived from cultural studies have a significant contribution to make to our understanding of the role which cultural policies play as parts of a distinctive configuration of the relations between government and culture which characterise modern societies.
2. A cultural studies that does not take account of the varying and complex forms in which culture is managed and administered in modern societies will be considerably impoverished in terms of both its historical understanding and its theoretical capacities
3. An engagement with policy issues needs to be seen as a central component of the practical concerns of cultural studies, and one that entails the development of effective and productive relationships with intellectual workers in policy bureaux and agencies and cultural institutions – but as well as, rather than at the expense of, other connections and, indeed, often as a means of pursuing issues arising from those other connections.

The policy debate was thus intense and extremely fertile.[33] The key point to emerge for cultural studies intellectuals of the policy bent was the need for an engaged criticism that examines the material density of cultural practice; that would (after Foucault) study power at the extremities of its exercise in order to better chart an account of the relations of power and forces which animate them. In practical terms, they were urging scholars not to criticise from outside, but instead to take a risk and contribute constructively to reform. Another objective to which they aspired was to encourage a rethinking of the way in which policy is studied:

> A cultural studies that grasps and sustains links with policy will inquire across a greatly expanded field, but with methods far less totalising and abstract, far more modest and specific, than those to which we are accustomed (Cunningham, 1993a).

Policy analysis that took place in the wake of the policy debate was indeed at pains to straddle the dual realms of theory and practice. Abstract ideas were given concrete shape, and new areas of cultural practice analysed.

Tom O'Regan's book, *Australian National Cinema* constitutes one example (O'Regan, 1996). Departing from the usual conventions of such books, which presented Australian cinema as a fixed, unproblematic, definable category (Craven, 2001; McFarlane & Mayer, 1992; Rayner, 2000), O'Regan went to great lengths to problematise the cultural nationalist paradigm and to underline the complexity and inherently 'relational' nature of Australian cinema:

> Australian cinema is a collection of films and production strategies. It is a critical category to be explored. It is an industrial reality and film production milieu for which governments develop policy. It is a marketing category to be exploited. It is an appreciation and consumption category for domestic and international audiences. Australian cinema is a container into which different film and cultural projects, energies, investments and institutions are assembled (O'Regan, 1996:1).

In this work we see the full elaboration of an idea that O'Regan had cultivated in earlier publications, where he had juxtaposed disparate texts in order to flesh out the object of study (Moran & O'Regan, 1985, 1989). He was determined to show that Australian cinema is not an entity but a discourse, composed not just of films but of the policies and strategies which generate them. O'Regan did not deny the importance of cultural nationalism as a means of 'securing the resources with which to compete at home and abroad' (p66) but his book joined a growing number of works which recognised that in the context of globalisation 'cultural policy and cultural nationalism could no longer be so easily equated' (Robinson and Given cited (O'Regan, 1996:68)).

Another area which was fruitfully explored in policy scholarship of this period was the chronic tension between culture and commerce in the Australian film industry. Dermody and Jacka had previously identified two contrasting discourses within the industry, each producing distinct aesthetic tendencies - Industry I (cultural) and Industry II (commercial) (Dermody & Jacka, 1987:197-204). They had underlined the close connection between the means of production and the type of film generated, publicly funded films generating a type I

[33] For a concise overview of the policy debate refer *In the Vernacular* (Cunningham, 2008:185-214).

'cultural' film and private funding generating type II films exhibiting more commercial ambitions (Dermody & Jacka, 1988:81-130). Dorland now took up this idea and explored it from a new angle. Through a close examination of industrial practices he showed that the split between cultural and commercial was not merely aesthetic, nor just the consequence of the financing sources, but was in fact intrinsic to the industry (Dorland, 1996). He pointed out that certain sectors of the local industry (distributors and exhibitors) were absolutely dependent upon the broad commercial success of films, including Hollywood blockbusters, for their survival, whereas these large scale high budget foreign films posed a serious threat to other sectors of the same industry (local producers). Through his close examination of practice, he thus demonstrated that the tension between culture and commerce is not a battle being fought between external economic rationalists and internal cultural practitioners but, on the contrary, it is intractably woven into the very fabric of the industry.

The notion that opposing cultural and economic imperatives of the local production sector might be unproductive had likewise taken root at the Australian Key Centre for Cultural and Media Policy. In a report on the Cultural and Social Policy Objectives for Broadcasting in Converging Media Systems, Goldsmith et al suggested that 'while there are circumstances in which these priorities may be in conflict there is no reason to presume that these priorities should always be counterposed', the inference being that cultural outcomes could potentially be attained *through* commercial means and vise versa (Goldsmith, et al., 2001).

One study which then boldly waded out into this middle ground between culture and commerce was Franco Papandrea's doctoral thesis on the cultural regulation of Australian television programs (Papandrea, 1997). Papandrea elaborated a methodology for translating cultural benefits into measurable economic outcomes so that the value of the local productions to the Australian economy could be articulated in terms that would be meaningful to a government whose primary focus appeared to be economic prosperity. His wager was that if the government could see the economic benefits of local content quotas, it would be less likely to succumb to pressure to abolish them. It appeared to be a master stroke. Where the traditional cultural arguments for public support of the industry had failed to excite the newly elected right wing government, Papandrea's study spoke the language of economic rationalism which was the hallmark of the Howard government. The government could now quantify economic benefits to the Australian economy of maintaining local content quotas.

Picking up on this, others (including state film agencies) began to generate economic modelling to illustrate the flow-on effects of each dollar invested in production, thereby justifying subsidy of the industry. Initially this approach worked. Funding for film production, which had previously been available only through dedicated film agencies, began to flow through broader industry development channels such as the Department of State and Regional Development, on the grounds that investment in film production would create jobs and result in investment in the local economy. However, the modelling used by government agencies did not distinguish between the amounts spent by local productions or

by foreign productions, so in purely economic terms, there was no particular reason to favour investment in local productions over foreign films. As it happened, the quantity of offshore production was rapidly on the rise, apparently to the detriment of the local production industry (AFC & FFC, 1999). It was suggested that distinct instruments were needed for off-shore and local production (Cunningham & Jacka, 1996:73). The government followed this suggestion, introducing a refundable tax offset for off-shore productions using Australia as a location. So there appears to have been a very productive level of engagement between policy institutions and scholars developing during this period.

But then a strange thing occurred…the arguments advanced in the service of the industry by engaged cultural policy scholars began to turn against the cultural sector. Quite early on, Cunningham had warned that traditional neo-Marxist suspicion of constructed unities (including the 'imagined community' of the nation) were liable 'to dovetail in unlikely ways' with economic rationalist and liberalisation agendas (Cunningham, 1993b). He had not foreseen, however, that the strategies and discourses of 'engaged critique' could likewise fall prey to the dominant economic agendas. In a prescient warning to his colleagues, O'Regan reflected that, in adopting the language and methods of economic rationalism, cultural policy studies may have overstepped its mark:

> I think those of us involved in cultural policy formation and cultural policy studies failed to recognise the consequences of success. We failed to recognise that we were asking other institutions, other departments, other sectors not to be enlisted for us, but to enlist us for their purposes. Culture was being made part of their not just our agenda. They were thinking with and thinking through culture and the result is a series of developments which substantially wrests the control of cultural policy from cultural policy institutions and their agendas to the instruments and agendas of other bodies and frameworks' (O'Regan, 2001:16).

There were indeed some alarming indicators. As off-shore production was increasing, local production was declining. Trade pressures also began to put unprecedented pressure on the industry. Certain of the support measures for local production were found to be in breach of Australia's existing trade agreements.[34] Furthermore, new free trade agreements were in the process of being planned and negotiated. The creation of the WTO in 1995 saw an acceleration of the liberalisation agenda. When multilateral negotiations failed in Seattle, numerous countries approached the Australian government to begin negotiations for bilateral trade agreements, including the US. This caused anxiety as America's aggressive stance with respect to the audiovisual sector was well known and feared.

Public film agencies rapidly enlisted scholars in research partnerships to help understand and document the phenomenon that was taking place and ultimately to better inform resistance. Numerous reports were generated hand in hand between agencies and academics which charted the progressive internationalisation of the industry (AFC, 2002; Goldsmith & O'Regan, 2003; Maher, 2004). However, as the AUSFTA negotiations approached, and in the

[34] In 1996 the High Court of Australia found the Australian Content Standard to be in breach of the the Australia-New Zealand CER agreement and ordered a review of the content standard which resulted in New Zealand programs being eligible to count as local content.

absence of any new or better arguments, the film agencies, the industry and policy activists retreated behind the familiar lines of cultural nationalism...

> Government support for Australia's audiovisual industries is for social and cultural reasons. Government regulations and funding help deliver Australian stories and faces on Australian screens. Australian films and television programs ...project our unique cultural identity to the world (Dalton, 2003).

1.2.3 Recent policy scholarship

Bridges between the policy and scholarly communities were undeniably reinforced during the lead up to the AUSFTA. Agencies came to understand and appreciate the value of dense and broad-ranging scholarly research and scholars enjoyed unprecedented access to government data and public policy fora (Cunningham, 2008).

Academics were invited onto governmental task forces such as the Digital Content Industry Action Agenda and the Prime Minister's Science Engineering and Innovation Council, Government agencies commissioned research, and Australian Research Council partnerships were established with public institutions. However, there were certain limitations to the nature of the research that could be undertaken in conjunction with government agencies. As an investor and research partner, the funding agency would sit on the steering committees which set the objectives and monitored the progress of research. The agency would determine which data was released to the researchers and for what purpose, and the agency would contribute to defining the manner in which the findings of the research would be framed. Perhaps it is these factors, combined with the onerous administrative responsibilities that accompanied these industry partnerships (meetings, reporting, accounting to agencies), which led to the unfortunate circumstance that some of the original aspirations of these scholars, as articulated during the policy debate, fell by the wayside. Analysis of the processes of policy implementation on government funded films for instance, simply did not take place. Thus, as the local film industry continued its alarming decline, there was very little understanding of what was occurring at the interface of production and policy and few informed suggestions as to what the agencies could to improve policy outcomes.

I was myself a senior executive within the agency at the time and can attest that it was a moment when all ears were open as to possible avenues for improvement in the delivery of assistance.[35] However the silence was deafening. There was no shortage of strident criticisms, but disappointingly little of informed, constructive commentary:

> After 30 years of government production subsidies, we now know that the assumption that supply creates its own demand is wrong. Yet this assumption continues to form the basis for government film-funding strategies (Verhoeven, 2005).

As such criticisms were unanchored and not accompanied by any new compelling research or concrete suggestions for policy reform, they were of limited use to the film agencies. It was

[35] The author worked at the AFC from 2004-2008, firstly as Policy officer, then Manager of Governance and Strategy Planning, and finally as a member of the Transition Team overseeing the merger of three federal agencies into a new single agency, Screen Australia.

unclear, for instance, what the implications for policy of Verhoeven's comments might be. Surely she was not suggesting that the agency initiate a propoganda campaign to convince Australians to watch government-funded films? And it is highly unlikely that she would have been advocating for the agency to adopt Hollywood market research and test screening habits, because if a public agency were to replicate the behaviours of the open market, policy intervention and public investment could not be justified.

One unexpected source of useful grounded analysis at that time was industry practitioners. Stepping into the breach between policy and scholarship, with their own dense analyses of policy implementation, a number of Australian producers generated informative reports about the impact on production of government policies and agency practices. Connolly drew upon his production files at Arena Films and his distribution files from Footprint Films to generate a paper about the adverse effects on low budget Australian films of onerous risk management requirements of the funding agencies (Connolly, 2008). Others likewise drew upon their first-hand experience as funding recipients to elucidate the complex and often perverse relationship between policy and production (Sheehan, 2007). Much of this cutting edge work was supported by the AFTRS Centre for Screen Business, which could afford to take a more critical stance with respect to agency processes because it was not involved in funding. It is no doubt with a view to exploiting this productive critical distance that one of the announced outcomes of the 2006 Review of Australian Government Film Funding Support was to transfer the research and statistics function of the agency out of the film funding agency and to the AFTRS (Senator the Hon Helen Coonan & Senator the Hon George Brandis, 2007). This decision was subsequently overturned after industry opposition, and the funding agency, Screen Australia, retained the research and statistics function and associated funding.

Whilst the past decade of policy research has not provided many direct in-roads to the Australian film policy problem, it has generated lots of other interesting work which is tangentially related and certainly useful for thinking about the problem. The development of most relevance to this study was the quite dramatic swing away from national as a framing device for Australian cinema and towards a push to reconceptualise local production as an inherently international enterprise.

This turn was not surprising. It mirrored developments within the film industry (opening of Fox Studios in 1998, introduction of Refundable Tax Offset in 2001 and the Australian Screen Production Incentive in 2007, multiplication of official co-production partnerships) and accompanied the acceleration of the trade liberalisation agenda which had imposed new obligations on Government to recognise foreign participation as part and parcel of local production.

Scholarly publications which then sprung from this posited that the Australian film industry had entered a new phase. The old Industry I/ Industry II divide, which had for so long been used to describe the tension between sectors of the industry pursuing protection of local

production and those pursuing expansion and internationalism, no longer applied. The Australian screen production sector, they argued, was entering an Industry III phase comprised of 'films and filmmakers happily embedded in both the local and global, where niche does not simply mean local or art-house and where global does not simply mean overseas or formulaic' (Verhoeven, 2002). Goldsmith exhorted fellow scholars to abandon the old language altogether:

> It is now widely accepted in academic and critical commentary that 'national cinema' is no longer a useful or adequate term because it can limit, prescribe and proscribe the kinds of films that are Australian 'in the sense that matters'; that is, the idea of 'national cinema' imposes from outside a set of expectations and critical standards on films and filmmakers that may be anachronistic, politically driven and insensitive to the actual contemporary cultural diversity of Australia (Goldsmith, 2007).

New terminology also began to emerge to describe this perceived new dynamic. Verhoeven wrote of the 'transnational turn' – a term which encapsulated the dual import-export nature of transactions in the global film production i.e. Australian cinema was not being colonised by foreign forces, but production was taking place across national borders (Verhoeven, 2010).[36] O'Regan and Goldsmith proposed the terms 'location interest' and 'design interest', to describe the dynamic partnership *within* the Australian film industry between footloose producers and the 'policies and practices intended explicitly to support production that is initiated or led by Australian creatives' (Goldsmith, 2007; Goldsmith & O'Regan, 2005, 2008), which Goldsmith subsequently took one step further:

> Instead of a division between what Tom and I identified as the 'location interest' and the 'design interest' (with the latter being policies and practices intended explicitly to support production that is initiated or led by Australian creatives), we could concentrate on the dialogue between the local and the international. We could consider Australian cinema as an international rather than a national cinema (Goldsmith, 2007).

Drawing upon Verhoeven's concept of Australian International Cinema and adapting Massey's concept of outward-lookingness, Goldsmith proposes that Australian cinema be reconceptualised as a 'constellation of relations' (Goldsmith, 2010). This suggestion is reminiscent of O'Regan's description of Australian cinema as an 'unprincipled assemblage' (O'Regan, 1996:40). It is similarly conceptually pleasing and equally elusive. For whilst both of these ways of thinking about Australian cinema are theoretically sound, it is difficult to see how they might be applied in the policy context. Goldsmith himself acknowledges that 'the category of Australian-international is less useful for policy' but, he concludes, 'this should not…be a deterrent to scholarship' (Goldsmith, 2010).

This signals a resigned acceptance of the disjuncture between policy and scholarship and somewhat elides the very real challenges for both policy and scholarship arising from such an enduring stand-off. On the one hand policy does not benefit from an important scholarly insight, so remains wedded to a dysfunctional paradigm; and on the other hand scholars

[36] 'Transnational cinemas' had long formed part of the language of international cinema studies but had rarely been used in relation to the Australian context.

cannot meaningfully pursue research into the objects they've newly described ('Australian international cinema' or 'outwardlooking cinema' or 'transnational cinema') because data continues to be controlled and released by the agency according to existing official definitions of 'Australian cinema'.

I am mindful of Cunningham's early supposition that the gulf between cultural studies and cultural policy is sustained by both factions. In responding to John Hartley's lament that cultural studies had yet to convince activists and adversaries 'that discourses organise practices, that the real is constructed', for instance, he suggested 'activists (and adversaries) must return the compliment to cultural studies in saying that the practices organised by discourses are complex institutional realities that are not comprehensively amenable to change, or even perhaps to understanding and participation, through discursive analysis alone' (Cunningham, 1993b). It would seem to me that a renewed sense of engagement between policy and scholarship is needed in order to address the issues and challenges of the contemporary Australian film policy context.

CHAPTER CONCLUSION

Since the introduction of public policy in favour of the film industry, the Australian film industry has been characterised by cyclic rises and falls. Problems are chronic, they recur despite policy review and accountability processes, suggesting that these are ineffective.

Policy scholarship is only a relatively recent phenomenon. It is quite controversial because within academia there is a suspicion of collaborating with policy institutions. Nevertheless a number of productive insights have come out of recent policy scholarship. Notwithstanding, effective policy analysis has been limited by a lack of access to primary data.

Scholars have identified the need for grounded analysis of the micro-conditions of cultural practice i.e. the messy negotiations which constitute policy implementation, but have been inhibited from doing this by politically motivated decisions of agencies to retain data.

In considering the history of the policy problem and the history of policy scholarship side by side, we become aware of a number of important indications: the chronic nature of the problem; the cyclic nature of policy reforms; and the absence of grounded analysis of policy implementation despite an evident need for it.

2 A SPECIFIC INSTANCE OF NATIONAL CINEMA

In the previous chapter, I concluded that the emergence of fresh insights into the nature of the Australian film policy problem would require analysis of the concrete practices of policy implementation on the body of work that national film policy takes as its object i.e. a grounded analysis of policy implementation on a particular instance of national cinema. The difficulty of course is to choose a specific example from this vast body of work to study. The choice is made even more difficult by the prevailing uncertainty as to what constitutes 'national cinema'. Australian cinema may well be spoken and written about, measured, and even offered as a course in universities, but it remains opaque. There is a degree of consensus amongst scholars that national cinema is not a transparent object but a discourse. Notwithstanding, Government film agencies, whose purpose is to implement policy, enact legally-binding definitions that determine which films will be funded, protected, and supported through regulation and which ones won't. So, in spite of the fact that it is not a stable or definable entity, Australian cinema very much exists as the concrete object of policy. With this in mind, I have chosen to study a body of work which is generated by, for and through the Australian film policy apparatus and designated as national cinema by that apparatus, namely official co-production. Official co-production is a particularly pertinent object of analysis because, as well as constituting an instance of officially-sanctioned national cinema, it embodies all of the tensions inherent in the Australian film policy problem: national vs international; protection vs expansion; culture vs economy.

In this chapter I present French-Australian official co-production as a specific instance of Australian cinema. I begin by explaining the mechanism of official co-production and the issues it raises *a priori* for national film policy. I then introduce the Australian Official Co-production Program – when it was established, how it functions and reported outcomes. I conclude with an overview of the specific co-production relationship that will form the basis of my subsequent analysis – the French-Australian Memorandum of Understanding (MOU) and in particular the seven feature films made under its auspices between 1986-2006.

At this stage of the thesis, I present only that information about these films which is available in the public domain.

2.1 OFFICIAL CO-PRODUCTION AS NATIONAL CINEMA

International collaboration is inherent to the practice of filmmaking. Script content very often dictates the use of exotic locations or specialist crews, marketing strategies may depend upon the importation of international stars, and foreign investment is frequently essential to the financing of a production. Where international co-production occurs under the auspices of an intergovernmental agreement between co-producing countries, it is known as 'official co-production'. Official co-production occurs by, for and through the national film policy apparatus and, despite high levels of international involvement, official co-productions are formally recognised as part of the 'national cinema' output in each of the co-producing countries.[37]

2.1.1 How it works

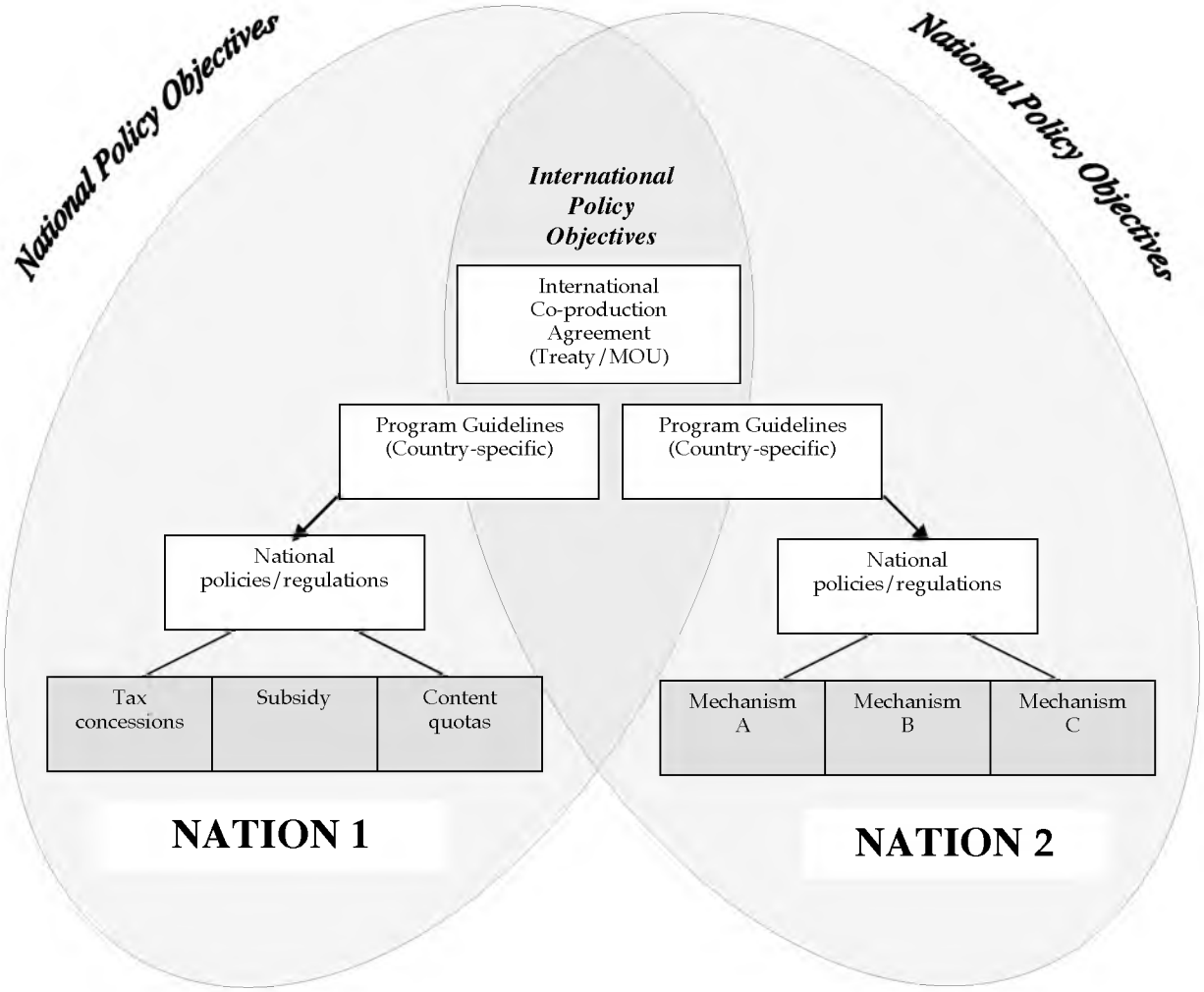
Intergovernmental agreements provide for approved projects to enjoy substantial benefits, as long as they meet certain conditions. The benefits associated with official co-production status are essentially financial. Approved projects receive 'national treatment' in each country, meaning that they become eligible to access public support mechanisms that would otherwise be reserved for local productions. A project certified as a British-Australian official co-production for instance would be considered 'British' in the UK and simultaneously 'Australian' in Australia and would therefore be eligible to access Government funding and tax concessions and to qualify as local content for the purposes of quotas *in both countries.*[38]

This unfettered access to money, markets and regulatory protection in two countries constitutes a significant incentive for filmmakers to submit to the accompanying regulatory conditions. The conditions imposed upon official co-productions are intended to ensure that, despite foreign involvement, the national policy objectives associated with public investment are upheld (AFC/DCITA, 2001). Intergovernmental agreements typically stipulate minimum levels of national investment, expenditure and participation and a balance over time in the number of projects controlled by each partner. The manner in which these elements are assessed varies at the national level.

Figure 4 illustrates the three distinct layers of policy instruments implicated in the practice of official co-production and their inter-relationship. Each layer embodies the objectives of a distinct stakeholder group: the international agreement is the portal for foreign producers to access a national regulatory space; the national policy framework is supposed to protect/promote/develop each country's local film industry; and the country-specific co-production program guidelines constitute the political project which reconcile the two.

[37] In spite of inherently high levels of foreign involvement and irrespective of content, official co-productions are assimilated in Australian government calculations of local production and box office share (Screen Australia, 2012a).
[38] Additionally, foreign cast and crew are provided temporary admission into each country and cinematographic equipment is admitted free of import duties and tax.

Figure 4: Relationship between international and national policy regimes on official co-productions



- International agreements stipulate the conditions that will govern the practice of official co-production between two countries.
- National policies and regulations determine the conditions for support of local production in a particular national context.
- Co-production Guidelines are developed by each country as the interface between the international and national policy frameworks.

In as much as it enables foreign producers to access all of the measures that exist specifically to protect and support the local production sector, official co-production unsettles the traditional boundaries around 'national cinema' and raises significant issues for national film policy.

2.1.2 Issues for national film policy

The factor motivating the establishment of international agreements is to forge strategic business relationships between producers across national borders, to open access to foreign markets, to secure new forms of investment for film producers and, more broadly, to advance Australia's foreign policy agenda (DEWHA, 2008). In this sense official co-production is about expansion. By contrast Australia's film policy framework is founded on notions of cultural protectionism. The government provides financial support for filmmakers to produce 'Australian films for Australian audiences', and regulation to protect local production from prevailing market forces (Gonski, 1997; Minister for the Arts, 2010). Resources are closely guarded and international collaboration is viewed with suspicion by local industry organisations. To the extent that official co-production is part of the government's film assistance program, it is therefore also about protection. As official co-production is situated at the nexus of national and international policy jurisdictions, it embodies all of the tensions inherent in the contemporary Australian film policy context: what to fund (local vs international), why (culture vs commerce), and how (protect vs expand). The practice of official co-production challenges the basis on which the Australian government intervenes to support the national film industry. It does not necessarily challenge the legitimacy of government intervention *per se*, but it does bring into question the current rationale for that intervention.

2.2 AUSTRALIAN OFFICIAL CO-PRODUCTION PROGRAM 1986-2006

Australia has been involved in international co-production since the earliest days of the film industry. Examples of international projects involving Australian participation are *Walk into Paradise (1956)*, which was coproduced by Southern Films International Australia and Discifilm France, and *The Flying Doctor* (1936), which was financed from the UK and Australia but creatively controlled by British Gaumont. The aim of such partnerships was to reduce financial exposure for the co-producers and to increase the potential market for a film and Australia's most common partners in this early type of co-production were the UK and the US (McFarlane, et al., 1999). More often than not, Australian creative control was subordinated to the foreign coproducer, with Australian involvement limited to the use of exotic locations or the participation of technical support crew (Talia, 1997). Similar financial co-productions exist today. They do not involve government regulation, nor do they provide financial incentives, beyond risk sharing. In the contemporary context, this type of independent co-production has come to be known as a 'joint venture', differentiating it from the government regulated 'Official Co-production Program' (AFC/DCITA, 2001). Official co-production, on the other hand, brings international filmmaking under a regulatory framework, such that national policy objectives might be achieved. It is a relatively recent phenomenon for Australia, but one of increasing significance.[39]

[39] Official co-production increased from an average of 3 per year between 1986-1999 to more than 7 per year between 1999-2010 (DPMC, 2011)

2.2.1 Historical Overview

The Australian official co-production program was established in November 1985 on a two-year trial basis, which was subsequently extended. A number of factors converged to make the establishment of an official co-production program seem a natural, appealing and even necessary initiative at this time. The first of these was the existence of a formal policy framework for public assistance to the film industry, comprising incentives for local production, in practical terms a pre-requisite for official co-production. This began with the introduction of local content quotas on television in the 60s, was consolidated by the introduction of direct subsidy in the 70s, and further enhanced by the introduction of private investment incentives in the 80s. Prior to the implementation of these measures, official co-production would have made no sense as there were neither benefits to be accessed, nor policy objectives to be upheld.

A second factor was the political imperative to contain costs, whilst maintaining a measure of control over content. Generous private investment incentives had brought about certain excesses, which the government was seeking to curtail. However, the decision to phase-out tax concessions was unpopular and there was widespread concern about the negative impact this could have upon production levels. The opposition had accused the government of jeopardising the future of the film industry (Australian Senate, 1984b). Official co-production represented a way for the government to minimize the fallout from its announcement that it would progressively phase-out the 10BA tax concessions.

Both of these factors were discussed in detail at Chapter 1. There was a third factor that made official co-production seem like the next logical step for the Australian film industry: the commercial imperative.

The commercial imperative for official co-production

At the time the government announced its decision to reduce 10BA in 1983, the Australian local production sector was looking relatively robust. Thirty feature films were being made per year and local box office share had reached 16.4%, more than double the figures for the previous decade (AFC, 1998). Australian drama was rating well on prime-time television and a number of Australian production companies, including Grundy's, Kennedy-Miller, and Southern Star Hanna-Barbera, had begun to penetrate the international market (AFC, 1988). Two decades of government support had generated a comprehensive support framework for local production consisting of direct subsidy, indirect assistance through tax concessions, and market protection through local content quotas; and these measures had been complemented by a range of legislative instruments which placed strict limitations on the participation of foreign film industry practitioners in Australia.[40] Government support measures had

[40] The Department of Immigration regulated the importation of foreign actors and crew; and the industry unions (Actor's Equity and the ATAEA) imposed levies (higher award rates) on productions shot in Australia with foreign crew. Even the importation of cinematographic equipment for the purposes of a single film location shoot was subject to duty payments.

strengthened the domestic production sector to the point where it was ready to expand beyond national borders.

Paradoxically, the very initiatives that had fuelled industry growth now began to inhibit its development because, in protecting the Australian industry, they simultaneously obstructed foreign participation. Protectionist measures had not posed a problem whilst 10BA had been in full swing, as sufficient finance could be secured from within Australia. However, once the government began reducing the 10BA incentive, financiers began re-directing their money to more lucrative schemes, and private investment in local production dried up. This created a gap in production budgets between the actual costs of production and the available finance (primarily television pre-sales and public funding). In the absence of alternative local sources of finance, foreign investment became essential to getting a film made, but existing regulation represented a significant disincentive to the foreign investment that the industry now so desperately required for its survival.

An unforeseen dilemma had arisen: the protective barriers that had been erected around 'local production' increasingly became instruments of confinement, most particularly for the larger production companies that were on the brink of expansion. An established Australian producer, for example, who managed to elicit a generous pre-sale from a foreign broadcaster for a proposed high-budget feature, would find him/herself unable to accept the offer because the conditions attached to that foreign pre-sale (e.g. casting of actors from the same territory as the pre-sale) would be unacceptable to Australian unions and/or would disqualify the project from accessing other elements of financing in Australia on which the producer was equally dependent (in the absence of certification as a 'qualifying Australian film' the production would no longer be able to attract 10BA investment and would find it increasingly difficult to obtain a pre-sale in the Australian television market). Thus the very mechanisms that had been put in place to protect the industry and which had nurtured its renaissance now constituted an impediment to growth.

The Government needed to devise a new mechanism which would enable it to lift regulatory barriers selectively, and close them as necessary to prevent foreign exploitation of local benefits. In this context, official co-production appeared to be an ideal solution because it would incite foreign investment, whilst enabling the Government to retain control over project approval (AFC, 1986). When he launched the Program to the Australian parliament in October 1985, the Minister deflected attention away from the Government's decision to phase out 10BA, and declared that this major initiative was being introduced in order to 'expand creative and commercial opportunities for Australian filmmakers' (Minister Cohen, 1985). Effective implementation of the official co-production program required harmonisation between international and national policy jurisdictions in order that approved projects be automatically and legally recognised as local productions. Initially, this occurred quite smoothly. However, as the local policy context evolved, a few teething problems arose.

Teething Problems

At the time the official co-production program was launched, the AFC was responsible both for the administration of the official co-production program and for the allocation of direct subsidy to the local production sector, which meant that any misalignments between international and national policy settings could be immediately identified and rectified. Likewise, the enabling legislation for direct and indirect subsidies to the Australian film industry had anticipated and provided for official co-productions. The definition of 'qualifying Australian film' in the Income Tax Assessment Act explicitly included 'films made in pursuance of an agreement or arrangement entered into between the Government of Australia or an authority of the Government of Australia and the Government of another country or an authority of the Government of another country' (Commonwealth of Australia, 1981, p. Division 10BA), and the Australian Film Commission Act recognised official co-productions as 'qualifying Australian programs' eligible for funding (Commonwealth of Australia, 1975).

This changed just three years later when the FFC was established as the principal public organism for production investment, in 1988. The FFC was set-up as a government-owned company, with a Ministerial Mandate, Articles of Association and objectives that differed considerably from those of the AFC. It was not involved in the administration and oversight of the official co-production program and did not automatically recognise official co-productions as eligible for funding.[41] The FFC issued production investment guidelines stating that the Director, Writer and one lead actor of each project had to be Australian. On these grounds a number of certified official co-productions were considered ineligible for FFC production investment. Moreover, the agency placed a threshold on the total number of official co-productions that could be funded in any one year, which meant that even if an official co-production did manage to satisfy the FFC's Australianness criteria, it might not be approved for production investment. Finally, the FFC stipulated that it would only invest in the Australian elements of the budget (Australian Film Finance Corporation, 1993).

The FFC's stance caused enormous unrest within the industry. Producers described experiencing uncertainty when setting up a co-production, 'as to whether the approval they have received from the Minister is acceptable to the FFC'. This issue was taken up in the first formal audit of the program:

> In fact, the only negativity concerning co-productions stemmed from how the FFC interpreted the creative split and financial breakdown. In this regard, it concerned Producers that the FFC was issuing it's own guidelines as to the minimum key Australian elements (i.e. Director, Writer, Lead Actor) it required in order to invest in the project. Producers felt that once the project had been certified as a co-production, the FFC should assess the application to invest on it's merits, as with any other project (AFC, 1994).

But the report when on to note:

[41] It was not until almost a decade after the official co-production program was established that the FFC joined the program's consultative body, the Industry Advisory Panel (IAP).

> The FFC's argument is that their function is to assist and further establish the Australian film and television industry. As such, and with limited funds, they feel they must protect as many Australian elements as possible (AFC, 1994)

So in the mid-90s the various elements of the Australian film policy framework were no longer harmonised. The FFC stance could not be ignored because, as 10BA was progressively phased-out, it became the most significant source of public investment in 'Australian productions' i.e. it represented the very pot of gold that foreign producers were seeking to access through attaining official co-production status. If the FFC did not recognise official co-productions as eligible for funding, then there was really no incentive for foreign producers to set-up official coproductions with Australian producers. Official co-production eligibility became meaningless.

A partial resolution to the impasse was found by inviting the FFC onto the industry consultative body with oversight of the official co-production program, the Industry Advisory Panel (IAP) (refer Appendix B2 for explanation of assessment bodies and processes). Notwithstanding, as late as 1998, FFC Investment Guidelines asserted that the agency would continue to exercise discretion in the financing of co-productions 'and will have regard to the overall level of Australian content, the participation of Australians in key creative roles and whether the project has been originated in Australia and where it is to be shot', signalling that it considered the official co-production points system insufficient.

There was a second area in which a misalignment in definitions occurred: Australian content quotas for television. The body responsible for the oversight of the Australian Content Standard of the Broadcasting Services Act was the Australian Broadcasting Authority (now ACMA). Like the FFC, it had its own legislated functions and objectives that were distinct from all of the other agencies. The definition of Australian content in the Broadcasting Services Act differed from the 10BA, AFC and FFC definitions, and did not recognise official co-productions as Australian content. This misalignment in definitions, interpretations, and requirements between Australian Government agencies meant that strictly speaking Australia was not upholding the contractual obligations of its numerous international agreements.

Following the 1994 review of the program, and a legal challenge to the Australian Content Standard this misalignment of definitions was resolved. The FFC was invited onto the IAP and the agency definition altered to automatically recognise official co-productions as Australian content (the cap on the maximum number of co-productions funded annually by the FFC however was maintained). The Australian Content Standard was also amended to recognise approved official co-productions as 'Australian content' for the purposes of the quota. However, a different series of issues arose as local policy settings changed.

Changing policy landscape

In the second decade of the official co-production program, from 1996-2006, two new incentives were introduced to entice foreign financiers and producers to invest in the Australian production sector:

i. The Film Licensed Investment Company Scheme (FLICS) was introduced in 1998, to reignite private investment in local productions. A limited number of companies were issued with a license to offer 100% upfront tax deduction to investors in 'qualifying Australian films'. Investment was spread across a slate of films selected by the FLIC, thereby reducing risk for investors, and making FLICs more financially attractive than the 10BA concessions.
ii. The Refundable Film Tax Offset (RTO) was introduced in September 2001. It was designed to attract large budget foreign productions to undertake principal photography in Australia by offering producers a 12.5% rebate on 'qualifying Australian production expenditure' (QAPE).[42] The government's stated objectives for the RTO were almost identical to those of the official co-production program.[43] However, to qualify, productions had to have a budget of over $15m, making it inaccessible to most local productions.

The introduction of these schemes impacted official co-production program in two primary ways. Firstly, the introduction of specific mechanisms to attract foreign producers to shoot in Australia (the RTO) raised a series of questions about the *raison d'être* of the official co-production program. At the time official co-production was introduced, there was no incentive for offshore production but the industry wanted and needed to expand. So the official co-production program had been accepted by industry stakeholders as a compromise – a certain proportion of local subsidy would be foregone by the local industry but this would be compensated by an increased employment opportunities through more projects going into production in Australia. Now that other mechanisms for achieving these objectives existed, official co-production began to look less attractive. The cost to the local industry of maintaining official co-productions was higher than that of the RTO. With respect to the local content quotas for instance, films funded under the RTO were not eligible, whereas films which may have exactly the same proportion of Australian participation if made as official co-productions would count as local content, thereby reducing the pressure on broadcasters to fund 100% local productions (produced entirely by the local production sector without foreign participation). Secondly, the significant increase in Government funding potentially available to 'Qualifying Australian Films' (through FLICS) meant that increasing numbers of foreign producers began to seek official co-production status, as reflected in requests for new treaties and increased number of inquiries.[44]

This led to a resurgence of industry concern that foreign filmmakers could be using official co-production as a backdoor to access public funding destined for the local production sector. That is, rather than accessing the 12.5-15% rebate for foreign films, producers would try to restructure their productions as official co-productions and access the far more generous subsidies available for local productions. Stakeholders had complex sets of needs and

[42] This was subsequently increased to 15%, before being replaced in 2007 by the ASPI (Location Offset component).
[43] In his second reading speech, the Minister stated that the RTO was aimed at providing increased opportunities for Australian cast, crew, post production and other services to participate in large budget productions, and to showcase Australian talent, with flow-on benefits for employment and skills transfer.
[44] Between 1986-2002, an average of 4 official co-productions per year commenced production and this almost doubled, to 7 per year between 2002-2012 (Screen Australia, 2012b).

interests. It was the role of the administrative instruments to reconcile these competing interests and objectives.

2.2.2 Administrative Framework

Producers wishing to avail themselves of the official co-production program must navigate their way through the three layers of policy instruments shown back at Figure 4. They must first ascertain that an intergovernmental agreement exists between Australia and the country with which they wish to co-produce, and they themselves must have established a formal partnership with a producer from that country. They must then package their project in such a way that it complies with the official co-production guidelines *in each country*. This means satisfying stipulated levels of investment and expenditure as well as cast and crew participation levels, as spelt out in each country's official co-production guidelines. Once the producers believe they have a project that satisfies the requirements of an existing international agreement and complies with both countries' guidelines, they make a submission for official co-production status to the relevant 'administrative authority' in each country (refer appendix B2). Providing there are no extenuating circumstances, a compliant project will then receive provisional certification as an 'official co-production'. At this point, the producers can apply to funding agencies in both countries for any benefits they wish to access.[45]

The International Agreement

The international agreement can take the form of a Treaty or a Memorandum of Understanding (MOU). Treaties are established directly between two governments and are subject to international law, whereas MOUs are established between government authorities and are not legally binding nor subject to the rules of international law.[46] Australian Government treaties are onerous to establish. They require a ministerial mandate, must be in line with the Australian Government's foreign policy objectives and shown to be in 'Australia's national interest' (DEWHA, 2008). Preliminary negotiations with the foreign government can take several years and, once the text has been agreed by both Governments, the treaty is subject to a domestic treaty approval process that entails regulation impact statements, national interest analysis, and consideration by a parliamentary committee. This process alone can take up to nine months. For this reason, where the significance and longevity of a relationship is uncertain, and where there are pressing commercial considerations, an MOU may be established as preliminary arrangement.

An MOU is relatively easy to establish. Although MOUs are still supposed to be 'compatible with Australia's foreign policy objectives' and to 'benefit the Australian screen production industry', no national interest or regulatory impact statement is required, nor is parliamentary approval necessary (DEWHA, 2008:3). The MOU simply constitutes a

[45] In theory, agency funding criteria should automatically assimilate official co-productions. In practise, however, local agencies have been known to limit the number of co-productions funded by applying additional selection criteria, such as the requirement for a local distribution guarantee, genre specifications, or quite simply imposing a threshhold on the total number of official co-productions they will fund per year.

[46] There is nevertheless a 'strong expectation' that each party will abide by the conditions of an MOU [DEWHA, 2008 Guidelines for entering film co-production arrangements]

statement of intent between two government authorities, such as two film agencies. The conditions may be identical to those laid out in a Treaty, but they are not binding under international law. This means that Governments are not legally required to guarantee that the creative and financial benefits outlined in the MOU will be available at all times to producers working under the agreement. It is thus possible that official co-productions made under MOU may find themselves unable to access certain benefits that are available to domestic films and treaty-based official co-productions (with other partners).

As MOUs can offer the same conditions as a treaty, can be established more rapidly, and offer greater flexibility, they may seem a preferable form of agreement. However, where a project proposal is borderline and does not strictly fit within the Guidelines, or where there is disagreement about specific provisions of the MOU, the advantages of the treaty become apparent. MOUs are not subject to international law, so an agency's interpretation cannot be legally challenged. Further, where Australian diplomats can assist in resolving disputes on treaties, they are not able to play the same role with MOUs, because they are instruments of a statutory authority and 'at arm's length' from Government (Commonwealth of Australia). That is, the Australian Government is precluded from intervening on a producer's behalf, even where there has been a perceived injustice. We will consider one such instance in Chapter 3.

National Program Guidelines

Australia's International Co-production Program Guidelines are supposed to constitute the interface between international and national policy regimes i.e. to articulate the international treaty requirements in a manner that is reconciled to the national policy context. They are supposed to give carriage to both international and national policy imperatives. They are also supposed to uphold the 'national interest' obligations that are associated with all of the Australian Government's intergovernmental agreements.

This is an extremely complex set of competing imperatives to sustain in one policy instrument. It necessitates the translation of high level objectives into lower level strategies and then into concrete quantifiable criteria. Predictably, this process is extremely reductive, so that lofty national film policy imperatives become quite modest strategies such as 'employment and investment in the local film industry', and these strategies are then further simplified into quantifiable criteria such as 'minimum levels of expenditure on Australian elements'.

Figure 5 maps out the manner in which the Guidelines can be seen to give expression to the multifarious imperatives, objectives and strategies associated with the official co-production program.

Figure 5: Relationship between stated objectives and specific compliance criteria

NATIONAL FILM POLICY IMPERATIVES	WHOLE OF GOVERNMENT 'NATIONAL INTEREST' OBLIGATIONS	INTERNATIONAL FILM POLICY 'CO-PRODUCTION' IMPERATIVES
↓	↓	↓
OBJECTIVES		
Benefits for Australian film industry	Benefits for Australian public	Generate films to compete with Hollywood
↓	↓	↓
STRATEGIES		
Increase employment and investment in local film industry	Generate culturally relevant content for Australian audiences	Increase funding whilst shielding local producers from market forces
↓	↓	↓
MECHANISMS		
Minimum expenditure on 'Australian elements'	Minimum participation of 'Australian key creatives' (the points system)	Public funding to Australian production entity, minimum levels Australian investment

Unlike the treaties themselves, Australia's official co-production guidelines do not differ from one partner to another. They are valid for all the agreements i.e. the Australian official co-production guidelines for the French-Australian MOU are the same as for the China-Australia agreement, the Australia-NZ agreement etc.

Although the guidelines were reviewed several times between 1986-2006, few changes were made (Appendix B1). The core procedure of assessing Australian contribution through a three-tiered barometer of 'participation levels' has remained consistent, and is known as 'the points system'.

The Points System

The points system differs for drama, documentary and animation. Whilst there have been variations made to the assessment criteria for the latter two categories of production, the points system for drama remained essentially remained unchanged from 1986-2006, with the exception that until 1998, the calculation used for those co-productions made under the auspices of an MOU differed slightly from that used for treaty co-productions. *Figure 6* and show the Points System for drama productions 1986-06.

The Points System presupposes that creative contribution is measurable in terms of nationality of personnel and that there is a direct correlation between expenditure and creative contribution. It also assumes a hierarchy of collaboration, with the role of Production Designer attributed more significance, for instance, than that of camera operator, which does not count.

Figure 6: Australian Official Co-production Points System (drama) 1986-2006

Co-productions administered by MOU May 1986-March 1998

Each co-production is allocated 10 points, with points scored as follows:

Writer		*1 point*
Director	*1 point*	
Director of Photography		*1 point*
Composer		*1 point*
Editor		*1 point*
Production Designer		*1 point*
Each of the four major cast roles		*1 point*
		1 point
		1 point
		1 point
	Total:	*10 points*

An Australian-French co-production with 40% of the investment provided by the Australian producer would allocate 40% of available points to Australians i.e. 4 points

Co-productions administered by Treaty May 1986-March 1998; and all official co-productions thereafter until 2006, including those administered by MOU

Each co-production is allocated 12 points with points scored as follows:

Writer		*2 points*
Director		*2 points*
Director of Photography		*1 point*
Composer		*1 point*
Editor		*1 point*
Production Designer		*1 point*
Each of the four major cast roles		*1 point*
		1 point
		1 point
		1 point
	Total:	*12 points*

An Australian-British co-production with 40% of the investment provided by the Australian producer would thus allocate 40% of available points to Australian nationals i.e. 5 points

2.2.3 Program Audits and Reviews

Reviews and audits of the official co-production program provide a case in point of the arguments raised in the introduction to this thesis about the limitations of government reviews. Published audits contain only amalgamated data so that it is very difficult to get an understanding of what is occurring on specific partnerships, let alone on individual films. Program reviews have been blighted by some of the methodological constraints enumerated earlier i.e. extremely restricted terms of reference; lack of independence; limited consultation and cost-benefit analysis that sidelines contentious issues.

By adopting these methodologies, the audits and reviews have certainly fulfilled their stakeholder management function – temporarily calming industry concern about the program at politically sensitive moments – but this has inevitably meant that policy reform

has been hampered. In fact for the twenty years under consideration, despite numerous audits and reviews, and ongoing industry concern about the objectives and administration of the official co-production program, the guidelines were barely changed at all.

Looking more closely at some of the data that was elicited by the reviews but glossed over in the reports/findings (such as submissions of individual agencies which are published on their individual websites and a close examination of appendices to the reviews), it is possible to resurrect some of the issues raised by the industry about how the official co-production program is working on the ground.

Audits

The Australian administrative authority (formerly the AFC, now Screen Australia) maintains a database of compliance statistics for official co-productions. This data is freely available on the Screen Australia website, creating an impression of transparency. However, the reality is that only high-level aggregated data is released (Screen Australia 2013 http://www.screenAustralia.gov.au/co-productions/statistics.aspx).

The website offers three layers of information about the historical activity of the official co-production program. The first is an overview of partnerships – countries with whom Australia has an agreement, the nature of each agreement (MOU or Treaty), when it was signed, how many projects it has generated and the total budget of those projects. The second layer of information is a breakdown of the types of production (numbers by genre), and individual titles produced under each agreement. The third and most detailed layer of information is a list of all projects approved as official co-productions since the program's inception in 1985, including the title, year, country and genre of each production but no information whatsoever about the manner in which projects complied with the Guidelines. In sum, statistics published by the agency do not include any detail regarding the manner in which individual projects complied with the Guidelines. We do not know for instance, what the reported or final proportions of investment, expenditure and industry participation were for each official co-production, nor do we know dates of approval, production or release.

Access to compliance data was not always so restricted. The very first audit of the official co-production program, commissioned by the AFC in 1994, included unaggregated compliance statistics (AFC, 1994). At around the same time, the former Bureau of Transport and Communications Economics (BTCE) published a report on Australia's official co-production program, which included breakdowns of investment, expenditure and participation on individual projects and valuable analysis (McFadyen, Hoskins, & Finn, 1996).

The BTCE existed specifically to undertake applied economic research relevant to the portfolios of Transport and Regional Development and Communications and the Arts with a view to 'an improved understanding of the factors influencing the efficiency and growth of these sectors and the development of effective policies' (BCTE, 1996). When the BTCE's scope

was reduced to Transport in 1998, this particular type of analysis of film policy within government appears to have ceased.

Recently Screen Australia released a report which, according to the preface, 'analyses the activity of the Australian co-production program since its inception in 1986, and explores the opportunities and challenges of international co-productions for Australian producers' (Screen Australia, 2012b). Whilst the report does provide an overview of trends over time – co-productions by format, by country, by genre – it provides no insight into the way in which policy was implemented on this group of films and consequently little understanding of the 'challenges of international co-productions for Australian producers'. The overview of the official co-production that emerges from this report is fairly superficial:

- Australia has signed eleven official co-production agreements with: Canada, China, France, Germany, Ireland, Israel, Italy, New Zealand, Singapore, South Africa and the UK.
- Australia's most active official co-production partners are the UK, Canada and France.
- 132 official co-productions had been made in total, 110 of which were made with the above three partners.
- The number of official co-productions commencing production each year has doubled from 4 per year for the first 16 years of the Program to more than 7 per year for the last 10 years.
- The most popular format for co-production is feature films.
- Production budgets of official co-productions are significantly higher than budgets of local productions.
- Over time there has been a balance in financial and creative contribution on all co-productions to date.

Once again, detailed compliance data is missing and contentious issues are simply not mentioned by the report. The function of the report is clearly to promote the program, rather than to analyse the manner in which policy is functioning.

Reviews

Aside from program audits, the Official Co-production Program was also the subject of formal government review and received special attention in each of the broad-ranging reviews of film assistance program between 1986-2006 (AFC/DCITA, 2001; Commonwealth of Australia, 2006; Gonski, 1997). Distinct components of the program, such as the Guidelines and Treaty arrangements, were also reviewed numerous times by the administrative authority (refer overview of amendments to Guidelines at Appendix B1). So the official co-production program would appear to have been well scrutinised by government. However, examination of issues has always occurred within a public accountability/stakeholder management paradigm – with the dual aim of reassuring stakeholders and demonstrating efficient and effective management of public resources - and review methodologies have been designed for that purpose e.g. reviews are undertaken 'in-house'; scope/terms of reference are limited; public consultation restricted; any negative responses mediated; and criticism eliminated from review findings via a cost-benefit calculation.

The 2001 Review of the Australian Official Co-production Program for instance was undertaken by the very public institutions that were responsible for the Program's administration – the Australian Film Commission (AFC) in conjunction with the Department of Communications, Information Technology and the Arts (DCITA). On one level, this would seem logical, because the authorities administering the Program are those most likely to be aware of the issues requiring scrutiny. On another level, though, it signals an alarming lack of independence to the review process, particularly as the stated aim of the review was 'to evaluate the Australian Official Co-production Program's rationale and objectives, its *administration* and to establish future directions' (my italics p2). That is the agencies' own performance was supposed to be under evaluation, but it is highly unlikely that the agency itself would be keen to elicit criticism or draw parliamentary attention to downfalls in its own administration of the Program. Further, consultation on the 2001 Review was limited to approximately thirty individuals who were hand-picked and interviewed by the Department (p2). Individual responses were not published, but a synthesized version was provided by the Department as 'an indicative representation of general responses expressed during consultation'. Such a mediated reporting process would be highly unlikely to expose dysfunctional aspects of the Program's administration. Whilst the body of the report recorded certain negative views of the Official Co-production Program itself (as distinct from its administration), these criticisms were played down in the summary of findings. Thus, the view that 'public sector funds are misused on productions that are considered to be specifically targeting the American market and reflecting the culture of none of the co-producing partners' was only recorded in the appendices to the report but dismissed in the review findings as a cultural opportunity cost that was outweighed by other gains, leading to the conclusion that 'the program still returns a net benefit to Australia even after accounting for this cost' (p12).

As a consequence, review findings offer little by the way of insights for policy reform. Indeed the Official Co-production Program has barely been modified since its establishment, despite significant changes to the policy environment within which it operates.[47] This is regrettable, because the recurrent and unresolved tensions that have surfaced in reviews of the past 25 years are manifestly contiguous with the issues facing Australian film policy more broadly. Had the reviews privileged the perhaps messy but certainly fertile sites of contention over and above the reductive logic of program administration, might we have gained more insight into the film policy problem? In the next section, I introduce one specific co-production agreement, the French-Australian MOU, as a precursor to a grounded analysis of policy implementation on the seven films made under its auspices 1986-2006.

[47] The apparently significant changes to the Guidelines post-2006 maintain the premise that 'cultural objectives' will be upheld through ensuring Australian investment, expenditure and participation.

2.3 FRENCH-AUSTRALIAN MOU 1986-2006

Once the parameters of the Australian Official Co-production Program had been formally established, the way was paved for the Australian Government to enter into a series of bilateral agreements with other countries that had similar co-production programs in place. At the time, there were several nations, including Ireland, Canada and the UK, the latter with whom Australia had an established history of international joint ventures. Somewhat surprisingly then, the first international co-production agreement to be signed by the Australian Government was with a non-English-speaking territory. At the Cannes International Film Festival in May 1986 (six months after the establishment of the Program), the AFC announced that it had concluded an MOU with its French counterpart, the Centre National de la Cinématographie (CNC). What were the factors that motivated the Australian government to enter into a bilateral accord with France, privileging its filmmakers over and above other nations? And why, in turn, were the French, with one of the largest national film industries in the world and with scores of official co-production agreements already in place, interested in pursuing such an arrangement - in opening doors to their exceedingly generous subsidies and the coveted European market - with a small, sparsely populated English speaking country on the other side of the world?

2.3.1 Historical imperatives of the partnership

Australia's current guidelines for entering into co-production arrangements indicate that an official co-production agreement will be signed only where such an arrangement is consistent with Australia's foreign policy objectives and is in 'the national interest', measured primarily in terms of benefits to the local production sector. Although these Guidelines were not officially in place at the time the French-Australian MOU was signed, consideration of the political and film production contexts in 1986, indicates that foreign policy objectives and 'national interest' considerations are likely to have motivated both the Australian and French governments.

Both France and Australia were members of the key international forums for the development of cultural and economic policy, OECD, GATT and UNESCO, and in this respect shared similar foreign policy platforms; and both countries had in place extensive systems of public support for the audiovisual sector, meaning that a bilateral agreement would likely result in the equitable exchange of resources 'in the national interest'.

Within these broad parameters, however, the specific imperatives of each partner varied. Australia appears to have been motivated primarily by the benefits such a relationship offered the local production industry, whereas France appears to have been motivated by broader strategic imperatives.

Factors motivating the Australian government

Linguistic and cultural differences between France and Australia are vast and meant that France was not an obvious first choice of partner. Notwithstanding, the advantages for Australian filmmakers of establishing a relationship with such a strong cinema-producing nation are not difficult to identify. Firstly, the French film industry was extremely experienced in the practice of official co-production, which meant that the French government could provide an encouraging track record and could facilitate the brokering of an intergovernmental agreement. The French government signed the world's first ever official coproduction agreement with Italy in 1949 and by the mid-90s over 1500 films had been made under this agreement alone (Jackel, 1996). By the turn of the century, France had concluded over 40 official co-production agreements with foreign governments generating more than 100 official co-productions per year (CNC, 2001c; Screen Australia, 2012b).

Secondly, the CNC had extraordinarily large sums of funding available for French films and, by extension, for official co-productions. The French government's tax on cinema tickets dates back to 1946. It is a unique means of ensuring generous and ongoing finance for the local film industry. The way it works is that a percentage of each ticket sold at the French box office – for local and foreign releases – is redirected to the CNC. The CNC then redistributes this money to the French film industry through a range of funds. The beauty of the system is that because all films are taxed indiscriminately, the French industry profits directly from any success enjoyed by Hollywood blockbusters on French territory. As noted by Jackel, this system has led to France becoming by far the largest investor in film production in Europe (Jackel, 2003).

Another incentive for the Australian govenrment to sign an official coproduction agreement with France would have been the ready access such a partnership would provide to European locations, crew and markets. One of the early objectives of Australia's official co-production program was to 'afford Australian filmmakers the opportunity to (...) present their ideas and skills and to work in concert with some of the world's best film personnel' (AFC, 1994). As a member of the European Union, France had in place accords with other European nations which enabled the free movement of industry professionals across borders as well as selective market penetration.

Finally, there were a number of existing links between the Australian and French film industries, which meant that France was in fact already a trusted film industry partner. As noted at chapter 2.2, French and Australian production companies had long worked together on private joint ventures. Also, the Cannes International Film Festival had been an important platform for the renaissance of the Australian film industry in the 1970s.

Factors motivating the French government

By the late 1980s European nations had begun to pursue film industry alliances based upon commercial need rather than a common culture. Although these alliances were forged first and foremost with European partners, the privileging of strategic imperatives over and above cultural ones can be seen to have applied more generally to non-European partners. The French government had identified international co-production as a means of shoring up the film industry against the commercial force of Hollywood and this included partnerships with smaller filmmaking countries (Jackel, 2003).

In 1986 France had a strong, well-established film industry. The CNC had already been in place for four decades and the tax on tickets ensured a steady and generous flow of cash towards the local production. Notwithstanding, approximately 120 US features per year were released into the French theatrical market (compared to 170 French) and these American films took close to 50% of the annual French box office (CNC, 2001b). The steadily increasing proportion of high budget Hollywood films in the French domestic market represented a long-term threat to local production.

Progressive Hollywood domination of the French domestic market was understood in quite a different manner by the French government than the same phenomenon in Australia. Rather than perceiving it as a reflection of poor quality of local production, or of insufficient production capacity (the existing system of French subsidy ensured that over 200 French features were generated per year), the French government considered that Hollywood domination of the global theatrical market was a systemic issue, arising from aggressive exportation strategies which had progressively eroded the strength of national cinemas around the world, diminishing the diversity of films available, eliminating competition and progressively standardising audience tastes (Fansten, 2002).

Accordingly the strategy pursued by the French government to combat this phenomenon was quite distinct from the policies adopted by the Australian government. Over and above supporting local production, the French government linked the future of its national film industry to marketplace diversity. This involved not simply increasing the number and budgets of French films, but also making alliances with smaller nations and reinforcing the output of those countries, thereby developing audiences and increasing the competition for Hollywood films. To this end, the CNC established discrete funds to assist filmmakers from North African, Latin American and Middle-Eastern countries (Fonds Sud) as well as from Eastern European countries (ECO).[48] In this manner, France became the principle production partner for many smaller countries including Hungary, Romania, and the Czech Republic (Jackel, 2003).

[48] The Fonds Sud ceased operation in December 2011 and has been replaced by a World Cinema Support Fund whose specific objective is the promotion of cultural diversity through international coproduction (CNC, 2015).

In deciding which partnerships it would form in the Asia-Pacific region, the French government would no doubt have been conscious that an Australian alliance (as opposed to Japanese or Korean for instance) would assist French filmmakers to penetrate the English-speaking market. In this context, the signing of a coproduction agreement with Australia can be seen to be coherent with broader French political objectives for its film industry.

Shared Political Imperatives

In addition to the 'national interest' imperatives motivating each country, the French and Australian governments had a shared political objective. France was spear-heading a development in international cultural policy of which the Australian government at the time was fully supportive – the cultural exception.

At around the same time France and Australia were negotiating the official co-production agreement, GATT signatories were embarking upon the Uruguay round of negotiations. The specific objective of the 'Uruguay Round' was to liberalise trade in 'services', bringing them into line with arrangements that had already been put in place for trade in 'goods' i.e. to establish a General Agreement on Trade in Services (GATS) obliging parties to the agreement to progressively remove all impediments to the international flow of 'services'. The legal definition of 'services' was extremely broad and initially encompassed 'works of the spirit', including audiovisual services. This meant that signatories to the proposed GATS would have been required to progressively dismantle subsidies, local content quotas and other support mechanisms in favour of local production. The party that stood to gain the most from this was the US, whose export in audiovisual services already far surpassed that of other nations. The French government was strongly and openly resistant to the proposed liberalisation of the audiovisual sector and adopted a range of strategies in order to counter this possibility.

The primary strategy pursued by the French was to introduce and promote the notion of 'the cultural exception'. The argument of the French was that certain works should be quarantined from trade liberalisation on the basis that they carry a cultural identity and cannot therefore be reduced to the status of merchandise nor ordinary 'services'. The idea was strongly promoted by the French President, and was quickly taken up by the European Commission, whose President at the time happened to be Frenchman, Jacques Delors.

A parallel strategy adopted by the French – one commonly employed in international negotiations - was to nurture relationships with other parties to the GATT who might have reason to support the French position. In this context making national subsidies available to producers from smaller countries – either through specifically tailored funds or through entering into bilateral official co-production agreements – can be seen to have made strategic sense. It was entirely consistent with existing French initiatives such as the Fonds Sud and the ECO (Fonds d'aide aux coproductions avec les pays d'Europe Centrale et Orientale), in support of smaller filmmaking countries.

In light of these national interest and shared political imperatives, it made good sense for the French and Australian governments to sign an official co-production agreement. However, over the course of the twenty years from 1986-2006, the international landscape for production and policy changed significantly, as did each country's strategic imperatives. In parallel, the significance of the French-Australian MOU steadily diminished.

2.3.2 Shifts in international policy landscape impacting the MOU

In 1986, the necessary pre-conditions to the establishment of a bilateral film production agreement between France and Australia existed. Creating such an agreement cohered with the foreign policy and 'national interests' of both countries – with Australia motivated by primarily by factors linked to the development of the film industry and France motivated by broader political factors. Politics rarely remain stable, however, and very soon the imperatives and the policy settings which had been conducive to the establishment of the agreement had also changed. The conditions for access to production incentives in Australia and to markets in France altered significantly during the first 20 years of the MOU, as did each country's foreign policy positions.

Just two years after the French-Australian co-production agreement was signed, the Australian Government announced it would be further reducing the 10BA tax concession for private investment in qualifying Australian films to a simple 100% tax deduction and replacing it with a new Government agency, the FFC, which would invest directly in Australian films. This meant that the previously uncapped incentive for private investors – and the primary source of investment in official co-productions - would become a finite pool of money allocated by the Government agency to a reduced number of films which it subjectively deemed meritorious (according to the agency's own strategic objectives). The confidence and abundance that had characterised the 10BA period was replaced – for international co-productions – by a climate of restrictions and uncertainty. This shift in and of itself represented a significant erosion of the industrial conditions which had motivated the establishment of the French-Australian MOU. This was then further exacerbated by the decision of the newly established agency to activate a new definition of 'Australian film'. The FFC definition did not correlate with the 10BA definition and specifically, it did not automatically recognise official co-productions as eligible Australian films for funding purposes. Although the FFC was subsequently obliged to amend its definition in order to ensure the Australian Government met its legal obligations - official co-productions becoming recognised as national films - the organization continued to place a maximum limit on the number of official co-productions (from any country) that it would fund in any one year. Thus the equitable production conditions that had been in place at the signing of the MOU disappeared and co-production with Australia began to look less attractive to the French.[49]

[49] For further information about the impact of the FFC's stance on official co-production refer to Bureau of Transport and Communication Economics Occasional Paper 112 (McFadyen, et al., 1996).

Conditions in France likewise became less favourable for Australian producers. With the creation of the European Union, France was legally obliged to shift its audiovisual policy in favour of EU countries. As a signatory to the European Cinematographic Convention, for instance, France participated in the *Television Sans Frontieres* initiative, which favoured European content over and above content from other countries, including official co-productions with non-EU countries. Where once French-Australian official co-productions had been assimilated as local content for the purposes of French television, French audiovisual policy now enacted a series of much finer distinctions, with programs receiving different regulatory treatment according to whether they were in the French language (d'expression originale française); French-originated; European originated; or merely official co-productions.[50] Thus the market access advantages that had been available to Australian films at the time the MOU had been signed were significantly diminished.

In the political sphere too, conditions changed markedly over the twenty years from 1986-2006. At the outset of the accord, France and Australia's foreign policy position with respect to culture and economics were aligned, but by the mid-90s this was no longer the case. In 1986, both France and Australia had left-wing governments in place with an emphasis on the role of the State as a regulator/driver of economic policy. France saw in Australia a significant, albeit relatively small, ally. However, the election of the Liberal/National Party Coalition in 1996 brought about significant shifts in Australian foreign policy. The Australian government aligned itself with the US, favouring the liberalisation of a majority of sectors and pursuing a series of bilateral agreements in parallel to unilateral negotiations at the WTO level, including the AUSFTA which entered into force in 2005. This free market perspective also infiltrated film policy, with rhetoric shifting from a 'national cinema for Australian audiences' to 'an international export-oriented' cinema (Australian Government, 2004). As the Australian Liberal Party remained in Government for a decade, the impact of this political shift was significant. The Australian foreign policy position was now completely at odds with France. When the French government sought the co-operation of its cultural partners to fortify the basis for ongoing government support of national audiovisual production through the development of an international instrument for cultural diversity, the Australian government refused to participate. In 2005, Australia was one of just six countries at the UNESCO General Conference that did not vote in favour of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. The other countries were America and Israel, which voted against, and Honduras and Liberia and Nicaragua which, like Australia, abstained. The Convention had been sponsored by France and Canada and had received overwhelming support of UNESCO members (148 of 156 nations voted in favour).[51] Unsurprisingly then, when the Australian Government approached the French government with the proposal of upgrading the MOU to Treaty status (to bring it into line with policy guidelines), the French Government declined.

[50] For a fuller discussion of pan-European regulations at this time refer ot Anne Jackel's historical study on European Film Industries (Jackel, 2003).
[51] It wasn't until the Labor Party won office that Australia became a party to the Convention, in 2009.

2.3.3 Reported outcomes of the MOU 1986-2006

This section of the thesis is concerned exclusively with information in the public domain. My aim is to provide an overview of the outcomes of the French-Australian MOU as reported, in order that the disjuncture between stated policy objectives, compliant projects, and policy outcomes becomes apparent. Part II of the thesis will investigate and further illuminate this disjuncture, drawing upon primary data that has been withheld from the public domain.

Despite the linguistic and cultural divide and the tyranny of geographic distance, France was one of Australia's most important co-production partners during the first twenty years of the MOU. Nineteen French-Australian co-productions were approved up until March 2006, with budgets totalling $158.36m, of which seven were feature films (AFC, 2006).[52] This meant that France was Australia's second most active partner for the official co-production of feature films between 86-06. The MOU did not have the same level of importance for the French because, compared to the official co-production activity with its other European partners, the activity under the French-Australian MOU was negligible.

Feature Films

As noted above, seven feature films were made as French-Australian official co-productions between 1986-2006. Very little information has been published about these how these films complied with the International Co-production Guidelines. An early audit of the Co-production Program apparently included a breakdown of percentages. This information has since been withdrawn from public circulation and specific detail about project compliance has likewise been suppressed from the agency's published audits of the Program. However, because the 1994 audit was available to researchers at the time, some of the information contained within it entered the public domain (McFadyen, et al., 1996).

Figure 7 is a compilation of information provided in the AFC's published audits between 1986 and 2006. Information that is not reported by the agencies is not considered at this point. Although the information is partial,[53] there are several trends which stand out immediately:

- The level of Australian investment appears to be far lower than French investment (Australia was apparently the minority coproducer on four out of six co-productions)
- The majority of films were directed by Australians and none had French directors
- Only one film was commercially successful in Australian cinemas
- The majority of films (four out of six) were released in the early nineties, with a ten year hiatus before the remaining two were released.

[52] The Australian audit includes an eighth film, *Love in Ambush*. However, this production was registered with the Registre Public de la Cinématographie as a telefilm and indeed never received a theatrical release, even in Australia. The CNC does not include it in the statistics for feature films. For this reason, it is excluded from the analysis.
[53] Budgets for each film were not published by the AFC. More detailed information, accessed through the CNC's official co-production files, will be introduced further into the thesis.

Figure 7: Publicly available data French-Australian official co-production features 1986-2006

Film Title	Nationality of director	Source of Financing (% of budget)		Compliance with G/lines	Australian Release	Cumulative Australian box office (as at 2005)	Remarks
		Au	Fr				
Green Card	Australian	76	24	YES	Jan 1991	$10,585.960	
Until the End of the World	German	20	50	YES	Oct 1992	$254,617	
Isabelle Eberhardt	Australian	40	60	YES	Sept 1992	$14,323	
Dingo	Australian	65	35	YES	Jan 1992	$132,500	
Love in Ambush				YES	n/a	n/a	Tele-movie
The Old Man who Read Love Stories	Australian	25	75	YES	March 2004	$181,287	Numerous festival screenings prior to commercial release
Paradise Found	Australian	40	60	YES	March 2003	$4,590	
Elephant Tales[54]	Australian			YES	Oct 06		Released post-May 06

Source AFC and MPDAA

The story told by this publicly available data is that these were bilateral French-Australian co-productions and that in the majority of cases, France was the majority financial partner. Australian investment was never lower than 30% and, as the films complied with the International Co-production Guidelines, there must have been proportionality between investment, expenditure and participation. To supplement this table, and prior to drilling down into the CNC archives, I provide here a summary of the information about each film that could be found in the public domain.

[54] *Elephant Tales*, was not commercially released during this period and consequently the CNC files were still in use and unavailable for study at the time fieldwork was undertaken. For this reason *Elephant Tales* will be considered only briefly in subsequent analysis at Chapter 5.

For each film I provide an overview of:

i. Compliance data, as a means of assessing levels of Australian creative and financial participation
ii. Synopsis, as a means of illustrating the subject matter of the film and where it is located
iii. Extracts from critical reviews, as a means of illustrating audience reception and in particular perceived cultural relevance of each title.

Recalling that the Guidelines were designed specifically to generate the production of high quality, culturally relevant films that might better compete with Hollywood films, it is somewhat surprising to find that these 'compliant' films were by and large neither commercially successful nor, as the breakdowns below will show, were they considered culturally relevant. In fact, they were most often reviewed as 'foreign' films.

Snapshot of published data on *Green Card* (Weir, 1990)

Published agency data on *Green Card* indicates that it was fully compliant with policy instruments, was majority funded by the Australian government, and involved extremely high levels of Australian creative contribution. Surprisingly then, the subject matter of the film was unequivocally US-centric and it was perceived by critics as a Hollywood production. It would thus be difficult to argue that *Green Card* had specific cultural relevance for Australian audiences. However, it did enjoy worldwide commercial success. In fact it was the only one of the seven feature film co-productions under consideration that was commercially successful.

Significantly, it was widely perceived as a US film. US critic, Roger Ebert asserted that *Green Card* constituted the 'American film debut' of French actor Depardieu (Ebert, 1991). This perception was echoed in the French press. Respected trade publications incorrectly classified the film as a 'US/French co-production' (Katsahnias, 1991), whilst the leading French daily *Le Monde*, ran a front page editorial, praising Depardieu's performance in his 'first American film' (Peter Weir tourne Green Card avec Gérard Depardieu: la comédie des enchainés, 1990). In Australia, *Cinema Papers* also attributed the film US nationality, although its official status was acknowledged as follows: 'US [officially a French-Australian co-production] 1990 (Mayer, 1991; Tulich, 1990)'. The contrast between the film's subject matter and its classification as an Australian film became a source of contention for the Australian film industry. As the first official co-production ever to be released, *Green Card* was subject to a high degree of public scrutiny. Government review of the co-production program revealed a perception that public sector funds had been misspent on a production that was 'specifically targeting the American market and reflecting the culture of none of the coproducing partners' (AFC/DCITA, 2001:9).

Compliance Data: *Green Card* was made in 1990 as a French-Australian co-production by Australian director, Peter Weir. The official investment proportions were 24% French and 76% Australian, making this film one of only two 'majority Australian' co-productions to be produced under the French-Australian MOU. The agency reports that the film was compliant

with policy instruments, meaning that there was a minimum of 76% Australian creative contribution as measured by the points system.

Subject Matter: *Green Card* is a romantic comedy set entirely on location in Manhattan. Bronte, played by US actor Andie MacDowell, and Georges, played by French actor Gerard Depardieu, decide to enter into a marriage of convenience. The arrangement suits Bronte because she requires a spouse in order to secure a garden apartment in a sought-after building. Georges needs to be married in order to obtain a green card and thereby escape deportation for having overstayed his visitor's visa. The narrative concerns the protagonists' attempt to convince authorities of the genuineness of their relationship. In the process they predictably fall in love.

Commercial Performance: Released in 1991, *Green Card* became one of the highest grossing 'Australian' films ever, earning $10,585,960 at the local box office. In the US the film took $29,888,235.

Critical Reception: *Green Card* was considered by critics to be a successful execution of the Hollywood romantic comedy genre i.e. lightweight, accessible and devoid of political pretension. The reviews below are indicative:

> *Green Card*...continues the curious relationship between the classical Hollywood cinema and an Australian director who has maintained a distinctive perspective, in his Australian films, with regard to the traditional requirements of this kind of cinema....However, *Green Card*, together with his three earlier Hollywood productions reaffirms the ability of this aesthetic system to assimilate distinctive talents and backgrounds. This does not mean that there are not recognisable Peter Weir 'touches' in *Green Card*; it means that these 'touches'...are an integrated part of an overall formal system that privileges narrative, temporal and spatial coherence, causality and motivation, climax and resolution (Mayer, 1991:53).

> Uncomfortably straddling Hollywood and New York, *Green Card* is a comedy caught between two tendencies, which attempts to balance Hollywood formula with a greater narrative freedom...But in the iron grip between desire (to tell a personal story) and the rules (to make a commercial success), Peter Weir emerges a loser, having succeeded neither in producing a film d'auteur, nor a standard Hollywood film (Katsahnias, 1991:73).

It was nominated for an Oscar and a BAFTA and was awarded three Golden Globes: Best Picture, Best Actor and Best Actress.

Snapshot of published data on *Until the End of the World* (Wenders 1991)

Australian agency data indicates that *Until the End of the World* was a majority French (70%) – minority Australian (30%) official co-production. Surprisingly then, the project was co-written, directed and co-produced by German filmmaker Wim Wenders, which suggests that either the French or Australian creative contribution must not have matched the level of financial contribution from that territory. According to the Australian audits, however, the project was fully compliant, which raises a number of questions about just how the instruments were interpreted. The film used many European and Australian locations and the lead characters were not associated with any one particular setting. This led to quite

harsh reviews which identified a disorienting lack of narrative cohesiveness and sense of place. The completed film was not recognised by critics as an Australian film nor as a French film, nor was it commercially successful.

Compliance Data: According to the official data, *Until the End of the World* was a majority French (70%) – minority Australian (30%) official co-production, made by German director, Wim Wenders, in 1991.

Commercial Performance: *Until the End of the World* was released in Australia in 1992, earning just $254,617 at the box office.

Subject Matter: It has been categorised variously as a science fiction, a love story and a road movie. Wenders himself has said that it is all three at once (Ciment, Kohn, & Rouyer, 1991). The film is unusually long, running at over two and a half hours. The action is set at the turn of the millennium (the future at the time of production) and explores a world not unlike our own, in which technology is an integral part of daily communications, and globalisation has brought about a convergence of languages and cultures. The spectre of disaster looms large, because a nuclear satellite has apparently fallen out of orbit and is spiralling irreversibly towards the earth. Humankind is on the brink of extinction. This is the backdrop for a series of narrative threads, the first being a love story. At an unspecified location in Europe a young woman falls in love with a stranger. He disappears but she manages to track him down and follows him from Europe, through Asia and to the end of the world…the Australian outback. This is where the second part of the plot is introduced. It becomes apparent that the protagonist's mission in travelling Europe was to gather images for his blind mother. The 'camera' used to record the images does not register the optical 'event' but rather the sight experience i.e. the cognitive process produced in the brain after the eyes have captured an image. The seeing subject wears special glasses to record the brain patterns which can then be emulated and reproduced in the mind of the blind subject. In this way the faulty organ – the eyes – are circumvented. The mission is a success but comes at a cost to all of those involved. From these interwoven narratives emerge a multitude of themes – about the nature of sight, of experience, about quality of life, about preoccupation with image, about progress versus human desire and experience.

Critical Reception: The critical reception of the film was varied. Certain critics perceived the film as an uncompromising work of an auteur, whereas others saw it as an uncomfortable compilation of disparate international elements without a central narrative or location. The reviews below are indicative:

> A great many scenes in this movie, I am afraid, can be understood only in terms of the way the film was shot. Wenders gathered around him his actors and a core crew of 17 technicians, flew from one city to another, picked up local crews, and shot on the run. His long-time cinematographer, Robby Muller, spoke of trying to maintain a certain visual consistency through framing and lighting, but Wenders was essentially at the mercy of local shooting conditions, and many of the scenes feel as if they were altered to cope with unforeseeable circumstances. There is none of the narrative urgency that would help in drawing us through to the end of the 157 minutes (Ebert, 1992).
>
> We were really looking forward to joining Wim Wenders on his journey to the end of the world. Satisfaction: the film indeed provides an opportunity to visit some beautiful cities. Disappointment: a pure exercise in style (...) *Until the End of the World* is an overly heavy, meandering vehicle, as if Wenders got a little lost along the way or as if the complicated thread he imposed upon the film prevented him from finding the form of the film (Toubiana, 1991:79-81).

Snapshot of published data on *Dingo* (de Heer, 1991)

This was the second of just two films under the French-Australian MOU to be produced as a majority Australian co-production, with 65% Australian investment. The project was reportedly compliant, so it must be assumed that there was a correspondingly high level of Australian creative participation as defined by the Official Coproduction Guidelines. The story was about Australian and American protagonists and was set in Australia and France. *Dingo* was awarded two AFI Awards, which suggests a level of engagement with the film by the Australian film industry. However the broader critical response was less enthusiastic and the film was a commercial failure in Australia.

Compliance Data: *Dingo* was made in 1991 as a French-Australian co-production by Dutch-Australian director, Rolf de Heer. The official investment proportions for *Dingo* were 35% French and 65% Australian.

Commercial Performance: The film's Australian release was in January 1992. It earned just $132,500 at the domestic box office.

Subject Matter: *Dingo* tells the story of a middle-aged Australian man, John 'Dingo' Anderson (played by Australian actor Colin Friels), who lives in the outback and hunts dingos for a living. For many years, Dingo harboured a dream of playing trumpet alongside his idol, Billy Cross (played by US jazz legend Miles Davis) in Paris. The persistence of this dream, and the unlikeliness of it ever eventuating, provoke scorn and ridicule from Dingo's friends, and cause tension in his marriage. This is all laid to rest when Dingo receives a long-awaited response to his many letters to Billy Cross, in the form of a return air ticket to Paris. There, Dingo meets his childhood hero and his dream is realised.

Critical Reception: The film was nominated for the Australian Film Institute (AFI) Awards in seven categories, winning two: Best Original Music Score and Best Achievement in Sound. These awards are only available to 'Australian' films and voting is limited to paying members of the Australian Film Institute, so the field was not challenging. Notwithstanding, this does

suggest a level of engagement with the film by de Heer's Australian colleagues. The critical response to the film at a broader level was less enthusiastic:

> The music in this film floats free and easy, lining the wispy story with a simple dignity that sustains an otherwise empty movie. Ultimately, though, it's not enough to play music in place of plot, structure, dramatic action so the film suffers greatly, despite the excellent performances and evocative cinematography (Susan Lambert Box Office online).

> A weak script whose developments are limited to the intrigue of a synopsis; inconsistent performances from secondary actors; banal French dialogue; all of this augur badly for an enterprise that one was predisposed to consider more favourably. A few great shots of the Australian bush and the overall quality of cinematography by Denis Lenoir are not enough to make a film (HN, 1992).

Snapshot of published data on Isabelle Eberhardt (Pringle, 1992)

Isabelle Eberhardt was direct by Australian, Ian Pringle, and was considered to have a 40% level of Australian investment and creative participation. This represents a higher level of Australian investment and participation than that on *Until the End of the World*. However, on this film there were no Australian locations, characters nor story elements. The vast majority of on-screen elements were foreign, with perhaps the English language dialogue being the only trave of Australian involvement. The film performed very poorly in a limited release.

Compliance Data: *Isabelle Eberhardt* was made as a French-Australian co-production (40% Australia, 60% French) by Australian director, Ian Pringle in 1992. Fully compliant.

Commercial Performance: The film had a very short Australian release in September 1992, taking just $14,323 at the domestic box office.

Subject Matter: Isabelle Eberhardt was a real historical figure, the illegitimate daughter of Russian orthodox priest, who grew up in Switzerland at the turn of the twentieth century. The film is adapted from one of her books, *The Oblivion Seekers*. It tells the story of her exploits as a journalist during the French annexation of Morocco from Algeria. Disguised as a man, she became a war correspondent in North Africa. The action is situated in two primary locations - Paris and Morocco. Despite this, the film's dialogue is in English. Whilst in Algeria, Eberhardt (played by French actor Mathilda May) falls in love with an Algerian officer (played by French actor Tcheky Karo). When their relationship and her journalistic work are repeatedly sabotaged, she enlists the assistance of an older French officer (played by British actor Peter O'Toole). Eberhardt finally overcomes the various obstacles to her happiness but dies soon after, at the age of 27.

Critical Reception: In an interview prior to the film's release, Ian Pringle was profiled as one of the bright lights of the Australian cinema (Murray, 1990:6). Surprisingly then, very little was written about this film following its Australian release. *Isabelle Eberhardt* had an extremely disappointing theatrical season and the director has not made a feature since then. In a retrospective review, an Australian film critic wrote:

> ISABELLE EBERHARDT has some ravishing images but it's very slow moving with very little dramatic action. This went against it when the film was released and it was greeted with disappointment. But it's another one of those films that are worth a second look. Ian Pringle is more interested in the psychological dimensions of the story than its drama and he leans heavily on dark, atmospheric sequences. If you're prepared to meet him halfway, it's an unusually tantalizing experience (Thompson 2000).

Isabelle Eberhardt was nominated for three AFI awards in 1991: for Sound, Costume Design and Production Design, but did not win in any of these categories. Another French-Australian co-production, *Dingo*, won the AFI for Best Sound Design in that year.

Snapshot of published data on *The Old Man who Read Love Stories* (de Heer, 2001)

The Old Man who Read Love Stories had minimal Australian investment, was shot overseas and based upon a script by a South American writer, Luis Sepulveda. There is thus little expection that the film would 'look and feel' Australian. However the film was compliant with policy guidelines so there was perhaps some expectation that the film might fulfil the commercial objectives of the Program. In fact, it was not commercially released in Australia until three years after the film's completion, and box office results were extremely disappointing. In terms of audience reach, *The Old Man who Read Love Stories* could not be considered culturally important nor commercially successful.

Compliance Data: *The Old Man who Read Love Stories* was Australian director Rolf de Heer's second French-Australian official co-production, with 75% French and 25% Australian investment.

Commercial Performance: The film was completed in 2001 but was not released in Australia until March 2004 and took just $181,287 at the Australian box office.

Subject Matter: The film is an adaptation of a story by South American novelist Luis Sepulveda. It is set at a colonial outpost deep in the Amazon, and recounts a passage in the life of Antonio Bolivar (played by US actor Richard Dreyfuss). Antonio is a widower who has lived at peace in the Amazonian jungle for many years and who has recently, inexplicably, developed a desire to learn to read. The central element of the story is thus Antonio's personal growth – intellectual, emotional and spiritual - through books and through the woman who provides him with reading material, Josefina. But Josefina also happens to be the mistress of the tyrannical, vulgar village mayor (played by British actor Timothy Spall). Josefina's connection with Antonio arouses the mayor's jealousy and he looks for opportunities to get rid of him. When the need arises to track down a dangerous jaguar which has recently killed a man, the mayor entices Antonio to participate in the dangerous hunt. The process is disturbing and confronting for Antonio – not because he finds himself in personal danger (although this is the case) but rather because he is forced to pursue and kill a beautiful and powerful animal in order to survive. The film is lyrical rather than action focussed. It was shot by the French cinematographer, Denis Lenoir, who had

collaborated with de Heer a decade earlier, on his other French-Australian co-production, *Dingo*.

Critical Reception: *The Old Man who Read Love Stories* remained out of commercial circulation in Australia for some years after production was complete. Its French release in March 2001 predated the Australian commercial theatrical release by three years. This is difficult to comprehend, given that preview screenings – at film festivals in Melbourne, Brisbane (2001) and Adelaide (2003) – had been favourable. De Heer gave a number of interviews about the making of the film and it seems that tensions between he and the French coproducer that had plagued the production process may also have impacted upon the film's distribution.

When it was finally shown in Australia, the critical reception was positive:

> Despite, or perhaps because of, the many logistical, physical and financial difficulties of making the film, Rolf de Heer has wrought a remarkably engaging adaptation, aided by beautiful, powerful images and an excellent crew – including sound designer James Currie and composer Graham Tardif, whose combined efforts are a significant element in the film's success (Urban, 2004).

Rolf de Heer was awarded the 2004 Film Critics Circle of Australia Award for Best Adapted Screenplay and the film received an enthusiastic response at Australian festival screenings.

Snapshot of published data on *Paradise Found* (Andreacchio, 2003)

Paradise Found had the same proportions of French and Australian input as *Isabelle Eberhardt* i.e. 60% French and 40% Australian. It was similarly set in a foreign location and concerned a French protagonist, the painter Paul Gauguin. As with the earlier coproduction, the expectations around this film are likely to have been less about cultural relevance and more about commercial aspirations. However, box office data indicates that the film was not popular with Australian audiences.

Compliance Data: *Paradise Found* was directed by Australian director, Mario Andreacchio. It was made in 2003 as a French-Australian co-production (60% French, 40% Australian).

Commercial Performance: The film premiered at the Adelaide Film Festival in 2003, but was not given an extended national release. It is thus the least commercially successful – in theatrical terms - of all the French-Australian co-productions, earning just $4,590 at the domestic box office.

Subject Matter: Like *Isabelle Eberhardt*, *Paradise Found* is a 'biopic' - recounting the life of French artist, Paul Gauguin. Gauguin (played by Hollywood actor Kiefer Sutherland) was an unhappy Parisian stockbroker before he gave up everything to pursue his passion – painting. His wife (played by Hollywood actor Nastassja Kinski) provides moral support. However, his talent is not immediately recognised and his family become increasingly reliant upon his wife's Danish relatives for financial support. The film recounts Gauguin's personal and

professional journey as he travels back and forth between Paris and the South Sea Islands. His painting develops but he is never acknowledged as a great artist within his lifetime.

Critical Reception: *Paradise Found* appears to have attracted overwhelmingly negative reviews. Journalists in Australia criticised the film for its lack of consistency and cohesiveness. This, they suggested, may have been due to the complicated international financing structure. The following review is indicative:

> Thanks to inventive production design and cinematography, *Paradise Found* looks more substantial than its budget, which despite its many financing partners is not large enough. Perhaps a little more money would have bought enough time to develop and refine the script, which feels laboured rather than inspired. This is a heavy weight to carry for a film also burdened with the sort of cross cultural casting that makes it impossible for audiences to connect with the cultural and social context of the story. How characters sound is one of the most basic and crucial elements of film, because they build character; using English for commercial reasons (when it isn't the real language of the story) can be successful, so long as there is a uniformity to the use of accents and tones (e.g. *The Pianist*). Here, the accents and timbres of the cast consistently throw us off the scent of character and context, ranging from old Australian to new, from English to American and accented English. This is not helped by the film's structure, which hops back and forth in time like a grasshopper but with less reason. To make matters worse, a miscast Kiefer Sutherland gives an uninspired performance as Gauguin. Biographies are basically documentary in nature and flipping the time line is fraught with hazards. There is a sense of disorientation about the film's editing which deprives us of any emotional journey. Confused and disconnected, I found the film frustrating for presenting a fascinating subject and intriguing artist in such inaccessible form (Urban, 2004).

The information I have gathered thus far about this sub-group of national cinema equates in type to the level of analysis that has informed previous Government reviews and audits of the official co-production program. That is, it considers a number of indicators and maps them against policy guidelines in order to evaluate policy performance. What we notice is that all the films were reportedly compliant but none of them can be considered to uphold the stated policy objectives associated with this program of assistance. This highlights the futility of internal policy review processes – because for the projects to have been approved they must have met guidelines so the information that emerges is only new to the extent that:

a. it collates the results to provide overall snapshot
b. an individual project has varied between provisional and final certification (although according to the Co-production Audit, this sort of variation is rarely reported and/or traced).

CHAPTER CONCLUSION

Official co-production is a subset of national cinema which, by virtue of enabling foreign filmmakers to access public benefits for local production, unsettles the traditional boundaries around national film policy.

The Australian official co-production program was established relatively recently. Nevertheless, during its short history, it has been quite controversial. Changes to policy settings have engendered a misalignment between national funding and regulatory bodies, which has frustrated filmmakers. Films made as official co-productions and certified as 'qualifying Australian films' have often aroused the ire of the local filmmakers, who are concerned that a very limited funding pie is being shared with foreign (and particularly US) producers. The Official Co-production Program has been reviewed numerous times but the reviews suffered from the same methodological shortcomings as those enumerated in the introduction. Consequently very few changes have been made to the Program over the twenty years from 1986-2006, despite ongoing dissatisfaction with the policy outcomes.

The French-Australian MOU is Australia's longest standing official co-production agreement and remains a significant partnership for Australia, but less so for France. The films made under its auspices have reportedly all been compliant with policy instruments. However, as a body of work, they do not uphold or satisfy policy objectives.

Given the high degree of regulatory activity governing this particular instance of 'national cinema', it is odd that the co-productions under consideration do not constitute an exemplary body of work. So how do we make sense of this? How is it that such an apparently high level of Australian creative control results in films which are so unrecognisably Australian? Why, in the protective arms of regulation, do these films not scale new creative heights? Why is it that higher budgets do not result in more commercially successful films? Is it the instruments themselves or policy implementation? What takes place at the policy/production interface? Why does the policy apparatus refuse to look there?

In the following three chapters (chapters 3, 4, 5), I examine these films from a new angle. Drawing upon CNC archives (selected documents shown at appendices G4 to G9), interviews with representatives of French film industry organisations (appendices G1 to G3), and a range of supplementary documents as listed at Figure 2, I provide an account of the production-policy interface on these seven films.

3 CONFUSION AND CONFLICT

The first two projects I consider are *Until the End of the World* and *Green Card*. Although the application for *Until the End of the World* was submitted to the French and Australian authorities a full two years ahead of the application for *Green Card*, the journey of these two projects through the policy apparatus was intrinsically linked.

To the dismay of the French authorities, the AFC's Industry Advisory Panel initially opposed *Until the End of the World* on the grounds that it was insufficiently Australian (Williams, 1988), setting in train protracted international negotiations which were eventually escalated to the highest levels of government in France, Germany and Australia. The CNC's Commission d'Agrément for its part was diametrically opposed to the proposal for *Green Card* when it was received some two years later, in spite of the fact that the application came with the unqualified endorsement of the AFC. The CNC perceived the project as an American film masquerading as an official co-production in order to access benefits (Marmion, 1990a). It was only through a process of 'horse-trading' - the AFC relaxing its stance on *Until the End of the World* in response to the CNC's willingness to approve *Green Card* - that a mutual accommodation was agreed, and both projects were finally approved.

It is this process – the de/trans-formation of ostensibly transparent policy instruments through the application of pressure by stakeholders and the resultant confusion and conflict - which is of interest to me here. The analysis of policy implementation on these two films demonstrates how it is that policy instruments remain at all times contingent upon interpretation and therefore subject to negotiation. Moreover, because the position occupied by each government agency in relation to each project was so distinct, and yet so cogently argued in terms consistent with the MOU, the study of these two films side by side provides an edifying insight into the contrasting logics underpinning the French and Australian policy paradigms.

3.1 UNTIL THE END OF THE WORLD

Until the End of the World was the first project to apply for official French-Australian co-production status. It was initiated by German filmmaker Wim Wenders, developed in conjunction with French producer, Anatole Dauman, and formally registered as an official French-German co-production. However, a convergence of factors, including the lure of fiscal benefits in Australia, resulted in the French and German producers belatedly changing their European love-story into a French-Australian science fiction. Compliance with Australian official co-production guidelines proved more difficult than anticipated, resulting in tense drawn-out negotiations and significant changes being made to the project's creative line-up.

The evolution of this project has been described in numerous publications, including autobiographical essays and interviews with Wenders himself. These accounts provide a rich source of information about the film, but are often contradictory. For example, an interview first published by the *Frankfurter Rundschau* conveys the impression that the project was conceived in 1985 out of a collaboration with Australian writer Peter Carey (Schutte, 1990). Whereas an interview in the French publication *Positif*, suggests that the project began as a science fiction in 1977, before Wenders had met Carey (Ciment, et al., 1991). Further complicating things, a synopsis entitled *To the End of the World: very first treatment for a film project* and dated May 1984, describes 'an almost empty 'narrative structure' that will be gradually filled in by pooling the experience of the film cast and crew and whose 'backbone will be provided by an itinerary' (Wenders, 1984).

In light of such contradictions, the quest for a single truthful account of the evolution of this film would be futile. Notwithstanding, the CNC archives did furnish a means of managing contradictory information in the public domain. Contracts between companies, crew agreements, applications etc. were all registered by date with the CNC, establishing an unflinching time-line against which various sources could be compared and evaluated. I have thus used the archive to construct an alternative 'policy' account of the film. My analysis of the material in the archives including a timeline and casting breakdowns are shown at Appendices C1, C2, C3, C4 .

3.1.1 Project genesis 1977-1987

In 1977, German filmmaker, Wim Wenders, landed in Australia for the first time, at the tail end of a whirlwind trip through Europe, the States and Asia (Wenders, 1987). When he finally came to rest in the Australian outback, he apparently felt awed by its vast open spaces and its stillness, describing it as 'an ancient, gigantic, empty land' that was 'calling for a science fiction story' (Bahiana, 1992; Niney, 1991). Thus inspired, Wenders proceeded to write a first draft synopsis for a film set in the Australian desert in the aftermath of a nuclear disaster. It was to be the story of a few survivors who had been collecting images from all around the world and had reason to believe that their immediate surroundings and these images were all that was left of the planet (Dauman, 1988a; Jousse & Niney, 1991).This was the seed of the idea that was eventually to become *Until the End of the World*, but not until the project and its maker had made their own arduous journey around the globe.

Progress on development of this science fiction story was interrupted when Francis Ford Coppola invited Wenders to Hollywood to direct *Hammett*. The making of *Hammett* was a long and painful process for Wenders, with numerous modifications imposed by studio executives (Ciment, et al., 1991). In the years it took to complete this film, he managed to start and finish a further two films, *Nick's Movie* and *The State of Things*.

Once *Hammett* was finally delivered, Wenders returned to Australia with the intention of continuing work on his science fiction project (Ciment, et al., 1991). However, it was not long before he was once again drawn back to the US, this time to work on a European film, *Paris-Texas* (Ciment, et al., 1991; Hathrab Holdings, 1988). *Paris-Texas* was the first collaboration between Wenders and Anatole Dauman of French production company, Argos Films (eventual co-producers of *Until the End of the World*). The completed film was a commercial and critical success, receiving the Palme d'Or at the 1984 Cannes International Film Festival and established the basis for future collaboration between Wenders and Dauman.[55]

In the aftermath of this success, Wenders began work on a new film idea in conjunction with his partner, French actress Solveig Dommartin (Jousse & Niney, 1991). The project was a love story loosely based on *The Odyssey*, with the difference that rather than awaiting Ulysses' return, his lover would follow him on his travels and attempt to bring him home (Bahiana, 1992). The treatment for this love story was entitled *To the End of the World: very first treatment for a film project* (Wenders, 1984). It described an epic journey across continents and literally to the end of the earth and contained no reference to the science fiction elements of Wenders' earlier project, nor did it make any mention of Australian characters or scenes. In fact it included the following itinerary:

> ...begins in Venice, leads across the South of France to Paris, and from there to Frankfurt and Berlin, and then, by way of Lisbon and London, will leave Europe altogether and head for Tokyo. Then from Tokyo, via a South Sea island, to San Francisco, and via Cuba to Rio de Janeiro and then across to Dakar. From there through the Sahara to Casablanca, and finally by ship to the place where the story originally began, Venice (p5).

This treatment formed the basis of an initial agreement between Dauman's production company, Argos Films SA, and Wenders' company, Road Movies Filmproduktion Gmbh, which was signed on 6 March 1985. The agreement was upgraded to a formal co-production contract in September 1986 and stipulated that *'Til the End of the World* was "destined to be made under the auspices of the treaty governing French-German cinematographic relations" (Argos Films and Wim Wenders, 1988). That is, at this point in time, *Until the End of the World* was a love-story based on an original idea by Wenders and Dommartin and to be made as an official French-German co-production.

[55] Wenders' and Dauman's production companies, entered into a development partnership in March 1985 (Argos Films and Road Movies Filmproduktion, 1988).

In one published interview, Wenders explained that he returned to Australia with Solveig Dommartin at the end of 1984, at which point he decided to combine his earlier Australian science-fiction idea with the love story/road-movie that he and Dommartin were developing together:

> We returned to Australia whilst working on this female version of the Odyssey and I told Solveig about the science fiction film that I had always wanted to make there. In telling her, I realised that the intersection of the two stories was far more interesting than either one of them individually. So we began work on that new film which was a combination of the two projects (Ciment, et al., 1991).

A synopsis along these lines indeed exists on the CNC file. However, it is dated after the co-production agreement between Argos and Road Movies was signed, and was only lodged with the CNC three years later i.e. once the producers had decided to seek Australian funding (Dauman, 1988a).

In the meantime, Wenders engaged American writer, Michael Almereyda, to draft a screenplay based on the original treatment (Argos Films SA, Road Movies Filmproduktion Gmbh, & Wenders, 1990). Almeyreda worked on the script for two full years, during which time Wenders returned to Berlin to make *Wings of Desire* (Ciment, et al., 1991). This was his second joint venture with Argos Films and once again a positive experience. Dommartin was cast as female lead and, as had been the case with *Paris Texas* before it, the completed film received accolades at the Cannes International Film Festival in 1987 (Dauman, 1988a).

Thus by 1987, the key elements of *Until the End of the World* were in place – German producer/director Wenders, French producer and female lead, Dauman and Dommartin respectively, and a completed screenplay by American writer, Michael Almerayda. At this point, Argos registered the project with the *Registre Public de la Cinématographie*, as a French-German official co-production (Argos Films and Road Movies Filmproduktion, 1987).

However, the financing for the project was far from resolved. It had become clear from Almerayda's script that production of the film was going to be extremely expensive, and that the producers would be hard-pressed to raise sufficient funds from France and Germany alone (Ciment, et al., 1991).

3.1.2 Packaging the Project 1987-1988

Wenders' frustrating experience on *Hammett* had made him disinclined to work within the Hollywood industrial system so he began looking for investment from non-US regions where location shooting would take place (Jousse & Niney, 1991). In the time that had elapsed between Argos Films' acquisition of the project in 1985 and the success of *Wings of Desire* in 1987, the Australian dimension of the project had apparently 'taken on a richer significance', necessitating extensive location shooting in Australia (Hathrab Holdings, Argos Films, &

Road Movies Filmproduktion, 1988). Coincidentally, the French-Australian intergovernmental co-production agreement had also been signed (AFC/CNC, 1988).[56]

Wenders and Dauman made use of the opportunity afforded by their recent success at Cannes to approach the Australian authorities about the possibility of making the project as a French-Australian official co-production. Preliminary discussions with the AFC in August 1987 were encouraging, but also made it clear that additional Australian involvement would be required in order to achieve official co-production status (Overton & Villatte, 1988; Williams, 1988). The AFC Program Guidelines required the involvement of an Australian co-producer and the points system stipulated that Australians fill a proportion of pre-defined 'key creative' cast and crew roles.[57]

Following these discussions, Wenders and Dauman amended the agreement between their companies (Argos Films and Road Movies Filmproduktion, 1988). Their new agreement, dated 11 March 1988, provided for the film to include 'significant Australian components' (article 1.3) and noted that, although *Until the End of the World* would still be made under the auspices of the French-German co-production treaty, it would henceforth be a majority French co-production, 'with no impediment to either of the coproducers extending the partnership to include other countries' (article 1.4). This clause paved the way for the French production company to establish an agreement with an Australian company on behalf of the German co-producer.

Accordingly, just one month later, in April 1988, Argos Films entered into a co-production agreement with Hathrab Holdings Australia, which stipulated that Argos was the majority partner (80%) of a 'European Group' that was seeking to establish an official co-production under the auspices of the French-Australian MOU, thereby circumventing the fact that no official co-production arrangement existed between the governments of Australia and Germany (Argos Films and Hathrab Holdings, 1988). An Australian production manager was immediately appointed and a number of other roles were allocated to Australians in an effort to meet the requirement of proportionality between investment, expenditure and participation.

A formal application was submitted to the Australian authorities on the 10 May 1988 (Hathrab Holdings, 1988). A copy of this document was provided to the CNC a few days later, together with a cover letter from the French producer explaining reasons for Australian involvement on this hitherto French-German co-production (Dauman, 1988a). This document constitutes an important source because it reveals the contrasting manner in which the project was framed for the Australian and French authorities (Appendix G4).

[56] The coincidence in timing between the financing needs of the French producer and the establishment of the French-Australian MOU are discussed in Chapter 2.
[57] The project as it stood in 1987 had no Australians whatsoever in key cast or crew roles.

The cover letter to the AFC described *Until the End of the World* as 'an Australian film made pursuant to the Administrative Arrangement between France and Australia' (my emphasis), which had been 'sparked off by Wim Wenders' deeply felt attraction to the Australian Continent'. Wenders' production company was described as 'an Associate' of the French co-producer, rather than the instigator of the project, and the producers requested that German participation be 'viewed favourably' in accordance with Article 5 of the French-Australian MOU (Hathrab Holdings, et al., 1988).

The application itself stated that nearly half the budget would be spent directly in Australia and that the key creative and technical contributions would be above the 40% minimum required by the Australian Film Industry Accord (Hathrab Holdings, 1988).

To meet the requirement of proportionality between financial and creative contribution, the producers agreed to employ an Australian production designer, composer, principal cast member and a 'prominent Australian writer' (p2). No mention was made of the fact that a screenplay by an American writer already existed.[58] The producers also committed to using Australia as the principal location (9 weeks out of 28) so that the majority of technical crew and secondary cast would be Australian (Appendix G4).

The cover letter to the French authorities, by contrast, was at pains to emphasize that Australian involvement was peripheral to the essentially European nature of the film, which remained unchanged since the project had first been registered with the RPC one year earlier (Dauman, 1988a):

> Because the production of this film is so intrinsically linked to the Australian context, it is important that we make use of the artistic and technical capabilities of the Australian film industry. However, it is ultimately to be made within the French-German framework, which so closely reflects the relationship between my company and that of the film's director, as well as our ongoing commitment to the cause of European cinema (p1) (...)
>
> I must now share with you the guiding principles which confer such a central role to the French cinema, the majority co-producer. There's probably no need for me to elaborate the role of ARGOS FILMS, the principle investor, which will be providing 90% of the French-German contribution as well as packaging the proposal for Australia, under my guidance as Executive Producer. However I must underline the successful synergies between Wim Wenders and the French industry, with which he has a long-standing relationship through his previous films. In keeping with the tradition established on Paris-Texas and Wings of Desire, Wenders will once again work alongside French cast and crew and with whom he shares a refined conception of cinema as art.
>
> In addition to contributing to the original idea for the film, and having two lead roles (Solveig Dommartin and Jacques Dutronc) the French industry will be represented by production manager (Bernard Bouix), 1st AD (Claire Denis), camera operator (Agnès Godard), and production designer for the non-Australian shoot (11 weeks out of 28). The post-production and laboratory processing will also occur in France as these are part of our responsibilities as majority co-producer, in managing the delivery and release of the film (p2).

[58] Wenders has elsewhere suggested that significant rewriting of Almeyreda's script had become necessary when historical events overtook the development process (Wenders, 1996)

The letter is riddled with hand-written annotations, presumably by the Director of Production to whom it was addressed, indicating surprise and bewilderment at the comparatively high level of Australian creative participation in view of the apparently low level of financial contribution. Next to a sentence explaining that Argos and Roadshow will have to cash-flow the budget for instance is scrawled in red 'pourquoi?', 'why?' (Appendix G4).

Another important element of this letter is the manner in which German involvement is framed. Almost apologetically, the French producer explains to the CNC that the German contribution will be 'minor in relation to the two other co-production partners', consisting only of DOP, Robby Muller, and Editor, Peter Przygodda, 'with whom Wenders always works' (p3). The irony is that, when viewed through the lens of the AFC assessment matrix (the points system), the roles assigned to Germans – writer/director, DOP, and Editor – would be considered to outweigh all of the proposed Australian contribution. At this stage, though, the co-producers were oblivious to this, and were utterly convinced the AFC would be pleased with the proposal.

So confident were they co-producers of being granted official co-production status, that they suggested to the Chief Executives of both the AFC and the CNC that the French and Australian agencies make a joint announcement to the media at the Cannes International Film Festival that month (May 1988) to the effect that Wenders' next project would be a French-Australian official co-production (Dauman, 1988a; Hathrab Holdings, et al., 1988).

3.1.3 Passage through the bureaucracy 1988-1990

The initial application to the Australian authorities was rejected outright (Williams, 1988). The co-producers were shocked (Hawker, 1989). They had consulted extensively with the AFC prior to submitting their application, had re-shaped Wenders' project specifically in order to conform to the Australian guidelines and had in fact wondered if they had conceded too much.[59] On the basis of their encouraging exchanges with the AFC to date, local crew had been employed to commence pre-production (Overton & Villatte, 1988).

The French authorities were likewise perplexed. They wholeheartedly endorsed the project, and were of the view that it more than satisfied the requirements of the French-Australian MOU:

> This project appears to be ideally suited both to the spirit and the letter of the treaty that links us with Australia. There is a correct balance between the financial, technical and artistic contributions of each of the producers and it would seem to me that Australia could only be pleased with the significance of the role accorded it (Clement, 1988a).

[59] In correspondence to the CNC, Dauman signalled the possibility of reducing Australian involvement to 30% if the creative direction of the film warranted it (Dauman, 1988b).

The AFC's perspective, however, was quite different. It advised that the proposal met neither the 'cultural objectives of the program' nor the 'fundamental eligibility criteria' (Williams, 1988). It seems that there were varying interpretations of the provisions of the MOU.

The first area of confusion concerned the minimum requisite level of Australian participation. In view of the fact that no official co-production agreement between Australia and Germany was in place at the time, the IAP did not consider the project to be a tri-partite French-German-Australian co-production as had done the CNC. Instead, it assimilated German elements as part of the French contribution. The application was thus evaluated as a 30%/70% Australian-French co-production proposal, which meant that it failed to meet the minimum 40% level of Australian participation stipulated in the MOU (Williams, 1988).

The second area of confusion concerned the calculation of Australian investment levels. Writing to the CNC in June 1988, the Chief Executive of the AFC explained that the IAP considered amounts raised under 10BA to constitute part of the Australian investment component, which meant that the level of Australian investment was not considered to be 30% but in fact closer to 50%. Consequently the Australian creative equity level therefore needed to be much higher than the 31% proposed, in order to be commensurate with the level of Australian investment (Williams, 1988).

A third factor which caused consternation, was that the producers had proposed that one point be allocated for the designated Australian writer, whereas the Australian IAP, noting that the position was shared, only allocated half a point i.e. the producers' estimate of creative equity exceeded the IAP's calculation (Williams, 1988).

The French producer did not accept the AFCs interpretation of the MOU. He instructed his Attorney write to the AFC refuting their assessment and reiterating the producers' expectation of a positive announcement at Cannes (Overton & Villatte, 1988). In the meantime, he himself wrote to the CNC requesting that the French agency intervene (Dauman, 1988b), which it immediately did. On the 10 June 1988, the Chief Executive of the CNC wrote to the AFC's Chief Executive (Clement, 1988a):

> It is important that we both adopt pragmatism when considering official co-productions; in relation to tripartite co-productions, the CNC tends to remain totally flexible when high budgets are involved with confirmed contributions from each of the co-producing countries, such as is obviously the case with Until the End of the World. (...) I sincerely hope that the Australian Film Commission will approve the application because I would be delighted for the co-production relationship between France and Australian to commence with this project which, let me reiterate, I consider to be both exceptional and exemplary (p2).

Confident in the knowledge that the CNC was advocating on their behalf, and assuming that this would impact the manner in which the project would now be assessed by the AFC/IAP, the producers resubmit the proposal to the AFC for reconsideration. However it was substantively unchanged and elicited the following response:

> Again today we have assessed a further application for the project, and since none of the creative equity components have changed, our decision remains the same as that which we have repeatedly stated. In reaching its decision the AFC has taken into consideration the recommendation of an advisory panel consisting of industry unions and associations. This panel met last Friday and recommended to the AFC that the project not be approved because the creative equity level was too low for eligibility (Williams, 1988).

Then ensued a heated and drawn-out debate between the two 'competent authorities': the CNC, who called into question the AFC's criteria and methods of calculating financial and creative contribution; and the AFC, who held its line that the project simply didn't meet the eligibility criteria. Tensions heightened to such a degree that the CNC threatened to annul the official co-production agreement. The correspondence between the two agencies at this point in time elucidates the fundamental differences between the two policy paradigms. Writing to the AFC on 24 June 1988, the Chief Executive of the CNC called upon the AFC to be less rigid:

> Our MOU provides for a legitimate level of flexibility, which is indeed essential if we hope to facilitate large scale international projects such as the current Wenders proposal (p2).

He then took up the specific issues raised by the AFC, arguing that Australian participation actually exceeded required levels.

According to the methodology used by the CNC 'and its European partners', Clement had calculated that the Australian producer was investing less than 40% (because the 10BA tax shelter did not constitute an 'investment') but that the benefits to Australia exceeded 40% as follows (Clement, 1988a):

- *45% of the budget would be spent on Australian elements*
- *41% of the shoot would be in Australia*
- *40% of technical requirements would be undertaken by Australians*
- *44% of key creative positions would be filled by Australians*
- *65% of technical crew would be filled by Australians.*

Having laid out his argument concerning calculation methods, Clement then suggested the AFC reconsider its decision:

> You will therefore appreciate that under the circumstances it is extremely difficult for me to accept that the Australian Film Commission can possibly consider the Australian contribution to be insufficient. Allow me to remind you in any case that Article 4 of the MOU provides for our agencies to make exceptions as to the strict proportionality between levels of investment and contribution. This provision is evidence of the pragmatism that guided us when we were preparing the text of the MOU (p1).
>
> (...)

> For these reasons, I sincerely hope that the Australian Film Commission will re-examine its decision and that an outcome more adapted to the spirit and letter of the treaty be found. If this does not seem possible, I will have no option but to evoke arbitration as provided for in Article 14 of the treaty. Such action would be justifiable, to address both the difficulties encountered in applying the agreement, as well as the significant modifications to the Australian film industry tax concessions (cessation of 10BA) (p2).

His letter closed with a veiled threat:

> You are aware of the special interest I have always had for developing cinematic co-operation between our two countries, which led to the execution of the co-production agreement two years ago at Cannes. It would be extremely damaging to our future co-operation if misunderstandings and disagreements were to come between French and Australian industry professionals or our administrations (p2).

Kim Williams responded immediately and with alarm to Jerome Clément's letter (Appendix G4). Whilst he reiterated the refusal of the AFC to accord official co-production status to *Until the End of the World*, he attempted to clarify the procedures that had led to the negative assessment and explained the AFC's protective attitude as a function of the history of the Australian film industry (Williams, 1988):

> Unlike Europe, the Australian film industry is unfamiliar with the concept of official co-production having had little experience with it (the co-production arrangement which we signed in France in 1986 was the first arrangement of its kind in the Australian industry's history). It is therefore understandable that the Government, the industry professionals and the unions and associations feel it is necessary to be protective of our young industry and of the limited finance available for its ongoing operation (p1) (...) It is also inaccurate to suggest that the AFC has not been pragmatic or flexible as regards co-production approvals. We understand that co-productions are difficult to mount and that it is not always possible to have calculations correct to the decimal point when dealing with creative control of film projects. However, our first priority is, unashamedly, to the Australian film industry as, I am sure yours is to the French. The industry in Australia has battled to establish itself and it understandably wishes to see that the limited financial resources available to it are expended on projects which are Australian, or have a fair share of Australian creative input. In the case of Wim Wenders' Until the End of the World – a project with a foreign writer, producer, director, cinemographer (sic), editor, three lead cast and an international music score; with less than one third of the 'shoot' in Australia, and no post-production to be carried out here – it was determined that it would not be equitable for the film to access $17million under the Australian Government taxation incentive scheme for local film production (...) To approve this project, as it is now presented, would be to blatantly ignore our own guidelines, to completely disregard the industry panel's recommendation and to leave previous adverse decisions open to dispute (p3).

At this point the Chief Executive of the CNC decided to go above Williams' head. On 29 June 1988 he wrote to the Chair of the AFC, Phillip Adams, seeking to iron out inconsistencies in the way the two countries calculated investment and creative contribution, partly as a precedent for future co-productions (Clement, 1988b).

In relation to financing, Clement underlined that none of the investment attributed to the Australian producers represented 'at risk' money, in contrast to the Distribution Guarantee of $12 million being provided personally by the French production company, Argos Films:

> ...whilst an investment made by way of a tax shelter carries no risk relative to the commercial exploitation of the film and indeed offers subscribers the possibility of profit; whilst the Australian producer has not personally committed any finance but nevertheless owns a part of the film's copyright; the French producer, for his part, has committed to a direct investment, exposing himself to a capital risk for the entirety of the film's commercial life (p1).

Clement also observed that the AFC's refusal to consider 'above-the-line' costs as part of the total budget was out of step with the financial reality of film production and in this case, to the detriment of the French coproducer. He suggested that if the above two factors were taken into consideration in the calculation, the total budget would actually be $29 million and the percentage contributed by the European coproducers would thus be 82%. He then went on to address the issue of creative participation:

> Far from constituting a disadvantage for Australia, the project would seem to correspond perfectly to the real interests of Australian industry professionals and is absolutely consistent with the objectives of the current Australian film production incentives. In any case, the project is fully compliant with the provisions of the French-Australian MOU and it is for this reason that I would respectfully ask you to review the AFC's decision to refuse this project (p2).

He closed the correspondence with a dire warning that if some form of mutual accommodation could not be made, French professionals would be likely to become disillusioned at the prospect of collaboration with Australia, "reducing this treaty, in which we placed such hope, to an empty shell" (p2).

While the debate between the CNC and AFC was raging, the international film policy environment was undergoing a metamorphosis. In France, legislation was being drafted to alter the eligibility criteria for television content quotas, such that non-French-language films would be treated differently than French language films, irrespective of whether those films were 'French' or official co-productions.[60] In Australia, the Government had announced that the 10BA tax shelter was to be wound-up (effective June 1988) and replaced by a direct government subsidy, administered by a newly created public agency (the Australian Film Finance Corporation).

Both of these changes represented bad news for this project, but it was the latter that was of most immediate concern to the co-producers. The proposed new Australian funding mechanism would differ from 10BA in that not all 'qualifying Australian films' would automatically benefit, and those that did would no longer have the capacity to access unlimited finances in Australia, because government expenditure would be 'capped' (at AU$70m in the first year of the FFC's operation). The financing plan for *Until the End of the World* had been predicated upon accessing the 10BA incentive. Its value to the production was estimated at $4mill plus a notional saving of about $2.4m in interest (Maddox in (Hawker, 1989). If the project did not receive official co-production approval before the tax

[60] This would negatively impact the ability of the project to secure television pre-sales because, unless dialogue in French, it would no longer be eligible French language content.

shelter was wound up, it would be obliged to apply for funding from the FFC and would not be certain to obtain the level of funding required, if indeed it was funded at all.

With the date for the cessation of Australian tax shelters fast approaching, the producers intensified their efforts to obtain certification and/or secure an extension to 10BA (so that the project could be repackaged and re-evaluated).

They worked on two fronts. Firstly they attempted to sway public opinion through the media. Wenders gave interviews to journalists in Australia and France explaining his exasperation at being asked to change the creative elements of his film in order to meet an arbitrary bureaucratic points system:

> The points system used by the AFC to assess creative and technical contribution, would require Wenders to go without his DOP Robby Muller, or his editor Peter Przygodda with whom he has worked for the past twenty years. "That would be like cutting off my right hand or my left hand" responded Wim Wenders to Kim Williams, the AFC's Chief Executive, before explaining to journalists assembled in Sydney on the 4 June that the AFC's hierarchical conception, which only considers heads of department, is an insult to the dignity of film industry professionals (Rival, 1988:6)

> My assistants, my sound engineers, cameramen, decorators and costume people will have huge inputs in the film and they don't event exist on the [AFC] formula here (Hawker, 1989:27).

The co-producers also obtained statements of support from some of Australia's most internationally renowned filmmakers. Phil Noyce, George Miller, and Mel Gibson all publicly backed Wenders, as did Australian distributors Hoyts, Dendy and John Maynard of Footprint Films:

> These rules go against the very idea of co-production. They are extremely negative, if only in the way they are formulated. The supposed problems exist only in the minds of bureaucrats – and by that I mean the bureaucrats of industry unions as much as those at the AFC – and they are far removed from the preoccupations of the filmmaking community, who are infinitely more generous with each other throughout the world, because we all work in one another's countries. It is what we have always done and what we will continue to do, because that is the very nature of the filmmaking business. Maynard in (Rival, 1988:6).

Secondly, they attempted to sway political opinion by garnering the support of politicians, both locally and internationally, who applied pressure directly on the Australian government. The Chief Minister of the Northern Territory (where filming was to take place), wrote to the federal Government in July 1988 asking it to intercede in favour of the film 'or 'risk losing other projects of this nature, by generating a perception that Australian authorities are inflexible' (Marshall Perron cited in (Rival, 1988). The CNC for its part solicited the involvement of the French Minister for Culture and Communications, Jack Lang. Lang was unequivocal in his support for the project (Rival, 1988):

> The production of such an epic cinematographic work, which is unique both in terms of its artistic ambitions and in terms of the level of investment demanded of its producers, requires governments to show a level of pragmatism and indeed generosity (p31).

He expressed 'profound disappointment' at the AFC's 'refusal to honour the agreement between France and Australia', and for the first time in the history of the French film industry, diplomatic intervention was initiated on behalf of French filmmakers (Ministère des Affaires Etrangères, 1988).

Jack Lang wrote to his Australian Minister for the Environment and the Arts, Graham Richardson and Minister for the Arts and Territories, Gary Punch, urging them to intervene in the AFC's assessment process (Senator CJG Puplick, 1988). Lang likewise lobbied the German Government, which, on the eve of a trade liberalisation summit with Australia, took up the cause with fervour. Writing to the Australian Department of Foreign Affairs, the German Minister for the Economy, Dr Martin Bangemann, observed that international economic exchange is closely linked to international co-operation on cultural enterprises. He reminded the Australian Government that France and Germany had both made generous contributions to Australia's bicentennial celebrations and then made explicit reference to the German Government's expectation regarding the film:

> Certain of my most recent discussions in Australia concerned efforts to reduce protectionism. Australian support of the project proposed by German filmmaker, Wim Wenders and the legendary French producer Anatole Dauman, and of the Australian co-producer, would constitute an excellent demonstration of progress in the right direction *(cited in (Rival, 1988:31).*

In this way, the safe passage of *Until the End of the World* through the Australian bureaucracy became invested with symbolism – a metaphor for the future of international economic relations with Europe – and increasing pressure to approve the project was brought to bear on the AFC.

Australian parliamentary transcripts from the period reveal the degree of significance accorded the project. The Australian Prime Minister received direct representations from the West German Chancellor, Dr Kohl. Intergovernmental correspondence between France and Australia is also discussed, with particular concern centring on the French Arts Minister's reference to the potential for 'long-lasting negative effect on the development of film cooperation with your country, to which I personally attach great importance' (Senator CJG Puplick, 1988).

The AFC resisted this external pressure by underlining the 'less-than-treaty' status of the CNC/AFC agreement, meaning that decisions made under the terms of the MOU were not subject to parliamentary direction.[61] This situation was extremely embarrassing for the Australian Government and yet, in the domestic context, it would have been impolitic for the Government to be seen to overtly influence the decision-making process of an independent

[61] For an explanation of the legal differences between an MOU and a Treaty, see Chapter 2.

statutory authority.[62] The best the Government could do in the short term then, was to distance itself from the unpopular stance of its film agency. This is exactly what the relevant Minister did when responding to questions on the matter in parliament. Somewhat ambiguously though, he also intimated a likely resolution of the problem in the not too distant future (Senator A.C. Holding, 1988):

> *The* AFC's Act specifically precludes any direction from the Minister with respect to a particular project. [However]...on a personal level, I hope that those who want this project to proceed will recast their application so that it falls within those guidelines. If it does, obviously it will be reconsidered by the AFC (p1).

In the period immediately following this debacle, there was a change of key personnel in both the French and Australian agencies. The bureaucrats who had been involved with *Until the End of the World* were replaced: Jerome Clement by Dominique Wallon at the CNC; and Kim Williams by Daniel Rowland at the AFC.[63] Whilst the departure of Williams and Wallon may have been unrelated to their handling of *Until the End of the World*, it is noteworthy that their replacements exhibited a more conciliatory approach to negotiations and immediately set about promoting international co-production. Daniel Rowland was a UK lawyer, familiar with European politics, with a self-professed penchant for French and Italian films. In an interview just after his appointment, he said:

> The AFC is representing an industry which is increasingly internationally oriented, especially in the area of co-productions. We have to be alert to all possibilities on all fronts, provide services, and set up an offensive for an official co-production area that looks beyond the first three years *(Hawker, 1989).*

Rowland immediately recruited UK compatriot and former Head of Production at the British Film Institute, Peter Sainsbury, as the AFC's Executive Director of Film Development.[64]

Sainsbury brought the official co-production directly under his own control (it had previously been delegated to a junior officer) and over the ensuing six months, he made several visits to France to discuss the Official Co-production Program with the CNC. This was a particularly fertile period for the French-Australian MOU, during which approval for four out of the six features made as French-Australian co-productions between 1986-2006 was confirmed.

It was under this new regime that *Until the End of the World* would ultimately be approved as a French-Australian official co-production , albeit in altered proportions and with a new Australian co-producer, but not until a significant period of time had elapsed, and a contentious Australian-originated project had emerged to bring the Australian authorities and industry organisations back to the negotiating table.[65]

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[62] Statutory Authorities come under the Commonwealth Authority and Companies Act, which provides for decisions to be taken 'at arm's length' from Government.
[63] Kim Williams was subsequently appointed to the Board of the FFC.
[64] Sainsbury and Rowland were also joint Executive Producers of the television miniseries *The Rainbow Warrior Conspiracy*.
[65] Until the End of the World was eventually approved as a three way co-production between Village Roadshow (20%), Road Movies (30%) and Argos Films (50%) in 1990.

3.2 GREEN CARD

In correspondence to the CNC dated 17 January 1990, Peter Sainsbury floated a further three potential French-Australian feature co-productions (Sainsbury, 1990b).[66] The first of these was *Green Card*, a project initiated by one of Australia's most internationally renowned directors, Peter Weir. Weir had been the creative force behind successes such as *Gallipolli* (1981) and *Picnic at Hanging Rock* (1975), and had almost mythically become associated with the renaissance of the Australian film industry in the 70's (AFC, 1988). Hence, despite the overtly American tone of the story, and an obvious dearth of on-screen Australian elements in the project proposal, the AFC was enormously supportive of *Green Card* (Sainsbury, 1990c).

However, in an unanticipated reversal of roles, the AFC found itself facing fierce opposition from their French partners, with the CNC's Commission d'Agrément, objecting vehemently to the proposal. Of course, the diplomatic disaster of *Until the End of the World* was still fresh in everyone's memories and consequently communication between the new bureaucrats in each agency was cautious and tended towards compromise (Sainsbury, 1990c). This context led to a very different outcome for *Green Card*, and ultimately also brought about a resolution of the stalemate on *Until the End of the World*. A chronological timeline of Green Card is shown at appendix C5.

3.2.1 Project Genesis

Having long admired the work of French actor, Gerard Depardieu, Australian director Peter Weir decided in 1983 to write a role specifically for him (Mayer, 1991; Weir, 2002). He pasted a photo of the actor over his desk, and wrote a first draft script, which he sent to the actor, inviting him to workshop it (Chaillet, 1990).'Once the script was finished, I realised that I must have been mad to write a story for an actor I didn't know and which I wasn't sure would interest him' (p109). As it happens, Depardieu enthusiastically took up the offer and they developed the project together over the next several years, in between their numerous other professional commitments.[67]

Weir's other commitments at the time included a number of big US studio films, *Witness* (1985) and *Mosquito Coast* (1986). Leaving *Green Card* aside, he made these two features. The first was a success but the second, a spectacular failure (Tulich, 1990). Following this disappointment, Weir was keen to return to a more personal project, one which could be made without studio backing and on which he would exert full creative control (Chaillet, 1990) :

> I hadn't worked in that way for a long time, in fact since my beginnings in the cinema in Australia at the end of the 60s. At that time, we did everything ourselves. I thought it was time for me to refresh my ideas by doing something over which I had total control (p109).

[66] Green Card, Dingo and Isabelle Eberhardt
[67] In fact, Depardieu's company DD Productions ultimately entered into an agreement with Rio to become one of the French co-producers (Rio, DD Productions, & SEDIF, 1990).

Green Card was waiting in the wings and certainly satisfied both of these criteria. It was a project he had initiated and written and, compared to his previous two films, it would be relatively inexpensive to make - a 'two-hander' set in one city, and mostly interiors (Weir, 1990). Furthermore, in the time that had elapsed since he had last worked on the project, Australia's official co-production program had been established, opening up the possibility of pooling funds from more than one country and financing higher budget films than previously possible in Australia. So by 1987 Weir was ready to make *Green Card.* Depardieu, however, was committed to play the lead in *Cyrano de Bergerac* (1990). Weir thus accepted a proposal from Touchstone in the interim and made *Dead Poet's Society (1989).*

Two years down the track, *Cyrano de Bergerac* and *Dead Poet's Society* were complete and moreover, both films were enormously successful. This meant that by 1989, Depardieu and Weir were in a strong position to raise the finance for *Green Card.* The decision to package the project as a French-Australian co-production must have seemed a fairly straightforward step for Weir: he needed far more money than the Australian industry alone could offer; the French-Australian MOU had just been signed; and the project was the fruit of a genuine collaboration between French and Australian nationals.

3.2.2 Packaging the Project

Following encouraging discussions with Peter Sainsbury in late 1989, Weir established an Australian company, Green Card Productions Pty Limited (Sainsbury, 1989; Weir, 1990). The company was created specifically to make this one film and had no links with Weir's other filmmaking activities.[68] Green Card Productions then signed an agreement with French producer, Jean Gontier of Société du Rio to make *Green Card* as a French-Australian official co-production (Societe du Rio and Greencard Productions, 1990).

In January 1990 Weir submitted a proposal to the AFC, in the form of a letter signed by his Attorney, which did not conform to the AFC's application template, but rather spelled out the elements of the project that the producer himself deemed significant (Appendix G5). Whilst the tone of the letter was extremely confident ('I trust the information here is sufficient for your deliberations' p5), it was also attentive to the potential objections of the local film industry concerning Weir's professional association with Hollywood.[69] Weir deliberately positioned *Green Card* as an independent *film d'auteur* under his control (Weir, 1990):

> The film is an important one for me, the first I will write, produce and direct. The greater creative control that these joint roles afford will be a welcome relief after working for so long on American studio based films (p1).

The package he proposed was a French-Australian co-production in the proportions 24%-76%, with Green Card Productions furnishing US$6.5m of a US$12.5m budget, the FFC US$3m and the French producers US$3m (p4).

[68] This type of structure is known as a 'special purpose vehicle'. It is characteristic of the Australian film industry and considered to be one of the impediments to the industry's long term viability (Commonwealth of Australia, 2006).
[69] The Australian film industry's major concern about the official co-production program was that US studios would use it as a backdoor to Australian subsidy (Harris, 1999).

However, the proposed breakdown by nationality of key crew and cast did not correspond to these percentages. Australian participation in the roles defined by the points system amounted to 5 out of a possible 10 points (50%) even counting Weir twice, as both writer and director (p1-2) (*Figure 8*).

Figure 8: Green Card breakdown by nationality of key crew/cast

Writer (Weir)	Australian	1
Director (Weir)	Australian	1
DOP	Australian	1
Composer	TBC	0
Editor	Australian	1
Production Designer	Australian	1
Each of the four major cast roles	US/ French	0
		0
		0
		0
	TOTAL	5 POINTS

Source: Application to AFC 11 Jan 1990

This disproportionality between 'Australian investment' and 'Australian creative contribution' meant that Weir's proposal did not in fact meet the 'fundamental eligibility criteria' that had been so staunchly defended by the AFC just 12 months previously with respect to *Until the End of the World* (Williams, 1988). Referring to the apparent incompatibility of his proposal with the guidelines, Weir simply suggested that the points system be modified to accommodate his project (Weir, 1990):

> While it is usual for you to allocate two "creative points" to the major support cast, in Green Card it is submitted that there are no major supporting cast (...) Given this, perhaps the creative points could be totalled to form a pool of eight, rather than ten, making the percentage of key creative personnel 62.5% Australian (p2).

This was an audacious request because, even if the AFC were prepared to make the concession proposed by Weir, the level of Australian involvement would still remain well below the 76% Australian investment, and the project would still fail to meet the proportionality requirement of the Guidelines.

The filmmakers were manifestly unconcerned about the risk of refusal. Pre-production had already commenced in Sydney and New York and the shoot was scheduled to begin within ten weeks of the application date (p3).

Weir's astuteness in navigating the system is apparent in the press campaign he conducted during the lead up to IAP assessment of the project. Granting an interview to Cinema Papers, he pitched the project as a 'test case' for the Australian film industry (Tulich, 1990).[70] He

[70] Although published in August 1990, this interview was recorded during pre-production, when Weir was awaiting approval of the film as an official co-production (p7).

avoided discussion of the film's US content, focussing instead on the connection of this project with his earlier Australian films (p9). In response to a question as to how *Green Card* would qualify as a co-production, he simply said, 'The two things that aren't Australian are the subject matter and the fact there are no Australian actors' (p8). In the same vein, he pre-empted, and to a degree deflected, possible union opposition to the film by pointing out that the resistance of Australian entertainment unions and guilds to international involvement seemed to run counter to their own argument concerning the strength of local talent, and was against the interests of Australian industry members working overseas:

> Hollywood will take and pay anyone who can do the job. Talent is something they don't have any reserve in acknowledging...that is something you come to appreciate when you come over here and work...In the past few years there have been occasions where we (overseas-working) Australians – actors, technicians and directors – have been embarrassed by the lack of generosity shown by our counterparts back home (p10).

This strategic approach, as well as Weir's deep historic connections with the local industry, meant that he did not encounter the same resistance from the IAP as Wenders.[71] In their assessment of *Green Card*, the AFC and IAP exercised a level of flexibility and discretion that had been absent in negotiations concerning *Until the End of the World*. Where they had one year previously been intransigent concerning the eligibility criteria, they now appeared willing to negotiate with the filmmakers in order to facilitate production. The CNC's Commission d'Agrément, however, who applied the same holistic methods to their assessment of *Green Card* as they had to *Until the End of the World*, were far less well-disposed towards the project.

3.2.3 Passage through the bureaucracy

French coproducer Jean Gontier had held preliminary discussions with the CNC Head of Production, Yves Marmion, on 14 December 1989 and been informally advised that the proposal did not meet the CNC requirements for approval as a French-Australian co-production (Marmion, 1990a).

Marmion, who had been involved with *Until the End of the World* and saw the potential for a repeat of the conflict and confusion which had marred that project, immediately flagged his concerns to the CNC's new Chief Executive. The internal briefing note from Marmion to Wallon provides a rare insight into the machinations of policy implementation (Marmion, 1990a):

> On the 14 December 1989, I met with Monsieur Jean Gontier (TCA Productions), who is about to produce Peter Weir's next film, Green Card.
>
> It is to be made as a French (30%)-Australian (70%) co-production and the film will be shot entirely in the US.

[71] Green Card had industry detractors but received the full support of the bureaucracy, whereas *Until the End of the World* had industry support but was denied certification.

> The budget of the film is approximately 80 million francs, of which the French contribution is 30 million francs, which J. Gontier is likely to finance through a presale/co-production with TF1, a presale to Canal Plus and a video distribution guarantee. The Australian financing essentially comes from a presale to Walt Disney.
>
> Expenditure on French elements will unlikely go above 10million francs. The French elements of this film are in fact limited to Gerard Depardieu, to play the male lead (a waiter in a French restaurant who is trying to obtain a Green Card); plus a few secondary roles, to be allocated to French actors already living in New York. For the moment there are only three French in accredited crew roles – the sound engineer (probably Pierre Gamet), his assistant, and a 1st AD. The film will of course be shot in English and the female lead is to be played by American actress, Ali McDowell (sic) of Sex, Lies and Videotapes.
>
> The Australian Film Commission is due to assess the proposal on 6 January 1990 and it is highly likely that they will ask us to approve the project as a French-Australian official co-production.
>
> We can predict that the response of the Commission d'Agrément will be negative: the shoot in the US and the casting of an American lead reinforce the impression that this is an American film. Whilst Peter Weir is an Australian citizen, his last two films (Witness and Dead Poet's Society) were directed and produced in the States.
>
> In addition, the proportionality between financial contribution and creative participation described in Article 4 of the MOU is not respected.
>
> I mentioned this to Mr Gontier, who is going to try to persuade Peter Weir to use additional French crew, but this will not substantively alter the film and we can expect, as I said to Mr Gontier, a refusal on the part of the commission, which will leave the final decision in the hands of the CNC (Appendix G5, my trans).

The AFC were indeed processing the *Green Card* file at this time, and Sainsbury had written a number of letters to the CNC soliciting a response but to no avail (Sainsbury, 1989, 1990b). Marmion and Wallon had been preoccupied with the formulation of new assessment guidelines for the Commission d'Agrément, to be put in place prior to assessment of *Green Card* (Appendix G5). The guidelines indicated that henceforth just five elements would be considered in determining a film's eligibility for CNC investment: director; writer; lead role; secondary role; and technical crew (CNC Commission d'Agrément, 1990c). They also outlined the case for discretionary decisions:

> If one of these elements do not originate from the CEE (or from the country of a co-production partner) the Commission d'Agrément may make an exception. This exception could entail a reduction in the investment (...) If more than one of these elements originates from outside of the CEE or coproducing country, the commission will recommend that the film not be approved for CNC investment (p1 my translation).

In accordance with these rules, *Green Card* would now be eligible for a discretionary decision. The CNC now started processing the proposal. Towards the end of January, Marmion replied to Sainsbury, initially informing him of the CNC's reservations about the project (Marmion, 1990b):

> ...to be absolutely frank, whilst Peter Weir might well be Australian, his last three films have been made in the United States. The fact that Green Card will shoot in the US, with significant investment coming from Walt Disney, and that a US actress will play the lead role, only confirms the American nature of this project. Whilst the MOU does permit the participation of individuals from neither of the co-producing countries in exceptional cases, I doubt the Commission d'Agrément, which formulates the recommendation to the Chief Executive of the CNC, will agree on this occasion to make an exception (p2).

However, the interaction between the CNC and AFC was occurring against a backdrop of recent failure for the French-Australian co-production program. The inability of the agencies to find a solution for *Until the End of the World* was still fresh in the minds of government executives and the motivation to find common ground was strong. Thus in his next letter, Marmion disclosed that, in the event that the Commission d'Agrément should refuse the project, it would be possible for the CNC's Chief Executive to reassess the file (Marmion, 1990c).

Sainsbury's response to Marmion was appreciative and exhibited respect for the new protocols that had between put in place between the CNC and AFC, stipulating that the agency of the 'majority co-producer' should be the first to approve a project (Sainsbury, 1990c):

> In relation to Green Card I understand perfectly that there are some delicate issues surrounding French consideration and possible approval of this proposal from M. Gontier. There has been similar concern expressed in Australia about the American nature of this production. However, the advantages, in particular a number of Australian principal personnel having creative control despite significant American financial security, are attractive to the Australian side. (...)
>
> I feel that the Australian side will approve the co-production of Green Card but would understand perfectly if this was not possible on the French side. In the meantime I would appreciate you keeping me informed as to whether you receive an official proposal from the French producer, in which case we will send you our dossier (p2).

As predicted, the project was rejected as an official co-production by the Commission d'Agrément on 14 March 1990 (CNC Commission d'Agrément, 1990b). In assessing the project, the Commission d'Agrément had considered a broad range of elements such as the provenance of finance and the residency of individuals involved, as opposed to the declared sources of investment and the citizenship of contributors used by the AFC. In this light, the commission formed the view that *Green Card* was unequivocally a US film:

> Noting that an American actress has been cast as the female lead, that numerous crew positions and key actors are also likely to be held by Americans because the film is being shot entirely in the United States, the Commission has come to the decision not to accord co-production status to this film (p1).

Thence followed intensive lobbying by the filmmakers and the AFC. In response to the CNC's requirement that additional French nationals be employed on the film, the New York production office faxed a list of 'Actors with French passports...from which Peter Weir will make a final selection' (Appendix G5). The Vice President of the powerful US William Morris

Agency, who also happened to be Depardieu's US agent, wrote to the CNC urging them to approve the co-production on the grounds that it would raise the international profile of Depardieu and consequently of the French film industry (Appendix G5). He also offered the following advice to the CNC (Ptak, 1990):

> The history of most commissions is properly protective but should not restrict "trade", otherwise such groups will merely become forms of welfare subsidy supporting product that would not otherwise exist (p1).

Wallon was caught in a bind. His own committee had assessed the proposal against his new guidelines and rejected it; but he could not afford to give carriage to this negative decision because the diplomatic fiasco concerning *Until the End of the World* was still fresh in everyone's minds, and a second failed co-production between the two nations had the potential to irrevocably damage French-Australian film relations. Moreover, a rejection by the CNC could be perceived as inconsistent with the stance taken by the CNC on the previous project. This final point was important, as the producers of *Until the End of the World* had by now repackaged their project and were ready to resubmit it for assessment as a French-Australian co-production. Wallon would have been conscious that any action taken now with respect to *Green Card* would be likely to influence the outcome for *Until the End of the World*.

The course of action he took was to overrule the commission's decision and approve *Green Card*. This represented a major departure from protocol and was highly controversial. *Le Film Français* devoted three issues to the matter with a final article concluding that Dominique Wallon's decision might indicate a brutal rupture in the way features films would henceforth be assessed by the CNC (Rival, 1990a, 1990b; Ruellan, 1990).

As events unfolded, it became apparent that Wallon's assessment of the situation, and of the implications of his decision for other projects had been accurate. Writing to Jerome Clement following notification that *Green Card* had been approved, Sainsbury thanked him for his 'fair-mindedness and indicated his willingness to reciprocate (Sainsbury, 1990a):

> I am extremely grateful for your decision to approve Green Card as a French/Australian co-production. I have always been very well aware of the difficulties that this proposal created for the CNC (...) I am particularly grateful for your consideration of the difficulty of financing the film out of Australia without a co-production approval...the film clearly could not be seen as totally Australian and a Co-production was essential to the Australian finance.
>
> I note that the (sic) this fact added weight to your decision and I very much appreciate your fair-minded approach to the difficulty (...) Regarding UNTIL THE END OF THE WORLD, we consider the Australian participation to be in the minority and we await the CNC's decision before making a commitment to the Australian producer (p1).

And then, upon being informed that the CNC had approved *Until the End of the World*, he wrote back immediately to confirm the AFC's unconditional approval of the project (Sainsbury, 1990d):

> I am delighted to learn of the approval of Until the End of the World as an Official Co-production between France, Germany and Australia. I confirm that the project is now also approved on the Australian side and that we are happy to accept the allocation of 20% of the co-production (p1).

Thus, recalling Tony Bennett's description of 'cultural accommodation' (T. Bennett, 1998), the French and Australian film commissions had set aside their reservations and approved both films as official co-productions, and *Green Card* and *Until the end of the World* became 'qualifying Australian' and 'qualifying French' productions, accessing funding and quotas in both countries.

Epilogue

The Australian industry response to *Green Card* was extremely negative. It was considered that public sector funds were misspent on a production that was "specifically targeting the American market and reflecting the culture of none of the co-producing partners" (AFC/DCITA, 2001) i.e. the support that Weir had managed to muster ahead of production dissipated once the film was in production and the Australian industry realised that it was not involved. In France, the film was described in the press, quite unwittingly, as a 'US/French' co-production and lead actor Gerard Depardieu was lauded for his performance in his 'first American film' (Peter Weir tourne Green Card avec Gérard Depardieu: la comédie des enchainés, 1990). *Until the End of the World* by contrast received the full support of the Australian film industry. The final length of shoot in Australia was 14 weeks, large numbers of local crew were employed, and Australia featured as itself on screen. However, no doubt because of the significance of the changes imposed on the project specifically in order to comply with the guidelines, the film was deemed an artistic failure by most critics (see previous chapter).

CHAPTER CONCLUSION

The negotiations surrounding *Until the End of the World* and *Green Card* yield a number of insights about the policy process.

Over and above the confusion surrounding calculation of financial and creative contributions, certain philosophical differences between agencies of the two countries became evident. Although France and Australia both entered into the co-production agreement for cultural reasons, the conflicting interpretations of the policy by the CNC and the AFC exposed the dissimilarities in how these cultural objectives were understood. Since its inception in 1959, the CNC has been positioned within the French Ministry for Culture and interprets its cultural charter as designed to promote and safeguard artistic expression in a global context of film-making increasingly dominated by Hollywood (Fansten, 2002). It was the first Minister for Culture, Andre Malraux, who declared, 'cinema is an industry but also an art' (Waresquiel, 2001) and it is this premise that had been used to rationalize state assistance to the French film industry over the succeeding decades.

Until the End of the World satisfied the CNC's understanding of the cultural objectives of the co-production agreement since it involved supporting Wim Wenders, an acclaimed director of art-house films who had openly expressed his distaste for working with Hollywood studios. *Green Card,* on the other hand, a film backed by US studios and shot in New York, constituted an instance of precisely the type of production that posed a threat to the art-house industry and was for this reason unlikely to win CNC support. A spokesperson for the Syndicats des Producteurs Indépendents (SPI, the French Screen Producers Association) has encapsulated it thus:

> Why do you think the cultural exception came into being? It was invented to resist colonisation by Americans and Hollywood films (Christine Palluel, 2001), my trans).

Conversely the Australian film industry operates within a different paradigm in which the cultural objectives of Australian film policy are anchored to the notion of national identity. For this reason the Australian agency placed far more emphasis on the nationality of the film's key personnel, with little concern for other aspects of the project. In this light, *Until the End of the World* appeared insufficiently Australian to uphold the government's 'cultural' objectives for film policy. *Green Card* on the other hand conformed to the Australian film agency's understanding of its role as promoting projects initiated by Australians.

Secondly, the fact that both agencies eventually compromised on their priorities in accepting both films attests to the importance in the policy process of third parties. The extent to which negotiations over the co-production agreement pulled in outside parties is remarkable. These ranged from international filmmakers, domestic distributors such as Hoyts and local politicians who lobbied on behalf of Wim Wenders to the intervention of the American William Morris talent agency in the case of *Green Card.* Both directors enlisted public opinion, arguing their case in press conferences and not just in formal submissions to the film agencies. Meanwhile the speed with which the dispute over *Until the End of the World* scaled

up to involve the highest levels of government, drawing in the German Chancellor and the Australian Prime Minister, illustrates the degree to which policy instruments are susceptible to the exigencies of a dynamic political context, and shows that objectives other than those explicitly stated may be the drivers for policy decisions. The kind of horse trading that eventually produced agreement further underlines the latitude that existed in such ostensibly transparent and quantifiable measures of national investment and creative input as the Australian point system.

Bureaucratic instruments are designed by definition to be impervious to the idiosyncrasies of the people who occupy specific roles in the process. A third important finding of this case study was how significantly the personalities of key stakeholders impacted the negotiations and final policy outcome. The installation of Daniel Rowland and Peter Sainsbury at the AFC and the replacement of Jerome Clement with Dominique Wallon at the CNC helped to unfreeze negotiations and was associated with a significant surge in the number of productions approved.

Lastly both cases suggest the potential for the policy apparatus to have a substantial impact on the creative decisions of the filmmakers. Paradoxically it was the art-house production *Until the End of the World* that underwent the most changes – switching location and even switching genres between romance and science fiction in an effort to secure funding from the Australian authorities. This suggests that the much-vaunted role of national film policies in shielding filmmakers from market forces may be overstated. In this case the market functioned as part and parcel of the policy apparatus that brought this film into being. The creative freedom of the filmmakers was thus doubly impeded by the simultaneous influence of market forces and the exigencies of policy.

4 COMPLIANCE AND COMPROMISE

As negotiations concerning the first two French-Australian co-productions drew to a close, two further feature proposals, *Dingo* and *Isabelle Eberhardt,* were being considered. At first glance these projects appear to have little in common. One tells the story of a farmer in pursuit of his dream to become a famous jazz musician, whilst the other recounts the life of a war journalist in search of her husband who has been reported 'missing in action'. However *Dingo* and *Isabelle Eberhardt* share more than their synopses would suggest. In marked contrast to the two films considered in chapter three, both *Dingo* and *Isabelle Eberhardt* enjoyed a swift and relatively unimpeded journey through the bureaucracies of both countries. This happened despite the fact that *Isabelle Eberhardt* has arguably fewer Australian elements than *Until the End of the World.*

A key factor in the favourable treatment accorded both films was the bitter conflict that had blown up over the first two films and the damaging repercussions on relations between the French and Australian film agencies. Awareness of how quickly such conflicts could escalate to the highest levels of government helped create an environment in which all parties were eager to compromise. In consequence there was very little debate over either film.

The new spirit of compromise animating the film bureaucracies was not the only reason why these films had a relatively easy journey to completion. A second key factor was the shrewdness of the filmmakers who showed both a willingness to alter their project to comply with the provisions of the co-production program and a canny talent for making their projects seem highly policy-friendly. Both films were directed by filmmakers of dual EU-Australian background,[72] who have publicly acknowledged that their primary concern in packaging these projects was to trigger the funding that had become available through the official co-production program (DeHeer, 2002; Murray, 1990).

4.1 ISABELLE EBERHARDT

Isabelle Eberhardt was one of several French-Australian co-production proposals to emerge following an extended hiatus in communication between the CNC and AFC.[73] A formal application for French-Australian co-production status was made to the CNC in November 1989 and the film received approval from both agencies within the month. This represented an extremely swift turn-around compared to earlier films. By way of comparison, *Until the End of the World,* which had applied almost two years earlier, had not yet received approval despite the fact that the constituent elements of the two films were substantively the same.[74]

[72] Rolf de Heer was a dual Dutch-Australian citizen. Ian Pringle was an Australian citizen and a German resident. For the purpose of CNC calculations, residency in Germany qualified Pringle as an EU contributor. They both counted for both bureaucracies.

[73] Correspondence between the two agencies was suspended after the dispute concerning *Until the End of the World,* and resumed in late 1989, when the AFC wrote to the CNC advising that a number of new proposals had been received (Gibson, 1989a).

[74] Both projects were initiated by German residents, involved tripartite financing (France, Australia, Germany), starred Solveig Dommartin, planned substantial location shooting in non-Australian locations with non-Australian technical crew, and both were co-produced by Wim Wenders' company Road Movies GmbH.

There are a multitude of factors that may have contributed to this project's smooth ride through the system: dual AU/EU residency of the director, his experience with the official co-production program,[75] and the heightened motivation of the two agencies to co-operate for diplomatic reasons. The factor that really differentiated this project for its predecessors though, is the manner in which it was packaged and steered through private and public institutions by its American Sales Agent, August Entertainment.

In spite of the fact that *Isabelle Eberhardt* had not been conceived as a French-Australian co-production, August Entertainment ensured that the project satisfied the eligibility requirements of the AFC and CNC at a purely administrative level, so the agencies had no basis whatsoever for objection. The applicants' skill in manipulating project elements to fit legal requirements was such that, even when the French Commission d'Agrément raised concerns about certain anomalies in the proposal, its hands were tied. Here I describe the manner in which an explicitly international project negotiated 'the letter of the law' in both France and Australia, and proceeded to production where other films had floundered (timeline at appendix D1).

4.1.1 Project Genesis

In the late 1980s, Australian director Ian Pringle was living in Germany. He had left Australia some years earlier because he had found the 10BA financing environment hostile to smaller, more original ideas (Murray, 1990). Pringle reasoned that his particular style of filmmaking corresponded to the European art-house aesthetic and would more easily find its market there:

> In the end, I found it impossible under 10BA to even understand how it worked. It was such a homogenizing process. But the move overseas was more a natural step for myself than a matter of dissatisfaction. The subject matters I'm interested in aren't immediately identifiable as Australian (Murray, 1990:8).

Ironically, his first 'European' film, *The Prisoner of St Petersburg* (Pringle, 1989), was co-financed from Australia as an official co-production under a one-off MOU with the German government and his second 'European' project, *Isabelle Eberhardt*, would likewise be made with significant levels of Australian public investment.[76]

In June 1987 Pringle entered into a contract with German company, Panorama Film GmbH, to co-write a feature film based upon the life and work of Isabelle Eberhardt (Panorama Films and Ian Pringle, 1987).[77] Eberhardt had been an undercover war reporter in the late 1800's who had lived an extraordinary life but died at age 27, leaving behind some astonishing articles for numerous French publications. It was after reading Paul Bowles' introduction to Eberhardt's book 'The Oblivion Seekers' in the early 80s that Pringle decided he wanted to

[75] Pringle had recently made The Prisoner of St-Petersburg as an official co-production under a one-off MOU between Germany and Australia.
[76] A one-off MOU enables only the stipulated project to be financed under the agreement. The Australian government did eventually enter into a formal co-production Treaty with German government, but over a decade later, in January 2001.
[77] This agreement pre-dated *The Prisoner of St Petersburg*, which Michael Wren also wrote and Panorama coproduced (Hawker, 1989).

make a film about her (Murray, 1990). However, as the film was to be set principally in North Africa, where Eberhardt had spent the later years of her life, and as it's subject matter concerned French colonial history and necessitated considerable passages of non-English dialogue, he had been unable to garner sufficient interest in the project from the Australian market (Murray, 1990:11).

Panorama Film decided to pursue a different strategy. Capitalising on the film's cultural relevance to the French market, the German production company signed an agreement with French production company, Les Films Aramis, to co-produce the film under the auspices of the French-German co-production treaty (Les Films Aramis and Panorama Film, 1987). Aramis immediately established a distribution agreement with its French subsidiary, Flach Film to distribute the completed film in French territories (Les Films Aramis and Flach Film, 1987). Thus, by October 1987, the project was formally registered with the CNC's Registre Public de la Cinématographie as a French-German co-production (CNC Registre Public de la Cinématographie, 1987). This meant that the film could raise a large proportion of its budget through funding from the CNC as well as accessing generous financial incentives through the German Senate.

Within a year, however, Pringle's agreement with Panorama was annulled. The German production company had failed to pay Pringle's fee and was therefore in breach of contract (Pringle, 1988). With the exception of distribution rights for French-speaking territories, which remained with Flach Film, copyright for the script of *Isabelle Eberhardt* reverted to Pringle as the writer (Les Films Aramis, 1988).

At this point, Pringle entered into a new writer's agreement with an Australian production company, Seon Films Pty Ltd (Seon Film Productions and Ian Pringle, 1988).[78] The terms of the agreement were that Pringle would co-write *Isabelle Eberhardt* with Australian play-wright Stephen Sewell, based upon an existing screenplay by Pringle in collaboration 'with others' and that Seon Films 'with others' would produce the film (p1). This seems an incongruous move, not only because Pringle had so openly scorned the Australian production and funding environment (Murray, 1990), but also because this project had no tangible link whatsoever with Australia – the subject matter, locations, and proposed cast were all foreign – and so could expect to face significant obstacles in accessing financial incentives that had been earmarked for 'qualifying Australian' films.

One explanation for Pringle's change of heart – the one given by Pringle himself - is that he had developed an extremely positive working relationship with Seon Films' producer, Daniel Scharf, during the making of *The Prisoner of St Petersburg*, and wanted to work with him again (Pringle in (Murray, 1990:8)). Another - arguably more compelling - explanation is that Pringle's decision was motivated by the dramatic shift in the Australian film policy environment, which had brought about improvements to funding conditions, particularly for

[78] Seon Film Productions and Ian Pringle shared the same address, suggesting that Pringle was an associate of the company (Seon Film Productions and Ian Pringle, 1988:1).

international co-productions. Indeed the date of the contract between Seon Films and Pringle – 12 October 1988 - coincides with the appointment of a new Chief Executive to the AFC, and his public commitment to promote official co-production (Rowland in (Colbert, 1989)).[79] Whatever Pringle's motivation, this series of manoeuvres – the termination of the contract with Panorama, the active and ongoing agreement with Aramis, and the establishment of a new agreement with an Australian production company – signal that *Isabelle Eberhardt* was at this point being re-framed as a French-Australian co-production.

A change of this magnitude raised serious challenges for the producers: how would the budget shortfall resulting from withdrawal of German financing be addressed; and how would a project that had been conceived in creative terms as a French-German co-production now be able to satisfy the apparently exigent cultural requirements of the Australian official co-production program? In May 1989, on the occasion of the screening of *The Prisoner of St Petersburg* at the Cannes International Film Festival, Pringle gave an interview, in which he clarified some of these matters:

> Isabelle Eberhardt...will be done through three production companies, Les Films Aramis in Paris, Seon Films in Melbourne, and Roadmovies (sic), Berlin, and the financing and distribution link up is being handled by August Entertainments (sic), based in London and Los Angeles. August Entertainments are the hub for putting the whole deal together (Pringle in (Cordaiy, 1989:34)).

Wim Wenders' production company, Road Movies GmbH, had thus stepped in to replace Panorama Films as the German producer, thereby enabling the project to retain all of its existing creative and financial elements.[80] And concomitantly, a new central player – a Californian Sales Agent – had come on board to package *Isabelle Eberhardt* in a manner that would circumvent some of the problems that continued to plague Road Movies' other French-Australian-German co-production proposal, *Until the End of the World*.[81]

4.1.2 Packaging the Project

August Entertainment's role was to piece together enough financing from around the world - through a combination of pre-sales, distribution guarantees, and public funding - to enable *Isabelle Eberhardt* to go into production. It did this by expertly manipulating project elements such that each potential investor – public and private - perceived the film in terms that satisfied its own regulatory and/or commercial criteria. Thus over the ensuing six months, the project took on a variety of guises.

In June 1989, *Isabelle Eberhardt* was packaged for the Japanese market as a Wim Wenders' production (Les Films Aramis and Toho-Tawa, 1989). Whilst Wenders' company, Road Movies, was indeed one of the producers on paper, there is no evidence to suggest that

[79] The events which led to these changes and the appointment of Daniel Rowland, are discussed in more detail at chapter 3.
[80] The Berlin Senate required that there be expenditure on German elements in Germany by a German production company, but official co-production with Germany was not necessary.
[81] Road Movies was the producer of the French-Australian official co-production proposal *Until the End of the World*, which at this point had not yet received approval

Wenders himself had any creative input to the project.[82] However, the perception of his involvement was clearly critical to securing the distribution guarantee and the Sales Agent knew this. Wenders' previous film *Wings of Desire* had attained over one million entries at the Japanese box office the year before, making it the most successful European film ever to have been released in Japan (Bahiana, 1992). The agreement between August and the Toho-Towa company thus stipulated that 'the Picture shall be produced by Wim Wenders, shall be directed by Ian Pringle and shall star Mathilda May' (Les Films Aramis and Toho-Tawa, 1989:1), all of which was legally true.

Aside from these three non-negotiable elements, no other aspects of the project were considered significant enough by Toho-Towa to warrant being specified in the contract. August and Aramis were both signatories to the agreement, whereas the Australian production company, Seon Films was neither a signatory nor a named contributor.[83]

By contrast, the next contract to be executed presented the project as an exclusively French-Australian collaboration. This was the co-production agreement between Aramis and Seon, which served to formalise their existing arrangement but, more importantly, would constitute a key element of their application to the AFC (Les Films Aramis and Seon Films, 1989). Accordingly the producers' intention to make the film 'in conformity with the regulations of the Australia-French co-production treaty' is stipulated (p2), and the nationality of the producers – 'Daniel Scharf, Australian citizen' and 'Jean Petit, French citizen' is likewise a contractually binding element of the agreement, almost as if 'nationality' is more important than any other contribution the individuals may make (p3). In contrast to the Japanese agreement, no mention is made of Wim Wenders or Road Movies, nor for that matter of the American Sales Agent, August Entertainment. Instead the contract refers obliquely to a 'designated common agent to be determined by the two co-producers' who will handle rights for the rest of the world (p7).

There are a number of possible reasons why the producers might have sought to downplay the involvement of Road Movies in paperwork intended for the Australian agency. The most obvious is that the German production company had been at the centre of a very public dispute between the CNC and AFC, which in late 1989 remained unresolved (refer chapter 3). Another reason might be that the filmmakers were aware of the difficulties encountered by Wenders after he disclosed German involvement on his application for French-Australian co-production status, and had therefore decided it would be simpler to present the project as a bipartite rather than a tripartite co-production.

The producers were clearly confident that they could meet the required minimum national participation levels in both France and Australia, irrespective of high levels of German

[82] Wenders and Pringle were acquainted through Solveig Dommartin, Wenders' girlfriend, who had played the lead role in Pringle's previous film. When Panorama fell through, Wenders obliged, enabling Senate funds to be channelled through his company.
[83] In spite of the fact that Seon was legally one of the films' producers, there was no legal requirement for it to be a signatory to the distribution agreement as August Entertainment had been delegated the right to sell project worldwide.

involvement. In any case, official co-production status was not required to trigger funding from the German Senate, so there was little point inviting additional bureaucratic scrutiny by presenting the project as a three-way co-production.[84]

Once the agreement between the French and Australian co-producers was in place, the producers proceeded to formalise the rest of their financing in a highly strategic manner, streamlining contracts to ensure the paper trail would conform to the package they were preparing for each agency. On 10 August 1989, an agreement was executed between French producer, Les Films Aramis, and Californian Sales Agent, August Entertainment (Les Films Aramis and August Entertainment, 1989). August had actually been acting as the project's Sales Agent for quite some time, as evidenced in their being a signatory to the aforementioned Japanese distribution contract. However, this new agreement positioned their involvement on the French producer's side of the financing equation, which meant that it need not be considered by the AFC in its assessment of the application. And then on 17 August 1989 Aramis established a co-production agreement with its subsidiary, Flach Film (Les Films Aramis and Flach Film, 1989). This was distinct from the earlier distribution agreement between Aramis and Flach, which had been signed in 1987. It constituted an additional direct investment in the film of 3.85 million francs, bringing the combined 'French' financial contribution (consisting of US, French and Japanese investment) up to 23.4 million francs, or the required 60% of the budget (Les Films Aramis, 1989).

Through this process the investors were legally bundled into two distinct groups - Flach, August, Toho-Towa, Aramis being the French group; Seon and Road Movies being the Australian group - so that the project could be presented as a simple bipartite arrangement between one Australian company, Seon Film, and one French company, Les Films Aramis.

This approach was hardly transparent but would seem to have been highly effective with the Australian authorities. On 2 November 1989, prior to any application having been submitted to the French authorities, the AFC wrote to the CNC advising that *Isabelle Eberhardt* had been favourably assessed by the IAP and recommending to the CNC that the project be approved as a French (60%) – Australian (40%) co-production (Gibson, 1989a).

This news was entirely unexpected by the CNC for several reasons: the project was already registered with the as a French-German co-production (CNC Registre Public de la Cinématographie, 1987); no formal application had yet been received by the CNC from the French co-producer, which was unusual given that he was purportedly the 'majority' co-producer; and the AFC's action of recommending the project to the CNC had cut across the new protocols between the two agencies, which required that approval first be granted by the country investing the majority of funds. As this project was deemed to be a 'majority French' co-production, it ought to have been assessed by the CNC in the first instance (Peyrefitte, 1989). It is possible that the producers had taken the project to the AFC first because they

[84] Official German co-production status was not a pre-requisite to accessing German financial incentives. The requirement was that there be expenditure on German elements in Germany by a German production company .

were unaware of the new protocols and the AFC hadn't enlightened them. It is equally possible that they were aware, but proceeded nevertheless, perhaps because the AFC had responded more favourably to their initial inquiries than the CNC. There is no doubt that subtle pressure was exerted upon the CNC by virtue of the fact that the project had already received 'in principle' approval from the Australian authorities.[85]

On 3 November 1989, following in the wake of the AFC's letter to the CNC, the French producer submitted an application to the CNC, requesting approval of the project as a French (60%)-Australian (40%) co-production

The level of detail required of applicants by the CNC made it immediately apparent that the German film industry was heavily involved in the financing and production of this project and that, apart from a small handful of 'key crew' roles assigned to Australians, the project remained by and large a production of the French and German film industries (Figure 9).

Figure 9: Key project elements by nationality: first proposal to CNC[86]
Source: Fiche Technique, 3 Novembre 1989, Centre National de la Cinématographie RPC 66 830

	Australia	**France**	**German**
Financing	Seon Films (40%)	Aramis Flach Films	Road Movies
Locations - Interiors - Exteriors	n/a	n/a	Berlin studios
Post-production	Image Sound	Laboratory	n/a
Cast roles	-	Isabelle Eberhardt Slimene Mme Verre Trophimovski Lt Cauvet Colonel Comte Husseiin Lachmi Augustin	Joue
Crew	Writer Director Prod Designer Editor Composer (partial)	1st AD Prod Manager Sound Recordist Sound Assistants Continuity Technical Director Set Decorators Make-up artists Wardrobe	2nd AD DOP Camera Ops x 2 Camera Assts x 2 Editing assist Composer (partial)

Although German involvement is unlikely to have surprised the Commission d'Agrément (the project had been registered with the CNC as a French-German co-production two years earlier), it did give rise to a number of questions that had apparently not occurred to the Australian authorities: why was this project not being structured as a tripartite co-production; to what extent did it really involve the Australian film industry; and should this project really be assessed as a French-German co-production?

[85] The AFC wrote to the CNC about this project seven times between Nov 89 and Jan 90.
[86] It is impossible to know whether the information provided to the CNC correlated with that provided to the AFC as the Australian application was not included in the CNC file in this particular case.

4.1.3 Passage through the Bureaucracy

The CNC Commission d'Agrément met on the 15 November 1989 to consider the application, but adjourned its decision, on the basis that the materials provided in support of the application for a bilateral French-Australian co-production did not reflect the reality of the project:

> The commission...is surprised by the involvement of German technical crew and by the proposed studio shoot in Berlin – on this French-Australian co-production. Therefore, before coming to a decision, the commission would like additional information from the producer about the level of German participation and specifically about the involvement of the Berlin Senate (CNC Commission d'Agrément, 1989).

This assessment highlights procedural differences between the AFC and the CNC methods of evaluating projects – the former assessing projects exclusively in terms of the stipulated eligibility criteria i.e. Australian citizens occupying a limited number of 'key creative' positions, and the latter assessing projects holistically and with recourse to request additional information. These apparently superficial procedural differences reveal a more fundamental difference between the two agencies. The AFC's remit appears to have been to satisfy the 'letter of the law' whereas the CNC perceived its role as being to uphold the 'spirit of the law'...as defined by the Commission d'Agrément.

In this case, the commission's concern was that the lack of transparency about the financial and creative composition of the project might be masking some other anomalies. A treaty between France and Germany existed, so what had motivated Australian involvement?[87] The French producer's response to the CNC Commission d'Agrément was elucidating (J.-F. Petit, 1989):

> Our partner is the company ROAD MOVIES Wim Wenders), who have contracted with our Australian co-producer, SEON FILMS. Road Movies' financial contribution is therefore integrated as part of the Australian contribution (40% of the total budget). The presence of German crew poses no problem to the Australian Film Commission: actually the calculation of Australian elements occurs in accordance with a points system that privileges heads of certain departments. Given that the writers, the composer, the editor etc. are Australian citizens, the AFC has calculated an Australian contribution level of 55%, well over the 40% required.
>
> The principal German investor is the Berlin Senate, who will pay us directly based on proof of expenditure on local elements (budget spent in Berlin or on crew from there). When investment is significant, it is subject to two further conditions:
>
> - the expenditure in Berlin of 150% of the amount of subsidy
> - the use of local studios or laboratory
>
> Thus, we will shoot for six days at the Ateliers Haselhorst (CCC Studios).
>
> We would also underline the fact that the director, Mr IAN PRINGLE, is a Berlin resident, and that he produced and shot his last film, the Prisoner of Saint-Petersburg, there (official selection Cannes 89, Un Certain Regard).

[87] The commission were also considering another proposed French-Australian co-production at this time – *Green Card* – which they knew for certain involved the channelling of Disney funds through an Australian production company.

Attached to the above letter, was a copy of a letter of offer from the Australian Film Finance Corporation, for an investment of $US1,150,000 conditional upon the film being approved by the CNC as an official French-Australian co-production (FFC Business Affairs Manager, 1989). Thus the producers had pursued their strategy of applying pressure to the CNC by progressing the project independently at the Australian end. And the Australian authorities – this time the FFC – had broken protocol a second time by assessing the project for funding prior to it having been approved as an official co-production. This suggests two things: the Australian agencies were fully supportive of this project and wanted to see it made; and also that they did not consider it in at all the same light as *Until the End of the World* i.e. the producers' tactics to generate on-paper compliance had managed to satisfy the demands of the agencies...at least in Australia.

In France however, the CNC remained concerned about the lack of transparency and were not yet satisfied that the project should be approved under the French-Australian MOU (a French-German treaty existed and would have seemed more appropriate). The issue was that Road Movie's injection of funds had artificially inflated the Australian financial contribution and concomitantly Australia's claim to key creative roles.

They decided to seek advice concerning the legality of 'elements originating from neither of the coproducing countries, but from EEC member state, in the context of a bipartite co-production between France and a non-EEC member' (CNC Commission d'Agrément, 1989). The response was unequivocal. Writing to Isabelle Peyrefitte on 28 November 1989, CNC legal counsel advised that the use of personnel from EEC members states did not constitute legal grounds for refusal (Raymondaud, 1989):

> You wished to know if it would be legally possible to withhold approval of a French-Australian official co-production on the grounds that German elements had been counted as part of the Australian contribution.
>
> The French-Australian MOU allows for the possibility for third party involvement as long as there is agreement between the two signatories to the agreement (French and Australian authorities).
>
> The CNC has no legal basis to refuse the participation of German elements because Article 13c of the Decree of 30 December 1959 provides for citizens of CEE member states to be treated as French citizens.
>
> A decision to refuse this project on the basis of the participation of foreign elements would be unequivocally overturned on appeal.
>
> For the same reasons, it would be impossible to impose a reduction in investment on this basis, as such a reduction applies only to creative and technical elements that are not from the CEE.

In the meantime the producers, whose primary concern was to the get their project approved and who were not keen to test the limits of CNC resistance, decided to revise their application. Compliance and compromise were the guiding principles.

The key difference between the two submissions (Appendix G7) is that the high levels of German participation declared on the initial application were diminished in favour of increased levels of French and Australian participation on the revised submission. The first application showed that seven technical crew positions would be German (J. Petit, 1989c). Whereas on the second application, every single one of these had been replaced by French (J. Petit, 1989d). Likewise, the location of studio interiors was changed from 'Berlin ouest' to 'Region Parisienne'. The cast list was also revised, to include two Australian actors for the secondary roles of Lt. Cauvet and Colonel Comte (J. Petit, 1989a, 1989b).

With these new elements in place, the project was approved by the CNC on 29 November 1989.

4.2 DINGO

Dingo was conceived in the early 1980s by Texan born and raised Marc Rosenberg. It underwent significant rewriting before finally finding finance and going into production in 1990. During the eight year script development process, and as part of the quest for funding, *Dingo* was transformed from an American-Australian independent film into a French-Australian official co-production, with a direct and tangible impact upon the film's content. Perhaps for this reason, Rosenberg has described the journey from script to screen as being 'anti-climactic' (Rosenberg, 1992a:ix).

The project had a very smooth passage through the bureaucracy, no doubt because of the degree of auto-regulation exercised by the filmmakers. Prior to submitting the application for assessment to the French and Australian authorities, they modified the story and creative elements significantly to ensure it would comply and be eligible for funding. Diegetic elements were placed at the disposition of policy instruments such that the project proposal would tick all the right boxes. This yielding approach to policy compliance is apparent in the completed film, which constitutes a sort of graphic representation of the policy framework - a cinematic 'join the dots' between French and Australian policy exigencies: the narrative is centred around a character who travels between the two co-producing countries; dialogue is in both French and English; and the co-producing countries are depicted in a manner that corresponds with the clichéd, officially sanctioned image (Australia as the outback and France as Paris). Projects of this nature between EU co-producing partners have historically, and somewhat derisively, been labelled Euro-puddings.

The evolution of this project from an essentially American story by an American writer to a hyper-nationalist French-Australian co-production was directly reflected in its changing working titles. It was originally called *An American Story*, and then *King of the Flat*, before finally being given the iconic Australian label, *Dingo* (Lewis & Lewis, 1992).

Supporting analytical materials are shown at appendices D1 – D5.

4.2.1 Project Genesis

In 1975, 25-year-old Marc Rosenberg emigrated from America to Australia. He was accepted into one of the initial intakes at the newly established Australian Film and Television School (AFTVS)[88] and, upon graduating, worked as a screenwriter on various Australian television series.[89] He also co-wrote the feature film *Heatwave* (Noyce, 1982) with fellow AFTVS graduate, Phillip Noyce. On completion of *Heatwave* in 1982 he embarked upon writing the script that would become *Dingo (Rosenberg, 1992b).*

Rosenberg has stated that his initial idea had been to explore the theme of a life fully-lived – 'the avoidance of regret' – through the character of a middle-aged Australian man who heads to America in the belief that 'everything new and exciting came from there', and who returns

[88] Subsequently renamed the Australian Film Television and Radio School.
[89] Rosenberg's credits include *The Restless Years, A Country Practice, Palace of Dreams*

to his former life having realised that home is not so bad after all (pvii). Over time, this idea evolved, incorporating more elements of Rosenberg's personal experience:

> I've always been captivated by jazz and jazz musicians (...) Also, I grew up in Texas, and like John Anderson, was fascinated by a sophisticated city like New York. I felt all these elements could be woven together (...) After several months of research, I decided to make my hero a dingo trapper who dreams of playing trumpet with his jazz idol in New York (pviii).

The script Rosenberg first took to the marketplace then, was about an Australian who idolises America and it was entitled *An American Story* (Lewis & Lewis, 1992). Despite Rosenberg's relatively successful track record, his producers had difficulty securing finance for this script. After several years of trying to attract investors, they suffered an unexpected set-back. Into the tiny arena of Australian film financing entered a competing project which, for all intents and purposes, had the same dramatic premise as Rosenberg's script: unsophisticated alpha-male animal-tracker from outback Australia lands in cosmopolitan New York:

> I was visited by a writer friend. He said, "Have you heard about the new Paul Hogan film?" I shook my head. "It's about a trapper from the outback who goes to New York". I remember my head buzzing as he continued with sadistic good spirit, "But I don't think you've got anything to worry about, his hero's a crocodile trapper and yours goes after dingoes." It's one of the worst feelings a writer can have, being pipped at the post (Rosenberg, 1992b:viii).

Although the underlying themes of *An American Story* were far removed from the comic aspirations of *Crocodile Dundee*, the superficial similarities in plot and setting meant that the two projects would have appeared remarkably similar to investors, with one notable distinction: *Crocodile Dundee* had bankable actors attached. By 1986 *Crocodile Dundee* had secured its funding, completed production, and was enjoying massive commercial success, whilst *An American Story* continued to languish amongst piles of unsolicited scripts in the backrooms of disinterested distributors.

At this point, Rosenberg's producers abandoned the project and he decided to produce the film himself (Rosenberg, 1992b). He travelled overseas at his own expense to meet investors and sales agents, and became acquainted with their deal-driven mentality. This had a dramatic impact on him:

> In the interests of attracting finance, a producer has to think about marketable actors. I always thought it was wrong to put anyone but an Australian in the role of John, but when suggestions were made about making Billy Cross white to attract an American star, I had to consider it seriously (p viii).

Rosenberg had clearly reached a point of no return, a preparedness to comply with market conditions, even if it entailed creative compromise. This included the funding conditions of public agencies, which had become an increasingly important part of the financing landscape in Australia.[90]

[90] The 10BA tax shelter had been reduced to a straight tax deduction in June 1988, which meant that the primary sources for feature film finance in Australia were the FFC and AFC.

When the French-Australian MOU had been signed back in 1986, it would have held little relevance for Rosenberg. The film he had wanted to make then recounted the experiences of an Australian bloke chasing an 'American dream', the characters and locations were Australian and American, and the dialogue was in English i.e. there was no tangible connection with France. By 1988 though, things were different. After almost a decade of shopping the project around, Rosenberg had exhausted traditional financing avenues. Moreover, he had just established contact with a French producer, Marie-Pascale Osterrieth of AO Productions, who had access to generous European public subsidies, had familiarised herself with the conditions of French-Australian official co-production, and was keen to exploit this new financing avenue.[91] In this light, the French-Australian MOU held new appeal. It represented a final glimmer of hope for getting his project made.

The bulk of Rosenberg's story was set in the Australian outback with Australian lead characters, implying Australian crew, cast and facilities. Thus the project as it stood would likely have met the minimum Australian participation levels stipulated in the Australian Co-production Guidelines. However, if *An American Story* was to meet the eligibility criteria for French-Australian official co-production, a proportion of the crew and facilities (yet to be determined) would also need to be French.

Rosenberg has described walking the 'fine line between determination and bloody-mindedness' as he completely transformed his project in order to satisfy the requirements of the French-Australian MOU (Rosenberg, 1992b:vii). He was accompanied down this path by Osterrieth and a filmmaking colleague, Rolf de Heer, who had joined the project as director and co-producer.[92] de Heer brought with him a self-professed 'opportunistic and mathematical mode of thinking' about filmmaking, which he proceeded to apply to the packaging of this film (DeHeer, 2002:50).

4.2.2 Packaging the Project

As both Director and Co-producer of *Dingo*, de Heer played a pivotal role in its re-packaging as a French-Australian official co-production. For de Heer, it was not a matter of presenting a creative vision and waiting to see whether the authorities deemed it worthy of funding, but rather a task of reshaping the project such that it conformed with the guidelines and would be funded, 'What I tend to consider first is...the commercial structure of the film, which is what creates the possibility for me to make a film' (DeHeer, 2002:49).

There were a number of ways that the filmmakers could have met the requirements of the French-Australian MOU without completely overhauling the script: they could have found locations in France or Australia to stand-in for scripted US locations (a Parisian bar standing-in for a New York jazz club for example); or they could have imported French cast and crew

[91] Rosenberg met Osterrieth when she contracted him to write the English-language dialogue for a film entitled *Australie* (Andrien, 1989), which was shooting in Australia. Osterrieth had investigated the possibility of making it as an official French-Australian co-production. However, in spite of the genuine collaboration of the French and Australian film industries, it was deemed to have inadequate Australian participation levels (AO Productions, 1988).
[92] Rosenberg and de Heer had recently completed another film together. *Incident at Raven's Gate* (de Heer, 1987) was co-written and co-produced by Rosenberg and de Heer.

to shoot at the non-French locations. Both of these strategies had been implemented successfully by the producers of *Isabelle Eberhardt* in order to comply with the official co-production Guidelines. However, the use of such an approach in this case ran the risk of alienating the CNC Commission d'Agrément because, unlike *Isabelle Eberhardt*, the 'non-French' locations for this project were American,[93] and the CNC had expressed strong opposition to high levels of US participation on another French-Australian proposal that was being considered at exactly the same time. Neither de Heer, Rosenberg nor Osterrieth were prepared to take this risk. Securing French-Australian co-production status, and the funding that came with it, had become the absolute priority, overriding other creative considerations. A radical decision was made: the script would no longer be about an Aussie guy fulfilling his dream of going to America from whence came all things new. In the stroke of a pen, New York had become Paris, *An American Story* had become *Dingo*, and the door to financing had opened! [94]

Having changed the story so that both Australia and France would appear on screen, the producers then determined what proportion of the film would need to be shot in each country and on these grounds established the project as a majority Australian - French co-production. By this time Italian banker, Giorgio Draskovic, had also joined the producing team. He had secured private investment which the producers duly disbursed between France and Australia as necessary to meet the relevant proportions. The producers put in place financial structures that would enable them to present the project in the required manner, irrespective of the origin of the funds, as follows:

- Rosenberg, de Heer and Draskovic established an Australian production company, Gevest. The company was a financial 'special purpose vehicle' (SPV) created solely for the purposes of making one film, with limited capital and limited liability (Gevest Australia, 1990).
- A second French SPV, Dedra Film, was then created (in addition to Osterrieth's AO productions). Like Gevest, Dedra Film was created for the sole purpose of making this film and was subsequently liquidated (Borker, 1992). The company director was Decian Drascovic, an 'intimate relation' of Giorgio Draskovic (AO Productions, 1991b:6). Private investment from a variety of sources could be channelled through this French company to supplement the contribution of AO Productions.[95]
- Dedra Film and AO Productions (Osterrieth's existing French production company) then established a co-production agreement, jointly becoming the 'French Co-producers' of *Dingo* (Gevest Australia, 1990).

[93] The proposal for *Green Card* was before the authorities at this time and was eliciting strong opposition from the CNC for its high levels of US content (Marmion, 1990b). The 'non-French' locations on *Isabelle Eberhardt* were North Africa and Prague.
[94] There was an interim working title King of the Flats although it is unclear when this was used (Lewis & Lewis, 1992).
[95] It was this structure that would provide a letter of credit for the film which would form the basis of a repayable bank loan.

Once these 'sub-structures' were in place, an international co-production agreement was executed between the 'Australian producers' (Gevest Australia) and the 'French producers' (Dedra Films and AO Productions), stipulating that: the Australian producers would provide 65% of the budget and the French producers 35%; principal photography would commence in Australia on 26 March 1990; and the film would be completed by 12 October 1990 (Gevest Australia, 1990). The agreement also included a list of key professionals (cast and crew) who would make the film (Schedule F in Appendix G6).

This list of key professionals appears to have been formulated with the same strategic approach as the financing. The producers identified the country/nationality to whom a role would be allocated instead of a particular individual. Further, the decision as to whether a role would be allocated to a French or an Australian seems to have been linked to the importance accorded that role by each agency. The Australian points system for instance placed a disproportionate value on a limited number of specified roles (director, writer, designer, composer, DOP, editor and four lead cast) and paid little attention to other roles, whereas the French system measured the level of French contribution across the whole of the technical crew and secondary cast and took into consideration the number of days worked. Accordingly the producers allocated primarily Australian nationals to the roles which counted on the points system and a higher proportion of French to other roles.

The degree to which nationality was prioritised over and above the professional contribution an individual might make was also reflected in the wording of certain clauses of the co-production agreement:

> 'The parties covenant and agree to consult with each other in good faith for the purpose of identifying the professionals whose names have not been included in Schedule F hereto, or to substitute those indicated in Schedule F hereto with others, should the circumstances require, PROVIDED THAT, the nationalities of the relevant professionals will comply with the requirements of the Co-production Treaty (clause 5.5, p7)

So there was an attitude of proactive compliance which contrasted greatly with the resistance by the producers of earlier proposals who had fought hard to retain crew and cast that they felt would best give carriage to their artistic vision.[96]

In addition to privileging nationality as their selection criteria, *Dingo's* producers used another strategy to improve their chances of approval. Following de Heer's lead, they presented the project to each authority in a distinct and targeted manner:

> I tend to approach different funding bodies differently. I write a letter to somebody over here quite differently to a letter I write to somebody over there. It's all very much an individual case (DeHeer, 1996:96).

[96] It will be recalled that Wenders had emotionally suggested that to deprive him of his German DOP and Editor would be akin to cutting off his hands (cited in (Rival, 1988:34), and the only concession Weir would make to the Australian and French authorities on his US based shoot of *Green Card* was to allocate 'extra' role to US resident French citizens (appendix G5).

This personalised approach is evident on comparing the 'Fiche Artistique' with the cast list that had earlier been provided to the AFC (*Figure 10*). On the Australian application just two roles were identified as leads – John and Jane Anderson – and they were both to be filled by Australians. The roles of Billie and Angie Cross, to be played by Miles Davis and Bernadette Lafont respectively, were listed as mere supporting roles, thereby minimising foreign participation, and a further six secondary roles were identified, two of whom were to be filled by Australians. This manner of presenting the package addressed the concerns of the Australian unions who were represented on the IAP. On the French application however, a list of eight roles was provided to the CNC, with no distinction made between leads and supporting roles. Levels of French participation were instead indicated in 'cachets'. By totalling the number of cachets assigned to all of the listed French actors and comparing this to the cachets assigned to the Australian actors, the CNC could feel comfortable that French representation was proportionate to French investment (35%). In this way both agencies were satisfied.

Another interesting difference between the Australian and French cast lists is that the roles listed on the two lists do not correlate. The Australian list includes a role 'Archie' which is assigned to an Australian actor. Whereas the French list does not mention this particular role, but instead includes an additional role 'César' which is allocated to a French actor. That is, each application includes an additional supporting role that has been allocated to that country.

Figure 10: Breakdown of cast by nationality: Dingo

Cast List (AFC)

ROLE	ACTOR	NATIONALITY	WEIGHTING
John 'Dingo'	Colin Friels	Australian	Lead
Jane Anderson	Not assigned	Australian	Lead
Billie Cross	Miles Davis	American	Supporting
Angie	Bernadette Lafont	French	Supporting
Jacques	Not assigned	French	Supporting
Peter	Joe Petruzzi	Australian	Supporting
Archie	Not assigned	Australian	Supporting
Beatrice	Not assigned	French	Supporting

Source: Co-production Agreement (6.2.90) Schedule F

Fiche Artistique (CNC)

ROLE	ACTOR	NATIONALITY	WEIGHTING
John'Dingo'Anderson	Colin Friels	Australian	8wks/ 45cachets
Jane Anderson	Helen Bouday	Australian	3wks/ 15cachets
Peter Goforth	Joe Petruzzi	Australian	10dys/ 10cachets
Bill Cross	Miles Davis	American	12dys/ 12cachets
Angie Cross	Bernadette Lafont	French	8dys/ 8cachets
Jacques Boulain	Bernard Fresson	French	5dys/ 5cachets
Beatrice Boulain	Brigitte Catillon	French	5dys/ 5cachets
César	Etienne Chicot	French	3dys/ 3cachets

Source: AO Productions 13 March 1990

There was thus a canniness about the way the producers of *Dingo* presented information to the assessment committees in each country in order to elicit the desired response. Whereas the producers of earlier projects had lamented the discrepancy between the French and Australian assessment systems and in particular had criticised the Australian system for failing to recognise the value of technical crew, *Dingo's* producers had decided to use this misalignment to their advantage. They viewed incompatibility between the two systems as the very loophole they would need to get the project through the bureaucracy.

4.2.3 Passage through the Bureaucracy

By the time *Dingo* came before the agencies, there were several other French-Australian official co-production proposals at various stages of assessment:

Until the End of the World, which had initially been refused by the AFC but which was due to be re-considered by both agencies; *Green Card*, which had received AFC approval as a majority Australian co-production, but was encountering strong opposition from the CNC

due to high levels of US involvement; and *Isabelle Eberhardt*, which was about to be assessed by the CNC as a majority French co-production notwithstanding low levels of French participation (Appendix D2 and F1). In this context, *Dingo* represented a relatively straight-forward proposal. It was to be shot on location in Australia and France, had both French and Australian lead actors and key crew, and the only 'third party' element was US jazz icon Miles Davis, whose involvement could easily be justified by the demands of the role (accomplished jazz trumpeter).[97]

Between November 1989 and March 1990 a series of letters was exchanged between the CNC which dealt with all of these projects in various levels of detail. *Dingo* received the least attention of all the projects in this correspondence. It was clearly perceived as the ideal project for French-Australian co-production and the agencies (CNC and AFC) ushered it through, almost ahead of the producers.

> AFC to CNC 2 Nov 89: We have assessed this project as majority Australian with a 65%/35% Australian/French contribution. The producers intend to raise 65% of the budget from the Australian Film Finance Corporation and the other 35% from French sources. Could you please let me know what information you require from us regarding this project (Gibson, 1989a).
>
> CNC to AFC 5 Dec 89: We have not received any document about Dingo yet. But the French producer keeps in touch with us and things are proceeding quite normally (Peyrefitte, 1989).
>
> AFC to CNC 7 Dec 89: We are likewise awaiting final documentation from the producers on this project but will send it as soon as possible (Gibson, 1989b).
>
> CNC to AFC 25 January 1990: I have been informed that the French financing for this project is now in place. So, once your committee has had the opportunity to consider the entire proposal, I'll look forward to receiving the AFC's recommendation. It is my view that this project will not pose the least problem on the French side (Marmion, 1990b).

The contrast between the processing of this application and those in the previous chapter is dramatic. Despite the fact that *Dingo* had begun as a US film, its metamorphosis into a French-Australian co-production was complete. The project was not inherently French-Australian but the filmmakers had certainly understood what was required to comply. In packaging their project as a French-Australian co-production, the producers of *Dingo* had made a decision to compromise their creative vision, allocated resources so as to comply with each assessment system, and were strategic in the way they presented information to each authority so as to present the film in an unequivocally compliant manner. This approach led to a very smooth passage through the bureaucracy where the attitude of compliance and compromise adopted by the producers was matched by a level of tolerance and accommodation on the part of the authorities.

[97] Davis was in any case appreciated in France, where he had been awarded the French Legion of Honour and was referred to as the 'Picasso of Jazz' (Rosenberg, 1992b:ix).

On 30 January 1990, the AFC confirmed that the final documents had been received and that *Dingo* was approved (Sainsbury, 1990c). Now only CNC ratification of this decision was required and the project would be ready to go into production. *Dingo* was presented to the CNC Commission d'Agrément in the same sitting as *Green Card* on 14 March 1990 and is likely to have benefitted from the CNC's preoccupation with that film.[98] Despite the participation of a US actor in the lead role the film was approved with only minor requests for clarification (CNC Commission d'Agrément, 1990a).[99]

Epilogue

So the passage of the project itself through the bureaucracy and into production was exceptionally smooth. However, as the project neared completion, a number of conflicts and misunderstandings arose. Because these interfered with completion of the film and had a significant bearing on Franco-Australian film relations, I summarise them here.

In order to cash flow AO Production's proportion of the budget, the French producer had concluded numerous presale agreements within France, both with investors and broadcasters.[100] These agreements stipulated a delivery date for the completed film, after which they would lapse, as follows (AO Productions, 1991b):

- Investment agreement - Cine-Cinq – 1 million francs – 31 Dec 90
- Presale agreement - La Cinq - 2.5 million francs – 31 Dec 90
- Presale agreement - Canal Plus - 1.8 million francs - 31 March 1991
- Investment agreement – Dedra Films – 2.3 million francs – 10 March 1991
- Distribution Agreement - Pan-Européenne – 15 December 1990

Osterrieth had based her assessment of the delivery date upon the date stipulated in the co-production agreement with Gevest i.e. 26 November 1990 (AO Productions, 1991a).[101] The problem arose when the delivery date came and went and Osterrieth had still not received a copy of the completed film from Australia. She found herself in breach of the contracts cited above, which meant that all of the pre-sales could potentially be annulled. In that event, not only would the project not be broadcast or distributed by the parties to the agreement, but moreover Osterrieth would be liable for the entire value of those contracts i.e. bank loans totalling over 7 million francs which she had already channelled into production of the film, plus interest.

Post-production was occurring in Australian and was contractually under the supervision of Gevest. Osterrieth thus wrote to Gevest and to the film's Australian completion guarantor,

[98] For discussion of problems associated with Green Card, refer chapter 3.
[99] The Commission d'Agrément requested that three of the French crew demonstrate their accreditation as French film industry professionals prior to certification.
[100] This is standard practice. On the basis of the contract, the producer obtains a loan from the bank (referred to as 'discounting the presale'), which is repaid with interest once payment has been received from the contracting parties – broadcaster or distributor.
[101] The contract between the French and Australian co-producers stipulated that the Australian coproducers would provide all deliverables to the French coproducers 'no later than 45 days after the answerprint' (Gevest Australia, 1990:clause 8.11, p11 and schedule H), which was due on 12 October 1990 (schedule A1).

expressing her 'extreme disappointment' in this co-production, reminding them of their contractual obligations, and demanding immediate delivery of the film (AO Productions, 1991b:6). At this point she learned that, far from overseeing completion of the film, the Australian producers were in the US screening an ungraded copy of the film to US majors (AO Productions, 1991a). Osterrieth was alarmed and wrote immediately to the CNC:

> I'd like to meet with you urgently to...discuss the possibility of an official intervention by the CNC and the AFC to ensure that everything possible be done to expedite delivery of contractual elements to France.
>
> The Australian director and Producer have left Australia, where they were supposed to have been overseeing the laboratory printing, grading and preparation of all deliverables. Instead, they are currently in the United States where they are projecting an ungraded copy of the film to the US majors. It would appear that this is occurring with the approval of the Film Finance Corporation, who would seem more concerned that the film be sold in the States than delivered in France, despite the fact that we have financed more than a third of production (AO Productions, 1991a:1-2).

Paradoxically, the very behaviours that had led the project so smoothly into production – flexibility, opportunism, and strategic deal-driven thinking – were now impinging upon the film's international release and indeed Franco-Australian film relations. Whilst there is no formal response to the producer from the CNC on file, a handwritten note to the CNC co-production officer says: *'Que peut-on faire? Parlons-en' ('What can be done? Let's talk')* (AO Productions, 1991a:1).

Following completion of *Dingo*, no features were made under the MOU for seven years. During this period France declined Australia's request to upgrade the French-Australia MOU to a Treaty.

CHAPTER CONCLUSION

Both projects predated the MOU, existing in a completely different guise prior to being re-shaped to conform to this particular policy instrument. Cast, crew, locations, and story were all elements at the disposal of the deal, even when this meant compromising the creative integrity of the project. In the case of *Isabelle Eberhardt*, this entailed replacing all German off-screen elements – crews and studios - with French and Australian ones. On *Dingo*, it involved changing on-screen elements – locations, characters and even the story itself – to weave a French thread through the film.

What is striking is that these changes were made by the filmmakers without any specific directive from the agency to do so. There was a willingness to comply which contrasts markedly with the staunch resistance to bureaucratic interference expressed by Peter Weir and Wim Wenders with respect to their projects. The producers of *Isabelle* and *Dingo*, by contrast, understood the rules of the game and how to work the system to achieve their aims. They knew which creative elements would tick the boxes and how to present the film in a 'policy favourable light'.

By the same token the French and Australian agencies have also changed their approach. While the assessment committees (constituted of representatives of industry organizations) continued to make recommendations along well worn party lines, the agencies began to exercise an increased level of influence in decision making, showing a willingness to ignore their own protocols in order to usher a project forward, as in the case of the AFC's letter to the CNC to recommend approval for Isabelle Eberhardt even before an application for co-production status had been submitted to the French agency. Differences in the interpretation of the co-production agreement were still in evidence. The AFC's emphasis on following the letter of the law contrasted with the CNC's stress of the spirit of the law in assessing *Isabelle Eberhardt*, but even so the delay this difference of interpretation produced was relatively short. A new level of tolerance and accommodation on the part of the bureaucrats assessing the projects was apparent. Foreign location shoots and the participation of American actors were all accepted without question. As a result of a pervasive tendency towards compromise, *Dingo* and *Isabelle Eberhardt* experienced a comparatively smooth passage through the bureaucracy .

Such a spirit of reconciliation on behalf of the agencies may have stemmed from the international diplomatic debacle that had attended the first two films and the damaging rupture of Franco-Australian film relations that seemed imminent. However it is doubtful whether the compromises eagerly pursued by all parties were in keeping with the reasons for setting up the co-production program in the first place. Both projects in the first instance predated the existence of the French-Australian MOU and were simply repackaged to access funding through the French and Australian governments. *Isabelle* had been conceived as a French-German co-production and *Dingo* as an Australian film set in New York. This shows that the co-production policy mechanism was not generating new productions or more productions, but was being accessed by existing projects that had failed to find funding in the market.

Moreover in the dramatic alterations of both projects to comply with the criteria for co-production status point to the fact that the funding mechanism itself has become the driver and that projects are being pulled forth by the policy instrument rather than by a compelling creative vision. What might *Dingo* have looked like if the original scenario had been preserved and Billy had gone to New York? Would *Isabelle Eberhardt* have found an audience if Pringle had been able to cast the actress he wanted in the lead role? While it is impossible to say for sure , when decisions are made on the basis of a policy structure rather than a creative rationale, the likelihood of producing films of quality is surely lowered. Ironically the policy apparatus set up to meet the primarily cultural aspirations of both countries was in danger of producing films that met bureaucratic goals instead.

5 INDIFFERENCE AND IRRELEVANCE

The final three feature films approved under the French-Australian MOU between 1986-2006 are *The Old Man who Read Love Stories*, *Paradise Found* and *Elephant Tales.*

Although the Guidelines and the provisions of the MOU were substantively unchanged, the production of these three films illustrates a seminal shift in the attitudes of both filmmakers and government agencies. Both sets of stakeholders treat the policy instruments as out-dated and largely irrelevant. In one case the assessment committee advocates approval of a project in full awareness that the project is noncompliant. It is also significant that these directors who had experience of the co-production program chose to produce as well as direct their projects. The decision exhibits their understanding that the official co-production mechanism gave the producer a much greater level of influence on the creative package, because in order to secure public funding certain pre-requisites had to be met (unless we package in this way, we can't get the money to make this film). The choice is also a sign of the degree to which the policy instrument could be manipulated by knowing filmmakers. As will be discussed in this chapter, in the case of *Elephant Tales*, four of the possible six points for Australian creative contribution went to one man: Andreacchio, who was writer, director and producer on the film, a flagrant distortion of the reasons for instituting a point system to measure Australian input into each project.

Strictly speaking, *Elephant Tales* does not belong in the case-study, as it was not released until after the first twenty years of the French-Australia MOU (May 1986-May 2006)[102]. However, as the application for official co-production status was approved by the AFC within this period, and as the manner in which policy was implemented on this project provides an interesting contrast to the earlier films in the case-study, particularly to *Green Card*, I have made the decision to include a brief discussion of *Elephant Tales* in this chapter.
The data on which this account is based, however, is different to that sourced for the other six films. Rather than coming from the CNC files, it is derived from the very scanty official records of the relevant AFC Board meeting, which contain only a high level summary of the application, the Committee's recommendation and the Board's decision. [103] No correspondence or evidence of negotiations between parties is recorded. Notwithstanding, it is possible to glean a significant shift in the way the system and its actors operate two decades after the MOU was signed. The insistence on Australianness in content and/or expenditure persists in Australian policy instruments. However, this is flagrantly disregarded by both filmmakers and bureaucrats.

[102] The film had a non-commercial screening at the Tribecca Film Festival in April 2006, but was not commercially released until October 2006, which falls outside the first twenty years of the MOU.
[103] My fieldwork at the CNC had concluded by 2006, at which point the files were still active and thus unavailable for research purposes. The agenda and minutes of the AFC Board are publicly available under the provisions of the Freedom of Information Act, but include only a high level summary of the application and how it complied.

5.1 THE OLD MAN WHO READ LOVE STORIES

The Old Man who Read Love Stories was Rolf de Heer's second French-Australian co-production. As with *Dingo*, he did not initiate the project but was hired to direct it, on this occasion by the French producer, Michèle de Broca.[104] As with all of the earlier French-Australian co-productions, *Love Stories* was not conceived as a French-Australian collaboration. It was initially structured as an exclusively European project, to be financed from France, Spain, Holland and England. However, when funding from the UK was not forthcoming it was hastily repackaged, just two months prior to principal photography, as a French-Australian official co-production.

Aside from the enormous creative shifts this repackaging entailed, the most significant aspect of this project from the point of view of our analysis is the extreme cynicism that characterised the producers' dealings with government authorities. It was not only a matter of manipulating elements on paper to fit eligibility guidelines - as had been done on *Isabelle Eberhardt* - although this was indeed the case. In this instance, the producer's repackaging extended to flagrant disregard of regulation and deliberate misinformation. At any one time, there were up to five different versions of the project – the version presented to French authorities, that presented to the Australian authorities, that presented to the Spanish authorities, that presented to the Dutch authorities, and then of course the actual project, which itself continued to change right up until the last day of shooting.

Remarkable too, is the apparent tolerance of this duplicity by the agencies. Senior bureaucrats were fully aware that the project did not conform with the eligibility criteria of one or more parties, but assisted the producers to work the system, by turning a blind eye to the many discrepancies in the information they had provided. By this stage of the MOU, opportunism prevails and it is now not only filmmakers who are attempting to find work-arounds to overly constraining policy instruments, but also the individuals responsible for administering those instruments. Supporting analytical materials can be found at Appendices E1, E2.

5.1.1 Project Genesis

In 1996, French producer, Michèle de Broca acquired the screen rights to a novel by Chilean writer, Luis Sepulveda, entitled *Un Viejo que leia novelas de amor*. The original Spanish version had been published in 1989, and the French and English translations had appeared in 1992 and 1993 respectively, to critical acclaim.[105] Following the positive press generated by the book, De Broca immediately commissioned an adaptation, and sent the screenplay to Australian filmmaker, Rolf de Heer, with an invitation to direct the film (DeBroca, 1998, 1999a; DeHeer, 2002).

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[104] Although de Heer was credited as co-producer on Dingo , the project was initiated by Marc Rosenberg, and de Heer has said he never really allowed himself to own the project (DeHeer, 2002:48).

[105] *Le vieux qui lisait des romans d'amour* was first published in France in 1992 by Éditions Métailié. It was awarded the Prix France Culture and the Prix Relais H. *The Old Man who Read Love Stories* was first published in the US in 1993 by Harcourt Brace New York.

Rolf de Heer had previously directed a French-Australian co-production (Dingo, 1990), but it was apparently not for this reason that de Broca solicited his interest.[106] According to de Heer, she was motivated by her appreciation of *Bad Boy Bubby* (de Heer, 1993), which had been awarded the Grand Jury Special Prize and the International Critics Prize at the 1993 Venice International Film Festival (DeHeer, 2002:48). Her decision may also have been influenced by the fact that de Heer held Dutch citizenship, as de Broca's intention at this stage was to finance the film through the *Eurimages* program,[107] with funding from France, Spain, Holland and the UK (DeBroca, 1999a).

When de Broca contacted de Heer, he was busy on another project.[108] He describes having accepted her proposal, without giving the matter much thought, and on condition that he would be able to re-write the script and have final cut of the film (DeHeer, 2002). When both conditions were unexpectedly agreed to by de Broca, de Heer re-read the script and became extremely concerned:

> I accepted…believing the film would never happen anyway. But the film started to happen, and when I looked at the script again I realised that it was a badly written, almost exploitative, pseudo-masculine action-adventure hunt piece (p48).

At this point, de Heer returned 'in desperation' to the novel, where he was relieved to discover a beautiful story 'about humanity, love and passion'. He started again from square one and re-adapted the book to his satisfaction (Urban, 2004).

At two discreet junctures over the next couple of years – 96/97 and 97/98 - de Heer worked intensively on the script, until it was ready for production. Principal photography could not commence, however, because the task of assembling the crew, cast, locations etc. had become fraught with difficulty (Urban, 2004). The 'creative contribution' from each of the co-producing countries needed to be proportional to financial investment and, with four co-production partners, each element was continually under negotiation and susceptible to change at the mercy of the deal.

Having himself produced several feature films, de Heer understood the need to juggle creative and financial imperatives. He has said that he considers the discipline of producing to be 'an essential aspect of the craft of filmmaking' and respects the 'important balance between subject matter, approach, budget and audience potential' (DeHeer, 1996:90). However, as events unfolded on this project even he was surprised by the level of creative compromise proposed by the French producer in the packaging of this project (Smith, 2004).

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[106] The current film was not originally structured as a French-Australian co-production

[107] Eurimages is an audiovisual funding program of the Council of Europe. To be eligible for support, projects need to involve at least two member states. De Heer's participation would enable De Broca to access funding from Holland.

[108] *The Quiet Room* (de Heer, 1996)

5.1.2 Packaging the Project

In September 1998, de Broca wrote to the CNC notifying her intention to submit an application for a four-way European co-production between France, Spain, Britain and Holland, under the *Eurimages* funding program (DeBroca, 1998). Her letter presented the project as an adaptation of a novel by German national, Luis Sepulveda, and directed by Dutch national Rolf de Heer. The project did not involve Australia at all at this stage and the key contributors – Sepulveda (Chilean resident/citizen) and de Heer (Australian resident/citizen) – were to be 'Europeanised' to make the project eligible for Eurimages funding.[109] She advised that the film would be shot on location in Venezuela, because French Guiana had turned out to be 'logistically unsuitable' (DeBroca, 1998). No formal application was submitted at that time. Then, almost twelve months later - in June 1999 - de Broca wrote again to the CNC confirming that an application based on her earlier advice was in the pipeline, and that the lead role had now been cast: British actor, Nigel Hawthorne (DeBroca, 1999a).

Shortly afterwards, Hawthorne's participation fell through, with serious ramifications for the project. As the UK component of the funding (approx. 14mill French francs) was contingent upon the British actor occupying the lead role, the whole financing structure collapsed. Finding finance to replace British funding, without displacing elements attached to funding from the existing co-production partners and *Eurimages*, became a priority.

In a desperate flurry of activity between June and July 1999, the producers identified a new lead and immediately secured a distribution guarantee from Pandora for approx. 8mill French francs ($US3mill).[110] Although this was encouraging, it was not enough, and did not preclude the need to find a replacement co-production partner for the UK.

Moreover, the contractual requirements of the Distribution Guarantee further reduced the range of elements the producers had at their disposal to offer other national authorities in return for public investment. Over and above existing commitments to the French, Dutch and Spanish authorities, the Distribution Guarantee with Pandora entailed the following commercial commitments: lead role to be played by US actor Richard Dreyfuss; dialogue to be in English-language; and completed film to be delivered by April 2000 (Pandora, 1999).

The producers thus had just nine months to secure the outstanding funds, shoot, edit and deliver the film but very few available elements to trade in return for public investment from a fourth official co-production partner; and commercial obligations to make the film appeal to the north-American audience.

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[109] Whilst Sepulveda was widely recognised at the time as one of South America's foremost contemporary novelists, and de Heer as one of Australia's leading filmmakers, they both also held European citizenship - German and Dutch citizenship respectively - and were to be calculated as part of the European contribution for the purposes of Eurimages.

[110] A distribution guarantee is not an investment, but merely a commitment to purchase the completed film for distribution in stipulated territories and media on the condition that contractually agreed elements are delivered. This commitment can then be taken to a bank as security for a loan which can then be used for production ('discounting').

It was in this high pressure context that de Heer's 'Australianness' suddenly became an asset. The Australian government had generous subsidies in place for 'qualifying Australian films' including official co-productions. As well as holding Dutch citizenship, de Heer was an Australian citizen and had already successfully completed a French-Australian co-production (Dingo, 1990). Furthermore, he was at this time a Board member of the Australian authority responsible for approving official co-productions, the AFC. The *Eurimages* guidelines allowed for a non-member state to participate in a European co-production on the condition that such a contribution did not exceed thirty percent (Council of Europe, 2001). Pursuing Australian co-production status was thus a fairly obvious avenue...except of course for the inconvenient fact that the project had nothing to do with Australia, involved little Australian industry participation and was to be made entirely overseas.

Not to be deterred, de Broca began repackaging the project, and indicated to de Heer that he should consider every element of the script a tradeable commodity in the quest to secure Australian public funding :

> She even said I could do it in Australia, and change the jaguar (a key element in the book) to a crocodile! (Smith, 2004:20)

As it happened, there would be no need for such drastic measures. On 17 August 1999, de Broca entered into a contract with Australian producer, Julie Ryan, of Magnetic Hall productions in South Australia. This agreement stipulated that De Broca and Ryan would co-produce a feature film to be made under the auspices of the French-Australian MOU, which would be directed by Rolf de Heer, feature Australian actor Hugo Weaving in a lead role and three Australian actors in secondary roles. The entire post-production (20 weeks picture and sound edit) would take place in Australia, the composer would be Australian and the film would be shot on location in the French overseas territory of Guiana (Fildebroc and Magnetic Hall Productions, 1999). So with this reshuffling, the project was now to be made as a French-Australian-Spanish-Dutch official co-production.

An application for official co-production status based on the aforementioned contract between the French and Australian producers, and detailing other minor areas of Australian industry involvement, was submitted to the AFC on 18 August 1999 (Ryan, 1999). The Australian application varied in three small but significant respects from the information which had previously been provided to the CNC. Firstly, it presented the project as a simple bilateral co-production between France (75%) and Australia (25%) because Spanish and Dutch participation had been assimilated as part of the French component. This meant that all paperwork related to Spanish and Dutch participation was invisible to Australian authorities. Secondly, the AFC application listed Hugo Weaving as an Australian citizen and part of the qualifying Australian contribution, whereas the CNC had been informed that Hugo Weaving was 'British' (and therefore a European participant for the purposes of *Eurimages*). Weaving was thus calculated as a 'key creative contributor' for two nations. Finally, the Australian application listed the location as French Guiana, whereas the CNC had been informed that the location for the shoot was Venezuela. By changing the location to a

French overseas territory, the project would comply with the relevant provision of the French-Australian MOU and this would circumvent the need for Australian producers to seek special dispensation to shoot in a third-party territory, which could entail lengthy delays.[111]

These inconsistencies were relatively minor. However, from this point onwards discrepancies in the information supplied to the various authorities multiplied.

On 25 August 1999, one week after submission of the application to the AFC, de Broca executed a co-production agreement with her Spanish partners (Fildebroc and Kino Vision, 1999). In direct contradiction to the information provided to the Australian authorities, this agreement committed to shooting the film in Spanish-speaking Venezuela, post-producing it in Spain under the supervision of Spanish editors, and allocating the three secondary roles to Spanish actors. Furthermore the agreement stated that original composition would be commissioned from a Spanish composer, Fernando Sancho, whereas the Australian application had named Australian Graham Tardif as the composer (Fildebroc and Magnetic Hall Productions, 1999). In short, the three areas of creative control that had been allocated to Australian nationals in return for Australian official co-production status – composer, post-production (crew and facilities), and three secondary roles – were simultaneously being allocated to the Spanish. Both the Spanish and the Australian co-production agreements, with all of their discrepancies, exist side by side on the CNC file.

Figure 11 shows the discrepancies between applications to French, Australian and Spanish authorities.

There is no record of the Dutch application for official co-production on the CNC file and no record of any element of production being required to take place in Holland. Furthermore, the CNC's final summary sheet indicates that 10% Dutch contribution is considered part of the overall French contribution of 55% (Appendix G8). This suggests that Dutch investment of 10% may have been purely for script development undertaken by 'Dutch national', Rolf de Heer.

[111] Article 4 of the MOU required special permission for princial photography to take place in a location other than within one of the coproducing countries.

Figure 11: Contrasting information provided to French, Australian, Spanish authorities

PRODUCTION ELEMENT	INFORMATION TO FRENCH AUTHORITIES	INFORMATION TO AUSTRALIAN AUTHORITIES	INFORMATION TO SPANISH AUTHORITIES	FINAL FILM
ACTORS				
Old Man Mayor Dentist Josefina Gringo Salinas Alkaseltzer Manuel Onecen Juan	 R. Dreyfuss (US) T. Spall (UK) H. Weaving (UK) TBC TBC TBC	 R. Dreyfuss (US) T. Spall (UK) H. Weaving (Au) TBC TBC (Au) TBC (Au) TBC (Au)	R.Dreyfuss (US) T. Spall (UK) H.Weaving (UK) TBC (Sp) TBC (Sp) TBC (Sp)	Richard Dreyfuss (US) Timothy Spall (UK) Hugo Weaving (UK/Au) Cathy Tyson (UK) Jerome Ehlers (Au) Alberto Dominguez Eric Gaudinot (Fr) Luis Hostelot (Sp) Guillermo Toledo (Sp) Federico Celada (Sp)
KEY CREW				
Director Original work Adaptation Shooting script Composer	R.de Heer (Dutch) L.Sepulveda (Ger) M.Beaulieu (Can) R.de Heer (Dutch) F.Sancho (Sp) G.Tardif (Au)	R.de Heer (Dutch) R.de Heer (Dutch) G.Tardif (Au)	 F.Sancho (Sp)	Rolf de Heer (Dutch/Au) Luis Sepulveda (Ven/Ger) Marcel Beaulieu (Canada) Rolf de Heer (Dutch/Au) Graham Tardif (Au)
TECH. CREW				
Prod Manager DOP Prod Designer Editor Sound Eng. Makeup artist	Y.Dutheil (French) D.Lenoir (French) T.Nehme (Aust) J.Currie (France) M.Howevenaars (Dut)	 D.Lenoir (Fr) G.Parrondo (Sp) T.Nehme (Au) J.Currie (Au)	Not available Not available Gil Parrondo (Sp) Not available (Sp) Spanish (Sonoblock)	 Denis Lenoir (Fr) Pierre Voisin (Fr) Tania Nehme (Aust) James Currie (Aust)
LOCATIONS				
Shoot Picture Edit Sound Mix	Guyane Francaise Australia Spain	French Guiana Australia Australia	Venezuela Spain Spain	French Guyane Australia Australia

5.1.3 Passage through the bureaucracy

Contrary to protocol, the project was assessed firstly by the Australian authorities (Daniel Goudineau CNC Directeur General Adjoint, 1999).[112] As the authority of the minority coproducer in a purportedly bilateral French-Australian official co-production, the AFC thus had no access to any information except that contained within the Australian producer's application i.e. the AFC would have been oblivious to the Producers' contradictory undertakings to the Spanish and French authorities. In the absence of information to the contrary, Commissioners appear to have been satisfied with the levels of Australian participation indicated on the co-production application. In return for a fairly modest 25% Australian financial investment, this project would nevertheless be perceived by the Australian industry as 'Australian initiated' (screenplay by de Heer) and under 'Australian creative control' (directed by de Heer).[113]

[112] CNC/AFC Protocol required projects to be assessed by the authority of the majority co-producer in the first instance and then a recommendation made, including a copy of the 'main' application, to the authority of the minority co-producer. In the absence of approval of the majority co-production, no 'main application' would be available to the minority coproducer.

[113] Although de Heer had been declared as Dutch and calculated as part of the European contingent, he was widely recognised as a high profile member of the Australian film industry. Indeed he was a Commissioner of the AFC at the time this project was being assessed.

In fact, the only reservation expressed by the AFC concerned participation of nationals from neither France nor Australia. Writing to the CNC on 27 September 1999, the AFC's legal counsel said:

> The application discloses that there are two third country nationals in the lead roles – Richard Dreyfuss (Antonio) and Timothy Spall (Mayor). Article 4 of the Australian-French Memorandum of Understanding states that "Technical work and acting must be done by persons of Australian or French nationality, or residents of Australia or France. The performance of direction, technical work and acting other than in accordance with the preceding paragraph may be allowed, taking into account the requirements of the film in questions and after agreement between the appropriate authorities of the two countries.
>
> We agree that Richard Dreyfuss is probably required for financing the film, but it would be unprecedented for the Australian industry to approve a second foreign lead actor. Therefore, the only way Timothy Spall could be approved is if he must legally be considered "French" because he is an EU citizen.
>
> Is this the case? If not, please let me know whether you approve either or both of Richard Dreyfuss and Timothy Spall under Article 4 of the MOU (Caroline Verge AFC Legal Counsel, 1999b).

The CNC provided precisely the confirmation sought by the AFC, that 'EU citizens must be assimilated as French residents', which is exactly the explanation the AFC needed in order to counter any criticism from industry organisations (François Hurard CNC Directeur du Cinéma, 1999).[114]

However, the CNC's own Commission d'Agrément had not yet approved the project. In fact the French producer who, like de Heer, was a member of the national evaluation committee for official co-productions (Commission d'Agrément), had embarked upon a lobbying campaign in an effort to maximise the amount of French public investment to which she would be entitled. The records indicate that this entailed a significant degree of misinformation, as follows:

Firstly, she attempted to have the sound engineer, James Currie, who had already been counted on the AFC application as an 'Australian participant', simultaneously included as part of the calculation of French contributors, on the basis that he had been resident in France for several years (Fildebroc, 1999).

She then neglected to correct the French and Spanish authorities' misunderstanding that the shoot would take place in Venezuela (it was in fact scheduled to occur in French Guiana as had been stated on the Australian application).

Finally, less than one month after advising the Australian authorities that sound post production would take place in Australia, she wrote to the CNC assuring them that sound post production would be taking place in Spain, at Sonoblock Madrid (DeBroca, 1999b). This directly contradicted the information provided on the AFC application, but enabled her to

[114] The implication of this position is that all future coprductions between Australia and France would in fact be co-productions between Australia and the 27 EU countries.

affirm to the CNC that she would meet the Spanish and Eurimages minimum participation levels.

The CNC turned a blind eye to these inconsistencies and the Commission d'Agrément approved the project on 29 September 1999 as an official French-Spanish-Australian co-production with just one minor adjustment. They recommended a small reduction in the level of public investment to which the project would be entitled (from 48 to 46 points) on the grounds that James Currie was neither a French resident nor citizen (CNC Commission d'Agrément, 1990b).

The project launched into production almost immediately, on 11 October 1999. The decision to commence principal photography without having received official co-production approval from the Australian and Spanish authorities was very risky as it meant that almost half the budget remained unconfirmed.[115]

Fortunately for the producers, the AFC approved the project - as a bilateral French-Australian co-production – on 9 November 1999 (Caroline Verge AFC Legal Counsel, 1999a). The Spanish authorities, however, remained unconvinced. As production had already commenced it had become apparent that the film was being shot in a French territory and in the English language. Both of these elements were inconsistent with the information that had been provided in the application to Spanish authorities. Accordingly, they refused to approve the project on the grounds that the level of Spanish artistic and technical involvement on the film was inadequate (cited in (Jean-Luc Douat CNC Chef de Service, 1999)).

The producers could not afford to lose Spanish investment, as it was supposed to constitute 20% of the budget, and without it they would not be able to complete the film. At this point the CNC stepped in to advocate on the producers' behalf. Writing to the CEO of the Spanish authority, the CNC emphasized the significant levels of Spanish participation:

> I'm sending you the complete crew list, which reveals the participation of three Spanish technicians (including the art director and an assistant in the art department) as well as further details about the Spanish actors. According to our records, Guillermo Toledo, Frederico Celada and Luis Hostalot will spend the same number of days on set as Timothy Spall and Hugo Weaving. Finally, the music will be composed by a Spanish composer (Fernando Sancho), in collaboration with an Australian composer, and recorded in Spain (Jean-Luc Douat CNC Chef de Service, 1999).

[115] Australian and Spanish combined amounted to 45% of the budget.

The suggestion that the roles assigned to Spanish actors were 'principal' roles, equal in importance to those played by Weaving and Spall, was clearly a gross exaggeration, but it seems to have been exactly what the Spanish authority wanted to hear, and resulted in the project being approved, this time as a bilateral French-Spanish co-production.

Although the battle of provisional certification had been won, the war of final certification was still ahead. The producers had made conflicting commitments to the three authorities. In order to achieve 'final certification', they now needed to find a way to backtrack and satisfy each partner.

One strategy they used was to simply contract twice for a single role. For example, *both* the Australian *and* the Spanish composer were contracted, *both* Spanish *and* Australian actors were contracted in the three secondary roles (creating six secondary roles), and *both* the Spanish *and* a French production designer were employed. Although this approach was expensive, it enabled the producers to fulfil the requirements of each authority and trigger funding which was of far greater value than the contracts themselves. So the from the producers' perspective the benefits outweighed the cost. The fact that public funds were wasted was not their concern.

However, there were other unmet obligations that were not so easily swept under the carpet, such as the location of shoot and post-production. In order to secure final certification, the producers wrote to the authorities citing a number of unavoidable changes that had been imposed upon them by force of circumstance Thus it was reported that the shoot had to be relocated to French Guiana at the last minute due to sudden and unforseen political unrest in Venezuela and post-production had to take place in Australia because 'the picture editing in Australia went over schedule and we were tight for time' (DeBroca, 2001). Whereas the application to the Australian authorities eighteen months earlier had clearly indicated that these had always been the intended locations for the shoot and post-production (Ryan, 1999).

The CNC had at its disposal all of the elements that I have used to assemble this account, which means that bureaucrats must have been aware of what was going on. However, perhaps because of Michèle de Broca's close ties with the Directeur Général (she was a member of the Commission d'Agrément), the agency chose to turn a blind eye to the inconsistencies in documentation and indeed actively assisted the French producer in persuading foreign authorities that all was above board. After the film was completed, for instance, the Spanish coproducers wrote to Michèle de Broca beseeching her to ensure that the CNC's final report would not divulge the misleading impression they had given the Spanish authorities:

> 'We are getting in contact with you to inform you, that regarding the participation on the film of reference of the three Spanish actors, they should be consider (sic) as main roles. This is really vital and important for us, since we have declared them as main actors in the documentation presented to our Ministry of Culture in Spain' (Mercedes Hoyuela of Kino Vision, 2001).

The CNC obliged, listing the three actors as leads alongside Dreyfuss, Spall and Weaving, without mentioning the actor who played the role of Josefina, nor the roles assigned to other Australian actors (CNC, 2001a). The CNC's complicity was critical to having this project approved by the Australian and Spanish authorities. As majority coproducer in a supposedly bilateral co-production with France-Australia and France-Spain, the French agency was the only authority to have access to all the applications and to be able to detect their inconsistencies. Rather than sharing this information with the Spanish and Australian authorities, the agency advocated on behalf of the French producer such that each authority approved the application.

By this stage of the MOU, it was not only the filmmakers who perceived compliance instruments as irrelevant obstacles to be negotiated and overcome, but now also the bureaucrats responsible for administering those instruments.

Epilogue

The producers' ability to manipulate policy instruments and secure funding of four government authorities without any need for concrete market attachment meant the project got made, but not released. It was not seen by Australian audiences until March 2004 and then only on festival circuit, whose audience was for the most part the screen industry (Urban, 2004).

5.2 PARADISE FOUND

Paradise Found was the first of two applications for French-Australian co-production to be submitted by South Australian resident Mario Andreacchio during the period under consideration.[116]

As in the case of *The Old Man who Read Love Stories* (de Heer 2001), which was processed immediately prior to this project,[117] *Paradise Found* adopted many different guises in order to maximize levels of public financing. It was presented to the AFC as a French-Australian co-production and to the CNC as a four-way co-production between Australia, France, the UK and Germany.[118] To complicate matters further, the project assumed two additional identities for the British and German authorities. For the British Department of Culture Media and Sport (DCMS) it was a French-British co-production and for the German Office of Economics and Export Control (BAFA) it was a German-Australian co-production, ironically without the awareness of the AFC.[119]

By packaging the project in four different ways, the producers unlocked access to public investment in four different territories, albeit on the basis of four completely different undertakings. In each case, project elements were manipulated to ensure compliance on paper. Unlike on earlier projects, however, where real changes to creative line-up were made in order to satisfy the Guidelines, the changes here were virtual. The national origin of 'key elements' might be declared differently from one application to another, for instance, or a minor role would be declared a principal role etc.

In a further gesture of disregard for policy instruments, the filmmakers commenced shooting prior to receiving provisional certification from *three out of four* of the Government authorities involved. Moreover, the one approval that was forthcoming, had been obtained under a false pretext.[120]

Timeline for this film is shown at appendix E3.

5.2.1 Project Genesis

Mario Andreacchio is the founder of the Adelaide Motion Picture Company (AMPCO), based in South Australia. Prior to *Paradise Found*, he had directed numerous television series and tele-films, principally for children and often using animals in lead roles. Titles include *The Real Macaw* (Andreacchio 1998), the story of a talking parrot, and *Napoleon* (Andreacchio 1995), about a Labrador puppy, which he produced and directed as a joint venture between AMPCO and Japanese company, Herald Ace.

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[116] The second, *Elephant Tales*, was released after May 2006 and will be discussed only briefly.
[117] *The Old Man Who Read Love Stories* was provisionally approved by AFC in November 1999.
[118] Such an arrangement was theoretically possible under Article 4 of the MOU, which allows for EU participation to be counted as French.
[119] The AFC had assimilated German involvement as part of the French contribution.
[120] The AFC had approved the application on the basis it was a majority French co-production that had already received provisional approval from the CNC, which was not the case.

With the worldwide commercial success of *Napoleon*, Andreacchio had moved into a new playing-field. He was no longer limited to scratching around for loose change in the domestic context. He now had the capacity to attract the interest of the international investment community, including Hollywood. Whilst the prospect of greater budgets and larger projects appealed to Andreacchio, the idea of working within the Hollywood system apparently did not:

> The plus side of working within the Hollywood system is that you can get a big budget and you're given a lot of opportunities. You can actually make a fairly stable career out of filmmaking. But the downside is that you actually lose control, that because the budgets are higher, there's a much bigger responsibility and the whole machine really is geared towards making money. And so everybody has a stake in what it is that you're doing. Whereas here in Australia, we're sort of halfway between the European model and the American model, where it still is in many ways a business and people sort of look to making money out of the films, but at the same time, there's an artistic endeavour as well, that there are other values besides making money out of a film (cited in (Henschke, 2007)).

In keeping with this conviction, Andreacchio did not pursue Hollywood opportunities, but instead sought out alternative international financing and production models that would furnish increased financial means, without necessarily diminishing his level of creative control.

International co-production was an obvious alternative, so in the late 90s, Andreacchio embarked upon this path. His first two co-productions were *Sally Marshall is not an Alien* (1999) and *Young Blades (2001)*, which told the story of the Three Musketeers when they were teenagers and still at Musketeer school. Both of these projects conformed to the children's drama genre in which he had proven himself.

The next co-production with which he became involved was a feature film initiated by Canal Plus about the life of French painter, Paul Gauguin. The project was provisionally titled *Moana* in France and *Gauguin* in Australia and the completed film would become known as *Paradise Found.* As a foreign bio-pic for an adult audience, *Paradise Found* was completely incongruous with anything Andreacchio had done before, so it seems strange that the French broadcaster would have chosen him to direct this project. Yet, when viewed from the perspective of film financing executives, Andreacchio actually constituted a perfect fit for this project.

The Producer of *Young Blades*, which Andreacchio had just directed, also happened to be Chairman of Le Sabre, a production subsidiary of Canal Plus.[121] Le Sabre had been developing *Paradise Found (Moana)* over a 4-year period with the intention of releasing the film to coincide with the one hundredth anniversary commemorations of Paul Gauguin's death in 2003 (Bordiec, 2001). As Gauguin had painted his most famous works in Tahiti, the script called for extensive shooting in South Pacific locations. This inflated the budget significantly (transport and accommodation for scores of cast and crew over numerous

[121] Canal Plus acquired Le Sabre to save it from liquidation in 1994 (Vulser, 1994)

weeks) and necessitated securing appropriate infrastructure as well as local cast and crew to fill secondary roles. The logical step for Le Sabre then, was to identify partners who could share the financial risk, and furnish some of the missing local knowledge.

Australia was located in the appropriate region and France and Australia had an official co-production agreement in place. Andreacchio was an Australian director of Italian origin with a preference for the European filmmaking model, who had already worked with Le Sabre (Henschke, 2007). Moreover, through official co-production, he could open the door to Australian public funding. In this light, Andreacchio was indeed the ideal candidate to give carriage to this project.

Now that the scope of the project had broadened beyond the French domestic context, a new set of pressures began to bear upon the producers. Increased production costs dictated the need for even more funds and a concomitant expansion of the marketing strategy (to recoup costs). Whilst Australian public investment could be expected to account for about 40% of production costs, the remaining 60% of the budget still needed to be found. Attracting other investors would depend upon the producers' ability to convince investors that the project would return a profit. The greater the budget, the more difficult this task. It had become imperative that the film reach the widest possible audience. With these considerations in mind, Le Sabre made a deliberate strategic decision to shoot the film in English and to cast bankable actors in the lead roles (Bordiec, 2001:2). On this basis they secured a worldwide distribution guarantee from Studio Canal Image for 6,500,000 French francs (Studiocanal Image SA, 2000). The agreement stipulated that the film in the English language (p1). Other conditions are shown at Appendix G9. Of note are the requirements that the film 'be capable of receiving a MPAA rating no more restrictive than "R" in the USA' (p12), which indicates that the intended primary market for the film is north America, and that it be defined as being 'of French and Australian origin' (Exhibit B, p12), which would ensure the film could be sold to French and Australian broadcasters as a local production. However this did not solve all of their problems, because the anticipated amount of the Australian investment and the DG combined came to just 50% of the budget i.e. the Producers still needed to find approximately 3million euros and each cent seemed to come with its own set of limiting conditions. This is how the film was packaged.

5.2.2 Packaging the Project

The producers structured *Paradise Found* as a four-way official co-production, between Australia (40%), France (20%), Germany (20%) and the UK (20%), enabling access to public investment in four different countries, and also satisfying the eligibility criteria for Council of Europe's co-production incentive program, *Eurimages*. However, the conditions imposed by each of the national authorities were apparently mutually exclusive i.e. it would have been impossible to simultaneously meet the requirements of public agencies in more than two territories. Moreover, the contractual requirements of the DG had reduced the producers' ability to manipulate certain key project elements (cast, writer, dates of production, certified origin of film). In an attempt to reconcile these competing imperatives, the producers adopted a number of strategies.

Hollywood actors were cast in the two principal lead roles, but the chosen actors were known to hold European citizenship - Kiefer Sutherland was born in the UK and Nastassja Kinski in Germany - enabling the producers to declare them as part of European contribution on official co-production paperwork (Le Sabre, 2001a), shown at Appendix G9.

To get around the problem of satisfying the minimum participation requirements of the four public agencies, the project was presented differently to each government authority. This entailed a number of misleading practises, which are briefly enumerated here and explained in detail further below:

i. each national authority was led to believe that it was a minority coproducer, thereby diminishing expectations regarding on-screen presence and leading to swifter processing than might otherwise have been the case;[122]
ii. each national authority was led to believe that the functions or roles assigned to its nationals were of significance, even where this was not necessarily the case (e.g. cast roles declared as principles on one application would be declared as secondary on another); and
iii. each national authority was led to believe that the minimum required number of elements was present, even when those elements has also been counted by another authority as part of its national participation.

The project was first presented to the Australian authority, in February 2000, as a bilateral French-Australian official co-production with investment proportions of France 60%, Australia 40% i.e. a 'majority-French' co-production (AFC, 2000). This meant that the Australian authorities would not expect high levels of Australian participation nor on-screen presence. Furthermore, the AFC would perceive its role as simply endorsing a CNC decision (because international protocols stipulated that applications for official co-production must be approved in the first instance by the authority of the majority coproducer, which the AFC took to be the CNC), making it more likely that the project would be approved. The on-screen

[122] In assessing projects, the industry advisory committee in each country tends to exercise a level of discretion in interpreting a project's compliance with eligibility criteria. Where a country is declared a majority coproducer, there is an expectation that the project is recognisably national – either on-screen or in terms of key contributors - thus, by making all countries minority partners, the producers effectively neutralised those expectations and pave the way for their application to be assessed in a more accommodating spirit.

roles of Arnaud and Maurrin were presented as principal roles and were assigned to Australian actors, Chris Haywood and Nicholas Hope (although the same actors in the same roles were declared as British on the application to the UK authorities). Numerous key crew roles, including the director, co-writer, DOP and editor were declared as being filled by Australians, and a proportion of the shoot, film processing and sound post-production were to take place in Australia. Given that the project would be assessed as a minority Australian co-production, this level of Australian participation was more than likely to satisfy the AFC.

Eligibility for public funding in Germany was assessed on a different basis. Applications were processed by the Federal Office of Economics and Export Control (BAFA) and producers benefitted not by virtue of demonstrating minimum levels of German creative contribution nor relevancy of 'subject matter', but rather as a function of the proportion of the budget spent on goods and services supplied by German companies and citizens.

The producers thus made the following undertakings: to use ARRI camera equipment for the European shoot; to process all European rushes at a German laboratory; to edit European footage in Munich; and to employ a German make-up artist (Bordiec, 2001). These commitments, along with the fact that two German citizens had been cast - one in a major and one in a secondary role - would likely satisfy the German authority. Never mind that Nastassja Kinski was best known as a Hollywood actor and Thomas Heinze as a British thespian.

The package for the British government signalled the financial participation of producers from four different countries but only requested certification of the project as a French-British official co-production (Grosvenor Park Productions UK, 2001).[123] By adopting this strategy, information on the earlier application to the Australian authorities did not need to be provided to the British authorities, and certain elements that had been counted as 'Australian' on the former could thus be recalculated as part of the British contribution on this application. Thus the application to the UK Department for Culture, Media and Sport (DCMS) foregrounded the role of British writer John Goldsmith, conveying the impression that it was a British-initiated project. No mention whatsoever was made of the fact that the version of the screenplay on which the film was to be based had been co-written by the Australian director, even though this was a contractual requirement of the Distribution Guarantee with Studio Canal Image (Studiocanal Image SA, 2000) and had been a condition of the AFC's approval of the project sixteen months earlier. In this way, 100% of the points for 'writer' could be attributed for the British writer. The relevant section of the UK application as it appeared on the CNC file is shown at Appendix G9, including handwritten annotations by a CNC officer. Other elements declared as British in the packaging for the DCMS included the casting of Kiefer Sutherland in the lead role and Chris Haywood and Nicholas Hope in 'featured' roles (even though the former was a known Hollywood actor and the latter two actors were Australian citizens and residents, and had been calculated as part of the

[123] It is not uncommon for financing to emanate from a range of international sources without necessarily involving official co-production.

Australian contribution on the application to the AFC). The application to the DCMS also committed to using a British composer, but did not specify who that would be.[124] The package as presented would be sufficient to meet the 20% minimum.

Only to the French government was the project actually presented for assessment as a quadripartite co-production (Le Sabre, 2001c). The forms required by the CNC at the time left little room for ambiguity. Questions were detailed and specific. For example, not only were French producers obliged to indicate the nationality of investment and production companies, but also the nationalities of the directors of these companies, enabling the Commission d'Agrément to easily detect the creation of 'special purpose vehicles' - companies established locally by foreign nationals specifically for the purpose of conforming to compliance requirements and with no genuine ongoing role in the French or European film industry. Likewise, Producers were required to indicate not only the nationality of a contributor, but also their country of residence. And where a contributor held dual citizenship, both nationalities had to be declared on the French forms. This provided the Commission d'Agrément with a far more accurate picture than other agencies of projects being proposed. Appendix G9 shows the cast and crew list form the French application where the dual citizenship of Chris Haywood and Nicholas Hope is immediately apparent.

Ordinarily, the various discrepancies between the four applications might have been picked up at the moment of assessment by government authorities i.e. each agency would have received an application, assessed it and passed it onto the authority of the coproducing country for comparison and reference. This sharing of information would have exposed certain anomalies, in particular the mass of information on the CNC application. However, on this occasion, the inconsistency in the way the financial deal was presented to each authority led to a degree of confusion about which authority had carriage of the project (who was the majority co-producer?), which ultimately benefitted the producers as they ducked and weaved through the four separate bureaucracies and secured the public funding they required.

5.2.3 Passage through the bureaucracy

The proposal for a French (60%) -Australian (40%) official co-production was presented to the AFC in February 2000 and, despite numerous anomalies, it was approved immediately. The relevant extract of the AFC Commission minutes records no hesitation on the part of Commissioners; but the wording of the decision also confirms that Commissioners misunderstood the nature of the project they were assessing:

> The Commission ADOPTED the recommendation that GAUGUIN (sic) be approved as an Australian/French co-production under the terms of the Memorandum of Understanding between the Australian Film Commission and the Centre Nationale de la Cinématographie (sic) and on the basis of the applications received by the AFC from Stella Production Pty Ltd and by the CNC from Le Sabre (AFC, 2000).

[124] In the end this did not eventuate. Andreacchio worked instead with a former Australian-based collaborator – see below for further details.

The Board thus understood the project to be a bilateral co-production with France, on which Australia was the minority coproducer; and accordingly would have assumed that the CNC had already assessed the project (because protocols required that all projects be assessed in the first instance by the authority of the majority co-production partner). These misunderstandings would have influenced the manner in which the AFC took its decision at a number of levels:

i) Commissioners would have thought they were being asked to endorse or reject a project that had already received CNC backing. Given the fraught history between the two agencies, which had led the CNC to express its dissatisfaction with the imbalance between French-initiated and Australian-initiated projects under the MOU (Wallon, 1990), and based on the Board's perception that this was a CNC-backed project, Commissioners would have been highly unlikely to reject such a proposal.
ii) Commissioners would have held little expectation that the project would foreground Australian elements. Whereas in majority Australian co-productions, Australia was expected to make an identifiable contribution, minority co-productions did not carry this expectation, so there was less pressure on the producers to demonstrate the significance of the Australian contribution or cultural relevance to Australian audiences.
iii) The Commissioners would have assumed that it was only Australian approval that was delaying production of the project, and would have been keen to push it through quickly to deflect criticism that the agency's processing of official co-productions was inefficient. This was a particularly sensitive point, because such criticism had recently reached the Minister's ears and sparked a decision to conduct a Departmental Review of the official co-production program (AFC/DCITA, 2001). So the AFC was under pressure to demonstrate its efficient management of the co-production program.

In actual fact, the CNC file reveals that no application at all had been submitted to the CNC at this stage. Indeed the project was not introduced to the CNC by the French producer until over 12months later, well after principal photography was complete (Bordiec, 2001). When it was finally submitted to the CNC, it was presented as a four-way co-production, with the level of Australian investment outweighing that of the other three partners, making Australia the majority coproducer (Le Sabre, 2001b).

Under normal circumstances this information would have been apparent to the AFC, as the IAP would have refused to assess the project without having sighted the official co-production agreement between producers and having received confirmation of provisional approval from the CNC. However, a range of factors meant that these omissions to the application were 'overlooked', including changes to Australian procedures for evaluating applications, and the identity of the individuals involved.

By the time *Paradise Found* was brought to the AFC, the protocol for evaluation of official co-production applications in Australia had changed. The Industry Advisory Panel (comprised of representatives from each of the industry organisations such as SPAA, ASDA, AWG) was no longer involved in assessing each project.[125] Instead a small committee within the AFC, consisting of staff – the CEO, the Head of Legal Affairs, and the Head of Policy - simply assessed each application in terms of whether or not it satisfied the criteria in the Guidelines.

[125] The IAP continued to exist but only as a consultative body, to provide input when new coprdouction agreements were being considered, or when changes to the Program Guidelines were proposed. In 2006, it was replaced by the Trade and Co-production Forum, which is convened by the Department and has a broader membership from other Government departments including Foreign Affairs and Trade.

This committee then made a recommendation to the Board of the AFC, who would generally ratify the committee's decision.

Andreacchio had served on the Board of the South Australian Film Corporation and the Film Finance Corporation. Amongst the AFC Commissioners assessing his application for official co-production status was fellow South Australian filmmaker Rolf de Heer. De Heer would likely have been sympathetic towards Andreacchio, both because of their shared professional background and also because he himself had made two French-Australian official co-productions (including one with procedural irregularities,[126] which had been approved by the AFC just three months before).

So a number of factors were at play which were conducive to swift processing by the Australian authorities. Once approved by the AFC (the 'majority coproducer') the task of gaining approval from the minority coproducing countries ought to have been relatively straight forward. So this is the step one would expect the producers to have taken. Instead, the Australian producers took the project directly to Australia's main production funding agency, the Film Finance Corporation (FFC), where it secured approval for Australian public investment (Woods, 2000).

This was totally in breach of all international protocols and indeed with Australian processes. FFC investment guidelines required numerous elements to be in place for all official co-productions seeking investment. Namely: an executed co-production agreement between the producers; evidence of a domestic presale (to demonstrate that the project was intended for an Australian audience); and above all provisional certification from the Government authority of the other coproducing country, without which the project could not be considered an official co-production at all and would therefore be ineligible for Australian Government investment (Australian Film Finance Corporation, 1998).

Assuming the Australian authorities were not aware that the project was intended as a quadripartite co-production (or that the producers had not yet taken the decision to make it a quadripartite co-production), so would not have required German nor UK approval, it remains extraordinary that the project should have received funding approval from the FFC prior to even having been presented to the French authorities for consideration as an official co-production; because without provisional approval from both parties, the project did not constitute an official co-production, so was not a 'qualifying Australian film' and was therefore ineligible to receive Australian public funding.

A possible explanation is suggested in an article from the time, tellingly entitled 'Canal Plus paints a pic with Oz fund' (Woods, 2000). Apparently, the Australian film industry had launched a campaign against the FFC, accusing it of stockpiling taxpayer funds. In response, the Government had announced that it would be conducting a review into the matter. The FFC, which had argued that its large cash reserves were simply due to erratic cash-flows and

[126] *The Old Man who Read Love Stories* completed principal photography prior to receiving provisional certification from the AFC.

that the funds were actually committed but simply unspent by the production community, was thus under pressure to empty its coffers quickly. It was in this context that Andreacchio, himself a former Board member of the Australian Film Finance Corporation, managed to have *Paradise Found* approved without the relevant paperwork in place.

In April 2001 (almost one year after FFC funding approval), a four way co-production agreement between the French, Australian, German and British producers was executed (AppolloMedia, Le Sabre, AMPCO, & Grosvenor Park Productions, 2001). This is the second occasion on which one might have expected the producers to proceed with applications to the French, German, and UK authorities. Instead, the French producer had his lawyer write to the CNC to verify whether a 4-way co-production would hypothetically be possible and, on the basis of the CNC's affirmative response, went straight into principal photography (presumably using FFC funds) without official co-production certification (Agnes Jacob - Le Sabre Service Juridique, 2001).

This was a high-risk strategy. In the event that the CNC, the DCMS, or BAFA (German authorities) later failed to approve the project as an official co-production, final certification of the project in Australia would also have been jeopardised, and theoretically all monies invested by the FFC would have been repayable to the Australian government by the producers. Either the producers made a calculated guess that this would be unlikely to occur or other factors weighed more heavily upon the project than FFC funding, forcing them to take the project into production immediately.

The producers had entered into a worldwide distribution guarantee with Studiocanal Image, and one of the contractually binding terms of this agreement was that 'principal photography of the picture shall occur no later than 30 June 2001' (Studiocanal Image SA, 2000:12). If the project had failed to commence production before 30 June 2001, the producers would have been in breach of this contract and risked losing 6,500,000 FF (approx 1mill euros, or one sixth of their budget). This may well have been the imperative that motivated their decision to proceed with principal photography.

So principal photography proceeded on 24 May 2001, 15 months after the AFC had approved the project, and just in time to meet the contractual conditions of Studio Canal Image, but without provisional certification having been issued by any of the European partners. How then, did the project eventually receive the approval of French, German and British authorities, given that it was already in production?

The CNC file indicates that applications were made to the French, German and British authorities simultaneously in the week of 26 June 2001, one month after commencement of principal photography (BAFA, 2001; Grosvenor Park Productions UK, 2001; Le Sabre, 2001c). The project did not comply with the requirements of each agency. However, rather than reject it at this late stage, the agencies decided to make a complicated series of bureaucratic accommodations.

The CNC Commission d'Agrément was made aware of the proposal for the first time at their meeting of 18 July 2001 (17 months after AFC approval and 2 months after commencement of principal photography). However, the application was incomplete and could not be assessed.

The project was formally considered by the Commission d'Agrément on the 1 August 2001. The Commission noted that the project was in fact a four-way co-production, that the shoot had begun prior to application for official co-production status, and that the absolute maximum level of support available to the producers – calculated as a function of the French participation – was well below the amount being claimed by the producers. They concluded 'the commission deems that the proposal cannot be considered in its current state' (CNC Commission d'Agrément, 2001a) i.e. it would require re-packaging.

Clearly the CNC Commission d'Agrément had a better understanding of the project than their Australian counterparts. They understood the project in a level of detail and scrutinised it in a way that had been absent from AFC assessment. The irony of course was that at this late stage it made no difference whatsoever to the outcome. With the project already in production, very little about it could be changed, except perhaps in post-production or else perhaps on paper...and this is precisely what happened.

In an attempt to increase the French contribution, a commitment was made to change the post-production sound facility from Australia (Hendon Studios, South Australia) to France, and to replace the Australian sound engineer with a French one (Bordiec, 2001). This of course then meant that the project would no longer uphold the undertakings that had been made to the Australian authorities 18 months previously and on which basis the AFC had approved the co-production. However, as FFC funding had already been issued and as the Australian authorities were partially responsible for the prevailing confusion, there was little likelihood that they would challenge the producers.

The only other change was a purely bureaucratic modification to packaging in an attempt to secure the predetermined level of financing from the CNC. German make-up artist, Katharina Erfmann, who had been contracted by the German coproducer, was re-contracted by the French co-producer, making her officially part of the French contingent (Zen Productions, 2001). So with the stroke of a lawyer's pen, the level of French participation had magically increased, with absolutely no real impact on the project itself.

The CNC Commission d'Agrément clearly did not appreciate the producers' cynical approach, because when the modified paperwork was re-presented to them on 26 September 2001, they refrained from making any decision (CNC Commission d'Agrément, 2001b). This impasse and the CNC's withholding strategy seems to have had very little effect upon the producers. The film completed production and went into post-production as scheduled.

In the meantime, the project was processed by the German and UK authorities and granted provisional certification as a French-British and German-Australian official co-production respectively. The UK authorities wrote to the CNC on 6 Sept 2001 advising that the film had

received provisional certification as a UK-French co-production subject to CNC approval and enclosing a copy of the British producers' application, which in many respects did not correlate with the information that the CNC had on file (Department for Culture Media and Sport, 2001). Actors that had been listed on the AFC and CNC applications as Australian were declared to the DCMS as part of the British contribution. Handwritten notes on the CNC's file emphasize the producers' attempt to misrepresent participation levels through 'Europeanisation' of Australian contributors (Appendix G9).

So the project sat in a sort of legal limbo. It was completed but not approved and in this state could not be issued with a 'visa d'exploitation' (release certificate) by the CNC, so could not be theatrically released. It wasn't until January 2002, well after the film was complete, that Le Sabre reinitiated contact with the CNC, requesting confirmation of provisional certification (Le Sabre, 2002). This time, they had in their possession provisional certification from the Australian, British, and German authorities and a finished film, which put the CNC under considerable pressure to approve the proposal, in spite of its numerous irregularities. Rather than being referred to the full Commission d'Agrément, the file was dealt with in person by the Directeur de Production Cinématographique, François Hurard, who had the delegated authority to approve projects on a discretionary basis.

On 15 November 2002, almost three years after AFC provisional certification, and with the film already complete, Hurard wrote to the Australian, British and German authorities advising that *Paradise Found* had been provisionally approved as French-Australian, French-British and French-German official co-production under the quadripartite provisions of these agreements (François Hurard CNC Directeur du Cinéma, 2002a, 2002b, 2002c).

By this point, things had become farcical. The bureaucratic wheel, whose processes had been totally disregarded, and was now totally irrelevant to the production outcome, continued to turn nevertheless...The film was already 'in the can' and the quest to complete paperwork satisfactorily had become an end in itself. Thus in May 2002 the DCMS wrote to the producers to give guidance about misrepresenting British contribution. But a brief examination of the duplicate application to DCMS as it exists on the CNC file enables us to see that the correspondence is empty of intent and is purely for the form:

> This is a general note for future applications. This concerns nationals of one co-producing country who are resident in another co-producing country. For example, on this production there are some UK nationals who are residents of Australia. It would be DCMS's general preference in such instances to count such personnel on the side of the co-producing country in which they are ordinarily resident, as we believe this assists in better meeting the aims of official co-productions. (On the present application we are counting such UK personnel on the UK side where the same were disclosed at the provisional stage as UK personnel, notwithstanding we are now aware of their Australian residence) (DCMS, 2002).

It is important to note that the British producer's application to the DCMS on 26 June 2001 had never hidden the Australian residency of the applicants. He had not mentioned however

that the relevant participants had already been calculated as part of the Australian contribution on the same film.

Given that the producers never upheld their undertaking to use a British composer (Andreacchio instead worked with a former collaborator, Australian composer Frank Strangio, with whom he had collaborated on *Young Blades*), that the two 'featured' cast were Australian, and that the lead cast was American, the only British aspect of this French-British co-production in the end was the co-writer, John Goldsmith i.e. the completed film would never have passed the DCMS official co-production test.

And to end the tale, the German authorities finally responded to the CNC, advising that the project had not been approved by the BAFA as a French-German official co-production, but rather as an Australian-German official co-production, meaning that Australia was implicated in an Australian-German co-production of which it has absolutely no record. Furthermore the hand-written CNC file notes on the side of the letter indicate that the CNC were unable to understand the correspondence written to them in German. My translation of the notes in Appendix G9 is:

> I can't understand it all, but the gist of the message is... 'no'. The project can't be counted as a French-German co-production. However, it is OK as a German-Australian co-production (BAFA, 2002).

This anecdote really exposes the artifice of the lofty statements of objectives associated with Australia's official co-production program. The ability to retrospectively reclassify one and the same oeuvre as 'German-Australian' or 'French-Australian', indicates the superficiality of the indicators used by policy instruments to measure/ensure cultural relevance, contribution or participation.

Epilogue

With the exception of festivals, the film received no theatrical distribution in Australia or France. Czech participation on this co-production far outweighed that of any of the four official co-production countries.

5.3 ELEPHANT TALES

Elephant Tales was the second of two French-Australian official co-production feature films to be written, directed and produced by South-Australian based filmmaker, Mario Andreacchio during the relevant period. Andreacchio had built his reputation making successful children's programs using animals and this project was an extension of that. The film is about two baby African elephants wandering the African continent in search of their mother i.e. the story is set in Africa and the lead 'characters' are African (animals).

Based upon our analysis of the earlier co-production files, we might have expected that the levels of French and Australian crew and/or investment would have been significant, or that perhaps location shooting was scheduled in one or other of the co-producing countries in order to compensate for the dearth of on-screen French and Australian elements. This was not the case. All pre-production and production took place in South Africa. Only the post-production was split between France and Australia.

In fact, it would seem the project did not actually comply with Australia's Co-production Guidelines nor with the provisions of the French-Australian MOU. The level of Australian creative contribution (as measured by the points system) and the level of expenditure on Australian elements was not proportionate to the level of Australian investment. Notwithstanding, the AFC's Co-production Committee recommended to the AFC Board that it approve the project, which it did without discussion or debate. This indifference to compliance contrasts markedly with the attitude of the AFC twenty years earlier and suggests that the instruments might have lost their potency…and relevance.

5.3.1 Project Genesis

Andreacchio describes having conceived the story of *Elephant Tales* in 1989 'whilst sitting under the shade of an Acacia tree in Kenya watching orphaned baby elephants play together' (Andreacchio, 2006). When he returned to Australia and discussed the project with investors, however, he realised he would not be able to secure support for such a film straight away:

> I actually thought of doing 'Elephant Tales' before 'Napoleon' - the story of two elephants. And I thought... I started to talk to a few people about that when I was far less experienced. And people thought I was crazy (Henschke, 2007).

Andreacchio instead made several other children's' films, integrating animals to a greater or less degree, which were all relatively successful. One in particular, *Napoleon (1995)*, was highly profitable and opened up new financing avenues for Andreacchio. Following this success, he teamed up with the film's line producer, John Wild, to write a detailed treatment for his idea about two elephants (Andreacchio, 2006:2). It would be another decade, however, before he would get around to making *Elephant Tales.*

From the available documentation it is difficult to ascertain whether this delay was due to logistical difficulties of mounting a project in Africa or due to Andreacchio's other commitments. Whatever the case may be, he went on to make another four features between 1996 and 2006, each of which led him a step closer to the creative and financial package he would ultimately put together for *Elephant Tales:*

- *The Real Macaw (1998),* which was a story about a talking parrot, enabled him to refine his skills of working with animals;
- *Sally Marshall is not an Alien (1999),* which was an official co-production between Australia and Canada, enabled him to gain experience in official co-production;
- *Young Blades (2001),* which was co-financed between the UK and France, enabled him to work with the French production company, Le Sabre, which subsequently became his co-production partner on *Paradise Found;*
- *Paradise Found (2003),* which was Andreacchio's first French-Australian co-production, paved the way for *Elephant Tales* to be made as a French-Australian co-production.[127]

During this time, Andreacchio also had the opportunity to sit on the Board of the South Australian Film Corporation and the Australian Film Finance Corporation. No doubt these experiences served him well, furnishing contacts and enabling him to assemble a package in such a way that it would smoothly navigate the Australian bureaucracy.

5.3.2 Packaging the Project

By 2004, Andreacchio was well positioned to proceed with the project. His pitch was apparently simple: *"Why don't we do a 'Napoleon'-style film, but on a much more epic landscape using African animals?"* (Negus, 2004)

It is difficult to comment with certainty on whether or not Andreacchio modified his original vision in order to satisfy the official co-production guidelines. The version of the project presented to the AFC Board was unapologetically non-compliant with the MOU and the Guidelines i.e. there appears to have been very little attempt to comply, and there is no evidence of pressure having been applied by the bureaucracy for him to change things.

Figure 12 shows the package presented to the AFC. At first glance everything appears to be in order: 70.7% of the budget is to be spent on Australian elements, which slightly exceeds the Australian share of the budget (70%); and 75% of key creative personnel are to be Australian, which also exceeds the Australian share of the budget. However, on reading the footnotes, it becomes clear that these figures mask another narrative, as follows:

- The stated Australian 'investment' includes a significant level of deferred fees i.e. not actual upfront investment;

[127] The French co-producer of *Elephant Tales* was Georges Campana, former Chair of Le Sabre, a subsidiary of Canal Plus which had co-produced Andreacchio's two previous films, *Paradise Found* and *Young Blades*. However, he produced *Elephant Tales* through a different production company, Breakout Films.

- The stated expenditure on Australian elements actually includes the majority of expenditure on African elements; and
- The proportion of Australian key creative personnel is incorrectly calculated as being 6 out of 8 possible points (75%) rather 6 out of 12 points (50%).

Moreover, half of the points attributed for the 'Australian creative contribution' on this production were awarded for just one individual, Andreacchio himself, who was both writer and director of the project.

Figure 12: Package presented to AFC Board by Co-production Committee 14 Dec 2004

Budget		
Total Budget:		$7,402,449
Australian share of budget:		$5,178,498 = 70%
Amount spent on Australian elements:		$5,232,279 = 70.7%[1]
Key Creative Personnel		
Director	Mario Andreacchio (Aust)	**2 points**
Writers	Mario Andreacchio (Aust)	**2 points**
	John Wild (Aust)	
DOP	TBA (Fr)	1 point
Editor	TBA (Aust)	**1 point**
Production Designer	Martin Childs (Fr)	1 point
Composer	Frank Strangio (Aust)	**1 point**
4 lead cast/voices	N/A	*
Australian Points	.....	**6/8 = 75%**[2]

[1]Note that this figure includes deferred fees, 70% of the South African expenditure and 70% of the film's financing costs…
[2]As the film is being voiced by both French and Australian artists no points have been allocated for cast.

Regrettably I did not have access to the more complete CNC records to know how the project was processed by the European agencies. However, the publicly available records of the Commission meeting indicate how it was processed by the AFC.

5.3.3 Passage through the bureaucracy

The minutes of the AFC Board meeting at which the project was approved record no debate or discussion about these anomalies, nor concern about non-compliance. Could it be that the Board considered the policy instruments an impediment to the important task of encouraging production by local filmmakers and accordingly disregarded them, or was the apparent indifference of the Board perhaps due to the misleading manner in which the project had been presented to them?

The Co-production Committee's recommendation to the Board had been that the off-shore shoot be allowed on the basis that the AFC Co-production Guidelines contain a clause that 'allows for the approval of location shooting in a third country'; and that the expenditure of Australian funds on South African elements be allowed on the basis that 'the AFC has in the

past assessed spend on non co-producing country elements by dividing that spend between the co-producers in the same proportion as their contribution to the budget' (Australian Film Commission, 2004).

The Committee neglected however to mention that the version of the Australian Co-production Guidelines that were in operation at the time, whilst allowing for some location filming to be undertaken in a non-party country 'in exceptional circumstances' and 'subject to the approval of the relevant competent authorities', did not provide for the expenditure associated with such third party involvement to be counted as part of the Australian spend, nor do they make any reference to diminished allowable levels of Australian spend (Australian Film Commission, 1999). On the contrary the 1999 Guidelines, in force until 2006, stipulated that when no Australian actors are employed in any of the four major roles, 'technical or other cast participation must be increased to compensate in the overall balance' (Figure 13). The French-Australian MOU likewise makes it clear that 'technical work and acting must be done by persons of Australian or French nationality, or residents of Australia or France', and that any exception to this requires 'agreement between the appropriate authorities of the two countries' (AFC/CNC, 1988:Article 4).

Figure 13: : Extract from Australia's International Co-production Guidelines 1999

> ***3.4 Participation Levels***
> *(a) There are minimum percentages of Australian participation set out in each treaty. In co-productions based on MOUs, the minimum percentage of Australian participation is 20 per cent. Australian participation in a co-production is determined by:*
> *(i) the application of a points system as set out in Section 4 by which the Australian producer must engage Australian nationals or residents as a percentage of the key creative participants in the co-production that is equivalent to the percentage of the budget contributed by the Australian producer;*
> *(ii) an equivalent percentage of other cast and crew; and*
> *(iii) an equivalent percentage in the amount of the budget spent on Australian elements of the co-production. Australian elements may include cast, crew facilities and materials, per diems of all Australians and their cost of travel and accommodation whether incurred in Australia or not. Additionally, a percentage of contingencies, of the cost of insurances and of a completion guarantee may be included as may legal costs incurred by the Australian producer.*
> *(b) The percentage of the budget contributed by the Australian producer must be equivalent to the percentage of the budget spent on Australian elements of the co-production. A leeway of up to 5 per cent is allowed.*
> *(c) When no Australian actors are employed in any of the four major roles, technical or other cast participation must be increased to compensate in the overall balance.*
> *(d) Where both the writer and the director of a co-production film are neither citizens nor permanent residents of Australian, Australian creative participation must be greater than the minimum otherwise allowable.*

Following the successful release of Elephant Tales, Andreacchio founded a new company AMPCO Films 'as an evolution from Adelaide Motion Picture Company' and made a strategic decision to focus his production activities on international co-production (www.ampcofilms.com).

CHAPTER CONCLUSION

The three films considered in this chapter involved directors who used the MOU more than once. *Love Stories* was de Heer's second French-Australian co-production, whilst *Paradise Found* and *Elephant Tales* were both directed by Mario Andreacchio. De Heer and Andreacchio were the only directors who have made more than one French-Australian feature and the experience they accrued in negotiating the bureaucracy in France and Australia on their first film meant that their approach to the system for their second film could be described as 'informed and strategic' or, less generously, as 'cynical and opportunistic'. Gone were the days of making the project fit the policy framework. The way these filmmakers worked the system was to make the policy framework fit the project. No attempt was made in any of the three films to make the stories 'look and feel' Australian or French onscreen. All three were shot principally outside of France and Australia[128], and were based on source material/subject matter that was tangentially relevant, and certainly not culturally specific, to either country. So great was the filmmakers' confidence in their ability to successfully negotiate the system that principal production on these three projects commenced prior to provisional certification having been granted. The response of the bureaucracy to this level of opportunism and cynicism likewise bears witness to an enormous shift in Australian film policy outlook and ambitions. In contrast to the high level of agency involvement for the first two films, the files contain little trace of concern within the CNC or AFC regarding the filmmakers' lack of compliance with regulations. When the agencies become aware that shooting on a project has already commenced for instance, they choose to overlook this and grant approval retrospectively. In this context then, the question arises as to whether policy instruments have lost their relevancy. Furthermore, when director de Heer is considered an EU citizen for the purposes of making Dingo, and an Australian citizen for Love Stories, it becomes clear how meaningless notions such as 'French (or Australian) creative contribution' have been rendered. The fact that in the case of Love Stories, the lead actor Hugo Weaving could be listed as a UK participant on the French application and as an Australian citizen on the Australian application, taking advantage of his dual citizenship, and that such obvious manipulation of the criteria would be accommodated by the relevant agencies may indicate a growing cynicism about the ability of the points system to be a meaningful gauge of the 'Australian' cultural identity of the production. Likewise, it became apparent that projects reported as French-Australian official co-productions in Australian film policy literature may actually be three-way or four-way international collaborations, with greater involvement of those third party countries than from either Australia or France.

Analysis of policy implementation on these three films indicates that over two decades, policy instruments have been progressively appropriated by the users (filmmakers) to the extent that they are no longer serve any real purpose and, perhaps in awareness of this, both filmmakers and bureaucrats have chosen to disregard them. That is to say, while the policy instruments still exist, they are simply ignored or circumvented where they get in the way of the project or the attainment of other objectives.

[128] Port Douglas in Australia was used to shoot certain Tahitian scenes for Paradise Found.

6 REFLECTIONS ON POLICY IMPLEMENTATION

At the beginning of the case-study we noted that the seven feature films generated by the French-Australian MOU between 1986 and 2006 were all reportedly compliant with policy instruments, yet none of them appeared to embody stated policy objectives. These were films which by and large were neither commercially successful nor were they, in the eyes of local critics, culturally relevant to Australian audiences. Indeed certain of the films had never been released commercially in Australian cinemas. The question arose as to why this paradox had not been more closely examined in existing reviews of the official co-production program. Attributing this to the inherent limitations of the government review process, I attempted a different type of analysis - the type advocated by Bennett et al (Bean, 2008; T. Bennett, 1998; Cunningham, 1992, 2008; O'Regan, 1992) which, after Foucault, would engage in the 'politics of detail', studying the concrete practises of policy in its 'dense materialism' and power at the extremities of its exercise (Foucault, 1969, 1994). An analysis founded not on consolidated data, formal statements and official reports, but on the messy, difficult to grasp relations between producers, the policy apparatus, and the resultant films, as revealed through 'unofficial' material on the official co-production files – correspondence, unpublished synopses, handwritten notes scribbled by bureaucrats in the margins of applications. Moreover, I approached this analysis not from the perspective of the Australian archives, which may well have brought forth information that was relatively coherent with the official accounts. Rather, through force of circumstance, the primary source for this analysis was the French archives. And this introduced another level of complexity because it problematized the Australian official account in a manner that simply would not have occurred otherwise.

In this chapter I return to the original problematic – the problem of apparently 'compliant' projects that manifestly fail to fulfil the ambitions of the policy instruments. My analysis offered three key insights which may contribute to our understanding of the disjuncture: policy implementation was not consistent nor transparent but rather adhoc and subject to interpretation and negotiation by a wide range of stakeholders that are normally considered to be external to the policy apparatus; as a consequence, policy instruments did not measure what they purported to measure. The criteria of nationality was abused, evaded, circumvented, and often in the full awareness of bureaucrats; whilst policy did not generate desired effects on production (cultural relevancy, commercial success), it did impact production in a significant and generally adverse manner. The creative process was thwarted (scripts, cast, crew and locations were all modified), and the industrial process was greatly complexified. As a consequence of the dysfunctional interaction between policy and production, the resultant films often failed to find a release.

6.1 POLICY CONSISTENCY AND TRANSPARENCY

The prevailing perception and the image promoted by the Australian Government is that, in a situation that is characterised by many competing interests, policy intervenes independently. Almost like a magistrate in a legal case, we conceive of policy as a juridical instrument i.e. as law. It is considered above reproach and not subject to prejudice.

The Australian policy environment is particularly fond of this legal image of policy. To promote an impression of being completely above-board and transparent there are a number of institutions established with the specific purpose of monitoring policy transparency: the Administrative Appeals Tribunal (AAT), which 'provides for quasi-judicial review of administrative decisions by Australian federal government'; and the Office of the Commonwealth Ombudsman, which investigates complaints about the administrative actions of Australian Government departments and agencies. Interestingly, both of these institutions were established at approximately the same time as the first federal film agency. The AAT was established by the Administrative Appeals Tribunal Act 1975, and legislation to establish an office of Commonwealth Ombudsman was passed in 1976 to 'safeguard the community in its dealings with Australian Government agencies'.

Analysis showed this to be an inaccurate perception. Despite compliance instruments that are based upon black letter law – enabling legislation of agencies, published eligibility criteria including legal definitions and methods of calculating – we found that policy was implemented in an adhoc and inconsistent manner. Whether or not a project was approved depended less upon the elements of the project itself than upon a range of other factors including: personalities involved (those being assessed and those assessing); context (in particular political agendas); and third party influences (unions, market pressure etc.).

We saw for instance that the French-Australian MOU, a quasi-legal document (although not enforceable by international law, the MOU contains same elements as Australia's Treaties with other nations), was subject to widely varying interpretations by the French and Australian Governments. We also saw that ostensibly objective compliance instruments, which remained more or less unchanged during the period under consideration, were interpreted and applied in a widely varying manner. A project could be assessed completely differently according to who the filmmakers were, who was assessing it and it what political context. Thus a project which had been rejected by one bureaucrat could be approved by another with minimal changes to the project itself, if there were changes in the political context; or a project which appeared blatantly non-compliant would be approved over and above project which appeared eligible, because of personalities involved. Furthermore, we saw that decisions could be strongly influenced by third parties that are normally considered external to the policy apparatus. Industry unions (who sat on IAP), media (who influenced public opinion), Hollywood agents (powerful stakeholders that ought not to be disenfranchised), other arms of Government (such as the Department of Foreign Affairs) and foreign Governments (of third party countries such as Germany in the case of the French-

Australian co-production *Until the End of the World*) were all capable of applying pressure to influence policy interpretation and ensure decisions were taken in their favour. Appendices F1 and F2 show the comparative development times of the films in the corpus and also map out the manner in which events on one film impacted another.

6.1.1 Differing agency interpretations of ostensibly same objective

It will be recalled that official co-production between France and Australia occurs under the auspices of a Memorandum of Understanding between the two nations. Moreover the MOU contains specific provisions ('articles') which stipulate the conditions that will apply to all projects seeking official co-production status. These articles appear to be straightforward and non negotiable. Our analysis of policy implementation, however, indicates that manner in which these apparently clear conditions are interpreted by each agency varies greatly and within each agency over time. Over the twenty years we saw a significant difference in the manner in which the French and Australian agencies interpreted what is generally held to be black letter law.

Whilst we did in Chapter 2 note that the provisions of the MOU are interpreted for the local policy environment by a set of country-specific program guidelines, we did not at that point understand that this process of reinterpretation to the local environment occurs in a far more complex way than generally accounted for. It is not simply a matter of a unidirectional top down flow. The articles of the MOU may well be translated into a form that corresponds with each country's policy priorities, and this seems well and proper, so that filmmakers in individual countries are dealing with a set of criteria that is coherent with national film policy priorities. Notwithstanding the international agreement brings these two systems into play. They must interact. And from the moment they interact, the national policy priorities clash. Let me be more specific. It sounds well and good and reassuring to say to filmmakers that this international agreement exists with certain provisions. One needn't worry too much about these provisions because a) we have agreed to them believing that it is the best way to ensure Australia's policy priorities and national interests are preserved; and b) we will translate these provisions into a language and into compliance instruments that are consistent with our existing national policy paradigm. However, when it comes to the exercise of this well laid out system, we see that the Guidelines put in place by each country can be extremely at odds, even to the point of being in conflict. And where they are in conflict, resolution is required and this means compromise is required. Which means that the policy instruments can simply not be watertight, non-negotiable and transparent.

The common objective of the MOU, meant different things to each Government; the individual articles of the MOU concerning minimum levels of investment and proportionality between financial and creative participation, were interpreted completely differently in each national context. We had already identified the differences between the two systems and the potential for this inconsistency in an earlier chapter. However, now we know in concrete terms how this inconsistency played itself out and how it impacted filmmakers and projects.

In Chapters 1 and 2, I discussed the imperatives underpinning national film policy and in particular the official co-production program. The Australian Government perceived it as a means of increasing the amount of money available to Australian filmmakers whilst retaining a measure of control over content. The French Government perceived the program as a means of enabling its filmmakers to make more films and to collaborate with other non-American countries so that the competition faced by the US film industry would be increased (refer interviews in Appendices G1, G2, G3). It was part of a concerted collaborative effort to mount a challenge to Hollywood domination of the cinema. Over and above this, French film policy favoured the cinema d'auteur and to this end, refrained from interfering in the creative decisions of established writer directors.

Notwithstanding, the French Government did wish to ensure that money invested would result in direct benefits to the French film industry generally (over and above the individuals who initiated the project), which is why the cachet system was in place. However the cachet system was more adapted to the creative process in the sense that no particular participants were singled out for special points. Rather, the auteur could decide which roles would be attributed to the French cast/crew and the weighting for these was proportional to their level of involvement. It would be possible for instance to accrue sufficient levels of participation by accumulating lots of days of French actors in small bit roles, rather than allocating one principal French cast member.

Inconsistency between the two agencies' interpretation of an ostensibly common is particularly evident in the correspondence contained on the CNC file concerning *Until the End of the World* and *Green Card* (Appendices G4 and G5). One letter from the French producer, Anatole Dauman, to his interlocuteur at the CNC, Yves Marmion, provides a clear summary of the differences between Australian and French systems. Similarly elucidating is Kim Williams' letter to Jerome Clement justifying the Australian system and explaining how and why the underlying rationale differs from French policy rationale.

These differences then played themselves out when decisions had to be made concerning particular films. The AFC's highly supportive stance with respect to *Green Card* indicates that the AFC was primarily concerned with the short-term objective of providing an international vehicle, and access to the North American market, for an Australian director. By contrast, the French agency was concerned about the longer term strategic objective of mounting and maintaining resistance to US majors.

Likewise the AFC/FFC eagerness about the participation of US actors, contrasted with French resistance to the same. Dauman writes that FFC wants William Hurt, whereas CNC file says 'pas de mention hors CNC' – no mention outside the CNC as presumably it will be a source of shame.

6.2 NATIONALITY AS ELIGIBILITY CRITERIA

Exposure to market forces upon release is to be expected in an unregulated market. Regulation intercedes, then, to quarantine production from the dynamics of the open market. It does this through custom designed instruments that are supposed to give carriage to national policy objectives. The guiding principle is that if films are financially and creatively controlled by Australian citizens, they will be culturally relevant to Australian citizens, and that if money is spent in Australia or on Australian filmmakers, the Australian film industry and indeed the economy at large will benefit.

The weaknesses in the presuppositions underpinning these instruments have been discussed at length by others. Jacka for instance has pointed out the flaw in the assumption of a direct link between citizenship and cultural identity (Dermody & Jacka, 1988), and Chief Justice Brennan of the High Court of Australia in his ruling on the Australian Content Standard dismissed the use of a creative elements test as 'classifying programs by reference to their provenance' (Justice Brennan, 1998).

It is not my intention to reiterate or engage with those high-level arguments here (we will do this in the next chapter). What I have sought to do instead is to examine the operation of the eligibility criteria *on their own terms*. That is, to see what actually happens, what concrete effects are produced, when minimum levels of national expenditure, national participation and national investment are imposed upon producers.

In examining policy instruments at the site of their exercise I found that investors, lawyers, producers, and indeed agency personnel negotiated compromises in order to circumvent the published eligibility criteria. Legal loopholes were exploited, to create an impression of formal compliance whilst actually enabling evasion: declared levels of Australian investment often included foreign finance; declared Australian expenditure often included expenditure in third party countries; and declared Australian participation often included the involvement of cast and crew from foreign countries.

6.2.1 Australian Investment

One of the most surprising things about this body of publicly-funded films is the extent to which they remained susceptible to market forces during the development and financing process, by which I mean subject to the influence of the US-dominated global audiovisual market, such that creative decisions are taken as a function of the lucrative north-American market, in very much the same way as they would be if a project were privately financed. This surprised me, because my expectation was that public funding existed as an alternative to the market. This seems a fairly reasonable expectation, to the degree that it had been informed by clear policy statements to this effect. It is also an expectation that is shared by many stakeholders.

Over and above general claims by Australian Government film agencies and industry organisations that the whole *raison d'être* of Australian film policy is to redress market failure (Dalton, 2003; Gonski, 1997), it will be remembered that the specific aims of the Australian official co-production program have also been articulated in these terms. The 2001 Review of the official co-production program stated that official co-production is a means by which 'filmmakers from smaller filmmaking countries…could combine resources in order to create films that were better able to complete with the Hollywood films' (AFC/DCITA, 2001).

The inference here is that by increasing available levels of public funding, filmmakers will be able to make films on a similar scale to - and thus competitive with – but financially independent of – and thus distinct from Hollywood films.

This was indeed the expectation/understanding of the filmmaking community to availed themselves of the program in its early days. Wim Wenders was keen to distance himself from Hollywood processes after an unhappy experience on *Hammett* and Peter Weir was looking for 'relief after working for so long on American studio based films' (Appendix G5).

In reality, we have seen that despite high levels of Government investment directed towards Australian producers/production companies, the market was very much involved in the development of official co-productions.

Behind the declared 'Australian investment' was a whole host of foreign, often US, sales agents, distributors and broadcasters. In some cases these institutions actually provided the majority of the budget. In other cases they were minority investors, used to provide 'gap funding' between the amounts furnished by the French and Australian Governments and the real costs of production. In both cases, they exerted a real influence, dictating project elements from behind the scenes by way of contracts which stipulated that their financial commitment was conditional upon these elements being present in the completed film.

US Financial Backing – Green Card

Green Card was backed by a US studio, Buena Vista, which was an affiliate of Walt Disney Studios. This is not really apparent on the Australian application because the dollars from the US company were channelled through Australian production company and so were considered part of 'Australian investment'. This calls into question the effectiveness of this as a measure and thus merits further reflection.

Appendix G5 shows an extract from the application to the AFC by Peter Weir, which describes sources of financing for Green Card, including how project complies with minimum levels of Australian investment requirement. A quick glance at this extract gives the impression that the film's $12.5m budget will be constituted of $3m in French investment and $9.5m in Australian investment; and that of the Australian investment, just $3m will come from public sources (the FFC), with the remaining $6.5m provided by the Australian

production company, by way of a bank loan. Close reading however indicates that the majority of the budget is actually coming (albeit indirectly) from a Hollywood Studio. This is how it works:

- Buena Vista is a subsidiary of Walt Disney Studios. Buena Vista/Walt Disney provides a Distribution Guarantee (contractual commitment to purchase the distribution rights to completed film) for the film on the condition that it meets certain stipulated elements.
- On the basis of this Distribution Guarantee (the contract is used as security for the loan), Weir obtains a loan from an investment bank, which he can invest in the film
- This loan is channelled through newly created Australian production company 'Green Card Productions' and thus constitutes part of the Australian finance[129].

Moreover, consistent with the standard terms of distribution guarantees, in return for this substantial sum, Disney has the right to stipulate certain elements ('approved cast and crew') i.e. if these elements are not in the film, Disney will not be contractually obliged to pay.

Whilst a copy of the Buena Vista/Green Card Productions contract was not on file, a copy of the US Completion Guarantee was, and this enabled me to identify precisely which elements were commercially stipulated. The agreement, between Californian-based 'Completion Bond Company Inc.' and the French production company clearly documented the financial links between the US studio and the Australian production company and how the latter's contractually agreed terms with the US studio have become legal obligations to the bank that has provided the loan (because if the Distribution Guarantee falls through then the producer will not be in a position to repay the loan).

The individuals stipulated on the completion guarantee as 'approved cast and crew' are:
Cast: Gerard Depardieu, Andie McDowell, Bebe Neuwirth
Crew: Peter Weir (director), Peter Weir and Duncan Henderson (producers), Ed Feldman (Executive Producer), Todd Arnow (production accountant), Ira Halberstadt (Unit Production Manager), Wendy Stites (Production Designer), Geoffrey Simpson (cinematographer).

The majority of these contributors are American – Duncan Henderson, Ed Feldman, Todd Arnow, Ira Halberstadt - and are not mentioned whatsoever on the Australian application. Financial control of the film thus remains squarely in the hands of US studio executives. None of this US participation is apparent on the Australian application, because the Australian application only requires applicants to identify 'Australian investment' 'Australian expenditure' 'Australian participation'.

[129] FN companies established especially for a particular production are spoken about as SPVs – special purpose vehicles – because they are not genuine, long-term, established Australian production companies but are rather mounted just prior to a production and generally dismantled once their purpose – production and release of film - has been fulfilled

6.2.2 Australian participation

We now know that 'Australianness' is a particularly ineffective compliance criteria. It did not ensure Australian investment because foreign (primarily US) finances could simply be channelled through Australian 'Special Purpose Vehicles'. Distributors, sales agents, and broadcasters continued to exert a tangible and significant influence upon projects. Neither did the requirement of 'Australian expenditure' result in direct benefits to the Australian film industry, because the way in which the guidelines were interpreted meant that expenditure in foreign territories and participation of individuals who were not active members of the Australian film industry could and did count as part of the Australian quotient. Finally, we know that the requirement of Australians in defined 'key creative' positions did not result in a uniquely Australian perspective being brought to bear because citizenship proved to be a highly bureaucratic affair, subject to manipulation, and an unreliable gauge of cultural affiliation. Accordingly, neither does this US involvement appear in any of the Government audits and reports of the official co-production program. In fact, the project is simply reported as being a French-Australian co-production.

The file for *The Old Man who Read Love Stories* contains a multitude of evidence that filmmakers were able to circumvent compliance instruments.

The producers had applied for co-production status and/or funding from no less than five different Governments. It was impossible to reconcile the requirements of Australian, French, Dutch, British and Spanish authorities simultaneously, and yet securing support from these agencies was critical to the film's financing. Thus, in an effort to keep all agencies satisfied, the producers employed a number of strategies, namely:

a) providing different and contradictory undertakings to different agencies;
b) mobilising dual citizenship (so that one contributor could be claimed in two different countries); and
c) contracting several individuals for the same role (but using just one).

Appendix E2 shows the information provided to the French, Spanish and Australian authorities, and also the breakdown for the completed film. Whilst the Dutch and UK applications were not on file, correspondence between the CNC and these agencies reveals that undertakings given to these authorities and we will consider these here.

Contradictory undertakings

The project was assessed by the Australian authorities as being compliant with the official co-production guidelines on the basis of the producers' application to the AFC on 18 August 1999. CNC archives reveal however that several other versions of the project were in circulation at the same time. Applications to other foreign authorities, co-production contracts etc. included information which directly contradicted the undertaking in the Australian application and which, if true, would have meant that the project was not at all compliant with the AFC's requirements.

The producers' application to the AFC, states that the composer and three secondary actors will be Australian and that post-production will be located in Australia. The co-production agreement between the French and Spanish producers, signed within one week of the above agreement, contractually agrees that each of these same elements will be Spanish!
Furthermore, the application to the AFC indicates that the film would be shot on location in French overseas territory (Guyane Française) which met the AFC requirement that 'insert wording re location shooting in one of partner countries'. However on the Spanish agreement the producer unequivocally commits to shooting on location in Spanish-speaking Venezuela.

As indicated in the table, the final version corresponded to the information provided in the Australian application. The composer and secondary cast were Australian, the shoot took place in French Guyane and post production in Australia. The way the producers dealt with the discrepancy between the information provided on the application and the actuality of the shoot was to explain away the changes as unavoidable production imperatives. As regards the secondary roles, she simply pretended that three much smaller roles, which were indeed assigned to Spanish actors, were of a much greater importance than they actually were.

Although in this instance undertakings to the Australian authorities were upheld and it was the Spanish authorities who were duped, this could just as easily have been the reverse. The point is that the producers were able to present a compliant project on paper and then proceed to do something entirely different.

Dual citizenship
Over and above each agency's requirement for minimum participation of nationals, there were other exigencies in operation. The AFC Guidelines for instance required that official co-production be shot in one of the co-production countries (FN re exceptions) and applicants to the European Union's Co-production Fund 'Eurimages' needed to demonstrate minimum levels of EU participation over and above any national quotas. So these were additional compliances requirements/constraints which the producers needed to meet/obligations upon the producer. Unsurprisingly, some of these requirements would have proven mutually exclusive. For instance the levels of EU crew required, given EU investment would have meant reduced Australian involvement, which would have jeopardised Australian investment (by preventing certification as an official co-production).

The way the producers dealt with this obstacle was to present the same element in two different ways in two different contexts. Thus principal actor, Hugo Weaving, who held dual AU/UK citizenship was calculated as an Australian contributor on the Australian application but as a UK contributor on all EU paperwork (French, UK, Spanish). Likewise, sound designer James Currie was simultaneously calculated as Australian and French contributor on Australian and EU paperwork respectively.

This manipulation of the Guidelines was picked up by the UK authorities after the shoot, by which time it was too late to do anything. Writing to the British Co-producer in May 2002, the officer from the UK Dept. for Culture, Media and Sport said (Appendix G9):

> This is a general note for future applications. This concerns nationals of one co-producing country who are resident in another co-producing country. For example, on this production, there are some UK nationals who are residents of Australia. It would be DCMS's general preference in such instances to count such personnel on the side of the co-producing country in which they are ordinarily resident, as we believe this assists in better meeting the aims of official co-productions. (on the present application we are counting such UK personnel on the UK side where the same were disclosed at the provisional stage as UK personnel, notwithstanding we are now aware of their Australian residence.

It is difficult to say in these instances who lost out, the Australian or the British authorities; the Australian or the French authorities... Perhaps of more importance is the fact that the instruments were susceptible to evasion and that even once such tactics were visible to the authorities, they were powerless to do anything or simply unconcerned.

Multiple appointments to single crew role

A final strategy employed by the producers of this film to circumvent 'black letter law' was to simultaneously appoint several people of different nationalities to one and the same function and then after the shoot justify why a particular crew member/location etc. was not used. Thus, to meet the requirements of the Spanish agency, the French producer appointed Spanish production designer Gil Parrondo. However, Parrondo was 82 years old, so when the shoot was 'unexpectedly' (deliberately) relocated to French Guyana, this 82 year old was 'unfortunately' (predictably) unable to fulfil the function and the producer was then 'obliged' (free to) appoint a French production designer. The first explanation was accepted by all. Moreover, the appointment of a French production designer entitled the French producer to an increased allocation from the CNC (without reducing her existing funding from the Spanish and EU authorities).

Obviously, the name would appear only on the application on which their participation mattered i.e. the Australian application did not show two names next to the composer as this would have aroused suspicion and/or would have resulted in the relevant points being shared between EU/Australia (thereby reducing the level of Australian participation).

Analysis of policy implementation revealed that, contrary to agency assertions, the application of policy instruments is neither consistent nor transparent. Non-compliance is tolerated and even facilitated where other non-stated objectives can be met; interpretation is entirely dependent upon individuals, projects, and the political context; and decisions are open to negotiation by a range of stakeholders that are generally considered external to the policy apparatus. What implications does this have for the projects concerned? Aside from enabling them to be made, what concrete traces of this process are left on the films themselves?

6.3 IMPACT ON PRODUCTION

In chapter 3 we observed that this policy mechanism was not having the *desired* impact upon production i.e. that stated policy objectives were not realised in the body of work under consideration. Despite being compliant with policy instruments, the films made as French-Australian co-productions were neither commercially successful, nor esteemed by critics to be culturally relevant, nor important. Indeed one third of the films did not even receive a theatrical release in Australia (*Isabelle Eberhardt, The Old Man who Read Love Stories*). And we now have some understanding as to the sorts of factors that contributed to this state of affairs.

We have seen that policy implementation is messy, that objectives are unclear and not widely understood but rather ambiguous and subject to interpretation and negotiation; that instruments are not simple and effective, but are rather founded upon factors that are difficult to measure (Australianness) and are applied in an ad-hoc and inconsistent manner. Thus the hypothetical link between objectives, instruments and outcomes is not at all direct but completely subject to negotiation and distortion. The instruments that were supposed to give carriage to objectives did not and the outcomes were therefore not those anticipated.

We might assume then, that the films weren't really impacted and this is why they didn't meet the outcomes (were it not for the fact that policy instruments were applied in such an ad-hoc manner surely the films would have achieved the expected results). This is not the case.

Policy had an impact, albeit not the desired one. Films were made, governments were appeased, trade agreements were signed, industries collaborated, people were employed, unions were satisfied. In short the objectives of a wide range of stakeholders normally considered external to the policy apparatus were met. Policy also unequivocally had an impact upon production. The impact may not have been that which was desired, nor expected, but the impact was nevertheless real.

This section concerns the observed impact of policy on production. By 'policy' I mean the instruments in and of themselves as well as their implementation by bureaucrats. By 'production' I mean the impact upon the industrial and the creative processes of film production as well as the impact upon on-screen content itself.

We observed that the industrial process was impacted. We observed that the creative process was impacted and we observed that content itself was impacted, although often in unexpected ways, distorting an original vision such that the film became compliant but not necessarily more culturally relevant.

This section draws heavily upon the material in all the appendices from C1 to F2. I invite the reader to consult the detailed analyses therein.

6.3.1 Impact on industrial processes and flow-on effects

Whilst formal reviews of the official co-production program have acknowledged that the practise of official co-production brings about increased budgets and certain administrative and legal complications, this is routinely dismissed within the framework of a 'cost-benefit' analysis as an unavoidable inconvenience which is far outweighed by the benefits of the program (DCITA, 2001). Consequently, the implications of these increased costs has received inadequate attention.

Whereas through our analysis we saw that the complication of industrial processes actually impacts the films themselves. Rather than being able to pursue an independent authorial vision, directors must be...

What happens when costs increase is that the budget of the film increases. When the budget of the film increases, two things happen: additional finance must be found (implying additional investors, sometime third parties to the co-production); and market pressure increases. In order to recoup its budget and/or return a profit, the film needs to reach a much larger audience than the French and Australian domestic markets. Accordingly, we see most of the official co-productions striving to make their film palatable to North American audiences. This is evidenced in casting – US stars were cast in lead roles in five out of six of the films *Until the End of the World* (William Hurt), *Green Card* (Andie McDowell), *Dingo* (Miles Davis), *The Old Man who Read Love Stories* (Richard Dreyfuss), *Paradise Found* (Kiefer Sutherland, Nastassja Kinksi); in the use of English language despite the fact that they were ostensibly half-French; and in the fact that certain films (e.g. *Until the End of the World*) were released to the US market prior to release in either France or Australia and test screening in the US of *Dingo* prior to completion.

So here is the great irony i.e. that large levels of public investment are being channelled into films that are targeting the US market. The increased costs which lead to the need to conquer US market, cast US actors, not take creative risks etc., constitute a bit of an irony because Weir and Wenders had both said that the reason they were choosing this avenue was for increased creative freedom after unsatisfactory experiences pandering to US market...whereas in actual fact both of these filmmakers were continuing to pander to US market AND also having to content with the policy apparatus (including the non-declared/latent stakeholders underpinning it like industry organisations that were in opposition to both projects at various points).

In fact perversely, private investors exerted a level of influence that was disproportionate to their level of investment precisely because their investment constituted critical gap funding, without which these publicly funded films would not be made. Like independent politicians in a hung parliament, distributors, broadcasters and sales agents would state their terms and conditions of their financial involvement and the filmmakers would have to meet them if they wanted to make their film.

Commercial pressure upon production

In the last chapter we left off the account of *Until the End of the World* with a brief 'the project was finally approved under the new regime'. However, much happened in that interim period which I would like to evoke briefly here, because it illustrates the degree to which the policy instruments invited in market participation. I would like to look at what happened to the project between the famous 'hiatus' and approval. I already evoked the political context but I did not go into detail about the way in which the project was remodelled at this point from an independent film into a commercial epic.

After the abolition of the Australian tax shelters in May 1988, the producers of *Until the End of the World* found themselves obliged to contract a sales agent to underwrite the project. In November 1989, they entered into an agreement with the Transpacific Group, the UK-based film financing operation of US banker, Jonathan Taplin (World Distribution and financing Agreement 17 Nov 89). An immediate effect of Taplin's involvement on *Until the End of the World* was a budget increase of 26%. A large proportion of this increase was directly attributable to legal and administrative expenses associated with the financing agreement, including the appointment of Taplin as Executive Producer.

Taplin had assembled three Japanese investors and a Dutch bank who were willing to finance the production of several films 'for the US market' ... (Variety 24.1.90). Although *Until the End of the World* did not fit this description (it had been conceived as a film d'auteur and until now the US market had not figured in its planning), Taplin reframed the project in these terms. At this point in time, Wenders clearly came under pressure to produce a film for a wide public (in order to recoup the cost of making the film in which his own company had invested). The commercialization of a project which began as a 'film d'auteur' (Film Francais Sept 88) is explicitly and unashamedly stated in an interview with Taplin:

> This is not an art-house movie. It's going to be Wenders' most commercial movie to date and we all feel that it is a major leap forward for him. He is making a truly international love story, with a star cast, that is not only accessible to a wider public, but won't be any the less "intellectually stimulating" for his long-standing fans (Taplin in Downey, cinema Papers No 80 p25/26)

Although Wenders had initially identified an independent Australian producer, Julia Overton, as his Australian co-production partner on the project, he found himself obliged to replace her with one of the Australian majors at the time – Village Roadshow, which was affiliated with US.... Indeed it was not until this new coproducer was in place that the project was approved.

Prevalence of US actors

Another film on which we can clearly trace market influence is *Dingo.* Non-professional actor, Miles Davis, was cast in a lead role, principally because of his market appeal. Whilst it is not unusual for individuals who have established public profiles in other domains (sports stars, musicians etc.) to play cameo roles in films with a view to increasing audience appeal,

and indeed the casting of Miles Davis was appropriate for the role outlined in Rosenberg's original script, once the film was repackaged as a French-Australian official co-production, the casting of Davis made little sense, for a number of reasons:

a) the story was no longer about an Australian following his idol to the US, but rather about an Australian following his idol to Paris (in this new diegetic context it would have made more sense for the role to be assigned to a famous French musician such as Serge Gainsbourg).
b) the project was now majority financed by the French and Australian Governments, so it would have seemed appropriate that it cater first and foremost to those audiences.

Of course it could be argued that Miles Davis' popularity with Australian and French audiences was equal to or greater than his popularity in the US, and that his involvement in the film should not be construed as an instance of market forces impinging upon national policy priorities, but rather as consistent with the creative ambitions of the film. Other documents on the file suggest though that the US market was prioritised over and above the French and Australian markets in the making of this film.

Priority of US cinema release

Across the corpus, the films were commercially released in the US either at the same time or prior to their Australian and French releases. Here we look at one instance where US release (and audience) was unequivocally prioritised over and above French and Australian audiences.

Dingo - The Australian producer was clearly hoping for commercial success in the north American market. This is normal really. North America is the largest audiovisual market in the world for audiovisual content. And it is natural that investors who are after all seeking financial return on investment, would want to conquer this market.

To this end, the producer /investor responsible for raising the 'Australian proportion' of the budget (Serbo-Italian, Giorgio Draskovic) arranged preliminary test screenings to US audiences/market prior to the final edit.

This infuriated the French co-producer, who had not yet received or seen a copy of the final edit, and found herself in breach of contractual obligations to French broadcasters. Appendix G6 includes her correspondence with the CNC which is extremely revealing.

Whilst test screening to the US market is a relatively common commercial practice – investors seeking to maximise financial return on investment would naturally be keen to conquer the world's largest market for English language films – it is also legitimate to expect that a film financed largely from the French and Australian public purse might have been liberated from the pressure of appealing to the north American market, or at least would have prioritised French and Australian audiences that funded them.

6.3.2 Impact on creative process

Here I am dealing with the notion of 'creative freedom'. Policy objectives may be articulated in different ways at different times. Notwithstanding, the *sine qua non* of policy is that it exists to do something that is not already being done. It is an intervention by the Government to address a lack in an existing system. And presumably to bring about an improvement. One of the expectations then, that one might have about the delivery of Government financial support to the Australian film industry is that it would engender a greater degree of creative freedom than is normally enjoyed by filmmakers subject to market forces. In reality, though, we observed that the instruments and their application had a generally negative impact on the creative process. And that the constraints on the creative process experienced by filmmakers in receipts of Government assistance were even greater than those in the market (not only did they have to content with the requirements of broadcasters, distributors, sales agents etc, but also with the requirements of not one but two distinct Governments with sometimes competing demands.

It is possible to delineate two different types of impact – that which occurred directly (where bureaucrats explicitly indicated that project elements would need to be changed in order to comply) and that which occurred indirectly (where an awareness of the system and its requirements led filmmakers to spontaneously adjust their projects in order to comply). As would be expected, the first type – direct impact – was more prevalent at the beginning of the period under consideration, when the official co-production program was first established and filmmakers were not yet sure of how the system would be administered. Then, as the co-production mechanism was refined, more information published, and more films made, filmmakers became progressively aware of what they needed to do to meet requirements, and also how they could get around requirements. The files of the later projects thus contain less evidence of direct intervention by bureaucrats in the creative process. Notwithstanding, we observe that the projects have nonetheless been pruned, shaped and distorted by the policy apparatus. The fact that the regulation is not imposed from the outside does not mean that it has disappeared. Rather filmmakers have become self-regulating.

One of the most striking insights arising from my analysis is the degree to which creative decisions on the French-Australian co-productions were made as a function of agency requirements, rather than in terms of more typical filmmaking priorities.

In the ordinary course of events, the choice of cast, crew and locations for a film is determined by the creative ambitions of a particular project e.g. the previous experience and specialisation of personnel, an actor's appeal to a target market, or the feasibility of a particular location in terms of climate, proximity to production office, cost of shooting etc. On this body of work, however, these sorts of important considerations were subordinated to the criteria of nationality.

Filmmakers were dependent upon agency approval to get their project off the ground. The agency required minimum levels of national participation and expenditure. Accordingly this

became the principal criteria. The way in which this limited filmmakers is evident on the application forms, where applicants would simply indicate the country from which a creative element would originate, without yet knowing the name of an individual or place, thereby committing themselves to making a decision by nationality.

Of course, such a commitment to compliance with agency requirements didn't mean that the filmmakers were stripped entirely of their capacity to make a decision on other grounds, but it did mean that the pool of actors, the pool of crew and the pool of locations from which the filmmakers could choose was significantly reduced. Instead of thinking about who from all of the actors around the world might be best suited to play the role of Isabelle in Isabelle Eberhardt for instance, Ian Pringle was obliged to think about which French actress could play this role and more or less meet the role's other requirements (physical attributes, experience, market appeal). And as it happened, this often represented a significant compromise for the filmmakers. And now we'll look at more detail at specific examples.

Casting *Until the End of the World*

Until the End of the World went through numerous casting mutations. The number of identified principal roles increased significantly over time, and the casting of these roles was in constant flux. Close reading of successive applications, and consideration of the events preceding each change suggests that modifications occurred principally in order to meet the requirements of the agencies and achieve official co-production certification. Figure shows the casting information provided to the authorities on each of five separate occasions. The subsequent table (Figure 15) summarises this information as a chronology of changes. Here we will discuss it briefly.

The original application to the Australian authorities in May 1988, identified four principal roles, two of which were to be filled by French actors, and two of which were to be allocated to Anglophones, including one Australian actor. Whilst the French roles had already been cast (the application names Solveig Dommartin and Jacques Dutronc), the other roles were earmarked only by nationality, with no names specified. This suggests that Australian involvement was not critical to the creative enterprise, but more of an afterthought. Wenders obviously had no-one in particular in mind but was keen to foreground Australian involvement in the film so that it would comply with the Australian co-production guidelines.

This hypothesis is confirmed by the filmmakers' revised application to the CNC in December 1988, in which the Australian principal role has been reassigned to German actor, Rudiger Vogler. By this time, Wenders' original application to the AFC had been rejected, the Australian tax shelters had been wound up, and French and German pressure on the Australian Government had not succeeded in overturning the AFC's decision. The likelihood that the film would be approved as an official French-Australian co-production had thus diminished and the pressure to cast an Australian in a principal role had evaporated. With this pressure removed, Wenders was free to cast actors of his choice. The application to the

CNC indicates that all four principal roles will now be filled by European actors, three of which have already been cast, and have names attached.
Two additional roles of lesser importance are also identified in this document, one of which could potentially be allocated to an Australian, although once again no specific actor is named. It is more a case of leaving the door open in case the AFC should belatedly come to the party....which is exactly what happened.

In March 1990, following staff changes at the AFC and the establishment of the Australian Film Finance Corporation, negotiations to make the film as a French-Australian official co-production were rekindled. Accordingly, casting was hastily reshuffled to comply with the requirements of the Australian authorities. The participation of European actors in lead roles was decreased in favour of increased participation of Australian actors. This met the AFC's requirement. However, the new Australian agency had slightly different priorities. In making a decision about whether to invest in an approved co-production, the FFC evaluated a project's commercial prospects. To meet the requirements of the Australian Film Commission, the participation of an Australian actor in a lead role remained critical, but to satisfy the Film Finance Corporation, which would act as an investor in the approved co-production, it would be necessary to demonstrate the film's commercial potential in the north American market. Wenders changed his creative line-up accordingly. The third application indicates that one of the four principal roles will be filled by Australian/NZ actor Sam Neill and another by American star William Hurt (French actor Jacques Dutronc has been bumped from the line up). In addition, a further five roles have been identified, one of which is to be filled by Australian Ernie Dingo. To address any concern the French Commission d'Agrément might have with decreased levels of French involvement, three of these smaller roles are assigned to French actors. This was only possible because the French system evaluated French participation in terms of cachets i.e. number of actor days rather than strictly in terms of French actors occupying lead roles.

It is worth pausing for a moment to reflect on the way in which the French system was able to accommodate changes that the Australian system may not have been able to. By assessing French participation in terms of cachets, the CNC places its emphasis on the amount of screen time likely to be occupied by French actors overall. The requirement is for minimum levels of involvement, but this can be spread across a number of cast members, which provides greater flexibility to filmmakers i.e. achieves minimum participation levels of the French film industry without heavy-handed interference in the creative process.

Figure 14: casting information provided to the authorities
Hathrab Holdings 'Application for Approval of a Co-production Project' (10 May 1988)

PRINCIPAL ROLES	ACTOR	NATIONALITY
Margot	Solveig Dommartin	French
Trevor	not assigned	American
Jerome	Jacques Dutronc	French
Philip Winter	not assigned	Australian

ROLE	ACTOR	NATIONALITY
Margot	Solveig Dommartin	French
Trevor	not assigned	not assigned
Jerome	Jacques Dutronc	French
Winter	Rudiger Vogler	German
Burt	not assigned	Australian
Chico	Dominique Rojo	French

Argos Films ' French Co-production Application' (Fiche Artistique) 8 December 1988

ROLE	ACTOR	NATIONALITY
Solveig (formerly Margot)	Solveig Dommartin	French
Trevor	William Hurt	American
Jerome	Sam Neill	Australian
Winter	Rudiger Vogler	German
Burt	Ernie Dingo	Australian
Chico	Chick Ortega	French
Raymond	Not assigned	French
Farber	Max Von Sydow	Swedish
Edith Farber	Jeanne Moreau	French

Argos Films 'Repartition de la Distribution' (13 March 1990)

Figure 15: casting chronological changes

DATE	SOURCE	STATUS OF CASTING
10 May 1988	Australian co-production application (AFC)	• 4 principal roles identified • 2 roles designated as French and actors cast • 1 role designated as Australian not yet cast • 1 role designated as American not yet cast
8 Dec 1988	French co-production application (CNC)	• 1 role previously designated as Australian now redesignated as German and actor cast • 1 role previously designated as US now undesignated • 2 additional principal/featured roles identified • 1 of new roles designated as Australian but not yet cast • 1 of new roles designated as French and actor cast
13 Mar 1990	Revised French co-production application (CNC)	• 1 undesignated role now redesignated as US and actor cast • 1 role previously designated and cast as French now redesignated and cast as Australian • 3 additional principal/featured roles identified • 2 of new roles designated as French (1 cast, 1 not cast) • 1 of new roles designated and cast as Swedish • 1 previously designated Australian role now cast
9 July 1990	Production update to CNC	• 3 roles renamed • 1 previously designated French role now cast
19 Sept 1991	Final certification from CNC	• 1 additional principal/featured role identified • 1 new role classified as Russian

CHAPTER CONCLUSION

In this chapter we discussed findings from our analysis of policy implementation. These findings offer some extremely valuable insights about the disjuncture between policy objectives and outcomes. We know for certain that the disjuncture is indeed a function of inappropriate instruments and their adhoc application; and also that the creative process is being negatively impacted; but more importantly, we now have a greater awareness of the manner in which this disjuncture is sustained/held in place by stakeholders. That is the disfunctional nature of the system is known, tolerated and indeed perpetuated by the actors in the national film policy apparatus. The problem remains chronic because it is held in place by stakeholders.

CONCLUSION

At the outset of this study I noted that the policy problem presented itself as a bewildering gap between policy objectives and outcomes. I suggested that this had three dimensions: the narrative of policy failure; a lack of understanding about that failure; and the perpetuation of a dysfunctional system. I canvassed existing scholarly insights of relevance to the policy problem and emphasised a number of useful points that have been made by recent policy scholars. The first was that Australianness as a framing device for film policy is flawed but perhaps necessary, in order to provide the 'conditions of possibility' for the local to emerge. The second was that to perpetuate the binary between cultural and economic objectives may be unhelpful because both are intrinsic to the industry. The third insight I emphasised was the view of certain policy scholars that analysis of policy had been inadequate.

I noted too that the type of grounded analysis advocated by policy scholars had not taken place on film policy, quite possibly because they did not have the means of accessing data. That is, published policies, rhetoric, speeches, statistics had all been the object of scholarly analysis, but not the process of policy implementation itself i.e. there is little concrete knowledge of how policy works in practice.

This study has sought to undertake an analysis of the type advocated by cultural policy scholars when they outlined their original vision for an engaged criticism i.e. one that would focus on policy in its material density. Analysis of the CNC files revealed that over a twenty year period. Policy was implemented in an opaque and inconsistent manner. Instruments were subject to evasion, circumvention and negotiation by a range of stakeholders normally considered external to the policy apparatus. This was known and tolerated by public agencies because it permitted the attainment of a whole host of unstated objectives and consequently policy instruments did not generate the anticipated effects. Notwithstanding, the implementation of policy instruments did impact content and the production process in tangible and often detrimental manner.

Relevance of findings to contemporary context

This thesis has considered films made under the official co-production program between 1986-2006. During that twenty year period, the official co-production program was administered by the Australian Film Commission, tax incentives were regulated via section 10B and 10BA of the Income Tax Assessment Act 1936, and direct funding and/or investment was delivered by the Film Finance Corporation, the Australian Film Commission and Film Australia Limited.

Since that time, every single one of these institutions has disappeared. In 2006 the Australian Government undertook a major review of film funding support, which resulted in the merger of the Australian Film Commission, the Australian Film Finance Corporation and Film Australia Limited into a single agency, Screen Australia. Another outcome of the Review was that Divisions10B and 10BA of the Income Tax Assessment Act 1936 were wound down completely and replaced with Division 376 of the Tax Laws Amendment Act 2007.

Given these apparently significant changes to the Australian film policy landscape, one might well question the relevance of these case studies to the current film policy context. However, closer examination of the 'new' policy environment reveals that, in terms of the logic underpinning government support, little has changed. Government rhetoric continues to justify assistance to the sector in terms of 'Australian stories for Australian audiences' (DPMC, 2011); the legislation establishing the new agency is almost identical to the former legislation [Appendix A3] and the manner in which the Producer Offset legislation has been interpreted by the new agency has resulted in a 'Significant Australian Content (SAC) Test' that very much resembles the Points Test of the Official Co-production Program Unsurprisingly then, the issues and points of contention of the current policy environment also have much in common with those we identified in the case-study.

The most recent government review of the industry stated that the major challenge highlighted by practitioners as an impediment to achieving the government's objectives for the screen sector was the Significant Australian Content Test for the Producer Offset (DPMC, 2011:20). Specific concerns related to 'the definition of significant' and 'a lack of certainty of what satisfies the SAC test' (DPMC, 2011:21).

These issues have played themselves out on the public stage, with major controversy over decisions to approve large budget US-backed films such as *The Great Gatsby* (Luhrman 2013), and *Legend of the Guardians: The Owls of Ga'Hoole* (Snyder, 2010), whilst projects initiated by local production companies such as the television series *Taboo* and *Lush House* were deemed ineligible because they did not meet the SAC Test. Australian producer George Miller, whose project, *Justice League Mortals* was deemed ineligible for the Producer Offset on the grounds that it was 'insufficiently Australian' noted wryly:

> That shows how rigid the thinking is here in Australia. That's working to a paradigm that's 30 years old and brought down the Australian film industry (...) that thinking dooms us to making small films that not even Australians want to see (Miller, 2008:81).

So the outcomes of the 2006 review, in particular the advent of the Producer Offset and the SAC Test, have brought national film policy settings even closer to the policy environment which gave rise to the official co-productions. Accordingly, the insights arising from my analysis of policy implementation on French-Australian official co-productions 1986-2006 have an increased relevance to the Australian film policy context.

IMPLICATIONS OF KEY FINDINGS

There are a multitude of insights arising from my analysis of policy implementation that elucidate aspects of the Australian film policy problem. I will focus on two in particular.

Rethinking Policy Implementation

The conception of policy implementation that underpins the narrative of policy failure and has informed policy analysis is overly simplistic. The unquestioning use of this model in agency reports, government reviews and media commentary is contributing to a misunderstanding of the policy problem and thwarting effective policy analysis and reform. Whilst it may be tempting to characterise certain behaviours as isolated cases of individual malpractice, such a view would cause us to dismiss the broader important insights about policy implementation that this thesis has to offer. The behaviours I've described in the preceding chapters were exhibited by a multitude of different actors over a twenty year period. My own view is that they can be considered typical of policy implementation. It is precisely this insight that I wish to contribute to our understanding of policy.

In *Framing Culture* (1992), Cunningham, after Hogg and Gunn, outlines two distinct ways of thinking about policy – as 'synoptic-rational-comprehensive' on the one hand or as 'muddling through-compromised-incremental' on the other [p.34]. Each engenders an approach to analysis which is partial and inadequate. The first conception is the one that would seem to correspond to the way policy institutions study themselves – the top-down approach of Government Reviews and Inquiries. The second engenders a cynical type of criticism that is similarly inadequate because it fails to engage productively with policy and thus forgoes the potential to effect concrete reform. What I want to propose here is a reflection on the way policy works that is at once critical and pragmatic.

The policy apparatus is simplistically spoken about as being constituted of just three key components: objectives, which are translated into instruments, which generate outcomes. This can be represented as shown in Figure 16.

Existing evaluations of policy effectiveness tend to apply the following logic: reported outcomes ought to correlate with stated objectives, and if not, then policy instruments must be at fault. This exclusive focus on instruments is indeed the assumption which informs the 'appropriateness, effectiveness and efficiency' (AEE) reviews undertaken by government. It is also the assumption which underpins the public discussion of policy failure.

My analysis of policy implementation indicated, however, that each component is absolutely contingent upon interpretation at the local point of exercise. That is, objectives, even if clearly stated, remain subject to interpretation; instruments, although ostensibly the vehicle of 'black-letter law', remain subject to their application in a particular context and with particular actors; and outcomes, despite their apparent transparency actually depend upon what has been evaluated and how that has been measured and reported. Adding these insights produces a more holistic model of policy implementation as shown at Figure 17.

Figure 16: Simple model of policy implementation

Figure 17: Holistic model of policy implementation

Thus, one explanation for the apparent disjuncture between objectives and outcomes is that existing conceptions of the scope and methods of policy are inadequate. The way in which policy problem is discussed and studied reflects an overly simplistic conception of the way policy works. We are articulating the policy problem in a manner that displays an ignorance of government accountability processes and takes inadequate account of localised practices of policy implementation. Objectives are multifarious, often other than those stated, and subject to interpretation according to a particular historic-political context. Instruments exist but don't measure what they are supposed to because they are subject to evasion, circumvention and negotiation by a range of stakeholders normally considered external to the policy apparatus. And outcomes may be other than those measured and reported. In sum, policy instruments, despite their apparent inefficacy at achieving stated objectives, are in fact doing many other things.

This insight provides a partial response to all three aspects of the problem. Firstly, it means the apparent disjuncture between policy and objectives – is not really quite what it seems. Objectives are in fact being achieved but they may be other than those stated, and the outcomes are other than those reported. Secondly it suggests that the reason we know so little about the problem might be because the focus on stated objectives and reported outcomes results in the wrong questions being asked. Moreover, in order to study unstated objectives and unreported outcomes would require access to data which, in the Australian context, is blocked. And this in turn helps explain the third aspect of the problem i.e. why the system would be held in place. That is, it is not as dysfunctional as it appears…as long as unstated 'whole of government' objectives are being achieved (incorporating political popularity, governance, foreign diplomacy, economy, employment etc.), and in the absence of a better alternative, the government holds the system in place. Likewise, as long as the industry continues to receive record high levels of funding and protection, it is unlikely to rock the boat. If another system were proposed however, that permitted the realization of these other objectives whilst also delivering more satisfying outcomes for the film industry, it may well be considered and adopted.

Rethinking Cultural Nationalism

Whilst the criteria of 'Australianness' once had an important function in preserving the 'conditions of possibility' for the local to emerge (Dermody & Jacka, 1988), the strategic utility of cultural nationalism as a framing device for Australian film policy has expired. The analysis of the case studies in this thesis clearly showed that the perpetuation of cultural nationalism in policy instruments is adversely impacting content and the creative process, and ultimately undermining the effectiveness of policy in delivering outcomes to *the film industry*. The impact on the creative process and the content happened regardless of whether the policy instruments were strictly imposed or quite loosely applied. Locations, actors and languages and even stories were all changed to meet compliance criteria.

In light of problems such as these, Goldsmith suggested that Rowse's idea of three decades ago should be resuscitated and that criteria based upon nationality of personnel would be preferable to prescribing on screen elements or subject matter (Goldsmith, 2010). However, my study has shown that even nationality of employment criteria impact the content and the creative process. Pressure on director Ian Pringle to use a French actress for the lead in *Isabelle Eberhardt* instead of Tilda Swinton, his preference, undoubtedly altered the film. Equally shooting *Paradise Found* in Port Douglas with Kiefer Sutherland as Gauguin because Sutherland had an EU passport unequivocally had an impact on that film.

This unsettles the notion that cultural nationalism provides an acceptable strategic compromise that is conducive to creative practice. Whilst formulating arguments for public sector support of the cultural sector in economic terms may well have 'played into the hands of the oppressor' (O'Regan, 2001), maintaining cultural nationalism as a policy paradigm may be equally (but differently) dangerous to the creative enterprise.

Numerous scholars have more recently argued for greater formal recognition of the increasingly globalised processes of film production. Pointing towards the internationalisation of the Australian film industry, they have argued that 'national cinema' is no longer a useful or adequate term 'because it can limit, prescribe and proscribe the kinds of films that are Australian "in the sense that matters"' (Goldsmith, 2007) and argued for the reconceptualisation of Australian cinema as transnational, international and 'outwardlooking' (Goldsmith 2010; Goldsmith and O'Regan, 2008; Verhoeven, 2010). Goldsmith for instance endorses Avram's suggestion that productions like *Finding Nemo* ought to be considered part of Australian International Cinema 'because they go in some way towards showing "how others see us"' (Avram cited in Goldsmith, 2010). Whilst I concur that projects involving Australian collaborators and locations are likely to be infused with a degree of 'cultural resonance', I do wonder what the concrete implications for policy of this formulation might be. Goldsmith himself acknowledges that 'the category of the Australian international is less useful for policy, which seeks to limit eligibility and access to public funding' (Goldsmith 2010).

Indeed the natural extension of applying Australian International Cinema in the policy context would be that all films with any Australian participation on- and off- screen would be eligible for funding, and the question to arise is: how then would finite public resources be allocated?

This dilemma calls to mind Tim Rowse's useful distinction between 'problematising' (the habitual approach of cultural criticism) versus 'closure' (a necessary tool of policy as regulatory technology) when he says, 'both moments, that of problematising and of closure are essential to the project of an engaged cultural criticism' (Rowse cited in Cunningham, 2008).

If cultural nationalism as a framing device is no longer serving its strategic function in the policy context it cannot simply be eliminated as would be the case if the formulation 'Australian international cinema' were applied. Rather, it must be replaced by an alternative form of closure. In the policy context there remains a need for boundaries, but this does not need to be national culture. Australian film policy needs to adopt a new framing device, to shift to a new paradigm.

Access, Equity and Diversity as Alternative Policy Paradigm

Two decades ago, Cunningham argued that too little transformative weight had been given to central policy rhetorics such as diversity, quality, access and equity. He suggested that these rhetorics represent real platforms for democratising and empowering cultural activity 'unencumbered with the debilitating aesthetic dead weight of the past represented in political left modernism'; and pointed to a need to 'give substance' to these ideas 'as they apply to media, culture and communications' (Cunningham, 1993b).

These are indeed valuable concepts that were taken up as part of the arsenal against trade liberalisation, when the international cultural community was struggling to find a new way to quarantine culture in the aftermath of the GATT and the 'cultural exception'. Where the 'national culture' trope was failing in the face of a globalised world, 'cultural diversity' worked powerfully.

Australian cinema scholars O'Regan and Goldsmith were both heavily involved in these international developments and in espousing the value of cultural diversity as a policy paradigm.[130] They were part of the community of intellectuals who advocated ratification of the UNESCO Convention and Promotion of the Diversity of Cultural Expressions by the Australian Government (Goldsmith, 2002; O'Regan, 2002; Throsby, 2006). Although such a move was initially rejected by the Howard Government, Australia did eventually ratify the Convention in 2009 under the Rudd government. Strangely then, given the implication of the scholarly community and the potential of this innovative policy conception, it has seen little expression in the local policy context. If we are truly looking for a new policy paradigm, then

[130] Professor Tom O'Regan was Australia's UNESCO Professor of Communication from 2001-2003 and during the same period, Dr Ben Goldsmith was a Steering Committee member of the International Network for Cultural Diversity.

it would seem to me that replacing the national with central policy rhetorics such as diversity, access and equity is a logical and obvious way forward.

That is, instead of talking about generating 'Australian films', which immediately and unequivocally evokes the tools of cultural nationalism, the Australian government could explicitly choose to make policy in favour of access, equity and diversity: access to the means of production; equity in the allocation of public resources; and diversity in the production output. In concrete terms, agency funding decisions would be made as a function of a project's ability to demonstrate tangible evidence that the completed film would contribute to an overall offering of diversity in Australia's audiovisual landscape. This would mean for instance, that if three films backed by US investors had already been approved for the Producer Offset, the agency would be within its rights to refuse a fourth US backed film in the name of the 'diversity' criteria. Likewise, the notion of access could be inscribed in policy instruments – local practitioners' access to the means of production and local audiences' access to stories about their region – so that if five projects creatively controlled by foreign filmmakers (with Australians occupying 'down-the-line' technical crew roles) have already been approved, the agency could legitimately veto a sixth, in favour of a project that provided access to the means of production to Australian residents (which would simultaneously contribute to 'diversity' outcomes). So there would be times when the involvement of Australian residency would be deemed as one relevant indicator of eligibility, but not all the time and, most importantly, not in the name of generating 'Australian content'.

This would entail more than simply espousing access/equity/diversity in rhetoric (because the Australian government has indeed ratified the ICCD). It would mean inscribing these concepts in policy instruments. I can foresee a couple of immediate objections to such a move:

a) Industry concern about a potential lack of certainty (there are already such concerns with respect to the SAC test)
b) Government concern about a perceived lack of transparency in policy implementation (the agency is already under fire for this with respect to the SAC test)
c) Agency concern about the difficulty of applying such a paradigm…how precisely can concepts like access, equity and diversity be translated into instruments and administered fairly

To the industry, I'd respond firstly that, as demonstrated by my study, even ostensibly 'black letter law' is subject to interpretation and negotiation so has a high degree of uncertainty; and secondly that it is precisely a degree of uncertainty that is required in order to ensure satisfactory outcomes for the industry.

One of the major concerns of the industry is that existing instruments are open to exploitation by US studios. Countering this is the desire to see investment from US studios flowing into the Australian industry. It is the old Industry I/Industry II debate (Dermody & Jacka, 1987). The first argument is generally espoused by the writers, directors and technical crew lobby groups (MEAA, ADG, Writers Guild) whereas the second argument is supported by the producers' organisation, SPAA. The scholarly suggestion that the Producer Offset has ushered in an integrated Industry III model is not really upheld in practice (Cunningham & Jacka, 1996; Goldsmith, 2010; Verhoeven, 2010). Whilst it is accurate to note that Australian

production output may have greater international involvement, the structure of the Australian film industry remains divided along the industry I/II lines – with those arguing for protect-local-culture and those arguing for expand-international-commerce. Industry debate thus continues to be divided along these lines.[131]

If we understand the overarching vocation of policy to be that of a regulatory technology, addressing asymmetries in power relations (Foucault, 1994), then what is needed are policy settings which are at once clear and transparent (published and known) *and* also provide an ability for the Government to correct undesirable extremes and unintended effects of policy settings, through inbuilt discretionary provisions,. If the published criteria were not minimum levels of Australian investment, expenditure and participation, but rather minimum levels of access, equity and diversity across the productions slate over a three to five year period, then it would be possible for policy to act as a regulator to the market in an active and responsive manner, stimulating the cultural sector when required, and stimulating investment when required; weighing *in favour* of foreign participation at one moment and acting to protect and nurture at another, all the while consistent with the logic of access, equity and diversity.

In terms of the **potential governmental concerns** regarding transparency:
The criteria would still be published. Moreover 'ensuring access to the means of production for Australian residents', 'ensuring the diversity of the national production slate', and 'ensuring equity in the origination of projects across the national production slate' would be no more elusive than the existing criteria of 'ensuring Australian stories for Australian audiences' (Minister for the Arts, 2010). Indeed I would argue that the former are easier to quantify in a fair, transparent criteria.

There would still be published eligibility criteria and assessment processes in line with the requirements of the Attorney General and the Ombudsman, and there would still be the opportunity for appeal or for arbitration. However, the plaintiff would need to argue in terms of access, equity and diversity across the slate (and in accordance with the agencies pre-defined and published thresholds) instead of in terms of 'Australianness'. Thus, Screen Australia could potentially argue that in the name of diversity, the government wishes to ensure that at least 20% of the production slate over a rolling five year period is 'creatively controlled' by Australian residents, as reflected by Australian residents occupying 5 out of 7 heads of department but this would not be linked to the supposed 'Australianness' of the film. This builds on Rowse, Goldsmith and others' suggestion that employment of Australians should be the key criteria for funding (Goldsmith, 2010; Rowse, 1985), but it takes this idea further in two respects.

The first is that the instrument becomes unshackled from cultural nationalism i.e. the reason for having Australian residents as heads of department would no longer be tied to the dubious notion that Australians will unfailingly produce content that is relevant to other

[131] See for instance Michaela Boland's article concerning the SAC Test (Boland, 2008).

Australians;[132] and the second is that employment would not be the only criteria nor would levels be fixed. Instead it is one of numerous indicators that the government would have at its disposal to ensure acceptable levels of access, equity and diversity. These may seem like small semantic differences but in fact they are more than that because in the name of diversity, the agency could equally decide to inject funds into a film without Australians in key crew roles but about an issue deemed of high relevance to the Australian population at a particular historical moment e.g. a documentary about skin cancer prevention and treatment in Australia, or indeed programming of the sort acquired by SBS Television to cater to Australia's multi-lingual, multi-cultural population.

And now to address the third of the potential objections I mentioned above – the potential **concern of the government agency** as to how to translate concepts such as access, diversity and equity into concrete policy instruments. Elsewhere I have argued that the French film policy paradigm is more effective at balancing its global ambitions with its commitment to promoting plurality and artistic diversity (Hammett-Jamart, 2004). Although the situation in France has changed significantly since the time that article was written (refer preamble to this thesis), it remains edifying to consider the manner in which the French paradigm contrasted with the Australian one between 1986-2006 and to consider whether any of the measures in place in France at that time might be usefully applied in the contemporary Australian context.

Applying 'diversity' in a national policy context: the CNC example

Of the seven films made as official French-Australian co-productions, not one had a French director. Despite an indication that the imbalance did not go unnoticed by the CNC (Wallon, 1990), no action was taken to correct this anomaly. This suggests that, within the auspices of the official co-production agreement, the nationality of the director was of less concern to the CNC than to the AFC.

The CNC indeed has a history of supporting productions by non-French directors, even outside of the context of official co-production. The *Fond Est* and *Fond Sud*, for example, existed to support the work of filmmakers in Eastern Europe and Northern Africa respectively. Moreover, this deliberate diversion of CNC funds into productions by non-French directors appears to have been sanctioned by French film industry organizations as a necessary contribution to the fabric of international cultural diversity, with the only proviso being that Hollywood studio films are excluded from the equation (refer Appendices G1 to G3). A spokesperson for the *Société des réalisateurs de films* (Screen Directors Association) put it this way:

> The general consensus is that the performance of the French cinema can only gain from the healthy performance of other national cinemas (…) the problem arises when there is a single cinema, in this case the American cinema, which dominates; then in general everyone loses (Michèle Soulignac 2001, pers.comm., 25 October, Paris). Appendix G3

[132] The Chief Justice of the High Court of Australia dismissed the notion of determining the Australianness of a program by virtue of its provenance (Justice Brennan, 1998).

This generous disposition towards foreign cinemas can be understood as a function of the robustness of the French film industry. In the context of French-Australian co-production, it can further be read in terms of the comparative significance of co-production to the French and Australian film industries and the consequent impact on local production of conceding 'creative control'.

France is the second largest exporter of films in the Occident after the United States. Over two hundred films '*d'initiative française*' are made each year (Fansten, 2002). This production output contrasts markedly with the Australian context where between fifteen and thirty Australian feature films are made per year.

The health of the French industry has been enabled by a regulatory framework that: a) perpetuates significant financial resources for production and; b) constructs safety thresholds around assistance mechanisms.

Whilst the OECD has reported that the French film industry is the most heavily subsidised in Europe, and possibly within the western world (WTO Council for Trade in Services, 1998). In reality only a small percentage of this comes from the public purse with the rest comprised of a 'special tax' on cinema tickets, television broadcasts and video/DVD sales (Gonzales, 2013). A major source of income for the industry is derived from a percentage of tickets sold on all films, irrespective of where they were made. This means that Dutch art-house films and Hollywood blockbusters alike contribute to the CNC's operating accounts - when *Titanic (1997)* enjoyed box office success in France, it also represented a financial windfall for French producers because 11% of receipts were redirected to the CNC. Funding for the industry is thus pegged at a sufficiently elevated level to sustain local production. Furthermore, the French system has a number of characteristics which serve to reassure film industry professionals that money allocated to co-productions is not at the expense of their own locally produced films.

The first safety feature concerns the way funding is allocated. The *système de soutien* provides two channels of financial assistance for film production – *les aides séléctives* (assessable allocation) and *les aides automatiques* (automatic entitlements). The former is a small fund designed to assist higher risk, experimental projects. The majority of productions are funded through the latter and, true to name, assistance is attributed 'automatically', as a function of the number of tickets sold on the producer's previous film i.e. the funding of an official co-production makes no incursion into the allocation available for other productions.

The second safety feature concerns the way in which official co-productions are handled. Whilst all official co-productions are indeed provided with access to public funding and content quotas, they are not all treated uniformly. The French regulatory framework explicitly favours European and French speaking co-production partners. Specific measures include: the Council of Europe's *Eurimage,* which provides financial incentives for exclusively European co-productions, and *Télévision Sans Frontières* (Television Without Borders), which

incorporates European programming within television content quotas. The French quota system then additionally enacts a distinction between *oeuvres européennes* (European productions) and *oeuvres d'éxpression originale française* (French language productions). Currently, European productions must constitute 60% of programming, of which 40% is devoted exclusively to French language productions. Once again, this contrasts with the Australian context, where official co-productions, deemed 'qualifying Australian films', are vying for a share of the same pie as local productions. As noted above, the Australian pie is a small, publicly funded one and there is a degree of resentment from sectors of the industry about this being shared with foreign creators (DCITA/AFC, 2001).

Clearly the French paradigm is not without its shortcomings. Susan Hayward has enumerated some of the limitations of the *système de soutien* (Hayward, 1993). Further, both she and Allen Scott have suggested that public policy intervention has been responsible for creating a welfare dependent film industry (Hayward, 1993; Scott, 1998). This argument is plausibly countered however, by comparing the contemporary French film industry to its European counterparts. Scott himself concedes:

> There can be little question that without the strong policy intervention of the last few decades, French cinema would have declined as severely as it has in Italy, Germany, and (until quite recently) Britain (ibid: 37).

By furnishing a steady and significant stream of income for film production, by providing 'automatic' access channels for its distribution, and by refining regulation to meet the legal challenges of international trade agreements, the CNC has removed a degree of the competitiveness that characterises the Australian film production environment and created a film production environment that can confidently accommodate international participation and cultural diversity.

Trade in National Cinema

My study of policy implementation on French-Australian official co-productions between 1986-2006, has shown the degree to which Australian film policy has been trading in the currency of the national. 'Australianness' has been used as a guise to achieve a host of unstated objectives. The government has given and taken benefits from films ostensibly as a function of their 'Australianness'. It has, to put it another way, *traded in* national cinema. My analysis concludes that it is time to move away from this position. It is time to *trade in* national cinema.

I also hope to have shown the value of grounded analysis in illuminating the processes that have impeded policy reform; and that this might in turn contribute to a dialogue in favour of a more equal and transparent partnership between policy and academia in the Australian context.

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School of The Arts, English and Media

Trade in National Cinema: Australian film policy implementation on French-Australian official coproductions 1986-2006

(Volume II - Appendices)

Julia Hammett-Jamart

"This thesis is presented as required for the
Award of the Degree of
Doctor of Philosophy
of the
University of Wollongong"

May 2014

Declaration

I, Julia Hammett-Jamart, declare that this thesis, submitted in fulfilment of the requirements for the award of Doctor of Philosophy, in the School of The Arts, English and Media, University of Wollongong, is wholly my own work unless otherwise referenced or acknowledged. The document has not been submitted for qualifications at any other academic institution.

Julia Hammett-Jamart

5 May 2014

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Appendix A – Australian Film Policy Data 1986 - 2006

- Snapshot of Policy / Industry Interface: 1986-2006
- Map of Australian Film Policy Context : 1986-2006

APPENDIX A1 : SNAPSHOT OF POLICY/INDUSTRY INTERFACE: 1986-2006

Year	Government Financial Support			Films Produced			Films Released		Box Office	
	Appropriation to federal agencies ($m)	Revenue forgone through tax concessions ($m)	Total cost to Govt ($m)	Australian features commencing principal photography	Copros commencing principal photography	Foreign features commencing principal photography	No of Australian titles released in Australia	Australian titles as a proportion of all films released in Australia (%)	Earnings of Australian titles at domestic box office ($m)	Australian titles share of domestic box office (%)
1986	42	119	161	30	*	*	30	13	44	24
1987	49	131	180	38	*	*	31	12	16	9
1988	110	79	189	21	*	*	36	13	40	18
1989	95	42	137	30	*	*	39	13	16	6
1990	115	32	247	23	4	1	22	9	7	3
1991	111	30	141	28	2	2	22	9	19	6
1992	105	18	123	20	2	2	29	13	30	9
1993	103	22	125	29	0	2	22	9	25	6
1994	103	24	127	17	1	2	26	10	47	10
1995	129	20	149	24	0	5	14	6	20	4
1996	122	22	144	32	2	2	25	9	44	8
1997	115	20	135	37	1	3	30	11	28	5
1998	103	20	123	41	0	4	20	7	26	4
1999	114	20	134	31	1	2	24	9	21	3
2000	115	17	132	26	3	5	22	9	54	8
2001	118	16	134	24	2	7	27	11	63	8
2002	136	16	152	16	2	5	22	9	42	5
2003	144	16	160	20	1	7	23	9	30	4
2004	154	16	170	22	3	9	16	5	12	1
2005	168	*	*	25	3	4	27	8	23	3
2006	170	*	*	24	3	6	29	9	40	5

Source of data: Screen Australia (Get the Picture on-line http://www.afc.gov.au/gtp/default.html)

KEY OBSERVATIONS 1986-2006

- Overall level of financial support from Government remained relatively stable over the twenty years
- Direct funding as proportion of support matrix increased significantly early in the reporting period due to FFC replacing 10BA
- Number of Australian features produced and released remained relatively stable over the twenty years
- Australian films' share of domestic box office declined significantly, particularly in ten years 1996-2006
- Increase in number of foreign films produced in Australia since introduction of RTO in 2001
- Coproductions relatively stable

APPENDIX A2 : MAP OF AUSTRALIAN FILM POLICY CONTEXT 1986-2006

YEAR	GOVERNMENT	POLICIES	FILM INDUSTRY REVIEWS	POLICY INITIATIVES	INT'L TRADE EVENTS
1986	Labor (Hawke)		Film Assistance: Future Options (AFC)	10BA phase-out Official co-pro program est.	Uruguay round of GATT commenced
1987					
1988				FFC established Film Australia Pty Ltd separated from AFC	
1989					
1990			House of Reps inquiry into performance of Australian films in Australian and overseas markets		
1991	Labor (Keating)				
1992			Review of FFC		
1993	Labor (Keating)				
1994		Creative Nation (ALP)	Audit of official co-pro program. Review of FFC		Conclusion of GATT
1995					WTO established
1996	Coalition (Howard)				Check: NZ industry challenge to Australian content standard
1997			Review of Commonwealth Assistance to the Film Industry (Gonski)		
1998				FLICS established	High Court ruling re Australian content standard
1999			Report on the Film and Television Production Industry (AFC)		
2000					
2001			Review of official co-pro program	Refundable Tax Offset	
2002					
2003			House of Reps inquiry into Australia's film, animation and....		AUSFTA negs begin
2004		World Class Australian Film Industry (Coalition)			
2005					UNESCO Convention Cultural Diversity adopted (without Australia). AUSFTA into force
2006			Review of Australian Government Film Funding Support (Cameron)		

Trends and drivers

Industry looking to expand and/but government wanting to control of cost to consolidated revenue and cultural outcomes (in terms of content)

- Resulted in new agency and new policy initiatives such as coproduction, FLICS, RTO

Number of big policy challenges on the horizon which were unforseen in particular trade liberalisation and changing delivery platforms

- Risk exposure of Australian industry potentially exacerbated by coalition government stance on trade (for deregulation)

Push to merge agencies part of broader coalition agenda to improve governance

- TOR for David Gonski and James Cameron reviews remarkably similar with a decade in between
- Uhrig review occurred in between, with recommendation to reduce number of agencie

APPENDIX A3 : AFC ACT, 10BA LEGISLATION, SCREEN AUSTRALIA ACT, PRODUCER OFFSET (INCOME TAX AMENDMENT ACT 2007)

The Australian Film Commission Act 1975, defined an 'Australian program' as one:

(a) that has been made wholly or substantially in Australia and that, in the opinion of the Commission, has a significant Australian content;
(b) that is to be made wholly or substantially in Australia and that, in the opinion of the Commission, will have a significant Australian content; or
(c) that has been, or is to be, made in pursuance of an agreement or arrangement entered into between the Government of the Commonwealth or an authority of the Commonwealth and the Government of another country or an authority of the Government of another country.
[Australian Film Commission Act 1975, Section 3(1)]

In reaching an opinion as to whether a program has significant Australian content, the Commission was legally required to have regard to:
(a) the subject-matter of the program;
(b) the place or places where the program was, or is to be, made;
(c) the nationalities and places of residence of:
    (i) the persons who took part, or are to take part, in the making of the program (including authors, composers, actors, scriptwriters, editors, producers, directors and technicians);
    (ii) the persons who own, or will own, the shares or stock in the capital of any company concerned in the making of the program; and
    (iii) the persons who have, or will have, the copyright in the program;

(d) the source from which moneys used, or to be used, in the making of the program were, or will be, derived; and
(e) any other matters that it thinks relevant.

Source: Australian Film Commission Act 1975, Section 3(2)

Income Tax Assessment Act 1936
Division 10BA—Australian films
Subdivision A—Preliminary
124ZAA Interpretation

(1) In this Division, unless the contrary intention appears:
Australian film means a film that:
(a) has been made wholly or substantially in Australia or in an external Territory and has a significant Australian content; or
(b) has been made in pursuance of an agreement or arrangement entered into between the Government of Australia or an authority of the Government of Australia and the Government of another country or an authority of the Government of another country.

124ZAD Determination of content of film
In determining for the purposes of this Division whether a film has, or a proposed film, when completed, will have, a significant Australian content or a significant non-Australian content, the Minister shall have regard to:
(a) the subject matter of the film or proposed film;
(b) the place or places where the film was, or the proposed film will be, made;
(c) the nationalities and places of residence of:
(i) the persons who took part, or who will take part, in the making of the film or proposed film (including authors, composers, actors, scriptwriters, editors, producers, directors and technicians);
(ii) the persons who are, or who will be, the beneficial owners of shares in any company concerned in the making of the film or proposed film; and
(iii) the persons who are, or who will be, the beneficial owners of the copyright in the film or proposed film;

(d) the source from which moneys that were used in the making of the film were, or that are to be used in the making of the proposed film will be, derived;
(e) the details of the production expenditure incurred in respect of the film or of the budgeted production expenditure to be incurred in respect of the proposed film; and
(f) any other matters that the Minister considers to be relevant.

The Screen Australia Act 2008 defines the agency functions as being to:

(a) support and promote the development of a highly creative, innovative and commercially sustainable Australian screen production industry; and
(b) support or engage in:
    (i) the development, production, promotion and distribution of Australian programs; and
    (ii) the provision of access to Australian programs and other programs; and
(c) support and promote the development of screen culture in Australia; and
(d) undertake any other function conferred on it by any other law of the Commonwealth.

[Clause 6 of the Screen Australia Act 2008]:

The Screen Australia Act, defines an 'Australian program' as one:

(a) that, in the opinion of Screen Australia, has, or will have, a significant Australian content; or
(b) that has been, or is to be, made in pursuance of an agreement entered into between the Commonwealth or an authority of the Commonwealth and the Government of another country or an authority of the Government of another country.

And in forming an opinion as to whether a program has or will have 'significant Australian content' Screen Australia must take into account:

- the subject matter of the film;
- the place where the film is made;
- the nationalities and places of residence of the persons who took part in the making of the film (including producers, directors, authors, scriptwriters, composers, actors, editors, directors of photography, production designers and other film technicians);
- the details of production expenditure incurred in respect of the film; and
- other matters that Screen Australia considers relevant.

Source: Screen Australia Act 2008 and Explanatory Memorandum Clause 3 – Definitions

ASPI (Producer Offset) – legislated eligibility criteria

Section 376-55 of the Act stipulates that for a film production company to be entitled to the producer offset, it must have been issued with a certificate by the film authority.

Section 376-65 stipulates that in order for the film authority to issue a certificate for an 'Australian film' for the producer offset, the film authority must be satisfied that the film:

(i) has a significant Australian content (see section 376-70); or
(ii) has been made under an arrangement entered into between the Commonwealth or an authority of the Commonwealth and a foreign country or an authority of the foreign country.

And section 376-70, stipulates that in determining for the purposes of section 376-65 (certificate for the Producer Offset) whether a film has a significant Australian content, the film authority must have regard to the following:

(a) the subject matter of the film;
(b) the place where the film was made;
(c) the nationalities and places of residence of the persons who took part in the making of the film;
(d) the details of the production expenditure occurred in respect of the film;
(e) any other matters that the film authority considers to be relevant.

Source: Division 376 Tax Laws Amendment (2007 Measures No 5) Act 2007

Appendix B - Coproduction Mechanisms

- Summary of Revisions to Australian's Official Coproduction Guidelines - Chart of Amendments
- Administrative Bodies and Processes

APPENDIX B1 : AUSTRALIAN OFFICIAL CO-PRODUCTION GUIDELINES – CHART OF AMENDMENTS

Date and Purpose of Amendment (1986 – 2006)	**Min. Aust. participation**	**Assessment**	**Points System (features)**	**Underlying work**	**Compatibility with national regulation**	**Other**
July 1991 Clarification of existing Guidelines	Treaties 30% MOU 40%	IAP	Treaty – 12 points; MOU – 10 points Key creatives incl: writer, director, DOP, composer, editor, production designer, 4 lead cast	No specific provision	**not** automatically compatible with 10BA, agency, TV content quotas, unions	Introductory statement: 'official coproductions are not intended as substitutes for wholly indigenous productions'
January 1994 Formatting only. No substantive changes.	As above	As above	As above	As above	As above	As above
March 1998 The Australian Broadcasting Authority had modified the Australian Content Standard and	Treaties 30% MOU 20%	As above	Treaty – 12 points MOU – 12 points Key creatives unchanged	As above	As above	Intro removed
July 1998 (publicly circulated but never ratified) The New Zealand film industry had mounted a legal challenge to the Australian Content Standard, claiming it was in breach of the Trans-Tasman CER agreement. The Australian authorities became aware that they may be in breach of other bilateral arrangements including official coproduction Treaties. Whilst the ABA reviewed the Australian Content Standard, the IAP embarked on lengthy industry consultations and released this draft version for comment.	Subject to Treaty but overall min of 20%	As above	Obligation to ensure that 12 points include: one Australian director or writer; one Australian actor; one Australia key crew member.	As above	As above	Introductory statement: 'Coproduction Treaties protect the cultural aspect of eligibility for public benefits'

Date and Purpose of Revision (1986 – 2006)	Min. Aust. Participation	Assessment	Points system (features)	Underlying work	Compatibility with national regulation	Other
October 1999 Following High Court decision in favour of New Zealand film industry, the Australian Content Standard was amended, meaning that official co-productions would henceforth be automatically treated as Australian content. The IAP updated the Guidelines to ensure they were lawful and to build in higher levels of protection for Australian industry.	As above, plus: All participants must be national or resident of co-producing country, with any exception subject to approval of Govt agencies.	AFC Copro Committee	As per March 1998	Public domain or from one of partner countries	Coproductions automatically considered Australian content under Australian Content Standard. **Not** automatically compatible with 10BA, agency, unions	Clause 3.2 'Where location filming in a third country has been approved, citizens of that country may be employed as crowd artists, in small role, or as additional employees whose services are necessary for the location work to be undertaken.'
February 2004 In response to consultation with the industry organisations, the Board of the AFC decided to revise arrangements regarding underlying works.	As above	As above	As above	Any origin as long as all drafts of screenplay written by national/resident of partner country or EU citizen.	As above	
July 2006 Updates to take account of European legislation and loosening the definition of national.	As above	As above	As above	As above	As above	Clause 3.2 'In addition, nationals and residents of the Member States of the European Union may participate in the making of a coproduction in accordance with the terms of Australia's coproduction agreements with the UK, Ireland, France, Italy and Germany'.

Date and Purpose of Revision (post 2006)	Min. Aust. participation	Assessment	Points system (features)	Underlying work	Compatibility with national regulation	Other
July 2008 Following merger of three screen agencies and the introduction of the Producer Offset, the Guidelines were simply updated to reflect the new names and legislation. No other substantive changes made.	As above	Screen Australia Producer Offset and Coproduction Committee	As above	As above	As above	
April 2009 Introduction of Australian Screen Production Incentive in 2007 and establishment of new agency in 2008 had been accompanied by new legislation, so Guidelines updated to take account of this.	As above	As above	As above	As above	Full compatibility with ACMA, Screen Australia, Producer Offset. Unions require separate negotiation.	
October 2010 In late 2009, Screen Australia launched a review of the Guidelines and invited industry comment. In response to criticism that the points system was inflexible, significant changes were introduced, for the first time since the Program's inception.	As above	As above	New 'Australian Qualifying Points' test. Calculated out of 15 with compulsory and discretionary points. Now includes costume designer, script editor, sound designer, underlying work, VFX supervisor, other senior role.	As above	As above	

APPENDIX B2 : ADMINISTRATIVE BODIES AND PROCESSES

Australia's official co-production is run by the Government through the Department of the Arts (footnote re various portfolios) and the federal screen agency, which is referred to as 'the administrative authority' (formerly the AFC, currently Screen Australia). The Department is responsible for negotiating international agreements and for certification of projects, whilst the agency agency handles the day to day management and assessment of applications. Another lesser known industry consultative body is involved in the official coproduction program. It was originally constituted exclusively of industry organisations and known as the Industry Advisory Panel (IAP), but in 2006 it was restructured to include a much broader constituency and renamed the Trade Co-production Forum (TCF).

The Industry Advisory Panel/Trade and Co-production Forum

At the time the official co-production program was established in 1986, there was a great deal of concern from the local independent production sector that the program would be open to rorting; that foreign producers would use its provisions to erode the protection mechanisms that had been so hard-won only a decade before (insert ref Harris). Nevertheless, industry organisations were supportive of the scheme, mainly because it was perceived as a means of increasing the quantity and the budgets of films made in Australia/by Australians (insert ref Review) i.e. it had the potential to increase employment opportunities for association members. The establishment of an Industry Advisory Panel (IAP) was one fairly effective way of allaying industry concerns.

The IAP was constituted of representatives from each of the industry organizations at that time ATAEA (now MEAA), ASDA (now Australian Directors Guild), SPAA, AWG as well as the AFC and the Department.[1] The role of the IAP in the early days was quite extensive. It participated in decisions about which agreements to sign, about the development of

[1] The FFC joined the IAP only after the XXXX review which found that ….

guidelines and also participated in assessing each and every application for official coproduction.

This situation became untenable – the vested interests of so many disparate groups could rarely be reconciled and the processing of official coproductions had become a long and arduous affair. In response to producers' concerns about the lengthy processing times for applications, the role of the IAP was modified. [DCITA 2001 Review p15]

Firstly, it was the remit of the IAP that changed. Where once it had been involved in the assessment of every single individual project, that function was devolved to the administering authority (the AFC). The IAP's modified role entailed providing 'broader strategic policy oversight in line with the overarching principle of balance in treaties' [DCITA 2001 p15). In other words: monitoring compliance with respect to the reciprocity clause.[2]

The reduced role of the IAP parallelled a progressive lessening of anxiety from industry practitioners about the official coproduction program. The first audit of the program in 1994 had revealed that the levels of production being generated, and subsidy being accessed, were modest and did not pose a significant threat to the local production ecology [insert ref 1994 audit]. Moreover, the menace of US producers using the program as a backdoor to circumvent protection mechanisms had not been realised. The change to the IAP was thus well received by the industry (DCITA 2001 Review p15), but relatively short-lived. Just a few years later, the Government initiated more significant changes to the management of the official co-production program.[3] In 2006, the Department (DEWHA) advised the AFC that it would

[2] This is described under 1.2.1 'Key Provisions'

[3] These changes coincided with a number of significant events: the conclusion of the AUSFTA agreement negotiations, in which the AFC had been very vocal in articulating the sector's opposition to the free trade agreement (and indeed to the Government's own negotiating position); the launching of the Prime Minister's 'whole of government' initiative, which required departmental and agency heads to refrain from defending special interests and instead to pursue solutions 'in the national interest' and 'actively to champion whole of government projects' (Commonwealth of Australia, 2004, 'Connecting Government: whole

be assuming overall responsibility for the official co-production program (although the AFC would continue to process and make decisions on individual applications in strict accordance with the guidelines) and that as part of a concerted 'whole of Government' approach, the IAP was to be replaced by a new body with expanded membership and much broader 'whole of Government' objectives, the Trade and Co-production Forum.

The Trade and Co-production Forum has a larger membership and mandate than the IAP. Over and above the former IAP members, it includes representatives from non-film sectors of Government such as the Department of Foreign Affairs and Trade, the Attorney General's Department, and Austrade, as well as organisations involved in promoting film export, such as the Motion Picture Distributors Association of Australia and Ausfilm. In addition to overseeing the official coproduction program, the TCF is also a forum for consultation about trade developments as they pertain the the audiovisual sector (development of free trade agreements and the status of General Agreement on Trade in Services (GATS) requests) and for considering broader international cultural policy issues [DEWHA TCF Charter 2006].

The Government's agenda in establishing the TCF would appear to be to make the official coproduction program less about protecting and promoting the narrow interests of the local film production sector, and more about pursuing whole of government objectives.

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of Government responses to Australia's Priority Challenges'); and the announcement of the 2006 Review of Australian Government Film Funding Support, which heralded the end of the AFC, FFC and Film Australia and the establishment of a new agency, Screen Australia.

Responsibility	Governement Department		Administrative Authority (Film Agency)		IAP/TCF	
	1986	2006	1986	2006	1986	2006
Partner Selection		□	□		□	□
Negotiation of International Agreement		□	□			
Drafting and Review of Guidelines			□		□	
Assessment			□		□	
Certification	□	□				

Appendix C – Confusion and Conflict

- Until the End of the World
- Green Card

APPENDIX C1 : UNTIL THE END OF THE WORLD - TIMELINE

DATE	EVENT	SOURCE	NOTES
7-Jan-1985	French 1st AD engaged on 13 week contract		Claire Denis
6-Mar-1985	Argos and Road Movies sign an agreement to make Jusqu'au bout du Monde as a French-German coproduction	Contrat de cession de droits d'auteur du réalisateur du film Jusqu'au bout du monde 11.3.88	This was after success of Paris-Texas. No Australian involvement envisaged
15-May-1986	French-Australian MOU signed		
6-Jun-1986	Road Movies and Argos purchase rights to the scenario for Jusqu'au bout du monde being written by Wenders	Contrat de cession de droits d'auteur du realisateur du film Jusqu'au bout du monde 11.3.88	Road Movies is Wenders' company. Info contained as part of preamble to the option and rights agreement (p2)
20-Jun-1986	Road Movies contracts US writer Michael Almereyda to write first draft screenplay based on the treatment written by Wenders, itself based on original idea of Wenders and Dommartin.	Amended writer/director agreement 28.3.90 between Argos/Road Movies and Wenders	This clarifies the confusion over writing credits of the film (pp2-4).
18-Jul-1986	Development interrupted to enable Wenders to make Wings of Desire	Contrat de cession de droits d'auteur du realisateur du film Jusqu'au bout du monde 11.3.88	Also being made with Argos Films
4-Sep-1986	Road Movies and Argos purchase intellectual property to Jusqu'au bout du monde from Wenders as director	Contrat de cession de droits d'auteur du realisateur du film Jusqu'au bout du monde 11.3.88	Info contained as part of preamble to the option and rights agreement (p2)
4-Sep-1986	Argos and Road Movies sign a coproduction agreement to make Jusqu'au bout du Monde as a French-German coproduction (majority German)	Contrat de coproduction du film Jusqu'au bout du monde, Argos Films and Road Movies Filmproduktion 11.3.88	
18-Feb-1987	Copy of options and rights agreement registered with Registre Public du CNS n. 77560 vol 306	Contrat de cession de droits d'auteur du realisateur du film Jusqu'au bout du monde 11.3.88	Three separate RPC file numbers for film title, options and rights agreement, and coproduction agreement.
19-Feb-1987	Coproduction agreement between Argos and Road Movies registered with Registre Public de la Cinematographie in France under n.77561 vol 306	Contrat de coproduction du film Jusqu'au bout du monde, Argos Films and Road Movies Filmproduktion 11.3.88	Three separate RPC file numbers for film title, options and rights agreement, and coproduction agreement.

DATE	EVENT	SOURCE	NOTES
19-Feb-1987	Title of film registered with CNC Conservation du Registre Public n. 65125		Three separate RPC file numbers for film title, options and rights agreement, and coproduction agreement.
1-May-1987	Wings of Desire awarded Best Director at Cannes		Co-produced by Argos and Road Movies.
1-Aug-1987	Encouraging preliminary discussions with Kim Williams, Sue Murray, Mary Gibson of AFC	Letter from Overton and Villatte to Kim Williams 18 May 88	On basis of discussions, Argos and Roadmovies employed Australian Production Manager.
16-Sep-1987	Commercial release of Wings of Desire, and Wenders freed up to work on Until the End of the World.	Contrat de cession de droits d'auteur du realisateur du film Jusqu'au bout du monde 11.3.88	
11-Mar-1988	Wenders extends assignation of rights to the script to Argos and Road Movies	Contrat de cession de droits d'auteur du realisateur du film Jusqu'au bout du monde 11.3.88	At this point, Wenders was the sole legal owner of the copyright in the script and film i.e. neither Peter Carey nor Solveig Dommartin nor Michael Almereyda mentioned.
11-Mar-1988	Argos and Roadmovies extend their existing coproduction agreement but altering proportions - for film to be majority French-German coproduction.	Contrat de coproduction du film Jusqu'au bout du monde, Argos Films and Road Movies Filmproduktion 11.3.88 and preamble to contrat de coproduction franco-australo-allemande 29.4.88	The agreement extends earlier contracts dating back to 6/3/85. It confirms that film is still to be made as a French-German coproduction but increases French producer's percentage to 80% and notes at clause 1.4 that this does not preclude the subsequent involvement of third party coproduction partners.
29-Mar-1988	Revised copro contract between Argos and Road Movies registered with RPC n. 94.953 vol.314	contrat de coproduction franco-australo-allemande 29.4.88	Key difference is that France is now majority co-producer and provision is made for third party involvement.
29-Apr-1988	Coproduction agreement between Hathrab (Australia), Argos (France) and Roadmovies (Germany)	Contrat de coproduction franco-australo-allemande du film 'jusqu'au bout du monde' 29.4.88	Conditional upon the film obtaining certification as an official co-production in Australia
1-May-1988	FFC established		But no operational budget - so hiatus in Government production investment for three months between close of 10BA (30 June) and FFC appropriation (Oct 88).

DATE	EVENT	SOURCE	NOTES
10-May-1988	Coproduction application submitted to AFC	Letter to Kim Williams from Julia Overton for Hathrab Holding and Didier Villatte for Argos Film and Road Movies 10/3/88	Letter includes 'application for approval of a co-production project'
13-May-1988	French producer informs CNC of proposal to Australian authorities and provides copy of copro agreement between French and German producers, and copy of synopsis.	Dauman to Marmion	This was just for information and was subsequently followed up by official submission to CNC
14-May-1988	From Australia where he's visiting, CNC officer advises French producer of possible impediments to his project at the Australian end.	Fax from Marmion to Dauman from the Sebel Hotel headed 'Note regarding possible problems in the interpretation of the french-australian treaty of 15 May 88'	Marmion explicitly indicates frustration with AFC's inflexibility and predicts refusal due to lack of correlation between expenditure and key creatives.
16-May-1988	Dauman officially submits the material he had previously provided by hand to CNC.	Dauman to Peyrefitte	
18-May-1988	Co-Producers write to Kim Williams reasserting their case and addressing concerns raised by Mary Gibson in 'informal meeting'.	Letter from Overton and Villatte to Kim Williams 18 May 88	
20-May-1988	AFC notifies Australian producer that project ineligible as official coproduction	Williams to Clement 21.6.88	contained within letter explaining to CNC why project rejected
25-May-1988	Australian Government announces abolition of tax shelters but Hathrab eligible for 'grace period' until 30 June 88.	Le Film Francais No 2212, 23 Sept 88 Pierre Rival 'Wim Wenders ira-t-il "jusqu'au bout du monde"? and XXX	This was date of announcement, to be effective from 30 June 1988.
30-May-1988	Dauman requests CNC assistance to expedite approval		
21-Jun-1988	Kim Williams refers to another negative assessment of the project. He mentions mtg of Industry (…)		
24-Jun-1988	CNC (Clement) suggests AFC revises their decision or else that Article 14 of treaty be enacted		

DATE	EVENT	SOURCE	NOTES
28-Jun-1988	Kim Williams sets out explanation and describes in detail why projects doesn't meet objectives		
29-Jun-1988	French and German governments approached Australian Foreign Affairs seeking support for Until the End of the World.	Le Film Francais No 2212, 23 Sept 88 Pierre Rival 'Wim Wenders ira-t-il "jusqu'au bout du monde"? and XXX	
30-Jun-1988	Peter Carey brought on board	Protocole d'accord between Peter Carey and Argos Films SA 30.6.88	This is a deal memo requiring Carey to write in collaboration with Wenders a screenplay based on Wenders' treatment by the 30 Sept 88.
21-Jul-1988	Article in Sydney Morning Herald highly critical of Kim Williams and AFC "ice man"		Industry lobby group against AFC
28-Jul-1988	Chief Minister of Northern Territory, Marshall Perron, writes to Federal Government seeking their support so that other future projects won't be put off	Le Film Francais No 2212, 23 Sept 88 Pierre Rival 'Wim Wenders ira-t-il "jusqu'au bout du monde"? and parl transcript.	
29-Jul-1988	CNC makes a last attempt to change decision by writing to Chair of AFC before calling upon foreign affairs	Jerome Clement to Phillip Adams 29.7.88	
1-Aug-1988	Jack Lang (French Minister for Culture and Communication) appeals to Graham Richardson and Gary Punch		
20-Aug-1988	Confirmation that German Minister for Economy will lobby for approval of coproduction during free trade talks being held in Australia.	Telex from French Embassy in Canberra to CNC 20 August 1988	
1-Sep-1988	Dr. Martin Bangemon addresses letter to Richardson underlining project as a test of economic co-operation between Australia and Germany	Le Film Francais No 2212, 23 Sept 88 Pierre Rival 'Wim Wenders ira-t-il "jusqu'au bout du monde"?	
12-Sep-1988	Four page article in Film Français criticising AFC	Le Film Francais No 2212, 23 Sept 88 Pierre Rival 'Wim Wenders ira-t-il "jusqu'au bout du monde"?	
1-Oct-1988	FFC receives its operational budget of $70 million		

DATE	EVENT	SOURCE	NOTES
17-Nov-1988	Argos Agreement with Transpacific states that Hathrab will have until 31st December 89 at latest after which time Transpacific will be at liberty to establish new Australian Co-Production partner.		By this time budget has crept up to 85 117 500 FF (from initial 70 million FF)
21-Dec-1988	Presented to CNC for agreement as : French 50%, German 20% and Australian 30% with Hathrab Holdings still listed as Australian co-production contrib. 25 500 000 FF?		
6-Jan-1989	CNC approved co-production		In the meantime, FFC up and running.
2-Nov-1989	AFC IAP approved Until as an Australian (40%)- French (60%) official coproduction but French producer unaware that an application on these terms was even made. No new agreement exists with Australian co-producer.	Letter from Mary Gibson (AFC) to Isabelle Peyrefitte CNC) 2 November 1989 CNC file 66/830; and Letter from Isabelle Peyrefitte to Mary Gibson 5 Dec 1989 CNC file 66/830.	First thing on file post-CNC disagreement. Gibson's letter also mentions two new projects: Dingo 65/35 Aust-French, Isabelle 40/60 Aust-French (IAP approved, subject to CNC decision). Hand written note on French file says against Until: 'ne pas coproduction'.
17-Nov-1989	Transpacific contract signed	World Distribution and Financing Agreement' between Argos Films SA, Road Movies Filmproduktion GmbH and Transpacific Film Distributors Ltd 17 November 1990	Labelled 'document fondamental' on the CNC file. Stipulates that Argos and RM will only maintain agreement with Hathrab until 31.12.89, giving Transpacific the right to replace Hathrab with new Australianco-producer after that.
4-Dec-1989	Dauman/ARGOS invites Village Roadshow to explore possibility of representing project to AFC		Village Roadshow had already done this independantly according to Didier Villatte's letter to CNC dated 8 Dec 89
5-Dec-1989	CNC write to AFC to say they know nothing about a new Australian coproducer but that in the meantime Isabelle Eberhardt has been approved and Dingo proposal not yet received.		Isabelle Eberhardt was approved at meeting of 29/11/89

DATE	EVENT	SOURCE	NOTES
6-Dec-1989	AFC co-production officer, Mary Gibson, leaves (and management of coproduction program taken up by new Executive Director, Film Development, Peter Sainsbury)	Letter from Sainsbury to CNC 13/12/89 CNC file 28/794	Significance of official coproduction program in broader diplomacy terms has been understood.
7-Dec-1989	AFC writes to CNC to say that she has asked Australian Applicant to finalise details with French prod asap.		
8-Dec-1989	Didier Villate writes to CNC to fill the gap confirming that Village Roadshow are on board but that their initial approach to AFC was made independently		Village Roadshow had previously distributed *Paris Texas* and Wenders had planned to use their studios
13-Dec-1989	Sainsbury writes to Peyrefitte to introduce himself as new Executive Director of AFC and mentions Isabelle Eberhardt, Dingo, Greencard and Until the End of the World as projects needing attention.		
31-Dec-1989	Agreement with Hathrab Holdings lapses	World Distribution and Financing Agreement' between Argos Films SA, Road Movies Filmproduktion GmbH and Transpacific Film Distributors Ltd 17 November 1990	This paved way for new agreement with Village Roadshow.
14-Feb-1990	CNC internal memo to DOMINIQUE WALLON notes that ARGOS have relaunched financing and intend to shoot in April 1990		Budget has increased to 105-110 MFF, Village Roadshow to coproduce (though no contract yet), AFC have indicated to CNC that project will be approved now France 50, German 30, Australian 20.
14-Feb-1990	Dauman wants approval to go ahead without resubmitting to CNC but Peyrefitte thinks otherwise		
5-Mar-1990	Viillage Roadshow outlines heads of agreement to Dauman (Julia Overton as Assoc. Prod)		

DATE	EVENT	SOURCE	NOTES
8-Mar-1990	Dauman confirms preparedness to enter into co-production agreement with Village Roadshow once CNC approval gained. He mentions AFC's new Chief Executive's (Peter Sainsbury) upcoming trip to Paris.		
13-Mar-1990	File resubmitted to CNC. Sam Neill replaces Jacques Dutronc, Jeanne Moreau's part extended.		
28-Mar-1990	?		
6-Apr-1990	Shoot begins		Shoot continues until 17.8.90, with 18 lcations in 7 countries and 2nd Unit pickups (23/10/90 - 16/6/91)
13-Aug-1990	Films guarentee Finance (completion guarantee for Transpacific - not for ARGOS nor R/Mortes). Inform Transpacific that they are taking one financial ? of film		
24-Aug-1990	Argos refuse to hand-over to EGF but agree to terminate Taplin's EP contract.		
10-Sep-1991	Release in Berlin		
23-Oct-1991	French Release		
29-Jun-1992	Agreement Complement' re final certification		Final Classification = PG, Final duration: 2.55.11

APPENDIX C2 : UNTIL THE END OF THE WORLD - CASTING

MAY 1988

The original proposal to the AFC [Hathrab Holdings, 1988 #16] stated that one principal role would be assigned to an Australian. The other principal roles were designated as follows:

PRINCIPAL ROLES	ACTOR	NATIONALITY
Margot	Solveig Dommartin	French
Trevor	not assigned	American
Jerome	Jacques Dutronc	French
Philip Winter	not assigned	Australian

Source: Hathrab Holdings 'Application for Approval of a Coproduction Project' Schedule 3 (10.5.88)

In addition the proposal noted that "15 supporting roles for approximately 80 actor days" would be cast from within Australia and that "one thousand extra days" would likewise be cast from within Australia (schedule 3). It was stipulated that no casting decisions had been made about featured (i.e. secondary) roles at that point in time.

Notes: Whilst French actors have been identified in advance, in the case of the principal roles assigned to American and Australian actors, no individual names are stipulated. This suggests that the nationality of the actor rather than his/her individual identity is the factor deemed to be of importance to the Australian government agency. Does this indicate that the AFC is not overtly influencing creative content; or does the requirement of casting an Australian national, regardless of whether or not an appropriate actor exists, rather indicate the imposition of unrealistic constraints on the creative process? Documentary evidence would suggest the latter. That is, once the proposal was rejected by the AFC [Williams, 1988 #5], the role of Philip Winter is reassigned to a German actor, who is identified by name in the official French proposal [Argos Films, 1988 #20]. This is by no means surprising, as the character of Philip is described in the synopsis as a European detective. It would seem natural to assign the role to a European actor. Question: does the requirement of nationality constitute an argument for or against the 'authorial role' enacted by policy makers?

It is also noteworthy that at this early stage, the role of Trevor has been assigned to an American, despite the fact that the synopsis by no means

dictates this choice. In the scenario submitted with this proposal [Wenders, 1985 #17], Trevor is simply described as a geologist who has been living and working in Coober Pedy since the death of his wife and child (page 3). That is, an Australian, Frenchman, or Brazilian could have played the role. Correspondence between Argos Films and the CNC suggests that the decision to cast an American in a lead role is commercially rather than creatively motivated [Dauman, 1990 #41]. Remembering that this original proposal was repeatedly rejected, one wonders whether the failure to stipulate the names of Australian actors might have contributed to the Australian Industry Advisory Panel's (IAP) wariness of the project[4].

DECEMBER 1988

A copy of the above proposal was provided to a CNC representative at the Cannes International Film Festival [Dauman, 1988 #2] and also formally submitted to Isabelle Peyrefitte on 16 May 1988. However, the official application by the French producer to the CNC did not take place until December 1988, for consideration by the CNC Comite d'Agrement at their meeting of 21.12.88. The official French proposal contains the following variations to the earlier submission:

ROLE	ACTOR	NATIONALITY
Margot	Solveig Dommartin	French
Trevor	not assigned	not assigned
Jerome	Jacques Dutronc	French
Winter	Rudiger Vogler	German
Burt	not assigned	Australian
Chico	Dominique Rojo	French

Source: Argos Films ' French Coproduction Application' (Fiche Artistique) 8 December 1988

Notes: At this time, the CNC was utilising a 'weighted' formula to assess the level of investment a project could receive. Casting constituted a significant part of this equation. The 'value' of a cast member was calculated by

[4] The Industry Advisory Panel consisted of representatives of the key industry guilds, which at that time included Actors Equity, SPAA, ASDA….. Each Guild was concerned to protect the employment prospects of their members and imposed strict guidelines regarding the importation of foreign actors and technicians.

considering the significance of a role and the nationality of the designated actor. The weighted value was expressed in terms of 'cachets' (or points). Argos Films provided the CNC with the following estimation of casting cachets. [Dauman, 1988 #36]:

3 French actors	221 points (58%)
3 'foreign' actors	159 points (42%)

There are notes scrawled in hand on the side of the above letter, presumably written by Isabelle Peyrefitte, or another officer of the CNC. A circle around the word 'foreign' is attached to a note saying 'not to be mentioned outside of the CNC' (my translation). This remark can be understood in terms of the enormous support being garnered for the film in French political circles [Ministere des Affaires Etrangeres, 1988 #4] and in the French press [Rival, 1988 #35], which may have been less effusive if the level of foreign participation had been emphasized.

Whilst the role of Trevor was unassigned in the earlier application to the AFC, the intention to cast an American actor in the role had been explicitly stated. A logical explanation for the exclusion of this information in the application to the CNC is that the participation of nationals from countries exterior to Australia and the European community would justify a reduction in the financial investment allocated to the project by the CNC [Raymondaud, 1989 #37]. In addition there is evidence of overt opposition from the CNC's commission d'agrement to the inclusion of significant American elements in projects applying for French nationality [CNC Commission d'Agrement, 1990 #38].

The role of Philip Winter has been re-assigned to a German actor (formally designated as an Australian role although no actor specified). It is important to note that at this point in time, the project had been repeatedly rejected by the AFC and so pressure to meet their guidelines had diminished. It could be assumed that this decision, taken independently of policy guidelines, represents Wender's preferred casting. Refer also to note 1A above.

Two additional roles have been included in the principal and featured roles category: Burt and Chico. One wonders whether these roles, which had previously not been identified, have genuinely increased in significance or whether they were simply re-classified in order to meet the requirements of

both the CNC and the AFC. That is, did the CNC require the designation of three principal roles to French actors? With the role of Winter now attributed to a German national, a new principal role had to be provided for an Australian - at least on paper. Neither of these roles are mentioned in the synopsis that was submitted with this application [Wenders, 1988 #18]

March 1990

In March 1990, after a 15month hiatus, financing fell into place. An Australian coproducer was identified and Argos entered into an agreement with Village Roadshow [Dauman, 1990 #39]. Anatole Dauman apparently sought permission to proceed immediately with production on the basis of the CNC's earlier investment approval [Peyrefitte, 1990 #40]. However the CNC's investment executive noted that numerous significant changes had taken place in the production package and advised the Director General to reassess the project.

"A. DAUMAN is extremely hopeful that a reassessment of the file by the committee d'agrement should not be necessary. But given the significant modifications to the budget of the film, its financing, the coproduction percentages between the different countries (without mentioning the change in the Australian partner), and the allocation of principal roles[5] (there was not, at least officially, an American actor and the number of points assigned to French actors was greater than at present), it would seem impossible". (p3)
A new submission was therefore made to the CNC commission d'agrement on 13 March 1990 [Dauman, 1990 #41]. The casting information contained therein was as follows:

ROLE	ACTOR	NATIONALITY
Solveig (formerly Margot)	Solveig Dommartin	French
Trevor	William Hurt	American
Jerome	Sam Neill	Australian
Winter	Rudiger Vogler	German
Burt	Ernie Dingo	Australian
Chico	Chick Ortega	French
Raymond	Not assigned	French
Farber	Max Von Sydow	Swedish
Edith Farber	Jeanne Moreau	French

Source: Argos Films 'Repartition de la Distribution' (13 March 1990)

[5] Whilst *distribution du film* might be translated as distribution of the film, its use in the context of the CNC's coproduction application procedures relates specifically to the allocation of principal casting roles.

Notes: The role of Trevor has been assigned to US actor, William Hurt. In his cover letter to Yves Marmion [Dauman, 1990 #41], Dauman indicates that Hurt was not the first choice for the role. He was apparently cast only once Willem Dafoe and Sam Shepard, both also US citizens, were no longer available.

The role of Chico has likewise been reassigned, to Chick Ortega. Given the lengthy development period of this film, it is highly likely that major casting changes of this nature were simply due to the unavailability of actors who had in some cases been contracted 15 months before. Whilst this does not represent direct intervention in the creative process by policy-makers, it does suggest that the process of policy acts upon the creative process and engenders change.

The role of Jerome is no longer to be filled by Jacques Dutronc but instead by Australian citizen, Sam Neill. Dauman attributes this change directly to pressure from the AFC to augment Australian representation in casting [Dauman, 1990 #41].

Edith and Farber are now included in the list of principal/featured roles for calculation purposes. This is in keeping with the producers' assurance to the CNC that the role of Edith would be augmented to compensate for loss of a French actor in the role of Jerome [Dauman, 1990 #41]. The question is, was the role actually augmented in the script, or was it simply included in the calculations in order to fulfil the requirements of the CNC?

The role of Raymond is undesignated, but definitely French. At what point did this role emerge; and was this likewise a construction to appease the CNC?

The role of Burt is to be filled by Aboriginal Australian, Ernie Dingo.
The change in character name from Margot to Solveig represents an intermediary stage. By the time of the shoot, the character had been renamed Claire Tourneur [6].

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[6] By all accounts this sort of spontaneous revision was not uncommon during the making of *Until the End of the World*, where Wenders did not feel at all compelled to adhere to the screenplay but rather let himself be pushed along by real encounters and fate [Niney, 1991 #42]. Whilst some critics have retrospectively ascribed an intertextual reference to French

July 1990

The French Line Producer of *Until the End of the World*, Marc Monnet, provided the CNC with an update of the key cast and crew lists once contracts had been executed and production commenced. The 'Fiche Artistique' on this occasion lists the following information [Monnet, 1990 #45]:

ROLE	ACTOR	NATIONALITY
Claire (formerly Margot)	Solveig Dommartin	French
Sam (formerly Trevor)	William Hurt	American
Eugene (formerly Jerome)	Sam Neill	Australian
Winter	Rudiger Vogler	German
Burt	Ernie Dingo	Australian
Chico	Chick Ortega	French
Raymond	Eddy Mitchell	French
Farber	Max Von Sydow	Swedish
Edith	Jeanne Moreau	French

Source : Argos Films 'Fiche Artistique' (9 July 1990)

Notes : This information formed the basis of the CNC's final calculations regarding casting on the film. The distribution of roles by nationality was summarised as [Argos Films, 1990 #43]:

France182 points (44%)
Germany 48 points (12%)
Australia 92 points (22%)
Foreign 93 points (22%)

Changes to the names of characters, as opposed to actors, can be deemed an 'organic' consequence of the creative process (refer 'Policy and Production').

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filmmaker Jacques Tourneur [Toubiana, 1991 #31], Wenders explains that the surname of Dommartin's character was derived from a French translation of his own surname. He also notes that the choice of the christian name for this character was a tribute to Wenders' long time assistant, French filmmaker Claire Denis [Ciment, 1991 #52].

The names remain true to the designated nationality of the character, where Jerome is replaced by Eugene for instance, we note that both are common French names. Wenders has elsewhere indicated [Ciment, 1991 #52], that character name changes were frequently due to the input of the actors themselves.

September 1991

Once the film was completed, the Producers were obliged to submit an information sheet to the CNC in order to obtain classification and an official 'visa d'exploitation' (commercial visa), which would enable them to distribute the film within France. The following cast list is included on this form:

ROLE	ACTOR	NATIONALITY
Claire	Solveig Dommartin	French
Sam	William Hurt	American
Eugene	Sam Neill	Australian
Winter	Rudiger Vogler	German
Burt	Ernie Dingo	Australian
Chico	Chic Ortega	French
Raymond	Eddy Mitchell	French
Edith Farber	Jeanne Moreau	French
Farber	Max von Sydow	Swedish
Krasikova	Elena Smirnova	Russian

Source: Commission de Classification des Oeuvres Cinematographiques 'Fiche de Renseignements' (19 Sept 91)

Notes: The allocation of roles remains consistent with the information provided during the shoot. The only alteration to the list of principal/featured roles is the addition of a Russian character, Krasikova. This character had not been mentioned in the synopsis. (check the role in the finished film…) It would be interesting to know what motivated the decision to further develop the role.

APPENDIX C3 : UNTIL THE END OF THE WORLD - STORY TIMELINE

1977

Wenders travelled to Australia in 1977 (after having made The Quiet American) and was impressed by the vastness of the desert interior. He felt that 'the landscapes were calling for a science fiction story' [, 1987 #48] cited in [Hathrab Holdings, 1988 #16] and began writing a treatment for such a project.

1978-1983

Progress on the science fiction story was interrupted when Francis Ford Copola asked Wenders to go to Hollywood to make *Hammett*. The making of this film was a long drawn-out and painful process, with numerous rewrites and re-edits imposed by studio executives. Wenders finally evaluated his contribution as approximately 10% of the film (Telerama April 2002).

Wenders also made *Nick's Movie* and *The State of Things* during this time. He then returned to Australia with the intention of continuing work on the science fiction story, but was drawn back to the US (Ciment, Positif 368). In 1983, he made *Paris-Texas* in conjunction with Argos Films (Hathrab 1988) which went on to win the Palm d'Or at the 1984 Cannes International Film Festival.

He then met French actress, Solveig Dommartin, who was to become his personal companion for the next decade.

1984

Wenders returned to Australia with Solveig Dommartin. Dommartin and Wenders had been in the process of writing a treatment for a love story. It was to be based upon 'The Odyssey' with the variation that instead of waiting at home for Ulysses, Penelope would follow her lover and attempt to bring him back home [Bahiana, 1992 #27].

An early treatment for this love story indicates the intention to maintain a comic undertone [Wenders, #51]. The treatment was entitled *To the End of the World* and described an epic journey across continents and literally to the end of the earth, but contained no reference to the science fiction elements that would eventually form the core of the film *Until the End of the World*.

When Wenders and Dommartin arrived in Australia, they decided to combine the two stories and began work on integrating them. Wenders

approached Peter Carey to work on the screenplay but he was unavailable (Ciment, Positif 368 p10).

1985

Wenders produced a synopsis based upon his and Dommartin's original idea (may 85). Dommartin and Wenders then began work on the screenplay together before engaging an American writer, Michael Almereyda, to help them produce a first draft (Travelling in time p7 of Act of Seeing). The three of them worked on the script for two years and realised that they would require a very large budget in order to move into production.

1986-87

When Wenders' company, Roadmovies, ran out of money to continue with the development process on *Until the End of the World*, Wenders found himself compelled to come up with a film which was smaller in scope and could be made immediately (Ciment, Positif 368 p10). He returned to Berlin to direct *Wings of Desire*, once again coproduced by Argos Films. Solveig Dommartin was cast in a lead role and the film was awarded 'Best Director' at the 1987 Cannes International Film Festival.

1988

Wenders returned to work on development of *Until the End of the World* in March 88 (contrat de cessation des droits Argos/Wenders 11.3.88). One month later, Roadmovies and Argos signed a coproduction agreement with the Australian company Hathrab Holdings (29.4.88) and an application for coproduction status was submitted to AFC (hathrab 10.5.88).

This application included a copy of the 1985 version of the synopsis written by Wenders. The first draft screenplay by US writer Michael Almareyda had been scrapped (Ciment Positif 368). The new screenwriter was not identified by name but the fact that he/she would have Australian nationality was stipulated. Wenders reapproached Carey, who was now available (Travelling in Time p8 of Act of Seeing). Carey was contracted in June 88 (protocol d'accord 30.6.88) to deliver a new first draft by 30 September 1988.

Carey delivered a second draft by the end of the year (CP 71 p26).

An official application was made to the CNC in December 1988. The application included a french synopsis (undated) which differed from the Australian version.

1989-90

Four more drafts of the screenplay were written by Carey and Wenders (Travelling in Time in Act of Seeing p8) in order to achieve the 'scenario definitif', which included dialogue and was to constitute the shooting script (Argos/Wenders convention avec l'auteur 28.3.90).

Notes:

Wenders had apparently identified Carey as a possible collaborator before submission of the AFC application[7]. This would suggest that the decision to employ him was not necessarily motivated by an attempt to meet Australian government regulations. However, several factors suggest that Wenders had independently foreseen the potential financial benefits associated with implicating Australians in key creative roles. It is worth bearing in mind that:

a. in 1984 Carey had no screenwriting credits to recommend him (Carey's adaptation of his own novel *Bliss* was released in 1985) Ciment Positif 368
b. On his visits to Australia, Wenders had established contact with local producers in order to better understand the mechanisms of the local film industry[8].
c. The French Australian coproduction treaty was established in 1986
d. Wenders held meetings with the AFC in 1987 (Overton and Villatte to Kim Williams 18 May 1988) to discuss funding.
e. Carey's actual contract was not executed until 30 June 1988, just after the submission to the AFC

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[7] In an interview given in 1990, Wenders mentions approaching Carey in 1984, soon after the publication of his book of short stories 'The Fat Man in History' (Travelling in Time p7 of Act of Seeing).

[8] John Maynard was contracted by Roadmovies to act as Executive Producer/consultant *on Until the End of the World* before funding had been secured (Argos Films Fiche Technique 8.12.88) Maynard was in the process of mounting the official Australian/NZ coproduction 'The Navigator' in 1986 and was no doubt consulted on the basis of this first foray into international coproduction.

APPENDIX C4 : UNTIL THE END OF THE WORLD – COMBINED TABLE

DATE	FINANCING	BUDGET	STORY	CAST	LOCATION	OTHER
1977	Expenses absorbed by Wenders' own German production company, Roadmovies		Wenders visits Australia and writes synopsis for science fiction film set entirely in Australia.			
1978						Wenders goes to US to make Hammett
1979						
1980						
1981						
1982						
1983						
1984			Wenders revisits Australia with French girlfriend and they decide to integrate their love story/road movie with Wenders idea for a science fiction			
1985			9 May Wenders finishes synopsis based on the joint idea of he and Dommartin			

DATE	FINANCING	BUDGET	STORY	CAST	LOCATION	OTHER
1986			1986-87 Dommartin and Wenders work with US writer on first draft			18 July Wenders interrupts work on Until in order to make Wings of Desire.
1987		No budget figure provided but estimation that the film would be 'extremely expensive'				
1988	10 May Application for official coproduction submitted to AFC: Australia 30%, France 50%, Germany 20% December Official application made to CNC, citing Hathrab as Australian coproducer and maintaing percentages		 December French version of synopsis differs from the version submitted to AFC (7 months earlier)	10 May Four principal roles identified: 2 French 1 Australian, 1 American December Six principal roles identified: 3 French 1 Australian, 1 German and 1 not assigned		11 March Wenders resumes work on Until, signing directors' contract with Argos
1989						

DATE	FINANCING	BUDGET	STORY	CAST	LOCATION	OTHER
1990	Argos enters into coproduction agreement with Village Roadshow 13 March Project resubmitted to CNC: Australia 20%, France 50%, Germany 30%			13 March 9 Principal roles identified: 4 French, 2 Australian, 1 German, 1 Swedish, 1 American		

APPENDIX C5 : GREEN CARD - TIMELINE

DATE	EVENT	SOURCE	NOTES
13-Dec-89	AFC introduces the proposal to the CNC	Sainsbury to Peyrefitte 13.12.89	Dingo, Isabelle, Until the End of the World also mentioned in same correspondence.
11-Sep-89	Co-production agreement between Australian and French co-producers	Letter from RIO to Greencard Productions, French translation 14.2.90	Copro agreement signed 11 sep 1989. Letter of confirmation written 14 Feb 1990. Translation of letter to French received by CNC 2 March 1990.
14-Dec-89	Gontier first meets CNC (Marmion) for informal discussion of project	Marmion to Wallon 8.1.90	
6-Jan-90	Project considered by AFC/IAP	Marmion to Wallon 8.1.90	
8-Jan-90	Memo from Marmion to Wallon outlining project and potential problems/need for his intervention		
11-Jan-90	Proposal submitted to AFC by Weir	Weir to Sainsbury 11.1.90	
15-Jan-90	Copro contract between Societe du RIO and (DD Prods + Societe SEDIF)		
14-Feb-90	Coproduction contract between RIO and Greencard Productions signed	Copro contract 14.2.90	
27-Feb-90	Proposal submitted to CNC		
14-Mar-90	Proposal assessed by CNC committee d'agrement (negative recommendation)	Doss 02/90 Gontier to CNC	
16-Mar-90	Gontier agrees not to enter into coproduction agreement with French broadcaster as per CNC directive		
19-Mar-90	Fax from Greencard Prods to Gonthier indicating changes		
26-Mar-90	Shoot began!	Doss. 02/90 Gontier to CNC. File CNC 72.987	Scheduled to last 10 weeks - til the beginning of June 1990.

DATE	EVENT	SOURCE	NOTES
28-Mar-90	CNC director general approves project	Doss. 02/90 Gontier to CNC. File CNC 72.987	He does this despite an unfavourable assessment by his committee.
2-Apr-90	Date declared for declaration of shoot		
19-Apr-90	RIO signs coproduction agreement with UGC, who cashflow production and obtain theatrical distrib rights for French territories	Coprod contract 19.4.90l	
23-Apr-90	CNC investment approval		
1-Jul-90	Post-production	Doss. 02/90 Gontier to CNC. File CNC 72.987	lasted until November 1990
8-Aug-90	Contract between RIO and EURISMA in which RIO undertake to provide a film 'd'expression originale francaise au sens du decret 9066' if not, contract annulled	Contract between RIO and Eurisma	
20-Feb-91	Commercial exploitation visa issued		
18-Jun-91	CNC final certification		

Appendix D – Compliance and Compromise

- Isabelle Eberhardt
- Dingo

APPENDIX D1 : ISABELLE EBERHARDT - TIMELINE

DATE	EVENT	SOURCE	NOTES
02-juin-87	Writers Agreement	Panorama-Pringle-Wren	
17-août-87	Distribution agreement	Aramis-Flach	Assigning theatrical, TV and video in French speaking territories to Flach.French co-producer Jean Francois Petit is principal of both Aramis and Flach.
10-sept-87	French-German coproduction agreement	Panorama-Aramis	Film to be made as French-German coproduction
15-oct-87	Registration as French-German coproduction	CNC-Panorama-Aramis	Registre Public de la Cinematographie 66 830
12-août-88	Pringle notifies breach of contract	Pringle-Panorama	
30-sept-88	French-German copro agreement annulled	Aramis-Panorama	
12-oct-88	Writers agreement	Seon Films-Pringle	Seon Films principal, Daniel Scharf, also producer of Prisoner of St Petersburg
05-mars-89	Writers agreement	Seon films - Sewell	Makes reference to earlier drafts of script executed by Sewell in conjunction with Pringle
21-juin-89	Distribution agreement	Toho Towa-Aramis-August Entertainment	Japanese territories. Wenders named as films producer. Seon Films not mentioned nor signatory.
13-juil-89	French-Australian coproduction agreement	Seon Films-Aramis	Film to be made as French-Australian coproduction
10-août-89	Sales Agency Agreement	Aramis-August	Assigning worldwide rights in all media to August (except those already with Flach)
17-août-89	Distribution agreement	Aramis-Flach	Renewal of old agreement (Aug 87). Stipulate that August Entertainment selling film in all territories except those assigned to Flach

DATE	EVENT	SOURCE	NOTES
02-nov-89	Letter notifying proposal received and IAP approved	AFC-CNC	Mentions three new French-Australian copro proposals - Dingo, Isabelle, and new proposal for Until the End of the World. Notes that IAP has approved Isabelle pending CNC approval.
03-nov-89	Application to CNC	Aramis	
06-nov-89	Amended application	Aramis	Increased French participation. German participation reduced/hidden
15-nov-89	CNC first evaluation-decision deferred	CNC	Commission d'agrement questions undeclared levels of German participation and seeks legal advice.
15-nov-89	French commission for classification gives OK	CNC	Commission de controle des films cinemaographiques just said whether any obstacle to eventual release of film.
21-nov-89	French producer responds to CNC concerns	Aramis-CNC	Indicates that German investment being channelled through Australian production company because Seon contracted independently with Roadmovies
28-nov-89	CNC legal advice	CNC	CNC lawyer advises no legal basis for rejecting German involvement because of EU laws
29-nov-89	CNC second evaluation - project approved	CNC	Approved as 40/60 Australian-French copro
05-dec-89	Letter notifying French approval	CNC-AFC	In response to 2 Nov 89 correspondence from AFC, notifies approval of Isabelle as 40/60 Australian-French coproduction.
06-dec-89	FFC letter of offer	FFC-Seon	FFC makes offer to invest US$1.4m conditional upon film obtaining official French-Australian coproduction certification

DATE	EVENT	SOURCE	NOTES
22-déc-89	Letter notifying CNC approval	CNC-Aramis	Delivered almost one month after decision. Notes that copro contract between Seon-Aramis-Flach has been registered with RPC
09-janv-90	Letter requesting final documents	AFC-CNC	AFC cannot provide producers with provisional certification until CNC proposal sent through. Letter addressed to Peyrefitte.
17-janv-90	Letter requesting final documents	AFC-CNC	Following up because no response to earlier correspondence. Letter adressed to Marmion.
25-janv-90	Letter confirming dossier sent	CNC-AFC	Marmion offers to resend dossier.
30-janv-90	Letter requesting duplicate	AFC-CNC	
05-févr-90	French dossier received by AFC	AFC-CNC	Sainsbury to Marmion confirming receipt
06-févr-90	FFC increases offer	FFC-Seon	FFC increases offer from US$1.4m to US$1.512m and takes percentage of sales to US territories.
25-oct-91	Final certification from French	CNC	Following acquittal of elements in provisional certification

APPENDIX D2 : DINGO - TIMELINE

DATE	EVENT	SOURCE	NOTES
02-nov-89	AFC notifies CNC that Dingo has already been assessed by IAP as majority Australian copro	Gibson (AFC) - Peyrefitte (CNC) 2.11.89	Correspondence is related to a slate of projects that have just been assessed by IAP, including Until the End of the World and Isabelle Eberhardt. AFC approval predates execution of copro contract between French and Australian producers.
21-déc-89	AFC prompts CNC to respond, after AFC change of staff	Sainsbury (AFC)-Peyrefitte (CNC)	Gibson had left AFC and new ED of Film Development, Sainsbury, had assumed direct responsibility for the copro program
06-févr-90	Coproduction Agreement signed	Gevest (Aust)-AO Productions (France) & Dedra (France)	Dedra a subsidiary of AO Productions. Australian budget, cashflow, distrib territories, key crew etc attached to contract
12-févr-90	Letter to CNC requesting update	Sainsbury (AFC) - Marmion (CNC)	AFC awaiting CNC approval but shoot due to commence
20-févr-90	Letter to CNC requesting urgent attention	Sainsbury (AFC) - Marmion (CNC)	Handwritten note on CNC file says 'on hold', suggesting project deliberately put to one side.
21-févr-90	Letter notifying intention to submit copro application	AO Prods-CNC	French producer advises that project to be presented to commission d'agrement on 14 March 1990
02-mars-90	Application to CNC	AO Prods-CNC	
13-mars-90	Letter Australian producer to French producer	De Heer - Osterrieth	De Heer requests that Dutch Production Manager be retained for professional reasons, despite not being French nor Aust.
14-mars-90	French assessment	CNC Commission d'agrement	Approved, conditional upon accreditation of French crew, confirmation of pre-sales
19-mars-90	Letter notifying AFC of CNC approval	Marmion(CNC)-Sainsbury (AFC)	This advice pre-empts official approval of CNC to applicant.

DATE	EVENT	SOURCE	NOTES
22-mars-90	Presale agreement	AO Prods-Canal Plus	Rights to cable TV broadcast in French territories. condition of contract that film will be 'd'expression originale francaise'
26-mars-90	Scheduled shoot		
05-avr-90	Presale agreement	AO Prods-La Cinq	Rights to free to air broadcast
05-avr-90	Coproduction Agreement signed	AO Prods-La Cinq	
17-avr-90	CNC approval to producers		Advises that exception made for participation of US musician Miles Davis.
01-mai-90	AFC confirms copro	Sainsbury (AFC) - Marmion (CNC)	CNC file received and film confirmed as 35/65 French-Australian copro
09-juin-90	French shoot complete		
08-janv-92	French release	CNC Fiche de Renseignements	
23-janv-92	Visa d'exploitation	CNC Fiche de Renseignements	
17-mai-94	Agrement complementaire	CNC	

APPENDIX D3 : DINGO - CASTING

FRENCH AUSTRALIAN CO-PRODUCTION AGREEMENT

ROLE	ACTOR	NATIONALITY	WEIGHTING
John 'Dingo'	Colin Friels	Australian	Lead
Jane Anderson	Not assigned	Australian	Lead
Billie Cross	Miles Davis	American	Supporting
Angie	Bernadette Lafont	French	Supporting
Jacques	Not assigned	French	Supporting
Peter	Joe Petruzzi	Australian	Supporting
Archie	Not assigned	Australian	Supporting
Beatrice	Not assigned	French	Supporting

Gevest Australia: Coproduction Agreement (6.2.90) Schedule F

Notes

The contents of the above table are included in the original coproduction agreement between the three production companies.

It is interesting to note that only two roles are described as 'leads' and that they are both assigned to Australians. To compensate for this 'incommensurate' French participation, AO Productions undertakes to redress the balance in an increased allocation of crew roles to French nationals. (Fiche Technique 2.3.90)

There is a clause in this schedule which stipulates that the coproduction agreement is conditional upon the casting of Colin Friels, Miles Davis and Bernadette Lafont. That is, these actors are deemed to be "essential for the artistic and commercial success of the Film" (Schedule F). This suggests that, whilst regulators use number of shoot days/screentime as a measure of the significance of a role, producers and distributors evaluate according to different criteria

FRENCH COPRODUCTION APPLICATION

ROLE	ACTOR	NATIONALITY	WEIGHTING
John'Dingo'Anderson	Colin Friels	Australian	8wks/ 45cachets
Jane Anderson	Helen Bouday	Australian	3wks/ 15cachets
Peter Goforth	Joe Petruzzi	Australian	10dys/ 10cachets
Bill Cross	Miles Davis	American	12dys/ 12cachets
Angie Cross	Bernadette Lafont	French	8dys/ 8cachets
Jacques Boulain	Bernard Fresson	French	5dys/ 5cachets
Beatrice Boulain	Brigitte Catillon	French	5dys/ 5cachets
Caesar	Etienne Chicot	French	3dys/ 3cachets

AO Productions 13 March 1990

Notes: The coproduction agreement between AO Productions and Cine Cinq (5.4.90) lists the principal cast as Colin Friels, Miles Davis and Bernadette Lafont, with no reference to the other Australian actors who are apparently worth more 'cachets'.

Also interesting to note that the participation of the American, Miles Davis, in a role of apparently greater weight than any French actor is not deemed problematic:

> "Furthermore, I have decided to approve as a 'permitted exception' the participation in the film of Miles Davis, musician and actor of American nationality, without this constituting grounds for a reduction in the percentage of the financial assistance calculation to come from the exploitation of the film". (DG of CNC to French coproducers 17.4.90)

The same cannot be said about William Hurt on *Until the End of the World* nor Andi Macdowell on *Greencard*, both of whom generated a great deal of controversy.

Whilst Colin Friels was consistently put forward in the lead role, correspondence on the CNC file (Osterrieth to Gevest 7.2.91) suggests that

this casting decision was contentious and that without the full support of AO Productions, Gevest would have been required to modify their decision.

APPENDIX D4 : DINGO - CREW

KEY CREW ROLES - AUSTRALIA

Marc Rosenberg wrote the screenplay for *Dingo* and Rolf de Heer was attached to the project as director prior to the rights being assigned to Gevest Australia (copro a/ment 6.2.90 p1). Its principal, Giorgio Drascovic, was named Australian Producer. However both Rosenberg and de Heer were also directors of the company and were named as the film's Australian co-producers (coproduction a/ment 6.2.90 schedule B), suggesting their desire to retain creative control of the film[9].

KEY CREW ROLES – FRANCE

The French coproduction partner, AO Productions, was known to Rosenberg through his collaboration on an earlier feature, *Australia* (Andrien, 1989). The Producer of this film, Marie-Pascale Osterrieth, and its Production Manager, Jef van de Water, went on to fulfil the same respective roles on *Dingo*.

ALLOCATION OF OTHER CREW ROLES

French-Australian Coproduction Agreement

Position	Name	Nationality
Director of Photography	Denis Lenoir	French
Production Designer	Judi Russell	Australia
Continuity	Barbara Constantine	France
Composer	Miles Davis	America
Editor	Suresh Ayyar	Australia
1st Assistant Director	Christian Faure	France
Sound Recordist	Henry Morello	France
Boom Operator	Frank Struys (spelling?)	France
Focus Puller	Not named	France

Source: Australian-French coproduction agreement 6.2.90

[9] Rolf de Heer is credited as a coproducer on the majority of the feature films which he has directed.

Notes

De Heer qualifies as Australian, whilst in his later French Australian coproduction he is classified as Dutch and in his correspondence with AO Productions, he affirms that his mother language is Dutch (de Heer to Osterrieth 13.3.90)

At this stage the composer is solely Miles Davis. Michel Le Grand is later added, suggesting that this manoeuvre might have been made to fulfil French government requirements

The 'Key Creatives' as named in the coproduction contract includes crew members which do not rate on the Australian points system (eg continuity, 1st AD). This suggests that the significance of creative contribution of respective roles as assessed by the AFC did not correlate with the relative importance allocated to those roles by the filmmakers themselves. Wim Wenders comment in Film Francais would uphold this statement.

In contrast, it would seem that these 'secondary roles' carry more weight in France, with the sound recordist and boom, 1st AD and continuity each stipulated contractually as being assigned to French nationals.

A note accompanying this information in the coproduction agreement, underlines the significance of allocation of crew roles according to nationality:

> "The parties agree that the nationalities of the key creatives shall not change, and that - except for the key creatives listed above, the rest of the crew shall be entirely French in France and Australian in Australia". (schedule F)

French Co-Production Application

Position	Name	Nationality
Writer	Marc Rosenberg	Australian
Director	Rolf de Heer	Australian
Production Designer	Judi Russell	Australian
Editor	Suresh Ayyar	Australian
Assistant Editor	Not assigned	Australian
Costume Designer	Judi Russell	Australian
1st AD	Christian Faure	French
Continuity		French
DOP		French
Camera Operator		French
1st Assistant Camera Dept		French
Sound Recordist		French
Boom Operator		French
Composer	Michel Legrand	French

Source: Fiche Technique (2.3.90) submitted 15 days prior to assessment by commission d'agrement

Notes: Some positions only assigned by nationality – indicating balance more important than identity Judi Russell figures twice (an attempt to get more points?)

French producer included note of qualification assuring CNC commission members that lack of French representation on cast would be compensated for in crew make-up. Indeed a great num

When the CNC's commission d'agreement met to consider Dingo for the first time (14.3.90) they withheld approval, in part because of the irregular situation of several French crew members. As a consequence, two out of the three crew members were replaced.

APPENDIX D5 : DINGO - FINANCING

PROVENANCE	SOURCE	DATE	AMOUNT	AGREEMENT- PARTIES AND TERMS	AGREEMENT - CONDITIONS
France 35%	AO Productions	2.3.90	950 000FF	Direct investment by AO Productions	
	Dedra Films	10.3.90	2 333 187FF	Domestic coproduction agreement between AO Productions and Dedra.	666 521FF payable prior to shoot 1 666 666 as letter of credit, payable upon receipt of all delivery materials by 10.3.91 Latter was a 'minimum guarantee' against all Italian rights to be paid by Cevest Holding to Dedra
AU$1 985 691 FF9 332 750	Cine-Cinq	5.4.90	1 000 000FF	AO Productions execute domestic coproduction agreement with the production arm of French Channel 5, reserving right for the broadcasting arm to purchase free-TV rights in the future	Duration 90-110min Delivery date 31.12.90 20% payable on delivery (200 000FF)
	CNC	14.3.90	500 000 FF	AO Productions asked for 400 000 'soutien financier Producteur' and an additional 'majoration exceptionnelle of 25%	
	Canal Plus	22.3.90	1 800 000FF	AO Productions execute pay-TV presale agreement with Canal Plus, assigning first run rights in France, Corsica, French overseas territories and Monaco	Film to be "d'expression originale francaise" Writer, Director fixed (de Heer and Rosenberg) Three actors (Davis, Lafont and Friels) fixed Film to be released no later than 31.3.91 12 month window for theatrical release Pre-sale payable 45 days after delivery
	La Cinq	5.4.90	2 500 000 FF	AO Productions execute domestic pre-sale agreement with French free-to-air station La Cinq, giving them the right to 2 runs over 5 years	Delivery date (English language) 31.12.90 Delivery date (French version) 30.1.91 24 month window for theatrical/pay-TV releases Pre-sale payable 50% on delivery/50% six months later
	M-P Osterrieth	2.3.90	249 563FF	The French Co-Producer deferred her salary.	Deferred salaries are recouped in first position from any subsequent sales of this film.
Australia 65% AU$3 687 713 FF17 332 250					

Source: French-Australian coproduction agreement (Gevest Australia/AO Productions/Dedra Films 6.2.90) and 'Plan de Financement (AO Prods to CNC 2.3.90)

Notes

The CNC required a 15% minimum contribution by French co-producers (ie FF3 999 750 to be financed by AO Productions, Dedra and Cine Cinq independently of pre-sales) - Plan de Financement 2.3.90

Re: the discounting of pre-sales, the concept of 'window', the fixing of key elements of film, the stipulation that work be of IOFrancaise. Why does Dedra become an official coproduction partner and not Cine-Cinq? Is it the amount? Or is it the fact that Dedra is run by Desian Drascovic?

The French co-producer subsequently entered into an agreement with Pan-Europeenne for the theatrical distribution rights to French domestic and overseas territories (Osterrieth to Gevest 7.2.91 p2). The date of execution of this agreement, and the amount payable are not stipulated in the correspondence. However, Osterrieth does state that it is dependent upon delivery of all materials by 15.12.90.

Appendix E – Indifference and Irrelevance

- The Old Man Who Read Love Stories
- Paradise Found

APPENDIX E1 : THE OLD MAN WHO READ LOVE STORIES - TIMELINE

DATE	EVENT	PARTIES	NOTES
03-sept-98	Letter advising application imminent	Fildebroc - CNC	Rolf de Heer on board, UK actor Nigel Hawthorne intended as lead, decision to shoot in Venezuela instead of Guyane
01-janv-99	Option of underlying work	Fildebroc - Sepulveda	The Old Man who Read Love Stories was originally a novel by Sepulveda
14-juin-99	Letter advising application imminent	Fildebroc - CNC	Indicates that Fildebroc obtained rights to novel in 1996. Also that shoot would be Venezuela, and coproduction with Spain, Holland, UK and France.
20-juil-99	Deal memo for Distrib Guarantee	Pandora	$3mill min. guarantee. Project must have: de Heer, Dreyfuss, Spall, Weaving and be shot in english.
17-août-99	French-Australian coproduction agreement signed		Prod designer spanish, location French Guinea, Post production Australia
18-août-99	Application to AFC	Australian producer (Julie Ryan) - AFC	Weaving counted as Australian contributor, sound post-prod in Australia, three minor roles Australian, shoot in French Guiana.
25-août-99	French-Spanish coproduction agreement signed	Fildebroc - Kino vision	Location - Venezuela, Postproduction - Spain, three lead characters after Weaving Spall and Dreyfuss - Spanish!
17-sept-99	Letter to CNC advising which elements in Spain and seeking waiver for Dreyfuss.	Fildebroc - CNC	Australian application based on the same elements being Australian/taking place in Australia.
21-sept-99	Letter regarding nationality of certain contribs	Fildebroc - CNC	Advises that on French application: de Heer to be counted as Dutch; Weaving as British; Sepulveda as German. Trying unsuccessfully to get paperwork from prefecture for James Currie to be French

DATE	EVENT	PARTIES	NOTES
27-sept-99	Letter suggesting Spall be considered French in calculs,	Verge (AFC) - Hurard (CNC)	Seeks to avoid controversy from Australian unions over Article 4 of MOU which provides only for French-Aust nationals.
29-sept-99	CNC approved project		Michele de Broca member of commission but abstains. Project approved but with less $ due to sound dept not being French.
05-oct-99	Letter confirming Spall French (EU cit)	Hurard (CNC) - Verge (AFC)	Specifies that Richard Dreyfuss is only non EU or Australian national (he is american) for whom waiver required (and given).
11-oct-99	Commencement principal photography		
02-nov-99	AFC advised that CNC has approved project	Goudineau (CNC) - Verge (AFC)	Recommended to AFC as a tripartite copro
09-nov-99	AFC approval		Australian contribution:
02-déc-99	Letter in support of producers' application	CNC - Spanish Ministry of Culture	Spanish had initially refused copro due to insufficient spanish contribution. This letter says three secondary actors to be Spanish and have same # shooting days as certain principals (Weaving, Spall)
15-déc-99	AFC advises CNC project approved.	Verge (AFC) - Romand Monnier (CNC)	AFC file number CP0088 Decision 1999/87 Report FD 19999/7
02-févr-01	Visa d'exploitation		
16-févr-01	Fax advising Spanish roles to be considered leads	Kino Vision (Spain) - Fildebroc (France)	Seeks to ensure that secondary roles declared as main roles on CNC form, because funding from Spanish Ministry of Culture dependent on this.
16-févr-01	Letter to CNC explaining why sound mix not in Spain	Fildebroc - CNC	Reason given is overrun in editing schedule in Australia. However, Australian application always stipulated mix would be in Australia.
06-mars-01	Final summary	CNC	all final details - as per funding r'ments!! Film qualified as 'oeuvre europeenne'

DATE	EVENT	PARTIES	NOTES
07-mars-01	French theatrical release		

APPENDIX E2 : THE OLD MAN WHO READ LOVE STORIES - CASTING

PRODUCTION ELEMENT	FRENCH APPLICATION	AUSTRALIAN APPLICATION	SPANISH APPLICATION	FINAL FILM
Actors				
Old Man	Richard Dreyfuss (US)	Richard Dreyfuss (US)*	Richard Dreyfuss (US)	Richard Dreyfuss (US)
Mayor	Timothy Spall (UK)	Timothy Spall (UK)*	Timothy Spall (UK)	Timothy Spall (UK)
Dentist	Hugo Weaving (UK)	Hugo Weaving (Au)*	Hugo Weaving (UK)	Hugo Weaving (UK/Au)
Josefina		TBC		Cathy Tyson (UK)
Gringo	TBC	TBC (Au)		Jerome Ehlers (Au)
				Christian Holer (Fr)
				Duncan Thompson
Salinas	TBC	TBC (Au)		Alberto Dominguez
Alkaseltzer	TBC	TBC (Au)		Eric Gaudinot (Fr)
Manuel			TBC (Sp)	Luis Hostelot (Sp)
Onecen			TBC (Sp)	Guillermo Toledo (Sp)
Juan			TBC (Sp)	Federico Celada (Sp)
Authors				
Director	Rolf de Heer (Dutch)	Rolf de Heer (Dutch)*		Rolf de Heer (Dutch/Au)
Original work	Luis Sepulveda (German)			Luis Sepulveda (Ven/Ger)
Adaptation	Marcel Beaulieu (Canadian)			Marcel Beaulieu (Canada)
Shooting script	Rolf de Heer (Dutch)	Rolf de Heer (Dutch)*		Rolf de Heer (Dutch/Au)
Composer	Fernando Sancho (Spanish)	Graham Tardif (Aust)*		
	Graham Tardif (Australian)			
Technical Crew				
Production Manager	Yves Dutheil (French)		Not available	
Director of Photography	Denis Lenoir (French)	Denis Lenoir (French)*	Not available	Denis Lenoir (Fr)
Production Designer		Gil Parrondo (Spanish)*	Gil Parrondo (Spanish)	Pierre Voisin (Fr)
Editor	Tania Nehme (Aust)	Tania Nehme (Aust)*	Not available	Tania Nehme (Aust)
Sound Engineer	James Currie (France)	James Currie (Aust)	Not available	James Currie (Aust)
Makeup artist	Mariel Howevenaars (Dutch)			Tania Nehme
				James Currie (Aust)
Location				
Principal photography	Guyane Francaise	Guyane Francaise	Venezuela	French Guyane
Picture Edit	Australia	Australia	Spain	Australia
Sound Mix	Spain	Australia	Spain	Australia

Notes:
Compiled from information on CNC file including: [need to see CNC fiche signaletique for agrement d'investissement?]
copy of Australian coproduction application
copy of CNC fiche signaletique for agrement de production
correspondence between CNC and French coproducer
Correspondence between Spanish and French producers
French-australian coproduction agreement (fildebroc/magnetic hall)
French-spanish coproduction agreement (fildebroc/)

Table structured in accordance with CNC assessment categories, some of which do not enter into the Australian/Spanish calculations. Gaps signify that the information was not provided in that application. Where information was not available this is indicated. By indicating which information is not available as opposed to not considered by the relevant authority, the intention is to clarify the differences in assessment methods between agencies.

Australian application considered
Hugo Weaving as Australian participant
Neglected to mention that composing role was to be shared with Spanish contributor

Suggested that secondary roles would be allocated to Australian actors (but in writing TBC left room to manoeuvre and they were in fact allocated to Spanish)

Although Production Designer was Spanish on all applications, he was subsequently replaced by French designer Pierre Voisin. The participation of the Spanish designer was absolutely essential to the securing of approval from the Spanish Ministry of culture (refer corres CNC to Spain (2.12.99) De Heer suggests (IF 63) that replacement was due to Spanish designer's unwillingness to travel to South America. However, given that X was 82 years old, this circumstance was entirely foreseeable. Was this a purposeful manoeuvre on the part of the French coproducer – to superficially satisfy Spanish authorities?

The table reflects the information provided to the authorities by the producers for the purposes of calculating coproduction eligibility as well as

for attributing levels of government financial assistance. It is interesting to note the way in which this information was then processed by the various agencies. In France the producers claim to 48% on the Bareme de Soutien Financier (BSF) was amended by the CNC to a level of 46%.

[This note should probably go with exposition of distinct assessment systems/application procedures in France and Australia]

Both the French and the Australian system provide for verification of expenditure/participation levels on completion of production, a measure which is designed to deter producers from providing misleading information in their applications. In France the agrement d'investissement is accompanied by the agrement de production (this replaced the old agrement final) and in Australia, provisional certification is complemented by final certification from the DCITA. The effectiveness of these final assessment procedures, however, has historically been undermined by two factors a) the difficulty in obtaining accurate information about final participation levels (the source of the information is usually the producer) b) the difficulty of penalising a producer once the money has already been spent. The DCITA can refuse the tax benefit for investors but this does not penalise producers. The CNC recently revised its guidelines in order to remedy this situation. The new system does not attempt to track expenditure, but rather records production details and uses this to estimate expenditure. In addition, should an anomaly be found, the level of discrepancy will be reflected in the amount of funding available to the French producer for his/her next film.

*This indicates the elements which enter into the Australian points system calculation. Secondary cast and crew roles are then used to complement this information but are not as significant [reword]. Where no name appears in the Australian application it is because it has not been provided. At times this is simply because that role is not considered significant by the AFC or that it is not filled on this production, at other times, it might be considered deliberately misleading on the part of the producers (eg Spanish co-composer not mentioned on Australian application and neither is adaptation by Canadian writer).

Note that James Currie claimed as Australian to AFC and as French resident for CNC calculation (although CNC would not accept this)

Disparities in:
Location of shoot
Location of post-production
Identity of secondary actors (Spanish or Australian)
Nationality of Weaving and Currie (European or Australian)
Information provided regarding composer (France lists both but Australia applies for full point for Australian composer)

The discrepancies regarding the location of shoot and post production could have been caused either by a) a significant break down in communication between coproduction partners or b) the deliberate with-holding of information/misleading of government agencies in order to secure approval and funding. The latter would appear to be the most likely explanation for the following reasons:

Regarding location of shoot:
The French-Australian and French-Spanish coproduction agreements were signed within days of each other. The former, executed by the French and Australian producers on 17.8.99 cites French Guyane as the location and this is indeed where principal photography commenced on 11.10.99. The French-Spanish coproduction agreement, which was executed in the period between the above two events, stipulates Venezuela as the location.

Regarding location of post-production:
As far as the Australian producer was concerned, both the edit and the sound mix were always going to take place in Australia, as indeed they did. The French producer however, appears to have entered into a charade with the Spanish and French authorities. The French Australian coproduction agreement (17.8.99) stipulates that all post-production will take place in Adelaide South Australia, whilst the French Spanish agreement signed within a week of the earlier agreement stipulates that editing and sound mix will take place in a Spanish post-production facility.

APPENDIX E3 : PARADISE FOUND - TIMELINE

DATE	EVENT	SOURCE	NOTES
19-janv-00	Writer John Goldsmith signs over rights to Le Sabre	Cession de droits d'auteur	
15-févr-00	AFC Decision to approve Gauguin as F-A coproduction	Verge to Andreacchio 21.3.00	AFC approved as bilateral French (60)-Aust(40) copro. CNC had not yet assessed. Australian applicant 'Stella Productions' (not AMPCO).
21-mars-00	Caroline Verge notified Andreacchio of AFC decision	Verge to Andreacchio 21.3.00	
01-juin-00	FFC approves co-financing of 'Gauguin' (working title)	Mark Woods Variety 5.6.00 'Canal Plus paints a pic with Oz fund'	Federal government was reviewing of FFC's cash reserves as it had been accused of stock-piling funds. Loads of projects suddenly funded.
03-nov-00	Worldwide DG signed with Studiocanal Image	Main Agreement - StudioCanal Image-Le Sabre-AMPCO 3.11.00	For all rights except in a number of small territories including France and Australia (ie film not made for French or Australian audiences). Conditional upon principal photography commencing prior to 30.6.01
15-avr-01	Four way copro agreement executed	Le Sabre-AMPCO-Grosvener Park-Apollo Media 15.4.01	
11-mai-01	Le Sabre seek confirmation that deal structure (Fr-UK, Fr-Germany, Fr-Aus) is hypothetically possible	Le Sabre-CNC 11.5.01	
24-mai-01	Shoot commences	UK application	Prior to project having been assessed by CNC, but DG with Studiocanal Image stipulated shoot commence no later than 30 June 2001
30-mai-01	Registered with RPC as 'Moana' 102.838		Involved depositing the 'cession de droits d'auteur' with the CNC.
21-juin-01	Le Sabre introductory letter to CNC	Le Sabre to CNC 21.6.01	
26-juin-01	Grosvenor Park submits application to UK Dept Culture Media and Sport	Application for coproduction 26.6.01	Australian actors listed here as British, Andreacchio not listed as writer

DATE	EVENT	SOURCE	NOTES
26-juin-01	Apollo submits file to BAFA for four way coproduction		
29-juin-01	Coproduction proposal submitted to CNC	Demande d'agrement	Accompanied by scores of 'fiches'
30-juin-01	EP contract between Le Sabre and Zen		
01-août-01	First assessment of project by CNC	Avis de la commission	Decision adjourned because lack of French elements
31-août-01	BAFA to Apollo Media confirming application received		
06-sept-01	Provisional certification as French-UK coproduction confirmed.	UK Dept Culture Media and Sport to CNC (Hurard) 6.9.01	
14-sept-01	Le Sabre seeks special consideration re CNC assessment	Le Sabre to CNC 14.9.01	Important quotes re CNC points system - many contributors didn't count, change of post-prod sound to French company as well as registering of proposal with RPC.
26-sept-01	CNC Commission d'agrement assess project for second time	Avis de la commission 26.9.01	No decision taken. Inconclusive response to producers
03-janv-02	Le Sabre write to CNC seeking confirmation of provisional certification		
27-mai-02	UK authority requests further information from producers prior to final certification and chastises them for providing misleading info.	Email UK DCMS to UK Producer, Grosvenor Park and cc CNC (Hurard) 27.5.02	Three outstanding matters holding up final certification: evidence CNC provisional cert; Auditors report; Copyright clarification. Also pertinent comment upon residential status of dual citizens...(impt!!)
09-août-02	Confirmation that UK application complete, subject to CNC advice.	Email UK DCMS to Grosvernor Park 9.8.02	Now only awaiting CNC advice.
01-oct-02	Le Sabre to CNC confirm that they are translating coproduction agreement and directors agreement so they can be retrospectively registered with RPCA (upon which they expect to receive agrement from CNC)		
05-nov-02	Cession droits d'auteur (Andreacchio) deposited with RPC		

DATE	EVENT	SOURCE	NOTES
05-nov-02	Four way coproduction agreement deposited with RPC		
15-nov-02	CNC to Le Sabre – agrement des investissements (provisional)		
15-nov-02	CNC to AFC advising provisional coproduction status approved and attaching proposal as submitted to CNC		
15-nov-02	CNC to UK dept of Culture, Media Sport advising coprod status and attached proposal as submitted to CNC		
15-nov-02	CNC to BAFA advising copro status, attaching file and requesting a copy of the german proposal		
02-déc-02	BAFA (Germany) to CNC refusing French-German status but accepting to account for film as German-Australian copro (no record of this on Australian files!)		

Appendix F – Comparative Analysis

- Chronological Overview of Feature Films Showing Relationship to One Another
- Comparative Development Timeline

APPENDIX F1 : CHRONOLOGICAL OVERVIEW OF FEATURE FILMS SHOWING RELATIONSHIP TO ONE ANOTHER

	TREATY	UNTIL THE END #65.125	ISABELLE #66.830	GREENCARD	DINGO #72/967	OLD MAN #90.155
1985		6 March Agreement established between Argos and Roadmovies to make French-German coproduction based on Wenders idea under terms of treaty dated 5.12.74 9 May, 25 July, 18 October Amendments made to deal memo to take account of delays and changes				
1986	15 May MOU signed between AFC and CNC	26 June Further amendment made to Argos/RM deal memo 18 July Development interrupted so that Wenders could make 'Wings of Desire', also co-produced by Argos (released 16.9.87) 4 September Official copro contract executed between Argos and Roadmovies stipulating that RM would be the majority coproducer				

	TREATY	UNTIL THE END #65.125	ISABELLE #66.830	GREENCARD	DINGO #72/967	OLD MAN #90.155
1987		19 February Copro contract registered at the Registre Public de la Cinematographie as #77561 vol.306 Film title 'Jusqu'au bout du Monde' registered as file #65.125	2 June Panorama Films (German company) contracts with Ian Pringle to write synopsis, treatment and dialogue of IsabelleEb in collaboration with Michael Wren			
1987 cont.		August Informal discussions held between Wenders and Mary Gibson, Kim Williams and Sue Murray of the AFC (refer corres 18 May 88)	17 August Flach films assigned distribution rights to film. Both Aramis and Flach are French companies under directorship of Jean-Francois Lepetit. 10 September Aramis sign coproduction contract with Panorama to produce Isabelle, as Panorama owned the rights			

	TREATY	UNTIL THE END #65.125	ISABELLE #66.830	GREENCARD	DINGO #72/967	OLD MAN #90.155
			15 October Project registered at RPC. File #66.830			
1988 1988 cont.		11 March Wenders back on board after release of Wings of Desire. He signs over rights to 'finished' scenario to Argos and Roadmovies and signs on as salaried director. 11 March New coproduction agreement signed between Argos and RM. This time Argos is assigned the role of majority (80/20%) coproducer. Provision to seek a third party coproducer is made in clause 1.3, where Australia is specifically mentioned 29 March New copro contract registered at the RPC as #94 953 vol.314				

	TREATY	UNTIL THE END #65.125	ISABELLE #66.830	GREENCARD	DINGO #72/967	OLD MAN #90.155
1988 cont.		29 April Three way copro contract signed between Argos/RM/Hathrab Holdings (Julia Overton in Australia). The participation of Hathrab is conditional upon them obtaining an official certification of the copro as an Australian film 10 May Official submission of proposal to AFC by Hathrab/Argos/RM 13 May Copy of AFC submission to CNC May – August Extremely revealing sequence of correspondence between producers and CNC and heated correspondence between AFC and CNC which results in the intervention of foreign affairs. Briefly:				

	TREATY	UNTIL THE END #65.125	ISABELLE #66.830	GREENCARD	DINGO #72/967	OLD MAN #90.155
	25 May Collapse of Aust. Tax shelters. Existing projects allowed until 30 June to complete financing.	14 May Fax from CNC (Marmion) in Sydney to Argos (Dauman) in France predicting difficulties with project conforming to AFC's guidelines regarding correlation between expenditure and key creatives 18 May Coproducers write to AFC reasserting case and answering objections raised by Mary Gibson 20 May First refusal of project by AFC to coprods 30 May Argos requests CNC's assistance to expedite approval due to approach of deadline for accessing 10BA tax shelter. 10 June CNC (Jerome Clement) writes to AFC in support of project				

	TREATY	UNTIL THE END #65.125	ISABELLE #66.830	GREENCARD	DINGO #72/967	OLD MAN #90.155
1988 cont.	July AFFC established but delay in processing $70mill budget allocation 21 July Article in SMH highly critical of AFC and in particular Kim Williams. Australian industry lobby group forms including John Maynard, Phil Noyce, Mel Gibson, George	21 June AFC (Kim Williams) advises CNC(Jerome Clement) that project rejected a 2nd time on same basis i.e. creative equity level too low for eligibility 24 June Jerome Clement questions the AFC's judgement and threatens to call in arbitration to enforce terms of treaty 28 June Kim Williams writes in conciliatory manner but maintains that project does not fulfil cultural objective of copro prog. 30 June Deal Memo with Peter Carey signed (full contract not executed until 28.6.89) 18 July CNC allocates further development financing to Argos which indicates they are undeterred by the AFC's				

	TREATY	UNTIL THE END #65.125	ISABELLE #66.830	GREENCARD	DINGO #72/967	OLD MAN #90.155
1988 cont.	Miller August Treaty becomes subject of foreign affairs negotiations When forced to reconsider their basis of assessment, AFC contests legal validity of the treaty because signed between government agencies and not govt. to govt. 12 September Four page article in Film Francais criticizing AFC and questioning worth of treaty	refusal 28 July Chief Minister of Northern Territory writes to Federal govt in support of project for economic benefits and potential to attract similar productions 29 July Jerome Clement to Phillip Adams (Chair of AFC) makes last attempt to influence decision by AFC admin prior to calling upon foreign affairs 20 August French Minister for Culture confirms willingness to intervene. He also confirms willingness of German Economic Minister to pursue the matter. Correspondence ensues between Jack Lang (France), Dr Martin Bangeman (Germany) and Graham Richardson and Gary Punch (Australia).	20 August Contract between Pringle and Panorama annulled due to failure of Panorama to pay Pringle/Wren for final script – breaching terms of contract 30 September Copro contract between Aramis and Panorama cancelled 12 October Pringle signs rights to Seon films			

	TREATY	UNTIL THE END #65.125	ISABELLE #66.830	GREENCARD	DINGO #72/967	OLD MAN #90.155
1988 cont.	October Daniel Rowland replaces Kim Williams as Chief Exec of AFC. There was a three to four month hiatus between Williams' departure and Rowland's arrival 31 October FFC established Film Australia becomes incorporated	21 December Official submission of proposal to CNC as three way coproduction France/Aust/Germany 50/30/20% with Hathrab Holdings still listed as Australian coproducer despite the fact that Hathrab have not yet obtained certification for the project (refer above) Budget has increased from FF70mill to FF85 117				

	TREATY	UNTIL THE END #65.125	ISABELLE #66.830	GREENCARD	DINGO #72/967	OLD MAN #90.155
1989	Jan-Nov Lapse in correspondence between CNC/AFC Continuing changes of personnel at both AFC and CNC December (d??) Peter Sainsbury appointed new Exec Director of Film Devt at AFC and takes over coprod program from Mary Gibson Dominique Wallon replaces Jerome Clement as Directeur 1989 General du	6 January Official approval from CNC for three way co-pro France/Aust/Germany 50/30/20.	5 March Sewell signs rights to Seon films 21 June Distribution contract between Aramis and Toho-Towa lists Jean Petit and Wim Wenders as the producers – no mention of Daniel Scharf 13 July Seon and Aramis enter into coproduction agreement 10 August Contract signed between Aramis and August Entertainment (Californian sales agent) 17 August Coproduction contract between Flach and Aramis (both French companies under direction of Jean-Francois Lepetit			

	TREATY	UNTIL THE END #65.125	ISABELLE #66.830	GREENCARD	DINGO #72/967	OLD MAN #90.155
cont.	CNC	2 November AFC advises CNC that they've received new application for project as French/Aust copro 60/40% and that IAP has advised its approval! 17 November Contract signed between Argos/RM and Transpacific 'world financing agreement', which makes provision for Hathrab contract to be annulled by Transpacific after 31.12.89.	2 November AFC advises CNC that application for this project received and approved by IAP as Aust/France 40/60% 15 November Project presented to CNC as two way copro Aust/France 40/60% but with three prod companies: Flach Film and Films Aramis France/Seon Film Int'l Australia and with Road Movies (Wenders' German company) as a silent partner. CNC delays decision because of concern of unacknowledged 3rd party contribution (Germany) 20 November FFC letter of offer to Seon for US $1 150 000		2 November AFC advises CNC that application for this project received as Aust/France copro 65/35% - not yet assessed.	

	TREATY	UNTIL THE END #65.125	ISABELLE #66.830	GREENCARD	DINGO #72/967	OLD MAN #90.155
1989 cont.	Dec Correspondence resumes between AFC (Sainsbury) and CNC (Wallon)	4 December Argos invite Village Roadshow to explore the possibility of re-presenting project to AFC. VR has already done so. 5 December CNC requests clarification re new Australian coproducer 8 December Argos lawyer (Villatte) writes to CNC to advise of new Australian coproducer. VR had previously distributed Paris/Texas for Argos/RM and Wenders had planned to use studios in Brisbane for this shoot	28 November CNC internal memo indicates that committee is seeking legal means of refusing project on grounds of German investment in Australian company. Advice from lawyers is 'not possible' 29 November CNC committee expresses strong reservations about the insufficient level of French participation and requires presentation of further documentation from French producers. 5 December CNC receives copy of FFC fax advising approval of US$1400 000 (dated 6.12 AEST). CNC advises AFC that film has been approved (despite unresolved position of committee)	13 December AFC makes preliminary introduction of project to CNC as a majority Australian coproduction	21 December Peter Sainsbury presses CNC for a response regarding Dingo. He expresses concern that if delayed, new French-language quotas may effect financing of project	

	TREATY	UNTIL THE END #65.125	ISABELLE #66.830	GREENCARD	DINGO #72/967	OLD MAN #90.155
			22 December Official CNC approval for 60/40 French/Australian copro			
1990 1990 cont.	Changes to French television quota laws to exclude non-French language productions (d?)		9 January AFC requests approved file from CNC, without which the project cannot be certified in Australia	8 January Internal CNC memo indicates that Jean Gonthier has approached CNC with project and that it is unlikely that it will be approved by the committee as a copro. He predicts that the Director General will be required to override committee's decision 11 January Peter Weir submits official coproduction application to AFC as 'Greencard Prods' 15 January Coproduction contract signed between three French production companies: RIO (Jean Gonthier), SEDIF, and DD Productions		

	TREATY	UNTIL THE END #65.125	ISABELLE #66.830	GREENCARD	DINGO #72/967	OLD MAN #90.155
1990 cont.	19 February Dominique Wallon changes CNC regulations concerning assessment of French elements of coproductions In a statement released to the press, he also foreshadows a redefinition of the rules of certification in the coming year	14 February CNC file note indicates that Argos have relaunched financing and intend to start shooting in April Budget has increased to FF105million New deal France/Germany/Aust 50/30/20 VR intended Australian coprods AFC have indicated their likely approval Argos seek permission to proceed without resubmitting to CNC but this is unlikely	6 February FFC increases offer of investment to US$1512000 12 February Shoot begins for 12 weeks in Berlin (studios) and North Africa	25 January CNC advises AFC that Greencard likely to prove problematic because of US elements, in particular the significant financing coming from Walt Disney 30 January AFC advises CNC that Greencard is likely to be approved in Australia and urges CNC to overlook US investment in favour of the Australian creative contribution 14 February Coproduction agreement between RIO and Greencard productions signed	25 January CNC advises AFC that producer's proposition would not seem to pose a problem and that CNC awaits AFC's approval/file. 30 January AFC advises CNC that project approved and documentation on its way to CNC 21 February AO productions indicate their intention to submit proposal for CNC's consideration at 14.3 meeting of committee	

	TREATY	UNTIL THE END #65.125	ISABELLE #66.830	GREENCARD	DINGO #72/967	OLD MAN #90.155
1990 cont.	March Peter Sainsbury meets with CNC execs in Paris	5 March VR outlines heads of agreement to Argos Julia Overton to be Associate Producer 8 March Dauman confirms deal points and indicates willingness to sign copro agreement once CNC approval gained 13 March File resubmitted to CNC Sam Neill replacing Jacque Dutronc			13 March Rolf de Heer writes to French producer begging that French PM be kept on board despite the fact that he won't qualify for cachets. 14 March Film assessed by CNC at same meeting as Greencard but decision postponed until presale contracts provided	

	TREATY	UNTIL THE END #65.125	ISABELLE #66.830	GREENCARD	DINGO #72/967	OLD MAN #90.155
				14 March Assessed by CNC Advisory committee, which recommends that film not be admitted as French Australian coproduction 15 March William Morris Agency (John Ptak) writes a letter to CNC (Marmion) lobbying him to approve Greencard on the basis that it will launch Depardieu on US market He encloses a copy of his address at the recent US film market which is designed to counteract anti-US discourse. 16 March Jean Gonthier agrees to temporarily withhold from signing coprod agreement with French TV as per CNC request	19 March Yves Marmion of CNC advises Peter Sainsbury that Dingo was approved at 14.3 meeting	

	TREATY	UNTIL THE END #65.125	ISABELLE #66.830	GREENCARD	DINGO #72/967	OLD MAN #90.155
1990 cont.		28 March CNC approval 30 March Contract between Argos/Hawkfilm appointing Jonathan Taplin as executive producer (also behind Transpacific) 2 April – 17 August Shoot takes place - 18 locations in 7 different countries 6 April AFC confirm their approval to CNC (after shoot has begun) 13 August Films Garantie Finance seek to gain financial control of film due to Transpacific's mismanagement		19 March Edward Feldman (EP for Greencard productions) agrees to include as many Australian actors as possible within constraints of US visa regulations….. Yves Marmion advises Peter Sainsbury that CNC committee gave unfavourable assessment but reassures him that the role of the commission in only consultative. 21 March Dominique Wallon informs Peter Sainsbury that he has decided to approve project despite negative opinion of CNC Advisory committee. 26 March – 17 June Shoot in New York	26 March – 8 June Shoot in Australia then France 17 April Official CNC approval of 35/65% French/Australian copro. Coproducers are AO productions, DEDRA, Cine Cinq and Gevest Australia (somehow connected to Dedra) File #72.967	

	TREATY	UNTIL THE END #65.125	ISABELLE #66.830	GREENCARD	DINGO #72/967	OLD MAN #90.155
		24 August Argos refuse to hand-over to FGF and legal proceedings ensue. Taplin's EP contract terminated. 23 October – 16 June 91 Second unit pick-ups		19 April RIO executes further coproduction agreement with UGC Images (France) 24 April Official CNC approval to three French producers – after commencement of shoot!		
1991		10 September Film released in Germany 23 October Film released in France Duration 2.55.11 Classification G	6 March Film receives final 'exploitation visa' #66.830 April French release General exhibition			

	TREATY	UNTIL THE END #65.125	ISABELLE #66.830	GREENCARD	DINGO #72/967	OLD MAN #90.155
			5 September Aramis initiate proceedings against Seon Films (Aust) to recoup coproduction costs 25 October Final certification from CNC			
1992		Final certification from CNC			8 January French release 23 January Exploitation visa granted #72.967	
1993						
1994					17 May Final certification from CNC following long legal proceedings and complicated financial management due to liquidation of La Cinq	
1995	Audit and Review of Australian official coproduction					

	TREATY	UNTIL THE END #65.125	ISABELLE #66.830	GREENCARD	DINGO #72/967	OLD MAN #90.155
	program					
1996						Fildebroc acquire the rights to Luis Sepulveda's novel Rolf de Heer works on script 96
1997						
1998						3 September Rolf de Heer on board – as Dutch national Nigel Hawthorne intended lead (later replaced by Dreyfus
1999	March-October AFC redrafts eligibility guidelines for official coproduction program. Several drafts emerge. Industry Advisory Panel's recommendation overlooked					14 June Jean-Luc Douat makes preliminary contact with CNC and refers to shoot in Venezuela and coprod partners in Spain, Holland and England ie NOT Australia 20 July Deal Memo signed with Pandora

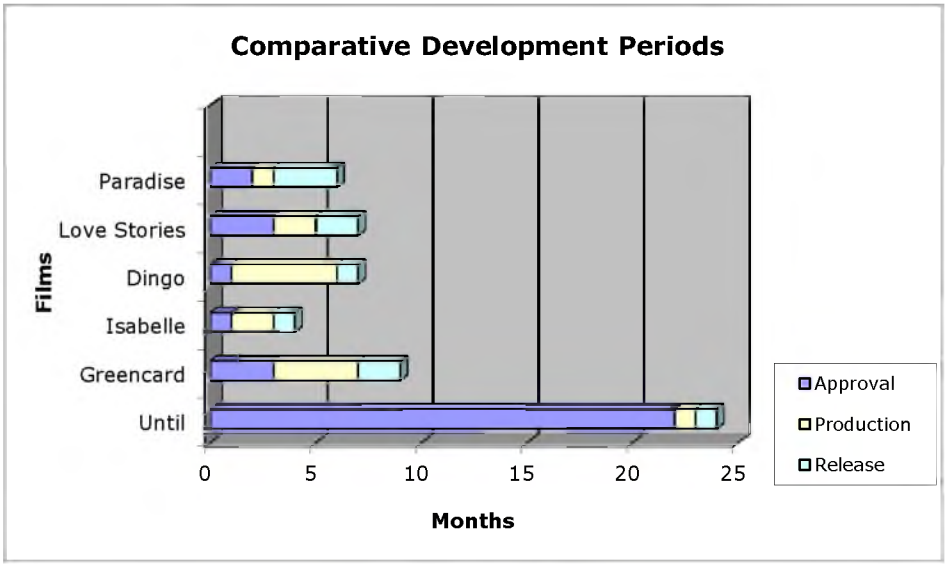
	TREATY	UNTIL THE END #65.125	ISABELLE #66.830	GREENCARD	DINGO #72/967	OLD MAN #90.155
1999 cont.						17 August Signature of French/Australian coprod agreement NB Location: French Guinea Post-prod: Adelaide 18 August Application submitted to AFC 25 August Signature of French/Spanish coprod agreement NB Location: Venezuela Post-prod: Spain ! 7 September AFC wishes to approve application but needs one actor to be counted as European rather than US in order to proceed. The CNC obliges.

	TREATY	UNTIL THE END #65.125	ISABELLE #66.830	GREENCARD	DINGO #72/967	OLD MAN #90.155
						11 October Shoot apparently started?! 2 November CNC approval 9 November AFC official approval Decision #1999/87 Report #FD 1999/7
2000						
2001 2001 cont.	February Review of Australian official coproduction program					2 February Exploitation visa granted #90.155 6 March Final certification from CNC and qualified as 'œuvre europeenne' 7 March French release

APPENDIX F2 : COMPARATIVE DEVELOPMENT TIMELINE

	APPLICATION	APPROVAL	PRODUCTION	AUST RELEASE	US RELEASE
UNTIL	mai-88	mars-90	avr-90	oct-92	janv-92
GREENCARD	janv-90	avr-90	mars-90	janv-91	janv-91
ISABELLE	nov-89	déc-89	févr-90	sept-92	?
DINGO	mars-90	avr-90	mars-90	janv-92	janv-92
LOVE STORIES	août-99	nov-99	oct-99	mars-04	?
PARADISE FOUND				mars-03	?

	Until	Greencard	Isabelle	Dingo	Love Stories	Paradise
Approval	22	3	1	1	3	2
Production	1	4	2	5	2	1
Release	1	2	1	1	2	3



	UNTIL	GREENCARD	DINGO	ISABELLE	LOVE STORIES	PARADISE
CNC APPLICATION	13.05.88	27.02.90	02.03.90	15.11.89		29.06.01
AFC APPLICATION	10.05.88	11.01.90			18.8.99	
CNC APPROVAL	28.03.90	23.04.90	17.04.90	22.12.89	02.11.99	15.11.02
AFC APPROVAL					09.11.99	15.02.00
PRINCIPAL PHOTOGRAPHY	02.04.90	26.03.90	26.03.90	12.02.90	11.10.99	24.05.01
VISA D'EXPLOITATION		20.02.91	23.01.92	06.03.91	02.02.01	
FRENCH RELEASE	23.10.91		08.01.92	01.04.91	07.03.01	
AUSTRALIAN RELEASE	22.10.92	31.01.91	30.01.92	18.09.92	11.03.04	11.03.03

Appendix G - Selected Primary Sources

- Interviews with French Film Industry Representatives:
  - François Hurard, Directeur du Cinéma, Centre National de la Cinématographie (CNC)
  - Christine Palluel, Délégué Général, Société des Producteurs Indépendants (SPI)
  - Michèle Soulignac, Délégué Général, Société des Réalisateurs Français (SRF)
- Documents from CNC Archives

APPENDIX G1 : INTERVIEW - FRANCOIS HURARD, DIRECTEUR DU CINEMA, CNC

CNC 4 December 2001

JHJ (00) : Donc c'était pour comprendre les raisons derrières ce changement du système de l'agrément et comment cela fonctionne?

FH (019): Le contexte c'est qu'on a mis en place un système de points qui est très simple puisque c'est une base de 100 points et que selon le nombre de points que vous avez, vous avez un pourcentage de l'aide disponible. Donc vous avez 100 points, vous avez 100% ; vous avez 25 points, vous avez 25%…

Note – Prior to commencement of recording FH had explained to me that the old system of agreement was based upon financial expenditure in the country – if 80% of budget was going to be spent in France, then the film was 'agree'. The system fell down because it was too difficult to track expenditure and if anomalies were found, it was too late to rectify because budget had been spent and film made. The new system was designed to introduce a sliding scale of assistance according to creative involvement.

FH: Et l'aide financière ne s'applique plus réellement parce que le système de points prend compte de différents éléments. Alors évidemment les interventions artistiques - comédiens, réalisateurs, auteurs ensuite les interventions techniques - l'ensemble de collaborateurs de création, le studio, la post-production etc. et les groupes de points sont attribués à chacun de ces postes de dépense. Mais vous pouvez avoir 75% de dépense en France et avoir 80 points ou bien avoir 50% de dépense en France et avoir 70 points par exemple.

JHJ (053) : Alors qu'avant c'était en correspondance avec...

FH : Avec le devis. Voilà.

JHJ : Et maintenant c'est plutôt en fonction de la contribution créative ?

FH : Voilà. Toute à fait.

JHJ (058) : Est-ce que cela ne ressemble pas un peu plus au système Australien de maintenant ? *(I asked this question because the Australian points system was much criticised at the time of Until the End of the World)*

FH: Oui. En fait, c'est un système qui est relativement simple et ouvert aux coproductions étrangères alors, d'autant plus qu'il privilégie deux situations géographiques - soit les pays de l'Europe, dont tous les collaborateurs sont assimilés avec, soit les pays avec lesquels on a un accord de coproduction ou là aussi il y a la possibilité d'assimilation pour obtenir certains points. Donc ça offre des facilités avec ces pays-là.

JHJ (077) : Oui je vois. Mais c'est quoi qui a motivé le changement du système ?

FH : Bien c'est parce qu'auparavant la question de dépense en France était difficile à mesurer et à vérifier. Et en plus, dés-lors que ces dépenses n'étaient pas atteintes, il n'y avait pas de règle pour limiter le soutien. Donc le système de points, c'est une règle objective et le producteur le sait dès le départ si vous voulez. Alors qu'après ça n'était qu'a posteriori une fois qu'on avait examiné le devis du film qu'on calculait le soutien… ce qui était un peu tard.

JHJ(094) : Mais est-ce que ça ne risque pas de vous entrainer dans ce même discours de cinéma national qui devient difficile à gérer. Par exemple, en

Australie, il devrait avoir un réalisateur, par exemple australien, [qui] va gagner tel nombre de points... mais comment dire ce que c'est qu'un réalisateur 'australien' ? Est-ce que c'est quelqu'un qui réside en Australie, [ou bien] c'est quelqu'un qui est citoyen mais qui habite à l'étranger comme Peter Weir. Où... ?

FH : Oui. Alors... on n'a pas trop ce type de problème parce que malgré tout, les deux tiers des coproductions sont quand même des coproductions franco-françaises et en ce qui concerne les coproductions internationales, l'an dernier, sur 171 films, il y en avait un peu plus de 140 qui étaient vraiment majoritairement français. Il y en avait 60 qui étaient coproduit avec des pays étrangers dont une partie majoritaire française, et d'une autre partie de minorité française, à peu près 30 et 30. Alors, se pose le problème... surtout pour les minorités françaises et surtout lorsqu'on inclut la qualité de résident, notamment pour un certain nombre de talents américains qui sont résidents en Europe ou en Angleterre. Bon, mais enfin dans l'ensemble il n'y a pas trop de problèmes.

JHJ(133) : Effectivement, c'est l'impression que j'ai ayant parlé avec les syndicats... qu'il y a aussi une espèce d'ouverture vers... une possibilité qu'il pourrait avoir éventuellement un film qui serait tourné par un réalisateur américain qui habite en France si dans l'ensemble....

FH : Voilà. C'est ça. Alors il faut... c'est surtout, je dois dire, d'ailleurs sur les talents artistiques que le nombre de points est important parce que dès que vous avez deux acteurs américains et un réalisateur américain, même si tout le reste est français, ça suffit à déqualifier le film.

JHJ (151) : Complètement ?

FH : Oui parce qu'en fait on a deux barèmes de points. Il y a le barème sur 100 points qui permet de calculer le montant d'aide qui va être donné au film (proportionnellement au nombre de points) et on a, avant ça - on a un barème qui est purement un barème d'accès – ou c'est oui ou c'est non. C'est le 'greenlight' si vous voulez et ce barème d'accès, c'est un barème européen de 18 points auxquels sont assimilés les pays avec lesquels en a un accord de copro. Mais par exemple avec l'Amérique, donc là sur 18 points il faut en avoir 14. Et comme premier rôle, comédien, réalisateur etc. c'est 2 ou 3 points, dès que vous avez plus de trois collaborateurs importants américains, ça tombe. C'est ça le critère le plus complet. Ensuite, dans le calcul de l'aide sur 100 points ça se dilue un peu si vous voulez. C'est moins important.

JHJ (179) : Dans ces conditions, il me semble que si vous avez des comédiens ou réalisateurs d'autres pays que l'Amérique, il me semble que…c'est moins gênant …

FH : que…c'est possible… Oui oui, tout a fait. Surtout qu'en France on est très ouvert aux acteurs étrangers. On est beaucoup plus attentif par exemple à la langue du tournage du film qu'a la nationalité des acteurs… en tout cas en termes d'impact culturelle.

JHJ(193) : Ca m'amène justement à la coproduction franco-australienne. Il y en a 6 mais je n'ai pas encore vu la plus récente –

FH : Le vieux qui lisait les romans d'amours – d'après 'the book of Sepulveda' avec Richard Dreyfus.

JHJ : C'est ça et puis Rolf de Heer qui a tourné Dingo auparavant. Revenant à la question des coproductions franco-australiennes, parce que les premiers 5 coproductions ont été tournées en anglais. Elles sont : Greencard, Jusqu'au Bout du Monde *(some discussion here about the controversy around Until the end of the World and about my need to access the letter from Jerome Clement to the AFC)*, Dingo, Isabelle Eberhardt et puis l'Amour en Embuscade. Donc à part Isabelle Eberhardt qui avait lieu en Algérie, tous les autres films ont été tournés en anglais. Quel intérêt est-ce que ce genre de coproduction offre pour la France ? Quel intérêt est-ce que cela tient pour la France, la coproduction avec l'Australie ?

FH : Bon, c'est souvent les coproductions financières – c'est à dire qu'il y a un apport en financement de la part des australiens qui permet aux films de se faire (de ce point de vu là ce n'est pas négligeable). Alors maintenant sur les films en anglais - je crois qu'il y a eu une période dans la production française ou beaucoup de producteurs souhaitaient monter des opérations alors en anglais pour viser le marché international. Donc pas forcement le marché français mais faire des opérations rentables sur un marché élargi avec des stars internationales.

JHJ (273) : … qui pourraient se vendre en Amérique du nord ?

FH : Tout à fait. Donc en langue anglaise. Ce genre de chose se fait de moins en moins pour deux raisons. La première, c'est que d'abord ils se sont recentrés sur le marché français et deuxièmement, les films français en langue française pénètrent mieux maintenant sur le marché international. Donc on peut espérer. Et notamment dans les gros blockbusters français de cette année, qui pratiquement tous sont tournés en langue française et il y en a au moins deux d'entre eux qui font une très belle carrière aux États-Unis. Il

y a donc 'Le Pacte des Loups' enfin dans le monde entier et surtout Amélie Poulin tourné en langue française.

JHJ (293) : Oui donc le fait que dans la coproduction franco-australienne il y a des films en anglais n'est pas gênant ?

FH : Non.

JHJ (298) : S'il devrait y avoir une réponse officielle sur la question posée par DCITA sur la satisfaction des coproducteurs avec le traité, est-ce que pour la France cela serait 'oui' ou 'non' ?

FH : Ecoutez, pour le moment c'est un traité qui n'est pas très actif. L'Australie est un pays avec lequel on produit le moins. Si je compare – vous avez eu notre Bilan 2001 – c'est très nettement avec les pays d'Europe d'abord et puis le Canada.

JHJ (315) : Ce qui est intéressant c'est que pour l'Australie, la France est un des pays avec lequel on coproduit le plus.

FH : Oui. Alors il y a la télé parce qu'il y a des liens qui se font avec REVCOM qui permettent des coproductions télé avec l'Australie. Moi je sais qu'il y a de nouveau des questions posées par des producteurs français sur l'Australie ou la Nouvelle Zélande. Ca les intéresse quelques fois pour des questions de décor – la situation d'action – bon et puis en terme d'échange c'est vrai qu'il y a toujours des films australiens qui arrivent… mais bon. **Ce dont on s'aperçoit aussi, c'est que certains réalisateurs australiens, dès lors qu'ils commencent à faire des succès deviennent des réalisateurs**

américains. Récemment dans les talents il y a eu Bill Bennett – qui a été remarqué.

JHJ(345) : Tout à l'heure vous avez dit que la coproduction a permis aux films d'être tournés ce qui n'est pas négligeable. En Australie le discours est légèrement différent. C'est-à-dire - ils peuvent être tournés mais s'ils ne sont pas 'Australiens', ils n'apportent pas une contribution 'Australienne' importante. Ils auraient pût être tourné de toute manière sans l'aide du gouvernement. J'essaye de comprendre cette différence de vision, de rational pour le soutien du cinéma national.

FH : Oui. Alors je ne pense pas que là on puisse comparer les deux systèmes. Il me vient à l'esprit quelque chose, c'est que souvent les producteurs anglais, ils disent 'nous en Angleterre notre problème c'est la langue'.

JHJ : Ah oui parce qu'on est submergé par des films Hollywoodiens !

FH : C'est à dire que la langue n'est pas un model culturel opposable. **Et je pense que ça chez nous effectivement ce qui est important c'est que la langue est un indice du model culturel.** C'est pour ça que je disais 'peu importe la nationalité des acteurs', ce qui compte pour nous c'est la langue de tournage ; et donc on peut avoir par exemple un film avec beaucoup d'acteurs anglais ou européens dedans qui satisferont le système de points et si le film est tourné en français – donc « *qui est John Barkovic* » ne pose pas de problème pour nous.

J'ai dit John Barkovic parce qu'il tourne dans beaucoup de films français actuellement – en français – y compris dans les films pour la télévision. Donc il était dans 'les Misérables' et je crois qu'il sera dans 'Napoléon' – *more*

discussion about the fact that he played Javere in Les Mis and he was also recently in a film by Raoul Ruiz and also in the last film d'Oliviera 'Je rentre à la maison' avec Michel Picoli.

JHJ(400): Oui je vois que la question de la langue est importante. Est-ce que cela a pris d'avantage d'importance depuis les négociations d'OMC – étant donné que c'est la seule façon de définir une distinction dite 'culturelle' ?

FH : Oui **mais avant ça parce que la question de la langue est le seule critère à partir duquel on peut définir une politique d'aide au sein de l'union européenne. Si vous voulez, le traité de Rome nous oblige à nous fixer sur ces critères. On ne peut pas avoir le critère de nationalité du film. C'est interdit pour nous. Donc c'est un critère purement culturel.** C'est pour ça que le débat n'est pas tout à fait le même parce qu'on est…

JHJ(420) : C'est très important ce que vous dites parce qu'on est comme les anglais on ne peut pas…

FH : …discriminer par la langue. Oui. Tout à fait.

JHJ : Donc on est obligé d'aller chercher ailleurs pour ce que c'est un film 'australien'.

FH : Voilà. Absolument.

JHJ(424) : Ce qui a intéressé DCITA dans ma recherche c'est que je tâche de savoir ce que c'est, à part la nationalité des 'key creatives', à part ça, qu'est-ce que c'est qui va influencer le contenu du film, la construction de l'énonciation cinématographique…qu'est-ce que c'est qui va motiver la

décision du réalisateur de tourner dans tel ou tel pays avec tels acteurs, de telle manière, quel est le style du film etc.

FH : Alors vous savez dans notre système ce qu'on appelle deux volets. Il y a le système d'aide automatique qui est donc l'aide qui est donné a posteriori mais sur la base des recettes des films on donne un bonus par ticket vendu et ce bonus est ici dans un compte ici au CNC. Le producteur ne l'a pas comme de l'argent cash. Il doit le réinvestir dans un nouveau film. Ça c'est l'aide automatique et là il n'y a pas de faits d'incitation autre que le tournage en langue française parce que lorsque le tournage est en langue française, il y a un bonus supplémentaire que n'a pas de…Donc qu'un producteur fasse un film qui fait 1 million d'entrées, nous on va lui donner comme aide automatique, 5 francs par entrée. Voilà 5 millions de francs qui sont sur un compte ici qui ne peut être réutilisé que pour en faire un nouveau film. Il ne peut pas prendre cet argent pour s'acheter une villa ou quelque chose. Sur ces 5 millions de francs, si son prochain film est en français, en langue française, il aura un bonus de 25%. C'est à dire 25% de 5 millions francs, qui viennent de nos caisses à nous, qui seront en supplément. Donc c'est une forte incitation à tourner en langue française. Bon ensuite l'argent qui est calculé sur …. il est proportionnelle donc au soutien. Donc 100% c'est 5 francs mais si par exemple le film n'a pas utilisé des techniciens français, il y aura peut-être 20 ou 30 points de moins donc ça sera 70%. Donc ce ne sera pas 5 francs, ce sera 4 francs. Donc si vous voulez, le système automatique il est plutôt orienté vers l'industrie avec l'arrière-pensée que les techniciens, les chef-operateurs, les studios et tout ça, ça véhicule aussi une culture du film français – un savoir-faire qui est lié au film français.

JHJ (482) : C'est là qu'il n'y a pas de division entre les objectives culturels et les objectives industriels/économiques.

FH : Voilà. Tout à fait. Voilà, ça c'est le premier point. Alors en ce qui concerne en revanche les sujets, l'orientation etc. on a ce qu'on appelle l'aide sélective qui là c'est complètement différent parce que c'est de l'argent cash qui est une avance pour tourner le film et ça c'est un choix qui est fait sur le scenario. Donc là, il y a des orientations. C'est un comité professionnel. Mais je ne dirais pas que ce sont des orientations politiques, ce sont des orientations qui sont partagées par une communauté de professionnels – ceux qui font parties de nos jurés. Mais il n'y a pas dans un bureau un ministère qui dit 'il faudrait faire un film sur Louis XIV et on va donner de l'argent à un producteur qui va faire un film sur Louis XIV'. Vous comprenez eh ? *(reference to the Australians at War series ???)* C'est plutôt du choix du style etc. C'est plutôt la qualité. Ce n'est pas tellement le contenu d'une culture franco-française. Mais il y a aussi une adhésion à une culture franco-française. Et donc ça c'est en aide sélective. L'aide automatique c'est 70% des sommes qu'on donne au cinéma et l'aide sélective c'est 30%.

JHJ (508) : donc ça ne pose pas de problème quand il y a un réalisateur Georgien par exemple, d'un autre pays qui vient tourner ici en langue française, ce n'est pas ça qui est vu comme étant l'indice de la nationalité.

FH : D'ailleurs dans la production française on a beaucoup de réalisateurs étrangers.

JHJ(540) : *Long question to ask whether FH saw a contradiction in the CNC's charter which includes both the defense of the 'cultural exception' and also the plus large diffusion des œuvres. How does the CNC defend this position in the context of OMC negotiations?*

FH: Ecoutez, sur l'OMC le débat est un petit peu retombé en ce moment parce que de toute façon la commission européenne a eu un mandat de ne pas aborder cette question dans les négociations et donc il y a un consensus pour la défense de ce système d'aide nationales en Europe et des systèmes qui protègent l'industrie cinématographique européenne. Donc le débat est moins vif qu'il était il y a quelques années du fait de la définition d'une position européenne commune.

JHJ(556) : …et la possibilité de tourner cette exception culturelle

FH : C'est maintenant une politique de 'diversité culturelle' *'cultural diversity'*.

APPENDIX G2 : INTERVIEW – CHRISTINE PALLUEL, DELEGUE GENERAL, SPI

SPI 26 NOVEMBER 2001

The syndicat des producteurs independents represents French independent producers (exclusively) who are seeking to work in close creative collaboration with directors.

JHJ (040): Je m'appercois qu'il y a une difference dans l'attente des objectives culturels ici…en australie on attend qu'on subventionne un cinema national alors que je commence a comprendre qu'ici c'est autre chose…

CP (055): Je crois qu'il y a deux choses. Il y a deux choses mais qui peuvent se rejoindrer. Je crois que les deux choses sont liees. C'est effectivement qu'un cinema national fort existe sur le territoire et ca c'est vraiment important parce que c'est sur le territoir que se gagne finalement le notoriete des films francais d'abord (et ca c'est pareil pour tous les pays). Donc c'est deja creer un evennement en tous cas sur son proper marcher pour etre fort. Ca c'est la premiere chose mais la deuxieme chose c'est d'avoir un tissue de producteurs independents suffisements forts avec une cinematographie suffisements forts pour que ces producteurs la puissent ensuite faire les films qu'ils veulent faire. Parceque ce n'est pas seulement du cinema franco-francais sur le territoir francais, c'est faire des films avec qui ils veulent…que se soit meme les etats unis, mais les etats unis sont beaucoup plus hermetique a genre de choses mais que se soit des copros avec des europeens ou d'autre pays, c'est pouvoir faire ces films la et pouvoir les exploites sur le territoire francais et sur d'autre territories. Donc c'est beaucoup plus complexe que ca c'est pas….

JHJ: une chose ou l'autre

CP: oui. Et les deux sont liees – parceque sans cinema national fort, il y aura pas de tissue de producteurs independents solides et donc du coup il n'y aura pas plus du cinema de coproduction avec l'international et l'etranger.

JHJ (111): Ou est-ce que donc coproduction se situe la dedans? Est-ce que cela se situe plus a une cote ou l'autre ou est-ce que cela satisfait aussi les deux choses? Par exemple un des films tourne comme coproduction franco-australien est Greencard de Peter Weir…

CP (120): Qui n'est pas du tout ressenti comme un film…c'est pas du tout…je crois que vis-à-vis du spectateur (parceque après ca depend du quel cote on se place), mais du cote du spectateur Greencard ca restera, d'ailleurs je pense qu'ils savent pas que c'est un film de Peter Weir, et ils pensent (et moi je me souviens moi la premiere eh), ils pensent que c'est un film anglais ou hollywoodien. Mais en tous cas, pas un film australien.

JHJ (134): Cahiers du Cinema l'ont cite comme film 'franco-americain'…mais ou est-ce que ce genre de film, parceque il y a d'autres exemples fournis pas des coproductions avec d'autres pays, mais dans le cadre franco-australien, en quel mesure est-ce que ca a satisfait cette idée complexe que vous avez articule ci-dessus? (que ca devrait faire travailler l'industrie aussi de permettre des producteurs de tourner des films franco-francais)? Parce-que cela apparait comme un 'anomaly'…C'est etonnant n'est-ce pas, que ce film soit subventionne par l'etat en France et en Australie…

CP (160): Mais ca les spectateurs ne le savent pas. Enfin je ne sais pas ce qui est important en tous cas aussi pour les producteurs c'est de dire qu'en France on offre aux spectateurs, on essaie en tous cas, une gamme de films de

tous les pays du monde et on essaie de maintenir une diversite mais d'ailleurs on a beaucoup du mal parceque entre les films nationaux et les films americains, les films etrangers ont de plus en plus de mal a exister. Et on voit bien la part de marche diminue et donc ca signe une vraie difficulte. Donc la bataille pour la diversite culturelle…

BREAK FOR TELEPHONE CALL

JHJ (185): Michele Soulignac (SRF) m'a donne l'impression que le SRF par exemple ne sont pas gene par le fait que l'argent francais soit donne aux films qui vont etre tournes par des realisateurs etrangers.

CP (196): C'est la meme chose pour les producteurs. Ce qui les interesse c'est avant tout de pousser des projets qui leur plaisent et enlequel ils croient. Donc après la nationalite du realisateur en tant que tel n'a pas d'importance. Je crois que le projet est bon, qu'il soit australien ou belge ou allemand, dans la mesure ou il plait (bon c'est subjectif) mais dans la mesure ou ca cree un desire chez un producteur australien ou un producteur francais, c'est ca qui compte. Apres ce qui compte aussi c'est que la reglementation permets aussi de beneficier du systeme francais pour produire ce genre d'oeuvre et qu'il n'y ait pas de barrage trop important en tous cas pour financier ce genre d'oeuvre. Mais en tous cas, au sein du syndicat des producteurs independents, il y a des producteurs qui sont meme specialise dans la coproduction. Alors pour certains - coproductions europeennes - parcequ'ils ont tisse un reseaux de partenaires europeennes qu'ils connaissent bien et avec qu'ils ont pris des habitudes. Donc c'est avec l'espagne, avec la belgique, il y a vraiment des complots qui se forment. Il y en a d'autre qui sont specialises mais en des trucs beaucoup plus compliques, on en retrouve aussi a l'echamps (?) syndicale qui coproduisent aussi avec les

pays de l'est donc avec tous ces nouvelles pays...ou meme avec l'asie. Donc je crois qu'il y a un ouverture en tous cas dans toute la nouvelle generation, on est passé d'une generation producteur probablement tres franco-francais a une generation de producteurs qui s'ouvrent enormement sur le monde et qui cherche meme aussi du financement a l'etranger. Ca commence aussi a venir. Mais c'est vrai que, si ils recherchaient a une époque chercher du financement a l'etranger ca voulait dire se couper des financements francais, aujourd'hui c'est plus le cas parceque c'est un systeme de points. La reforme de l'agrement a permit des coproductions a l'international et en meme temps a permets que ces films beneficient de tous d'aide francais. Donc il y a vraiment, je dirais, a partir du moment ou on a un pivot, c'est a dire un producteur francais qui participe a la coproduction, il y a pas de probleme. Enfin, il y a pas de...

JHJ (275): ...questionne sur le contenu...

CP (277): ...voila...ah non sur le contenu surtout pas! Les producteurs, si tu leur dit que...ah no il n'y a pas de censure sur le contenu. Absolement pas!! Et la les producteurs defendent avec rigeur la liberte des projets qu'ils veulent. Ah non, il n'y a aucune censure et puis je crois que nous on se situe sur l'echalon...c'est vrai que Michele (on se connait bien avec Michele Soulignac) et Michele represente les auteurs et les realisateurs et c'est des gens qui sont aussi citoyens du monde et qui ont avant tout envie de raconter une histoire, que ca se fasse avec un producteur japonais ou un producteur chinois, ils s'en fiche...c'est pas important, il faut que les oeuvres circulent. C'est ca le but pour le cinema.

JHJ (299): Effectivement, c'est ca qui ressort ici beaucoup plus qu'en australie. Alors qu'en australie ce qui sort c'est...

CP (302): C'est normal dans un premier temps. C'est normal. Enfin moi je trouve que on ne peut pas etre fort a l'international si on n'est pas fort dans son propre pays. Et ca c'est la premiere comprehension et ca c'est...c'est vrai en europe on a un certain souci avec certains pays europeens qui aimeraient que, en tous cas certains fonctionnaires europeens, qui auront cette grande idee de faire des films europeens et qui pensent 'pudding' qui pensent cet espece de melange, mais ca n'existe pas. Avant tout l'europe est forme de nations et pour qu'on ait des grands coproductions sur des projets qui seront...mais forcement il y aura le choix d'une langue, donc la choix d'une langue forcement va vis-à-vis du spectateur va caractariser le film. Mais avant d'etre capable de faire ce genre de chose, il faut d'abord que dans chaque vous ayez un tissue de producteurs suffisement fort qui viennent tirer les tallons et qui les recherches et qui les revellent et ensuite oui ils peuvent s'ouvrir a l'international...Enfin tout ca se tient et tant que vous n'avez pas de cinema - moi je le pense reellement - tant vous n'avez pas de cinema national fort avec la tissue de producteurs forts, ca veut dire que les realisateurs, les auteurs par exemple australiens, ca veut dire qu'ils sont aller obliger d'exporter pour realiser pour creer. Quelle sense ca? C'est dommage de laisser aux autres pays. Et puis ca veut dire aussi que tu as un tas de realisateurs et d'auteurs australiens qui ne sont jamais revele non plus. Parceque tout le monde n'a pas la capacite ou la force ou je ne sais pas quoi d'aller a Hollywood ou je ne sais pas dans quel pays pour faire ses films. Donc ca me semble pas...je crois qu'il faut pas le prendre comme un replie nationalist. Je pense que c'est une premiere etape obligatoire, imperative avant de pouvoir s'ouvrir et de dire mais voila maintenant j'ai des projets de tel taille et je pense que c'est un projet qui peut interesser n'importe qui dans le monde.

JHJ (367): Donc cette ouverture vers l'autre qui existe en France – c'est claire que la France coproduit avec beaucoup de pays ou souvent la France est la premiere producteur des projets qui sont tournes par des createurs d'autres pays – mais est-ce qu'il y a une limite a ca? Est-ce que dans cette politique culturelle 'l'exception culturelle' est-ce qu'on cherche pas exclure quand meme la sensibilite hollywoodien? Est-ce qu'il n y a pas…

CP (385): C'est complique. L'exceptionne culturelle a ete invente pourquoi? Elle a ete invente pour resister a la colonisation des americains et des films hollywoodiens. Donc les americains sont…Je crois que a partir du moment (et cela engage que moi) je crois qu'a partir du moment qu'ils sont dans une volonte reelle de collaboration sur les projets et non pas de 'nous avons les bons projets, donnez nous l'argent' ce qu'ils font avec l'allemagne. L'allemagne n'a pas investi dans ses films mais en des projets qu'elle aurait developpe elle, il y aurait eu un mixte de financement. Les americains c'est 'donnez nous l'argent, on sait faire. C'est nous qui savons faire. Donc vous nous donnez l'argent, on s'en occupe de tous. Ne vous inquietz pas. Vous nous donnez un reseaux de salles, vous nous donnez vos espaces publicitaires, vous nous donnez la tele, vous nous donnez tout! Ne vous inquietez pas on va gagner de l'argent ensemble'. Mais c'est anti-creation. Donc, non ca vise pas a eliminer, on n'est pas a vouloir eliminer le cinema hollywoodien. Quand on voit le part du marche on en n'est pas la. On en est a se dire, 'il faut de la place pour tout ca'. Donc c'est creer…c'est complique…parceque est-ce que ca veut dire est-ce qu'il faut creer comme en Coree des quotas en salle? Peut-etre oui, des quotas des copies comme certains preconnise? Oui peut-etre pourquoi pas, j'en sais rien mais en tout cas c'est laisser de la place pour autre chose. C'est laisser de la place pour le cinema national ca c'est la premiere priorite et ensuite laisser de la place pour toutes les autres cinematographies.

JHJ (427): Justement sur cette questionne de laisser de la place pour le cinema national, a partir du moment ou l'on soutient cette argument, il y a des definitions qui entrent en jeu: qu'est-ce que c'est un film francais, qu'est-ce que c'est un film australien? Comment est-ce qu'on peut identifier dans les coproductions…dans les coproductions US/Allemagne dont vous avez parle toute a l'heure comment est-ce qu'on peut dire 'non ce ne sont pas des productions allemagnes'?

CP (443): Je ne sais pas. Il n'y a pas de definition nul part et definir ce qui est la nationalite d'une oeuvre c'est tres complique parcequ'il y a tellement d'intervennants. C'est vrai que l'on peut la definir par rapport a la nationalite du producteur, des capitaux, ensuite du realisateur, ensuite de l'equipe technique, ensuite du lieu du tournage. Enfin c'est tres complexe. Et on le voit bien nous - En France la definition de l'oeuvre elle est par rapport a la langue – parceque l'union europeenne nous permet juste une distinction culturelle par rapport a la langue et pas du tout par rapport a la nationalite. Donc en parle de la lange. Pour ce qui est d'un oeuvre europeenne c'est un systeme de points...donc on voit bien qu'il n'y a pas de definition proprement parler. Moi j'ai envie de dire - ???? – que la nationalite d'une oeuvre c'est deux choses. C'est probablement la nationalite de l'equipe artistique mais d'auteur, equipe cle qui est a l'initiative du projet. Je pense parceque l'origine de la creation c'est quelquechose importante. Parceque Peter Weir il sait tres bien probablement – enfin moi en tous cas j'ai vu ses films les plus vieux – il sait tres bien raconter les histoires sur l'australie. Il en parle bien. Donc c'est ca avant tout probablement et puis aussi probablement enfin moi je pense et ca va avec, c'est producteur delegue. C'est a dire celui qui va porter le projet et puis...maintenant...pour qui est-ce que c'est important? Quand on parle d'une nationalite d'un film,

pour qui est-ce que c'est important? C'est pour le spectateur. C'est la perception qu'en a le spectateur. Alors le spectateur quand il va voir...en tous cas lui ses criteres ca va etre probablement la nationalite des acteurs - probablement - et puis la langue de tournage. Alors apres c'est vrai que la majorite des spectateurs vont voir les films en version double donc.

JHJ (495): C'est tres interessant parceque ca vient en jeux au moment ou on doit decider l'agregation (agree francais par exemple pour avoir tel percentage de soutien). Il y a quand meme, en manque d'une vraie definition, une facon d'attribuer des points qui devrait correspondre a un percentage 'francais' et c'est pareil en australie. Alors un film comme Greencard est passe par ce systeme et ce film a pose plus de problemes en france qu'en australie.

CP (523): A mon avis pour le spectateur c'est effectivement un film americain ou anglais. De toute facons je crois que pour tout le monde non-anglophone, a partir du moment ou ca parle anglais, c'est americain. Enfin, je crois qu'il y a vraiment un truc comme ca chez le spectateur classique. Je ne sais pas - il y a un truc pour le spectateur qui n'a pas la connaissance de cette langue. Parcqu'il y a ca aussi. Mais meme quand on a un peu la connaissance de la langue, reconnaitre un accent texan, un accent australien...moi je suis bien incapable de le faire. Donc deja il faudrait que le...est-ce que cette une questionne de sujet aussi? Mais la pour Greencard par exemple, je ne sais pas comment en a percu, les spectateurs. Ce qui est important, en tous cas pour les producteurs francais c'est de pouvoir produire les films qu'ils veulent produire. Donc ca il n'y a pas de fermeture a ca, au contraire. Donc la dessus il n'y a pas de souci. Maintenant qu'est-ce qu'on a envie aussi de faire passer par rapport aux spectateurs? Il y a une

diversite des films, qu'on leur offre une diversite. Est-ce que c'est reellement sur le fond? En plus c'est localise aux etats unis donc effectivement...
Ca c'est la plus grande des libertes aussi. C'est de faire un film franco-australien qui se fasse dans un autre coin du monde. Et finalement qu'est-ce que va en retenir le spectateur? Ca se passe a New York donc c'est un film americain.

JHJ (562): Mais au niveau des producteurs ce n'est pas genant? Ce n'est pas quelquechose qu'ils chercheraient a abolir?

CP (567): Non. La plus grande des libertes c'est ca. C'est trouver le financement pour faire un film avec l'equipe artistique que vous voulez – de n'importe quel endroit du monde – avec des coproducteurs pareil – la plus grande des libertes ca serait ca. C'est de pouvoir faire les sujets que vous voulez, avec les acteurs que vous voulez, tourner aux endroits du monde que vous voulez et avec les coproducteurs que vous souhaitez.

JHJ (577): Alors dans le choix justement des ces elements qui finalement donnent le sens a la nationalite d'un film, qu'est-ce que c'est qui va influencer le plus le choix creatif des producteurs par rapport aux acteurs, le sujet, l'emplacement...

CP (585): Qu'est-ce qui influence son choix? Ce qu'il ai et puis il y a aussi ses gouts propres. C'est exactement la meme chose pour un choix qu'il soit franco-francais. C'est la qualite du projet, et puis c'est sa viabilite economique. C'est ces deux choses la. Est-ce qu'on peut aimer des tas de projets et puis n'avoir jamais, ne jamais suciter le desire chez les investisseurs. Ce sont des projets qui sont morts-nes. Mais a partir du moment ou il y a une viabilite economique, sa viabilite economique on la

resent quand le projet sucite de l'interet – quand il y a les deux. Mais il n'y a pas de...apres on peut se dire qu'on est tous influence par les grands mouvements sociaux, mondiaux...

JHJ (607): ...ou le marche designe?

CP (609): Oui il y a aussi ca mais ca fait partie de la viabilite economique. Pourquoi on fait plus de copros avec tel pays plutot que tel autre et encore moi je prends le franco et le belgue. La Belgique ce n'est pas un marche economiquement fort. C'est un tout petit marche mais il n'empeche que la coproduction franco-belge marche tres fort. Mais parceque les belges d'ailleurs n'ont pas le choix. Parcque leur propre territoire est tellement petit – ils sont obliges.

CP (621): Mais ca veut dire aussi pouvoir proposer des projets qui sont belgues et qui se passe en belgiques avec des acteurs belges. Ca ca se fait. Il ne s'agit pas – faire de la coproduction ne s'agit pas de faire une espece de mixture des deux nationalites ca n'a pas de sens.

JHJ (629): Pourtant, la facon que le gouvernement australien gere ca, c'est la contribution financiere australienne doit correspondre a la contribution creative australienne.

CP (635): Oui mais dans tous les accords de coproduction il y a une espece de reciprocite. C'est a dire qu'effectivement ca part de ce principe de dire c'est donner de l'argent pour ne faire que des projets qui n'auront d'australien que des capitaux, je comprends aussi que le gouvernement , enfin je compren ds aussi cette reaction qui est de...mais maintenant il faut pas non plus, il faut aussi pour qu'il y est un cinema national, il faut aussi

qu'il y a une initiative privee qui prenne le relai. Si elle n'existe pas...c'est vrai qu'apres c'est complique. Pourquoi du coup interdire un financement pourqu'un realisateur australien puisse aller realiser ailleurs...c'est un peu...c'est des questions tres tres complexes...c'est des equilibres qui sont...et ca meme dans les accords de coproductions...dans la plupart des accords de coproduction bilateraux, il y avait cet echange. C'est a dire qu'effectivement on donne pas de l'argent pour qu'il y a rien qui se tourne en france ou qu'il n'y a pas de retour sur investissement immediat francais. Je crois qu'il ya un equilibre entre les partenaires.

JHJ (666): Je suis consciente du fait que les accords qui ont ete fait plus receement en france – avec l'italie et tout ca – ont cherche d'etablir l'equilibre sur la gamme de productions. Ce qui permets un film d'etre plus francais et un autre plus italien. Cependant ce n'est pas le cas avec l'australie parceque l'accord a ete signe il y a pas mal de temps et cela n'a pas ete retravaille donc il y a toujours l'attente qu'au sein d'un meme film, on devrait trouver un percentage francais, un percentage australien et que l'on devrait pouvoir identifier ces contributions.
Mais...c'est quoi l'interet pour la france de coproduire avec l'australie? C'est un peu comme la Belgique, sans la langue. Qu'est-ce que peut offrir l'australie?

CP (685): Des projets. L'inventivite, la creativitee n'est pas que francaise. Donc c'est chercher – le producteur a la base c'est un chercheur de talent. Donc qu'est-ce qu'il va aller chercher en australie? Ce qu'il cherche en france, c'est ce qu'il cherche partout – du talent. Voila donc il n'y a pas d'avantage ou d'inconvenient.

JHJ (695): Tous les films qui ont ete tournes au sein de l'accord franco-australien sont tournes en anglais.

CP (699): Ah oui, alors derriere on peut se dire qu'effectivement c'est la recherche d'un marche qui soit plus grand aussi. C'est possible. Mais je ne sais pas quel est la part du marche du cinema australien en australie....

JHJ: C'est tres faible. On ne tourne qu'entre 20 et 25 longues-metrages par an.

CP (710): Parceque nous – la on est a 40% du part du marche. C'est tres bien.

JHJ (712): Mais la langue sert a proteger un peu aussi.

CP (713): Mais ici vous savez, les films americains ils sont tous en version double donc la langue...les francais sont assez reticent a voir des films sous-titre donc en langue originale. Donc on n'est pas du tout. Ca pose aucun probleme – c'est en versione francaise point bas. Il n'y a pas la barriere de la langue. C'est une fausse barriere. Donc je crois que c'est non c'est autre chose, c'est effectivement d'avoir un systeme de regulation du secteur qui existe depuis cinquante ans et qui a permit a ce qu'un tissue de producteurs existe, se renforce, produise. Se poser les bons questions au moments des crises aussi, sur le contenu, sur les projets, sur les scenarios, sur pleines choses comme ca, sur le developpement. Mais c'est vrai que c'est complique pour tous les pays c'est complique. C'est comment resister a un ou deux cents films sur les 500 qui sont produit a l'Hollywood donc c'est deja un ecremage. Comment resister a cette ecremage face a une production nationale qui reste de toute facons inferieure. Nous avec nos 150 films on est malgre tout en dessous de ce qu'on importe donc apres le desequilibre est

tellement enorme. On a 200 films ecreme deja et sur les 200 films ecremes il y a peutetre 20 locomotives et 20 blockbusters et a cote de ca on a nous nos 150 films avec probablement les deux tiers qui sont faibles mais parceque c'est une economie de prototype et voila...forecement. Alors sur 25 films australiens j'imagine. Ca doit etre terrible.

CP (756): Mais si on ne resiste pas...si vous ne resistez pas sur votre propre territoire, apres c'est complique aussi pour les australiens d'aller demander a d'autres pays de financier des productions si sur votre propre territoire vous n'arrivez pas a ce que ces films la aient une audience. C'est pour ca que tout part de votre capacite de resistance sur le territoire et votre capacite a produire a preserver un mode de production qui soit viable economiquement aussi. Parcequ'il ne s'agit pas de creer une santuaire et de faire n'importe quoi. Il s'agit aussi que l'initiative privee a) existe et 2) que ca sert aussi dans les lois du marche parcequ'il ne s'agit pas non plus de creer une espece de boule. Mais c'est creer les conditions sur le marche pour que le cinema australien puisse exister. C'est tres important. Et apres l'australie serait d'autre en plus forte. Apres ca ira de soit quelque part de dire et bien dans le cadre d'une coproduction, le producteur australien aura la capacite de dire 'mais voila moi je veux telle chose sur le film et'...

JHJ (782): Oui – voila pourquoi il y a un tel polemique sur la coproduction. Il y a toujours un tres grand focale sur les films qui sont agree comme coproduction. Parceque tout de suite on suppconne que c'est une fuite de capitaux.
Il me semble que les americains n'ont pas laisse tomber la question de l'exception culturelle. Il vont en revenir et comme vous avez dit, quelque part c'est creer comme une strategie de pouvoir preserver une espace pour la diversite et a l'autre cote il y a...

Long passage by julia on question of whether cultural exception really means to resist american cinema or whether it genuinely is a concern about the construction and reflection of cultural identity of a nation

CP (827): Oui oui. C'est toute la complexite du discours. C'est vrai et Michele Soulignac, enfin la SRF, est dans la meme complexite. C'est a dire que diversite/l'exceptionne culturelle tout d'un coup ca sonne nationalisme or ce n'est pas ca. Ou alors moi j'ai envie de dire si c'est ca et on est attaque comme on est attaque, envahi comme on est envahi est-ce qu'il faut pas a un moment donne etre un petit peu/avoir un sursaut? On le serait militairement, on agirait. La on l'est culturellement et on agirait pas! Donc oui – mais c'est le bon cote du nationalisme. Enfin a un moment donne c'est eviter qu'un culture meurt, c'est d'eviter qu'un peuple meurt, qu'un peuple n'existe plus mais ce n'est pas physiquement, c'est culturellement.

JHJ (847): Oui d'accord mais apres, il faut que ce soit ecrit d'une maniere concrete, meme si on sait que les questions sont complexes. Mais ca se reduit a des formules qui sont tellement

CP: reductrice et simplificatrice

JHJ: voila et c'est la que je tache a cerner – puisqu'on n'a pas d'autre instruments pour manifester cette politique – est-ce qu'il n'y a pas de facon a ameliorer ces mechanismes? Deja je sais que recemment il y a eu une revision du systeme d'agrement qui fait que le benefice (nette) au producteur a ete reduit et donc qu'il y a moins de 'faux coproduction' qu'auparavant. Je me demande si'il y encore de l'espace pour encore ameliorer ca en france?

CP (875): La France elle ne peut rien toute seule. J'ai envie de dire qu'on est tous face au meme probleme et la chine va bientot etre face au meme probleme parcequ'elle s'ouvre a l'amerique surtout. Ca va etre une catostrophe parceque ca va etre les americains qui vont prendre la part du marche immediatement et d'une maniere completement. La seule issue c'est vraiment que l'ensemble des autres pays...on est en guerre culturelle quelquepart et en guerre meme economique.

JHJ (885): Oui David Puttnam en parle de cette guere culturelle.

CP (890): Et si l'ensemble des pays ne reagissent pas pour deja construirent leur cinema national, la France pourra rien toute seule.

JHJ: Revenons encore a cette question du cinema national parcequ'on a parle du fait que c'est pour le spectateur que ca compte. Mais avant production, on peut pas savoir ce que le film va etre apres. Donc on tient en compte la nationalite du realisateur, l'equipe technique etc. Mais cela peut toujours produire un film qui n'est pas 'francais' ou qui n'est pas 'australien'. Est-ce qu'il n'y a pas d'autres mechanismes, d'autres elements qui devraient etre consideres?

CP (918): Pourquoi faire? Est-ce que c'est important? Quel est l'objectif?

JHJ: Seulement au niveau des politques. Parceque, a partir du moment que l'on a une politique qui ne fonctionne pas...c'est pour ca que j'ai parle de Greencard. La politique ne fonctionne pas si un film comme Greencard, nomme comme Hollywoodien, peut etre tourner au sein de cette accord de coproduction franco-australien. C'est claire que la politique ne satisfait ses propres objectives mais comment est-ce que cela pourrait mieux fonctionner?

CP (931): Pourquoi ca fonctionne pas pour l'australie, explique moi...parceque culturellement il n'est pas identifie a l'australie?

JHJ: Oui

CP (936): Dans chaque pays, il faut qu'il y a des producteurs qui fassent des films nationaux et qui puisse aussi faire des films qui sont ni australiens, ni americains, ni francais. C'est des projets...c'est ca. Et on devrait tendre vers la capacite d'un producteur a produire un projet parcequ'il lui plait, ou ca lui plait et avec les acteurs...ca c'est la liberte de la creation. Et pour arriver a ca il faut que les producteurs soient forts. Pour qu'ils soient forts, il faut qu'ils soient forts sur leurs territoires. Pour qu'ils soient forts sur leur territoire, ca veut dire qu'il faut une politique nationale forte pour resister aux americains. C'est simpliste mais c'est ca. Donc ou est le probleme si Greencard est un film, enfin dans mon souvenir c'est un film tres agreable et je pense qu'il a marche...ou est le probleme?! On n'est pas la pour - enfin les producteurs francais ne sont pas la pour vendre la France, les producteurs australiens ne sont pas la pour vendre l'australie. Je crois que l'ensemble du tissue est la pour permettre de creer le film franco-francais qui s'exportera jamais et qui va peut-etre s'amortir sur le territoire jusqu'au film le plus international possible. Il faut de tout. Et en australie il faut qu'il y ait cette capacite a avoir le film australien qui raconte un film 100% australienne et qui du coup, il y a aucun probleme d'identification, jusqu'au film qui soit le plus international possible et c'est ca la force d'une industrie. Ce n'est pas faire que du film australo-australien qui sera effectivement estompe australien partout dans le monde ou...la diversite ca necessite ca. Ca necessite c'est capacite a se dire 'je veux du film francais mais je veux aussi du film asiatique et du film australien, du film americain. Je veux du tout. Je veux du film qui me

raconte que une petite histoire regionale en france et qui a la limite ne s'exporte pas jusqu'au film...

JHJ: Oui.

CP (980): Il faut pas. La plus grande difficulte c'est qu'il n'y a pas une maniere de gagner. IL faut etre le plus ouverte possible pour gagner mais ca necessite la mise en place de choses et ca necessite par commencer a etre capable de raconter des histoires australiennes. Et puis apres...Mais si ca ca n'existe pas, j'ai envie de dire est-ce que ce n'est pas artificielle du coup de dire 'oui on donne des capitaux pour une coproduction uniquement si ca resemble a un film australien.

JHJ (991): Oui. C'est une position qui est tres differente que la politique australienne. Et Michele a utilise le meme discours.

CP (997): La strategie Americaine elle est exactement l'inverse. La strategie americaine c'est: 'moi..' (d'ailleurs c'est ce que disait Jack Valanti) 'les etats-unis represente la diversite a eux tout seule puisque nous sommes un peuple d'immigres'.

CP (002): Il a dit ca a Baune. "Il y a plus de 73 langues parles chez nous". En gros c'est: 'nous representons la diversite. Regardez moi, je suis d'origine...italienne..'. En plus c'est vrai. Le probleme il n'est pas la. Mais c'est hallucinant ce discours de dire 'nous representons toute la diversite etnous nous savons faire les films. Donc laisser nous...dans un chemin de mondialisation, il se repartisse les choses". Et voila les etats unis ce serait les grands specialistes du film parcequ'ils savent tres bien faire le film d'entertainment. Donc ils savent tres bien faire ce truc donc 'laissez

nousfaire...amener les capitaux et laisser nous faire et nous representons la diversite, on raconte des histoires'.

JHJ (019): Mais il faut absolument que je...

CP: C'etait tres tres fort. C'etait un tres tres grand moment. Mais en plus...

CP (026): Mais d'ailleurs ils savent tres bien attrape les talents europeens. Ils savent tres bien le faire. Europeens ou meme d'ailleurs. Je ne sais pas si vous avez des realisateurs qui ont realises a Hollywood?

JHJ (029): Oui beaucoup - Phillip Noyce, Gillian Armstrong, Peter Weir, Bruce Beresford. Il y en a plein.

CP (031): Voila donc en faite c'est ca le truc c'est 'donnez nous vos talents, donnez nous votre argent et nous on va vous faire les films et c'est nous qui recuperons bien entendu les subsides parceque' ...enfin ca les interesse pas qu'il y a des industries. Ils sont dans cet etat d'esprit la. Donc comment faire autrement enfin je trouve qu'une politique de cooperation avec eux c'est trop tot. Ils n'ont pas besoin de nous. Enfin, ils ont juste besion des capitaux et de talents.

JHJ (040): Mais ce qui est interessant c'est de voir que les realisateurs,une fois qu'ils sont la bas, tournent quelquechose qui conforme au modele hollywoodien. Donc quelquepart on a, sans le definir, on a un sens qu'il y a dans le contenu meme, pas juste le sujet mais meme dans le style, la forme, quelquechose qui correspond a un film francais

CP: ...un repere...

JHJ: une sensibilite qui a par exemple cette aspect – je ne sais pas – brut et novatrice d'un film australien. On a un feeling pour cela mais on n'ose pas definir parceque c'est trop large – on ne peut pas mettre tous dans la meme moule. Mais ca existe quand meme. La difference ca existe.

CP (052): Oui mais heureusement ca existe encore. Mais ce qu'il y a de...ce que je trouve tres difficile dans tout ce....c'est que ce qu'il est en jeux ce n'est pas seulement la culture. Ce qui est en jeu, c'est la machine economique americaine derriere et nos economies qui sont en jeu derriere. Donc c'est pour ca qu'il faut absoluement reagire et que le cinema c'est que la partie cachee de l'iceburg. Derriere ce qu'ils nous vendre c'est leur economie entiere. Et c'est pour ca que les pays...n'ont pas le droit de ne pas resister. L'enjeux il est bien plus important qu'uniquement de la domination culturelle. C'est deja un enjeux phenomenal mais audela de ca c'est un enjeux economique enorme, immense.

JHJ (069): Bien sure – d'engendrer une consommation a travers les films.

CP (070): Oui. C'est la facon de penser americaine, la facon de manger americain, la facon de s'habiller americaine, tout ca mais completement....les porte avions de l'economie americaine qui maintenant ont absoluement besion du reste du monde pour survivre. Et puis ils vont devenir de plus en plus agressive au fer et a mesure que leur propre marche ne rapporte plus suffisement. Et la, on voit bien que la plupart des films, les budgets des films s'est tellement exploses a Hollywood qu'ils peuvent plus l'amortire sur leur propre territoire. Donc l'enjeu a l'internationale devient beaucoup plus grand et ca veut dire qu'ils vont nous laisser de moins en moins de place et qu'ils vont etre de plus en plus agressives et c'est ce qu'ils font. Et les

budgets collossaux rien qu'en france....moi j'ai appris il n'y a pas longtemps qu'ils n'arrivent pas a depenser leurs budgets publicitaires. Ils n'arrivent pas parcequ'il n'y a plus assez a acheter et c'est dramatique parceque ca veut dire et quelle place ils nous laissent?

JHJ (091): Donc est-ce qu'on pourrait dire dans ces circonstances que la politique de coproduction ce n'est pas que pour preserver un cinema francais, un cinema australien mais pour...

CP: ...la capacite creatrice elle-meme.

TURN OVER TAPE

CP (00): Oui c'est preserver une capacite creatrice dans le monde et d'ailleurs preserver aussi les economies, les autres economies. Moi je crois que l'enjeu il va audela de….d'une maniere caricatural c'est de les empecher d'etre les maitres du monde demain quoi si ils ne le sont pas deja aujourd'hui.

JHJ: Oui, ca me rappelled de Jim Cameron aux Academies
Awards l'annee derniere qui a dit "I am the master of the world"

JHJ (072): Si la programme de coproduction donnait de plus en plus de films formulaiques a la Hollywoodienne, est-ce que tu esteemerais que cela devrait arreter? Est-ce qu'il y a un moment ou on devrait dire 'non'?

CP (094): C'est marrant parceque j'etais en train de me poser la questionne – il doit bien y avoir dans les bouqains de strategies militaires comment reagir face a une domination. Je ne sais pas. Je n'en sais rien. Mais une des armes

j'ai l'impression qui est utilise, c'est de dire 'et bien meme sans votre propre savoir faire on peut aussi nous se creer la richesse mais creer la richesse du coup pour nous. Donc je pense que c'est toujours la meme chose. C'est le danger qui nous guete nous ici en france (parceque depuis le debut de l'annee on a 40% de part de marche, on a augmente de 10% - c'est enorme).

JHJ (118): Ce n'est pas juste une questionne de deux ou trois films qui ont fait cette augmentation?

CP: Il y en a quatre ou cinq. C'est un ensemble meme des films plus, moins internationaux je dirais, qui ont aussi cree la surprise cette annee. Donc c'est...enfin moi je pense qu'il n'y a pas de raison pourquoi ca ne dure pas....mais c'est que effectivement il y a eu un contre-reaction qui a ete de dire 'on va utiliser les memes armes' donc on va essayer de les battre sur leur propre terrain et pour partie ca marche. L'effet pervers de ce truc la c'est que certains des cideurs peuvent dire 'eh bien il faut faire plus que ce genre de film. Concentrons les 4.5 milliards d'investissements sur les gros films'. Et la ce serait une erreur. Nous on le dit 'c'est une erreur'. Donc oui, qu'on arrive a se battre avec quelques films sur le meme terrain que les films Hollywoodiens pourquoi pas, mais que ca ne devient pas la seule recette. Et pourquoi en plus on arrive a se battre finalement avec leurs propres armes, c'est que nous on avait le reseau de production, on avait les...on a l'argent et en plus on avait les talents. Et les talents ils sont developpes par qui? Ils ne sont pas developpes par les gros groupes, ils sont developpes par les producteurs independants qui vont aller les chercher, qui vont les font faire leur premiers courts metrages, leurs deuxieme, leur troisieme et puis apres leur premier film. Ils prennent les risques comme ca sur deux, trois longues metrages avant que ces gens la soient acheter. Et en tous cas ou du moins acceptent et envie de travailler mais avec des gros groupes. Donc on dit ca

marche. Ca marche mais pourquoi, parceque on a, sur 150 films, on a un nombre important de premiers films, qui revelent des nouveaux talents et c'est peut-etre ces talents la qui vont faire dix millions d'entrees demain. Donc surtout ne tirons pas les mauvaises conclusions et la mauvaise strategie de ce qui est en train de se passer. Oui c'est une arme...enfin de se servir de leur propre type du cinema pour nous creer la richesse chez nous. Oui c'est une arme. Mais n'oublions pas que, en tous cas les realisateurs la qui ont fait les entrees sont des gens qui ont commence qui ont ete reveles partoute la production independante sur les films a moins gros budget. Donc en France, l'enjeu aujourd'hui pour la diversite c'est maintenir cette diversite de films. De plus petit film, plus petit budgets au plus gros. Et qu'il n'y ait pas une coupure avec dix films qui serait sur finances, 20 films qui seraient....

JHJ (209): Donc c'est une diversite verticale et ne pas que....

CP: Exactement. Et essayer toujours d'assurer (parceque pour l'instant il y avait reellement ca – cette courbe ... and she draws something)

JHJ (268): Est-ce que ce que vous voulez dire c'est qu'il devrait avoir plus de films de petit budget?

CP: C'est a dire que cet assez regulier. La courbe est reguliere...qu'on a un nombre de films a peu pres regulier par tranche de budget. On a a peu pret...et ca se reserre un peu a la fin mais en tous cas on a un production qui est regulier sur toute s les tranches du budget. Je pense pas qu'il y a plus de films a petit budgets, je pense que ...

CP (301): ...voila il faut avoir une gamme entre le 'art movie' et le film commercial pour vraiment qu'il y a toute la gamme des films possible et pour surtout pas casser cette machine.

JHJ (310): Quand on considere Amelie Poulin, ce qu'il a tourne Jeunet la, a cote de ce qu'il a tourne a Hollywood. Comment expliquer cette difference? Quel effet est-ce que le spectateur vise va avoir sur le film? Est-ce que c'est le spectateur vise qui a fait la difference des deux films – qu'il a vise un marche francais pour Amelie Poulin – est-ce que c'est ca? C'est a dire est-ce que le spectateur vise va jouer sur la facon dont le film est construit?

JHJ (345): Est-ce le financement d'un film par exemple va jouer sur le contenu meme du film ou est-ce que ce n'est qu'une strategie de monter le film pur et simple?

CP (350): Ca veut dire – est-ce qu'en gros quand Jeunet fait Amelie Poulin est-ce qu'on vise le marche francais?

JHJ: Oui, ou quand un producteur veut faire un film, est-ce que la nature des contenu de ce film va changer en fonctionne d'ou vient l'argent.

CP (368): Je ne pense pas. C'est une questionne purement artistique. Les artistes, les realisateurs ne pensent pas...enfin j'ai envie de dire qu'il y a des histoires qui peuvent se passer a Timbuctoo et malgre tout etre visible et interesse...mais ca il n'y a que le success que le dira. C'est tres difficile de savoir avant. Moi je crois que la pire des choses ca serait que l'auteur, le realisateur, ou meme le producteur se dise 'quel public on veut toucher et du coup on change le projet par rapport au public qu'on va toucher'. C'est un cote completement absurde. En plus en matiere cinematographique,

maintenant on le sait, il n'y a pas de recette. Donc on ne sait pas ce qui marche et ce qui ne marche pas. Donc la seule exigence c'est probablement a avoir, d'avoir le meilleur projet qui soit...mais quels sont les criteres? On le voit bien, on pourrait dire qu'Amelie Poulin c'est franchement franco-francais - ce n'est pas Alien eh - c'est franchement franco-francais mais ca marche. Ca marche tres fort a l'etranger donc ce n'est pas du coup...c'est quoi la clef? On ne sait pas plus ce que c'est la clef du success sur un territoire donne que sur le marche international. On ne sait rien.

JHJ (406): La raison pour la questionne c'est que a la base, la coproduction devrait pas donne un film qui est forcement plus international que n'importe autre moyen de financement?

CP (415): Ah, c'est ca la questionne? On peut se dire...c'est vraiment des reflections que j'ai jamais eu et on n'en a jamais parle ici au sein du SPI donc ca serait interessant d'avoir l'avis d'un producteur plutot que lemien. Mais j'ai envie de dire qu'a partir du moment ou un projet par exemple est capable d'interesser un australien comme un francais, ca prouve deja qu'il y a deux sensibilites differents qui ont ete touches. Donc est-ce que pour autant c'est un film qui va marcher sur le territoire australien et sur le territoire francais? Ce n'est pas evident mais en tous cas c'est ce qui esperent fortement les producteurs. Et c'est au moins ca deja qu'ils esperent. Ils esperent deja avoir au moins deux marches pour lesquels amortir leurs investissements. Apres, je pense qu'un producteur, des qu'il pense co-production, ca veut dire qu'il s'est deja ouvert sur les autres marches...mais je pense que s'il a cette ouverture lui-meme, c'est qu'il a envie que l'oeuvre...une oeuvre c'est fait pourquoi? C'est fait pour etre vu a l'autre bout du monde donc...parceque c'est de l'art parceque c'est de la culture, parceque c'est un message, parceque c'est...

JHJ (448): ...parcequ'on veut recouperer le budget!

CP: Il y a ca aussi, bien entendu (a travers tout ca). Mais on n'en sait rien. Est-ce que structurer le contenu en se disant oh la la il faut qu'on rend le sujet international...

JHJ (455): ...ou qu'on la rend comprehensible pour un francais par exemple. Parceque a partir du moment qu'on sait qu'on a un preachat a France 1 ou 2 ou Canal Plus et qu'on sait en australie que ce film va etre vu par un francais, comment etre certain que ce film va etre comprehensible pour des francais? Il me pareil que cela doit entrer dans...

CP: ...dans le ligne de compte? Je ne sais pas. Prennez, qu'est-ce qu'on a vu comme film australien ici - Murielle? Priscilla...Bon c'est quand meme tres loin de notre univers mais pourquoi on ne comprendrait pas? Et je ne sais pas moi, il y a eu des films...qui sont alles dans beaucoup de pays et on comprend. Je ne sais pas, on peut...je crois pas qu'il y ait de...si on commence a se dire il faut formatter un film - voila ca s'appelle du formatage - formatter un film pour qu'il soit comprehensible. Les histoires c'est, les projets sont quand meme universelles. Donc meme je suppose meme des films qu'ici paraissent tres franco-francais, s'il avait eu cette chance d'etre distribue, ils seraient compris. Ce n'est pas une probleme de comprehension je crois. Le probleme du cinema c'est de susciter un desire. Donc le cinema en general, les histoires en general sont comprehensible meme s'ils se passent dans les pays etrangers. Apres...est-ce qu'un projet suscite un desire chez le spectateur - allemand, italien...c'est une questionne de desire. C'est d'ailleurs pour ca qu'on dit qu'un cinema national fort c'est hyper important parceque sur tant de films produit en effet il y a peutetre trois ou quatres qui

vont vraiment marcher sur leur territoire tres tres forts et cela probablement parcequ'ils ont susciter, ont genere du desire chez le spectateur, ils ont plus de chance de generer du desire aussi dans des autres pays. Encore faut-il qu'il se delaisse la place et qu'ils soient exposes et que l'on en parle – qu'il y est des vectors de communications pour que ce desire naisse.

CP (524): Et encore que on a vu des cas contraires donc il n'y a vraiment pas de recette. Il y a aussi des films qui n'ont pas marches sur des territoires nationaux et qui se sont tres bien vendu a l'etranger. Donc c'est complique, c'est complique. Ce n'est pas des boites de petits pois, ce n'est pas des baskets. Donc chaque film a son propre parcours et je crois reellement que deja une guage d'ouverture vers l'international du contenu – si vous voulez parler contenu – c'est deja le fait qu'il y ait deux producteurs qui aimaient le projet, de nationalite completement differente.

FIN

APPENDIX G3 : INTERVIEW - MICHELE SOULIGNAC, DELEGUE GENERAL, SRF

SRF 25 OCTOBER 2001

JHJ (020): Ce qui est intéressant c'est que sur ces six coproductions, aucune des six n'a eu un réalisateur français. Est-ce que c'est étonnant, c'est plutôt normal, c'est…

MS : C'est assez étonnant enfin parce que de ce que je sais d'autres accords de coproduction qu'il y a avec d'autres pays, on va dire majoritairement européens quand même, c'est plus alternatif souvent quand même, c'est souvent un français... Il y a des coproductions financières donc c'est simplement de l'argent qui est mis et puis en échange le pays va après mettre de l'argent et après il y a tous les types de coproduction ou on va dire d'échange technique ou artistique ou là, souvent, le réalisateur est français et après, par exemple, si c'est avec la Suisse ou avec la Belgique (parce-que c'est vrai en terme de langue il y a quand même moins de problèmes) vous avez un technicien ou le labo, tous ce qui est de la post production qui se fait dans un lieu du pays. Et inversement, il y a de l'argent français dans des films belges, suisses, italiens, espagnols ou le réalisateur est de ce pays-là mais une partie, soit des techniciens, soit le travail de postproduction, se fait en France.

JHJ (070) : Est-ce que l'état prétend protéger la culture française dans ces coproductions ou est-ce que c'est compris que c'est une façon de faire marcher l'industrie ?

MS : Ce n'est pas tout à fait ça. C'est les deux à la fois. Ça permet évidemment des compléments de financement. Mais en même temps, je dirais que la démarche, par exemple quand on savait que certains

réalisateurs, quelqu'un comme Youssef Shaiim, par exemple, ne fait depuis des années que des films qui sont majoritairement français en termes de production. C'est plus au point de vue de son producteur, et je crois que l'état là-dessus n'est pas contre. C'est plus l'idée de dire qu'il y a un grand auteur dans un pays qui s'appelle Egypte, donc qui doit pouvoir continuer à faire des films, donc c'est vrai pour Youssef Shayim, c'est vrai pour Pedro Almedovar (dont les films sont pour la plupart financés par la France, c'est vrai pour un certain nombre de réalisateurs italiens…

JHJ (114) : Pour moi, venant de l'Australie, où en fait l'industrie attend que cet argent de l'état, puisqu'il y en a si peu, soit donné aux réalisateurs australiens.

MS : Là alors…. là franchement pas du tout ! On va dire que parce que des fois il y a des tensions financières, de temps en temps, les producteurs français ont un peu tendance à dire (mais moi je ne suis pas du tout d'accord avec eux en plus la dessus) « oui mais il y en a marre, c'est nous qui finançons une bonne partie du cinéma européen sans 'auteurs européens' on va dire ». C'est leur avis que tu peux avoir sur le discours mais après quand on argumente avec eux en leur disant « oui mais en même temps, de toute façon les films sont français (puisque le system français fait qu'à partir du moment où il y a majoritairement de l'argent français dessus, que le film soit tourné par Youssef Shayiim, par Almadovar ou par n'importe qui, il est considéré comme français et donc il rentre dans un certain nombre de choses) et qu'on leur dit « mais c'est bien de continuer d'entretenir des pays européens ou extra européens ou il y a plus de difficulté à faire des films de cinéma d'auteurs mais aussi un réseau un peu petit de techniciens et tout». Ils l'admettent parce que nous sert forcément ; parce que l'analyse quand même générale c'est que le

cinéma français se porte bien en général et d'autant mieux que les cinémas nationaux se portent bien. C'est à dire, le problème c'est quand il n'y a qu'une seule cinématographie, en occurrence la cinématographie américaine qui domine, qu'en générale tout le monde perd. Par contre à partir du moment où le cinéma italien se porte mieux, bizarrement en Italie, souvent le cinéma français se porte mieux et vice versa, quand le cinéma français se porte mieux, bizarrement, le cinéma non-américain fonctionne en France. Donc c'est aussi l'idée de... nous on la défend beaucoup... de nourrir une forme de diversité de point de vue et que les gens sont soit habitués à voir un certain type de film et dans ce cas-là ils ont du mal à accepter un autre type de cinématographie - quel qu'il soit, - soit ils sont habitués à voir des choses différentes et plus ils sont habitués, plus ils sont curieux, et plus ils ont envie d'aller voir d'autres films qui viennent d'ailleurs. En France depuis deux ans il y a un truc qui est assez étonnant c'est que les films asiatiques marchent globalement plutôt très bien. Et je crois aussi que c'est le fait de la capacité d'offrir au public des choses très différentes. Alors ce n'est pas idéal, parce que c'est plutôt moins bien aujourd'hui que ça ne l'était, il y a quinze ou vingt ans, mais en même temps, il y a quand même cette capacité à pouvoir offrir autre chose qu'une seule forme de cinématographie.

JHJ (195) : Donc dans un sens le mécanisme de coproduction offre la possibilité de monter une concurrence au cinéma américain ?

MS : Oui quelque part oui. Et puis surtout ça permet que, en tout cas en Europe, ça permet que des gens continuent à avoir les moyens de faire des films qu'ils ont envie de faire, surtout dans les pays où la situation, même si elle va plutôt en s'améliorant, mais où la situation était quand même extrêmement difficile pour le cinéma. Le rationnel de ces pays-là, c'est que

ça a permis aux gens à continuer à faire des films. Alors ce que je vous dis, c'est ce que nous on défend ; ce n'est pas écrit dans les textes et tout mais je crois qu'il y a quand même quelque part cette idée. Pendant des années il y avait deux structures qui existaient. Il y en a une qui a malheureusement disparue, mais ça s'appelait « Fond Est » et « Fond Sud ». « Fond Est » c'était pour aider les films de l'Europe de l'Est, voilà – celui-là a disparu – moi je pense que c'est dommage et en même temps on s'aperçoit qu'il y a quand même beaucoup de films de ces pays-là, qui sont coproduits en France et tout ; et le « Fond Sud » c'était pour aider des films des pays du sud, principalement africains d'ailleurs.

JHJ (228) : Des pays d'outre-mer ou… ?

MS : Non, il n'y a pas de séparation linguistique en l'occurrence. C'est vraiment africain. En étant honnête, c'est sûr que tu fais des liens historiques, c'est souvent les gens qui sont d'origines d'anciennes colonies qui vont chercher de l'argent à Paris plutôt que des gens qui sont de colonies anglaises qui, à mon avis ont plus tendances d'aller vers l'Angleterre ou vers les pays anglophones. Mais dans les textes il n'y a pas de séparation.

JHJ(243) : Sauf qu'il y a cette question de langage !
MS : Oui mais même pas puisque c'est sur la post-production donc…vous avez des réalisateurs sud-africains qui viennent, qui arrivent à avoir le « Fond Sud ». A mon avis…il n'y a pas de problème de ce point de vue-là. Le problème par contre c'est que malheureusement le cinéma africain est dans un état épouvantable et tout le monde dit qu'il y a une vrai vraie crise mais qui est plus tenue à la non-organisation du marché africain. C'est à dire que c'est bien beau de faire des films avec de l'argent européen ou autre. Mais il y a un moment quand il n'y a pas de marché national, quand il

n'y a pas d'expression nationale donc c'est aussi l'image de tout ça qui reflète qu'en Afrique il n'y a pas de salles, que le peu de salles qu'il y a n'est que pour un certain type de cinéma qui est diffusé, qu'il n'y a pas de structure d'aide (et pour cause) à la réalisation, à la production et ce genre de choses. Donc ça explique pourquoi le cinéma africain ne se porte pas très bien. Ce qui est quand même un constat général et triste donc depuis plusieurs années.

JHJ (273) : Est-ce que ces fonds existent toujours ?

MS : « Fond-Sud » oui. « Fond-Est » n'existe plus mais « Fond-Sud » oui. « Fond-Sud », c'est de l'aide à la post-production. C'est à dire qu'on fait en France tout le travail de laboratoire, ce genre de choses, à partir du moment où le film a été tourné.

JHJ (282) : En principe c'est de l'argent de l'état qui est investi dans le film et réinvesti dans la post-production ?

MS : Voilà. Ca fait travailler les laboratoires français on va dire !

JHJ (288) : Est-ce que le SRF représente que des réalisateurs français ou est-ce qu'il y a aussi, comme en Australie à ASDA, des scénaristes et des producteurs qui sont parfois sympathiques à leur cause ?

MS : Non, c'est que des réalisateurs. A part que certains chez nous sont scénaristes…forcément plus que certains parce qu'ils ont …tous leurs films – ils sont en partie scénaristes on va dire, en tous cas 'auteurs' de leurs film ; que certains sont producteurs aussi parce qu'ils ont monté une société de production pour produire souvent leur propre projet. En même temps il y

en a d'autre dans les sociétés de production prises d'ampleur qui produisent d'autres projets d'autres gens. Mais à la base c'est des réalisateurs. Par contre ce n'est pas forcement français. C'est à dire qu'à partir du moment où quelqu'un vie en France est non-arrondis, mais est réalisateur et ayant envie de devenir adhérant…là-dessus on n'a aucune…

JHJ (313) : Seulement qu'il doit être résident ?

MS : Même pas. A la limite ce que je dirais pour un non-résident c'est que c'est un peu dommage pour lui parce qu'il va payer (bon ce n'est pas très cher) mais en même temps la dessus on a aucune…

JHJ (321) : Ca explique un peu aussi cette ouverture vers les autres pays surtout européens parce que la SRF représente aussi ces gens-là et donc il n'y a pas un sentiment que vous devez défendre la position des réalisateurs français.

MS : Enfin…on défend la position des réalisateurs, évidemment français en France parce que c'est quand même la plus grande activité et forcement on va devant le CNC, ce genre de chose, c'est quand même l'état du cinéma français avant tout mais en même temps, souvent, y compris quand on prend des positions pour défendre le cinéma français, elles sont à mon avis potentiellement identiques pour défendre tous types de cinématographie. C'est à dire que l'idée qui précise notre action en permanence est de dire *« nous on est pour qu'il y ait une liberté de création totale, que les gens puissent faire des films qu'ils ont envie de faire, qui sont plus ou moins commerciaux, plus ou moins facile d'accès, mais en même temps les publics sont divers donc tout film normalement peut trouver son public et que donc on ne doit pas en aucun cas handicaper soit en termes de production, soit en termes de distribution la capacité de*

chacun de montrer dans son genre et dans son économie aussi le film qu'il a envie de faire ». C'est vraiment une position je dirais historique de la SRF et ça reste toujours ça, toujours de dire 'les créateurs doivent pouvoir réaliser des films qu'ils ont envie de créer. Après, c'est réussi ou ce n'est pas réussi, c'est une autre question mais en tous cas on ne doit pas entraver la liberté. C'est vraiment le truc fondateur.

JHJ (373) : En France le système d'aide comprend les aides automatiques et les aides sélectives. Est-ce qu'il y a un représentatif de le SRF sur le comité d'agrément ?

MS : Oui. Alors nous l'agrément c'est vraiment de la technicité. Mais c'est l'agrément, sur la commission il y a toute la profession qui est représentée. Ça va des techniciens en passant par les acteurs, les réalisateurs, les producteurs. Je ne sais pas s'il y a des distributeurs à l'agrément mais je crois qu'il y a des labos. C'est une commission technique qui regarde en fonction du budget du film, du devis du film et un certain nombre de questions qui sont posés sur le montage du film, si ce film est agréé français ou non, s'il est agréé à 100% ou s'il a un abattement de X% en fonction de prestation qu'il pourrait réaliser ailleurs. Et ça détermine ce qu'on appelle le soutien. C'est à dire qu'un film qui est 100% français, quand il sort en salle en France, il touche ce qu'on appelle 100% du soutien, c'est à dire donc la fameuse automaticité sur les entrées et tout.

JHJ (405) : Et donc ça joue aussi sur l'automaticité. L'agrément se passe avant que l'aide soit décidée.

MS : Oui, par exemple vous pouvez avoir ce qu'on appelle la « coproduction minoritairement française »

JHJ : par exemple les coproductions franco-australiennes…

MS : Oui. Donc ils ont un abattement puisqu'ils sont minoritaires. Donc ils n'ont pas à dépenser l'entièreté de leur argent (c'est plus complexe que ça parce qu'avec l'Europe c'est devenu plus complexe) sur le territoire français ou en tout cas dans le domaine européen. Donc ils ont un abattement mais s'ils sont agréés, ils touchent quand même en France une partie des recettes des salles. Donc l'abattement ça peut entrer de 10 de 20 de 30 de 70 pourcent s'il y a beaucoup de choses qui sont hors de France. Mais à partir de moment qu'ils sont agréés, ils touchent quand même, ils ont quand même accès au soutien à proportion qu'ils auraient affecté.

JHJ (430) : A part ça, pour les autres comités, sur les aides sélectives, c'est qui qui choisit les films qui seront aidé ?

MS : C'est « l'avance sur recette ». Alors là il n'y a pas de représentant nommé par des organisations professionnelles. C'est le CNC qui va chercher un certain nombre de gens qui sont souvent des gens de la profession mais ça peut être aussi des critiques. Donc c'est plutôt des personnalités, puisqu'il y a régulièrement des réalisateurs qui y siègent. Moi je dirais qu'il y a toujours presqu'un ou deux qui sont dans la commission d' « avance sur recettes ». Mais ils ont des marchés à suivre, vraiment personnellement. Historiquement la première chose qui existait en France c'est le soutien automatique. C'est une idée de mutualisation, d'épargne. Derrière l'idée c'est que l'on garde une partie de l'argent versé des salles, on les met dans un pot commun, et ce pot commun sert à l'ensemble de la profession pour refaire des films derrière. C'est une sorte de... on va l'appeler, entre guillemet, une sorte d'épargne force. Bon c'est géré par l'état et tout mais

c'est quand même une forme d'épargne. C'est pour ça que souvent dans les pays à l'étranger, dans les pays anglo-saxons on dit que le cinéma français est subventionné. nous on dit 'non' parce que quand on regarde ce n'est pas de l'argent de l'état qui vient c'est de l'argent de la profession.

JHJ (465) : Effectivement, j'ai lu que de ces 2.7 milliards de francs, 2.6 venait des entrées.

MS : Oui donc ce n'est pas vraiment subventionné. Ou ça vient des télés mais ça vient des télés dans l'idée de dire à la télé « mais vous aidez le cinéma parce qu'après de toute façon vous allez le retrouver sur vos écrans donc on vous pousse à financer, ce que vous ne ferriez peut-être pas naturellement », on va dire, mais en même temps ce n'est pas les impôts des citoyens français qui payent le cinéma français. Ce n'est pas vrai. Donc il n'est pas subventionné. Il y a un système de redistribution mais il n'est pas subventionné et avec André Malraux, au début des années 60, a été inventé « l'avance sur recettes » parce que ce dont tout le monde s'était rendu compte et ça correspond aussi avec la nouvelle vague et tout enfin c'est de la même époque, c'est que le système automatique avait son intérêt mais en même temps, le système automatique ne réglait pas le marché, ne réglait pas la diversité. Malraux a dit, c'est la fameuse grande phrase que tout le monde cite « le cinéma est une industrie mais aussi un art » c'est les deux et qui si on veut que le côté artistique puisse durer il faut qu'il y ait un système qui prenne le risque de l'artistique. Et donc « l'avance sur recettes » qui est là pour réguler le marché. « L'avance sur recettes », historiquement, c'est quelque chose qui permet à des films potentiellement plus difficile, moins commerciaux de se faire parce qu'ils ont une avance (alors aujourd'hui ça va jusqu'à trois millions de francs) qui peut permettre d'abord de déclencher d'autres financement et puis permettre éventuellement que le film se fasse,

malheureusement qu'avec ça, on va dire aujourd'hui. Donc voilà le sélectif c'est ça, c'est vraiment le correcteur du marché. C'est à dire que le marché ne peut pas générer de nouveaux auteurs, générer de nouvelles formes de création, de nouvelles formes d'écritures cinématographiques. Souvent ça vient des gens des structures indépendantes qui n'ont pas les moyens et en même temps c'est totalement indispensable au renouvellement général du cinéma. C'est que si on regarde souvent ceux qui on commencé petits, marginaux, sont devenus parmi des grands auteurs du cinéma français.

JHJ (524) : A la limite le SRF s'intéresse plus à la distribution de l'avance sur recettes qu'à l'aide automatique parce que cela touche cette grande politique du SRF de protéger la diversité ?

MS : En même temps les deux parce que si vous voulez, l'avance c'est vraiment pour les réalisateurs quelque chose d'extrêmement important. Mais en même temps par ailleurs si l'automatique se fonde, ça veut dire en gros les producteurs ont plus les moyens de faire les films. Forcement on est aussi intéressé à la manière dont l'automatique fonctionne, à la manière dont cet argent est ré-reparti dans la profession, aux effets…parce qu'en tout système, il y a des effets pervers qu'on n'a pas forcement décelé à une époque et qui se révèlent, donc en permanence on réfléchit sur l'ensemble du system de soutien. C'est vrai, en étant honnête, un peu moins sur les histoires de coproduction parce que là c'est vraiment des histoires de producteurs on va dire. Mais en même temps sur le fonctionnement du système automatique qu'on réfléchit. S'il y a une réforme de la commission d'agrément on a réfléchi à la question.

JHJ (550) : Justement, sur cette question d'agrément, il y avait une grande polémique à l'époque de Green Card dans Le Film Français.

MS : Le problème de Green Card à mon avis, c'est un problème qu'on a souvent avec les coproductions anglo-saxonnes (on va dire que ça soit australien ou anglais) c'est que, et en plus avec les Anglais parce qu'ils sont dans la communauté européenne, c'est que souvent on a l'impression que derrière un affichage anglais ou australien se cache un film américain. J'ai vu Green Card. Excusez-moi mais pour moi c'est un film américain.

JHJ (571) : Le system australien tâche de faire que la contribution créative soit égale à l'investissement. Sur la feuille ça marche. Sur l'écran, c'est autre chose.

MS : Donc souvent il y a eu des problèmes à cause de ça. La pour le coup, le système français se refuse à soutenir d'une manière ou une autre le cinéma américain qui n'en a pas fondamentalement besoin. Donc c'est vrai que sur Green Card il y a eu ce type de problème et sur d'autres films surtout anglais ça revient de manière récurrente. C'est à dire que ça apparaît comme un film anglais sur le papier comme vous dites et puis quand on creuse ça raconte une histoire américaine avec des acteurs américains, c'est tourné aux Etats-Unis et que souvent les fameuses sociétés anglaises qui sont mis en avant, quand on regarde bien leur capital c'est des filiales des sociétés américaines. Donc du point de vue suivant de l'agrément ça pose des vrais problèmes.

JHJ (595) : Donc c'est dans la mesure qu'un film américain se cache derrière une coproduction que les coproductions posent des problèmes ? Sinon, si c'est une véritable coproduction ?

MS : Moi je pense que si c'est un véritable film australien, qui se passe en Australie avec des acteurs australiens et un réalisateur australien et qui

raconte une histoire australienne (parce qu'en plus Green Card a une histoire américaine) je pense que là, fondamentalement, de mon point de vue il n'y a pas de problème. La question c'est quand effectivement se cache derrière ça le film Hollywoodien.

JHJ (615) : C'est là que ça devient intéressant parce qu'on croit se comprendre entre nous quand on parle d'un film australien, avec une histoire australienne et tout ça. Mais en fait, comment est-ce qu'on peut dire ce que c'est (et également pour le cinéma français) un film français, une histoire française. Etant donné que Green Card est écrit par Peter Weir, réalise par Peter Weir et produit par Peter Weir avec sa société australienne.

MS : Oui mais il a écrit une histoire américaine. Mais il travaille aux Etats-Unis tout le temps. C'est ça aussi le problème.... On n'est pas nationaliste au sens strict. C'est à dire qu'on sait pertinemment qu'un certain nombre de... par exemple Jean Pierre Jeunet quand il fait Amélie Poulin, il fait un film on va dire 'français', quand il fait le quatrième épisode d'Alien, il fait un film américain. Voilà. Le film est américain. On peut regarder comme on veut. Certes il arrive avec je dirais sa culture à lui (même si personnellement je ne suis pas persuadée) dans Alien 4 il y a un truc qui émane...non. C'est un réalisateur, d'ailleurs en plus c'est ce qu'il dit lui-même, c'est qu'il a fait une expérience américaine et pourquoi pas c'est très bien. Mais là-dessus il n'a pas besoin de l'argent français pour faire son expérience américaine. Peter Weir c'est pareil. Il est australien, enfin oui, mais il travaille aux Etats-Unis donc il fait un cinéma américain donc il n'a pas besoin de l'argent français pour faire un cinéma américain. Je dirais Mel Gibson c'est pareil, il est australien mais quand il fait Braveheart, il fait Braveheart...alors là on peut discuter si on pourrait dire que c'est un film écossé !

JHJ(654) : Donc ça devient difficile au moment d'écrire une politique qui reste juste et ouverte pour tout le monde mais qui a les moyens de discerner entre ce genre de chose. Par exemple, en Australie, le fait d'avoir un réalisateur australien est considéré comme une indication importante de ce que va rentrer le film. Or on est en train de…

MS : Alors en France, c'est alors en ça que l'agrément est intéressant. C'est à dire qu'en fonction…Vous avez des points, vous avez des points sur la production : française/pas française ; sur le réalisateur français/pas français ; sur l'auteur français/pas français ; sur les acteurs français/pas français ; des techniciens français/pas français ; le lieu de tournage ; le lieu de la bourse ce genre de choses. On met tout ça dans le panier et on dit voilà il faut avoir 100 points pour avoir 100 per cent. OK alors on compte. Vous avez 80 points ou 60 points parce que 40% vient de l'Australie, ou je ne sais pas où. OK vous êtes un film français agréé majoritaire. Vous avez le droit a tant de pourcent de soutien. Vous avez trente pourcent parce que finalement on s'aperçoit que vous n'avez apporté que la post-production. OK vous êtes un film agréé minoritaire français, vous avez le droit à 30 pourcent de soutien. Ou on s'aperçoit que tout ça c'est du bluff, et qu'en gros rien n'est français…on dit 'bien non vous n'êtes pas un film français, vous n'êtes pas agréé, vous ne pouvez pas prétendre en soutien'.

JHJ (696) : On a, à peu près le même système en Australie. N'empêche que des films qui sont 'américains' peuvent se présenter très bien sur la feuille. En évidence 'Green Card'.

MS : Oui. Mais c'est plus compliqué pour vous que pour nous presque. Parce que vous avez une telle proximité culturelle qu'effectivement Peter Weir, il est australien, il a une société de production qui est à lui…elle est

australienne je suppose. Donc c'est plus compliqué pour vous que pour nous presque. Parce que pour nous c'est quand même évident que Peter Weir, il est australien mais en même temps…
Il y a un truc que nous, on revendique beaucoup et je ne suis pas sur si dans l'agrément ce n'est pas mis, mais c'est au-delà de la nationalité de la personne, ce qui nous semble important, c'est son lieu de résidence – et là où il paie ses impôts. Parce que finalement on se rend compte que si on mettait sa nationalité ça ne veut pas dire effectivement grande chose. Par contre que vous habitez à Los Angeles et vous payez vos impôts à Las Angeles, ça veut dire quelque chose de très précis. Ça veut dire que pour la majorité de votre temps, vous travaillez dans un pays qui s'appelle les Etats-Unis d'Amérique. Vous payez vos impôts à Sydney, vous résidez à Sydney, vous payez vos impôts à Sydney, ça veut dire que la majorité de votre temps vous résidez en Australie qui en générale veut dire dans nos secteurs des choses très précises. Ça veut dire que si vous résidez à Los Angeles vous travaillez globalement pour le cinéma américain. Si vous résidez à Sydney vous travaillez globalement pour le cinéma australien et si vous résidez à Paris vous travaillez pour une forme de cinématographie française/européenne. Donc nous on dit aussi et c'est une revendication qu'on avait eu, qu'il fallait regarder le lieu de résidence d'un certain nombre de personnes en particulier le réalisateur et là où il paie ses impôts. Parce que c'est vrai souvent on nous envoie des réalisateurs anglais en disant « mais regarde il est anglais ». Oui certes il est anglais mais ça fait quinze ans qu'il vie à Los Angeles et ça fait quinze ans qu'il paie ses impôts à Los Angeles donc on va dire qu'il travaille à Hollywood. Donc on ne peut pas considérer dans ces cas-là que c'est une œuvre européenne. Parce que là sur l'Europe on a vraiment des questions plus précises.

JHJ (755) : Tout à l'heure vous avez suggéré que les producteurs ont plus de mal avec la question des coproductions?

MS : Oui, c'est surtout au niveau européen. Parce qu'il y a quand même des systèmes d'aide européens qui existent et qui ne sont pas, je dirais, suffisantes. Et quand on regarde les chiffres du cinéma européen et on regard d'où vient l'argent, on s'aperçoit quand même que le cinéma français, même si les autres cinémas européens vont hurler (ils vont dire ce n'est pas vrai…), finance une bonne partie du cinéma européen. Et donc des fois les producteurs français, des fois mais pas toujours ont plutôt tendance à dire « mais il y en a marre parce qu'on est là et on donne de l'argent a tout le monde en gros ». C'est l'argent du soutien. A travers les coproductions minoritaires c'est de l'argent du soutien aussi. Et moi je pense que c'est une mauvaise vision. Mais ça peut arriver que des fois ils râlent à cause de ça surtout que par ailleurs, on cherche des noises sur d'autres choses et que, parce qu'on est des français pour certains types d'aide européennes on est handicapé parce qu'on est supposé être plus riche que d'autres cinématographies, au bout d'un moment ça crée des tensions parce que plus la situation est difficile et plus il est difficile de trouver l'argent, plus forcément on a plus tendance à dire pourquoi aller donner de l'argent ailleurs alors que nous on en a besoin ici pour faire des films. Alors c'est par moments. En ce moment ça se passe très bien donc ça n'existe plus quand il y a deux ans c'était plus dur. On sentait chez les producteurs (alors nous on a toujours dit que, on était très contre ce genre de discours), je dirais, une tentation de repliement national, on dirait ça comme ça.

JHJ (800) : C'est le cas actuellement en Australie. Revenons à la question de la nationalité. Est-ce que la nationalité du réalisateur est considérée comme plus importante que celle de l'écrivain, des techniciens etc. ?

MS : Au niveau des points pour l'agrément les auteurs, en générale, ont plus de points.

JHJ : On les appelle les 'auteurs' ?

MS : Oui, c'est à dire réalisateur/scénariste. De toute façon, les réalisateurs sont auteurs ici. Le réalisateur est l'auteur du film. Dans les textes si vous voulez, ce qu'on appelle 'final cut' en France est partagé d'une manière concomitante entre le réalisateur et le producteur. C'est à dire que les deux doivent être d'accord sur la copie finale pour qu'on déclare le film terminé. Ça veut dire qu'à la fois : Les scénaristes n'ont pas d'intervention à ce niveau-là (même s'ils sont reconnus comme co-auteur du film avec l'auteur de la musique et donc à ce titre ils perçoivent des droits d'auteur) ; le producteur n'a pas à lui seul la décision finale ; c'est vraiment une décision mixte producteur/réalisateur

JHJ (841) : Donc il y a plusieurs auteurs du film ?

MS : Oui, mais dans tout ça si vous voulez le porteur du projet en tant qu'auteur y compris vis à vis des autres, c'est le réalisateur.

JHJ (860) : Est-ce que le spectateur visé a un rôle dans la décision sur la nationalité du film ici ?

MS : Non. A ma connaissance la question se pose peu souvent. Mais elle se pose quand même sur les films à gros budget. Par exemple, il y a des questions importantes de langue ici. Parce que dès que vous avez un film qui a un certain budget, il est évident que le marché français a lui seule n'est

pas suffisant en terme de rentabilité et donc se pose la question du tournage en anglais. Alors là-dessus le système français est extrêmement protecteur. C'est à dire que si vous tournez en anglais, vous perdez des points sur l'agrément...parce que justement pour éviter quand même un certain type de dérive qui soit comme je dirais au-delà d'un certain budget tout le monde va se mettre à parler anglais, soit ils font des doubles versions donc il y a un truc un peu a-version a l'arrivée. Donc là-dessus oui il y a une vraie question mais le système français est protecteur sur le fait que ce soit la langue française qui soit utilisée dans le tournage du film. Alors ça a des effets pervers parce que des fois donc, c'est protecteur de ce point de vu là, mais des fois ça pose des questions sur d'autres types de films parce que c'est arrivé qu'on ait des... , par exemple en France quelqu'un qui s'appelle Yotar Yuselenick qui vit en France et qui est produit par la France et qui est géorgien. Et le pauvre à chaque fois qu'il fait un film c'est une histoire de fou parce que ses films évidement ils parlent Georgiens donc pas français donc las du coup. Donc là-dessus nous on a une position très ouverte en disant, attendez-on se calme. Yotar Yuselenick on va lui permettre de faire ses films en géorgien. C'est arrivé aussi que des réalisateurs français qui avaient, je connais un exemple, qui avait un projet de faire un film en Amérique latine sur un sujet latino-américain donc la langue était l'Espagnol, a eu aussi des gros problèmes à cause de ça. Donc ça on essaie de dire il ne faut pas être dogmatique sur cette question-là. C'est à dire que le sujet du film, et ça peut fonctionner y compris pour l'anglais, le sujet du film dicte quand même la langue. La seule chose c'est que, quand le choix de la langue est dicté pour des raisons commerciales, là par contre c'est une autre question.

JHJ (909) : Donc il y a une possibilité 'd'interpréter' les discours là-dessus ?

MS : Oui on va essayer de discuter des choses et de demander des 'dérogations' pour trouver des solutions. Mais c'est vrai qu'il y a souvent des problèmes de ce point de vue-là sur un certain type de film.

JHJ (914) : La question ne se pose pas sur les coproductions où il y a une audience d'au moins deux pays.

MS : Oui. Tout à fait. Mais là dans le cas, je dirais, du minoritaire, je pense que par exemple sur Green Card où la coproduction était minoritaire, la question de la langue ne se pose pas parce que ce n'est pas un majoritaire français, c'est une minoritaire donc il y a une coproduction, elle peut générer une partie de soutien en France mais elle est considérée comme une minoritaire. Et si elle est minoritaire, c'est évidemment la langue du pays qui s'impose, alors que ce soit l'anglais dans ce cas-là ou italien, ou l'espagnol parce que le droit d'Almadovar c'est minoritaire. Il fait des films en espagnol ou Youssaf Shayim… ses films sont en arabe. Mais ça reste des minoritaires. En tous cas il y a tout un système digressif qui fait que même si c'est majoritaire comme dans le cas de Youssef Shayim il y a un abattement mais la production touche quand même de l'argent du soutien français.

JHJ (936) : Donc l'enjeu d'abattement rassure la profession. Et quoi par rapport aux quotas de la télévision ?

MS : Ça s'appelle de l'OF. L'OF c'est l'œuvre d'expression originale française. Donc les quotas ils sont doubles. Ils sont 60% d'œuvres européennes et dans ces 60%, 40% d'œuvres d'expression originale française. Donc là 'expression originale française' ça veut dire que ça doit parler 'français'.

JHJ (950) : Oh, j'ai cru que les coproductions comptent automatiquement pour le quota ?

MS : Je me pose la question. Il faudra que je me renseigne. Mais, à ma connaissance il y a quand même le quota OF. C'est à dire que ça peut encore rentrer dans les 60% mais je ne suis pas sûr que ça rentre dans les 40% d'OF. Ça rentre dans les quotas 'européen' entre gimmes parce que français mais par contre ça ne rentre pas dans les 40% des fameuses OF. Ce qui avantage les belges parce que les belges peuvent dire que c'est de l'OF.

JHJ (963) : Ca ne pose pas de problèmes pour des réalisateurs français que les coproductions pourraient manger une partie de leur marché domestique ?

MS : Non parce que sur la télé c'est de moins en moins vrai quand même. Puisque la télé depuis quelques années développe beaucoup de fiction franco-française donc on ne sent pas ce type de danger sur la télé et même sur le cinéma. Etant honnête ça arrive... voilà, par exemple « 5ème Elément » a fait un gros pat a caisse ici parce qu'évidemment ça parle anglais, ça été tourne en Angleterre, ça a des acteurs américains etc...Donc ça a eu l'agrément mais bon ca a provoqué...

JHJ : Ca a eu un agrément majoritaire ?

MS : Non ça a été débattu beaucoup. Enfin quand même, il y a des gens qui disaient qu'il n'aurait pas dû l'avoir également. Enfin ca a provoqué des tensions internes à la profession. Mais ça reste quand même globalement relativement minoritaire quand même moi je trouve. Il y a de temps en temps ce type de problème mais ce n'est pas si courant que ça. Il y a eu d'autres problèmes par exemple quand Warners a créé Warners France et là

s'est mis à produire des films français avec des réalisateurs français enfin vraiment…mais Warner n'a pas le droit au soutien parce que Warners n'est pas une société française. C'est une filiale d'une société américaine.

Alors c'était un débat aussi qui s'est arrêté en disant 'mais OK si Warners veut faire des films français, tant mieux ils ont l'argent pour les faire et ils ont le droit'. Mais par contre alors après, il faut que je vérifie, mais ce qui n'empêche pas que les films peuvent être OF. C'est vrai que 'La Fiche qui fait peut-être' quand il est diffusé à la télé il est OF et n'est pas autre chose. Donc il a quand même accès à des choses. Mais en même temps c'est une question un peu de principe. Même ici ou c'était un peu partagé parce que c'est vrai qu'on disait 'mais Warners fait travailler les réalisateurs français pourquoi pas le permettre d'accéder une partie de soutien'. Mais bon ca été…

JHJ (010) : A côté de cette question de 'faire travailler' des cinéastes français, est-ce qu'il y a une question de culture ? Ou est-ce que la politique est plutôt faite pour protéger le marché ?

MS : Non, moi je crois que c'est vraiment la question culturelle qui prime. La vraiment, ça je crois que vous ne trouverez personne dans la profession pour dire que c'est autre chose qu'une question culturelle. C'est vraiment le fait de dire 'une nation ne peut pas renoncer, je dirais, un principal mode de communication aujourd'hui d'expression culturelle d'aujourd'hui qui sont des images et en particulier le cinéma en terme mais y compris la fondatrice de la nation - c'est un grand mot mais fondatrice de la culture. Et ça, y compris dans les pouvoirs publics français, on entendrait jamais…c'est vraiment cette idée… c'est celle-là. Ce n'est pas de faire du protectionnisme, de toute façon le marché français n'est pas protectionniste ; les films

américains sont très bien distribués. Ils font depuis des années beaucoup plus d'entrées que des films français. Là, depuis deux ans ça change pour X raisons mais pas un marché protectionnisme en termes d'accès. Mais c'est en tout cas, je dirais une philosophie nationale et intrinsèque de dire 'nous avons le droit de nous exprimer avec notre langue d'abord (qui n'est pas l'anglais) mais avec aussi nos images, nos modes de communication, nos histoires, nos acteurs, nous avons le droit d'avoir une expression nationale'. Ca alors là ça c'est fondateur quand même. Je crois que si ça n'était pas, ça n'aurait pas tenu. Si c'était bêtement commercial/protectionniste ça n'aurait pas tenu aussi longtemps. C'est extrêmement fondateur. Vraiment.

JHJ (050) : Alors, la prochaine fois que la question de l'exception culturelle se pose dans le contexte international, on peut supposer que les américains vont demander 'si le cinéma est important comme réflexion de la culture nationale, c'est quoi le cinéma français ?' On se heurte contre cette question quand la société actuellement est multiculturelle.

MS : Nous on a de plus en plus, et heureusement, des gens d'origines magrébines qui est actuellement je dirais la plus forte immigration récente qui font des films…moi j'ai dans mon conseil d'administration Yamina Bendigi qui vient de faire un film qui s'appelle Enchala Dimanche qui parle de la question des communautés magrébines en France, de l'immigration, de la place de la femme, de l'intégration. C'est un film français. Ça parle de ce qui se passe aujourd'hui dans ce pays. Il y a une jeune fille qui travaille à côté qui s'appelle Yatagan qui est française mais qui est d'origine africaine qui a fait un film qui parle du Sénégal et de la France. C'est un film français pas un film sénégalais. Parce que bien là – elle vie ici, elle est nourrie de ce qui se passe ici et elle transmet…mais elle est d'une double culture. Là-dessus on a vraiment…je crois que dans ce pays il y a aucun problème à ce

niveau-là comme vous auriez pu avoir avant des gens d'origine espagnole, italienne. Polanski…bon après il part tourner, ou Costa, et ça leurs arrive de faire des films aux Etats-Unis ou ailleurs mais à l'époque ou il faisait des films ici ou quand il revient à en faire, la question ne se pose pas. Ils sont soit d'origine polonaise soit d'origine grecque mais ils font un film qui parle aussi d'un certain nombre de questions.

JHJ(083) : Donc ça revient encore à cette grande politique de le SRF – la diversité.

MS : Voilà mais en plus notre combat actuel c'est de dire, je dirais, à l'intérieur de la France au sens stricte il y a aussi des questions de standardisation qui voient le jour, de dramatisation, de difficulté à faire des films plus difficile et on parle de diversité du cinéma français. C'est à dire qu'on dit : le cinéma français (je vais être méchante) ce n'est pas Astérix et Obélix. Enfin, le but ce n'est pas que de faire des Astérix, ou que du Pacte avec les Loups. C'est très bien qu'il y est Pacte avec les Loups. C'est très bien qu'il y est Judocq, c'est bien qu'il y a ça. Mais ça ne doit pas être que ça. Or aujourd'hui chez les financiers français on va dire…

(Tourne cassette)

MS(000) : Chez les financiers il y a une tentative de vouloir que ça soit que du cinéma on va dire exclusivement commercial. Et nous on dit 'non'. Le cinéma français c'est – on revient à cette histoire de l'avance sur recettes qui est correctrice du marché. Le cinéma français c'est 'Le pacte des Loups' oui, mais c'est aussi Enchala Dimanche, Yma Gou qui va sortir la semaine prochaine qui est le film d'une jeune réalisatrice française. C'est son deuxième film. C'est un film d'auteur. C'est Mercredi folle journée. Le

cinéma français c'est la diversité des thèmes, des auteurs, des réalisateurs, la manière de tourner – il y a du documentaire, c'est du cinéma expérimental, c'est des …. , c'est tout ça le cinéma français. Et sa force c'est que ça soit tout ça. C'est que ça soit à la fois de grosse machines commerciales et aussi des films d'auteurs et tout. Fondamentalement c'est tout ça. Et c'est ça que nous, nous voulons préserver et on ne veut pas qu'on nous oblige à faire qu'un certain type de film, en étant méchante, qui est du mauvais cinéma américain copié. Parce que souvent c'est malheureusement ça. Et c'est moins bien fait que les américains parce qu'il faut reconnaître les qualités des américains – c'est que ça ils font très bien et que le cinéma français n'est pas que ça. Ça peut exister, c'est très bien mais ça doit pas être exclusif du reste et aujourd'hui c'est la vrai bataille en France, c'est de maintenir cette diversité d'une manière très forte.

JHJ (055) : Alors dans cette gamme de production, ou est-ce qu'on va positionner la coproduction, qui a comme motivation de créer un cinéma pour l'exportation ?

MS : Mais pas forcément. Ça peut être en même temps les deux. Je vais vous donner un exemple : Astérix et Obélix, le premier c'est une coproduction franco-allemande. Là c'est clairement une coproduction, on va dire entre gimmes commerciales pour avoir des marchés – un deuxième marché qui est le marché allemand. Alors pourquoi l'Allemagne parce que Astérix ça marche bien en Allemagne – la bande dessinée donc voilà et le film a très très bien marché en Allemagne. Donc ça été on va dire un pari économique qui a fonctionné. Là c'était vraiment d'un point de vue vraiment un pari économique d'agrandir le marché parque le film a couté beaucoup d'argent et qu'ils voulaient…Mais après je reviens a Yota Yousalandi, le film qu'il fait…d'abord le marché Georgien n'est pas

extraordinaire...et là c'est une autre question. C'est vraiment la question de permettre à un réalisateur géorgien qui vit en France de faire des films qu'il a envie de faire et là la coproduction fonctionne aussi parce qu'à la fois ça permet d'apporter de l'argent français mais tout en gardant une identité géorgienne, mais ça permet au film de se faire.

JHJ(103) : Mais c'est là que les américains pourraient chercher à détruire cet argument que c'est argent français qui est là pour préserver une moyenne d'expression nationale et qui est en fait utilisé pour soutenir toutes sortes de cinémas, sauf américain.

MS : C'est ce qu'ils essaient de faire. Bien toutes les attaques à travers l'OMC ou l'AMI, quand on dit que les accords internationaux, les deux grands principes fondamentaux c'est le traitement national et la clause de la nation plus favorisée, les américains, quand ils veulent appliquer ce genre de chose, c'est ça qu'ils veulent tuer. C'est de dire 'ça vous n'avez pas le droit d'aider mieux votre cinématographie que la nôtre' et à la fois 'vous n'avez pas le droit d'aider des gens qui ont besoin d'argent sans nous aider nous'. Nous c'est pour ça qu'on est extrêmement contre et le traitement national et la clause de la nation plus favorisée. C'est pour ça que nous sommes contre de prendre n'importe quel engagement sur l'audiovisuel à l'OMC, c'est pour ça qu'on a demandé l'exception culturelle, c'est pour ça qu'on a fait que l'AMI sur Annie soit signée parce que pour nous c'est inadmissible. Parce que ça veut dire deux choses. Ça veut dire qu'à la fois on n'a pas le droit d'aider notre culture au prétexte que tout est pareil mais aussi on n'a pas le droit de prendre la décision de dire 'eh bien tel pays au hasard le Borquinafaso, qui n'a malheureusement pas les structures de production, bien nous, français, pour des raisons qui nous sont propres, qui sont historiques, qui sont de liens, qui sont...qu'on a envie, eh bien on a le droit de donner l'argent au

Borquinafaso pour qu'ils fassent des films sans en donner aux américains. Borquinafaso ils n'ont pas d'argent, les américains ils en ont. Donc c'est un truc sur lequel on est fondamentalement contre. Il n'y pas de raison qu'on dise…mais on a le droit d'aider les australiens aussi si on a envie ou des néo-zélandais parce qu'on estime que c'est important, qu'il y a un échange, y compris culturel entre ces deux pays-là, indépendamment du reste du monde ! Donc c'est aussi cette question-là, de dire non on refuse ça parce qu'on a le droit à la fois, nous, de nous exprimer… notre culture mais aussi d'aider d'autres à le faire et qu'il est important que chacun puisse s'exprimer dans sa culture et si je voulais avoir une réaction par rapport à ce qui se passe aujourd'hui, je crois qu'une des raisons pour laquelle les américains subissent les malheurs qu'il subissent aujourd'hui c'est que pendant des années ils ont refusé aux autres d'avoir leur propre expression culturelle. Ils sont apparus comme ceux refusant aux autres et qu'il y a un moment ça crée des choses qui sont extrêmement virulentes et ça moi j'en suis, mais intimement persuadée. Si vous écrasez les gens dans ce qu'ils ont de plus essentiel qui est quand même une expression de leur culture quelle qu'elle soit, il faut provoquer les extrémismes. Vous ne pouvez pas faire autrement, c'est évident. Aujourd'hui c'est un peu, malheureusement, parce que je trouve que c'est très malheureux ce qui se passe, c'est le retour du bâton. Et je serais eux, moi, je me poserais des questions mais très fondamentales sur ça. Pourquoi tant de haine ? Ils devraient se poser des questions sur ça.

JHJ(230) : Cela entre dans les grandes questions économiques – est-ce qu'on peut tout réduire à un niveau économique ?

MS : Moi je crois que non. C'est aussi pour ça que l'exception culturelle, c'était aussi une affirmation…c'est vrai que ce n'était jamais exprimé vraiment comme ça…et que souvent les français ont eu l'impression

d'apparaître comme protectionniste. Je crois que fondamentalement la philosophie qui tient les idées derrière tout ça c'est de dire en même temps il y a des choses qui priment sur le commercial. Il y a des choses qui sont au-delà du commercial et c'est quoi – c'est le droit de l'homme et ce genre de chose mais c'est aussi, l'expression culturelle est fondatrice d'une société et donc ça c'est très important. Il y a un texte, je peux vous faire une copie d'un professeur québécois qui a réfléchit beaucoup à la question de diversité culturelle dans les accords internationaux et lui il a un discours que je trouve très intéressant parce qu'il dit ça. Il dit que la globalisation ne pourra être acceptée par l'ensemble des populations du monde que le jour où elle respectera les identités culturelles de chacun mais au sens profond. C'est à dire c'est au-delà des liens culturels c'est dans la manière de penser, dans la manière d'élaborer des choses et qu'elle a sûrement trop pris un côté exclusivement économique sans prise en compte de ça et que ça crée des tensions aussi qui existent un peu partout dans le monde contre cette globalisation. Et c'est très intéressant ce qu'il dit parce qu'il s'appuyé la dessus pour dire que y compris la diversité culturelle, sa défense et sa mise en œuvre, il est nécessaire à l'organisation d'un monde, on va dire plus égal, où les gens font des échanges et ce genre de choses. Ça ne veut pas dire anti-mondialisation, ça veut simplement dire capacité d'écoute de l'autre. Et cette une chose qui est très très intéressante, qu'on doit creuser cette réflexion y compris pour soutenir notre combat en disant ce n'est pas qu'un combat économique.

JHJ (292) : C'est un combat national, de préserver un espace pour la diversité. En revenant sur 'l'exception culturelle', est-ce que vous savez si la France dans l'avenir va chercher une exemption culturelle ?

MS : Pour l'instant, la position du gouvernement français mais aussi le mandat donne à la commission, parce que dans ces cadres là ce n'est pas les gouvernements nationaux qui négocient mais c'est l'union européenne, donc il y a des mandats donnés à la commission de négociation. Donc le mandat c'est de rester sur la base de l'exception culturelle. C'est à dire aucune demande d'engagement dans le domaine de l'audiovisuel ne sera faite par l'union européenne. Nous, on a été à Montréal où il avait d'ailleurs Richard et tout. C'est vrai qu'on peut se poser la question de l'exemption culturelle ou la question de créer un nouvel instrument international sur la culture. Mais on est plus dans une phase actuelle de réflexion pour voir s'il n'y a pas d'effets pervers et notamment des effets qui nous nous inquiètent un peu mais bon, vraiment on commence à réfléchir. Il y aurait l'obligation de décrire ce que c'est la culture or c'est quand même une chose très compliqué à faire, définir ce qui est la culture. Donc là nous ce qu'on dit c'est pour l'instant, toujours pas d'ouverture, on reste sur l'exception culturelle, on refuse toute ouverture. Et là-dessus je crois qu'il y aurait une vraie mobilisation si jamais on sentait qu'il y aurait un problème. Au niveau français, je ne pense pas qu'il y aura, au niveau européen c'est plus compliqué. Mais enfin bon pour l'instant, ça a l'air de…et on dit 'on veut réfléchir, on veut se donner le temps pour la réflexion' à la fois en France mais aussi avec les canadiens, les australiens, enfin tous ceux avec qui on a commencé ensemble à réfléchir sur cette question de l'instrument international et sur la question éventuelle de demander une exemption totale à l'OMC. Je crains malheureusement que l'exemption à l'OMC maintenant soit un peu tard, parce qu'il y a des engagements qui ont été pris par des gens. Mais on veut vraiment réfléchir à tous ça avant de déterminer une position précise en tous cas sur l'instrument international. Par ailleurs nous, là en tant que SRF on est… on a des liens avec tous les mouvements français contre la mondialisation, les liens avec la fédération paysanne, on a des liens

avec les mouvements de l'environnement, donc nous on ne refuse pas non plus de s'inscrire dans un mouvement général de demande de mise à plat de c'est qui est l'OMC, avec d'autres secteurs parce que c'est un peu comme l'AMI, on estime par ailleurs que, ce n'est pas parce qu'on a protégé la culture, qu'on ne doit pas se préoccuper de l'éducation, la santé publique, et ce genre de choses que de toute façon, se renforcent mutuellement. On a aussi des liens réguliers avec tous ces mouvements là en France avec ATTAQ et tout mais c'est des liens. C'est à dire on n'est pas tout le temps avec eux, on garde un dialogue en permanence et ça n'empêche pas de réfléchir avec eux aussi d'une manière beaucoup plus globale. Dans ces cas-là sur la mondialisation.

JHJ (400) : Effectivement le problème de définir ce que c'est la culture peut provoquer des débats sur l'audiovisuel – si on protège le cinéma, pourquoi pas la fabrication des chaussures par exemple ?

MS : Là, José Bové a eu le même type de problème. Puisque lui il argumente beaucoup autour d'une forme de culture qui est la nourriture. Et chez moi ça a mené des débats. C'est à dire que, il y a des réalisateurs qui disent 'mais non le roquefort ce n'est pas de la culture' et il y en a d'autres qui disent 'mais si, c'est quelque part la culture'. Donc il y a des débats pour ce genre de chose. C'est pour ça que je suis d'accord que de mettre le doigt dans l'engrenage du début de définition de ce qu'est la culture, peut nous revenir contre nos intérêts stricts en termes de coopération. Parce que c'est vrai qu'il ne faut pas qu'il y a une définition à la fois trop large et à la fois trop serrée aussi. Parce qu'il peut y avoir le danger inverse. C'est à dire qu'on dit 'ah oui la culture c'est le droit de faire des films à petit budget par exemple' alors ça 'vous pouvez subventionner cela' mais alors qu'on rentre dans le grand marché 'alors là non c'est un bien ou un service'. Donc c'est ça aussi qu'il

faut…c'est très délicat. C'est pour ça que nous on dit beaucoup, on réfléchit. C'est à dire qu'on se pose la question et on réfléchit tous ensemble mais on ne décide pas tout de suite parce que ça peut avoir des incidences qu'on n'envisage pas aujourd'hui. C'est ce que moi, des fois, j'appelle des 'fausses bonnes idées'. C'est à dire qu'on a l'impression qu'on a trouvé l'idée géniale et puis trois ans après on dit 'oh mon dieu, mon dieu, mon dieu on a fait une grosse bêtise'.

JHJ (460) : Oui d'accord – que la politique peut être un instrument de suppression malgré une volonté contraire. Est-ce que le SRF a soumis un texte au gouvernement par rapport à l'AMI ?

MS : On avait écrit à l'époque un texte avec un syndicat de producteurs et un syndicat d'acteurs qui dénonçait de notre point de vue l'AMI. Mais au-delà de la question culturelle. C'est de là d'ailleurs que viennent nos liens avec tous les mouvements antimondialisation. C'est à dire qu'on a eu un positionnement, il y avait une grande réunion à l'Odéon à l'époque, après qu'on ait écrit ce texte, après qu'on ait fait une conférence de presse, ou un de nos réalisateurs qui s'appelle Cédric Lapische, a dit en pleine réunion 'entre l'avance sur recettes et le droit de grève, je choisirai toujours le droit de grève'. Mais finalement, a l'issue de la réunion, c'est ce que tout le monde a dit, c'est que le texte qu'on écrivait disait que certes, c'était un texte dangereux du point de vue des organisations culturelles au sens strict, on va dire là pour le coup, mais un texte aussi dangereux et peut-être beaucoup plus dangereux pour, et c'est surtout pour ça qu'on était contre, du point de vue de l'organisation démocratique de notre société. On a affirmé qu'on était contre ce texte là parce que ce texte avait, bien au-delà des questions certes intéressantes, mais mettait en danger des choses encore plus fondamentales.

JHJ(614) : C'est à dire qu'on a élu des politiciens mais ce n'est plus eux qui prennent les décisions ?

MS : C'est ça. Une entreprise pourrait s'attaquer à un état sous prétexte que sa législation sur le droit du travail l'empêchait d'investir. Tu vois, ça nous paraissait inconcevable. D'ailleurs je pense qu'il y avait un tel mouvement autour de l'AMI en France. C'est que quand les gens ont découvert, parce que le problème c'est que les gens ne savaient même pas que le texte existait parce qu'il a été négocié par quelques fonctionnaires depuis des années, et quand on a réussi, je dirais que c'est là où notre capacité médiatique a joué, mais quand on a réussi à mettre sur la place publique ce qu'était fondamentalement ce texte, ça a provoqué une to… générale. C'est à dire que les gens n'y croyaient pas. Ils ne pouvaient pas croire qu'il y avait un truc international qui pouvait tout changer. Et ça a provoqué une levée de criée mais l'important, ce qui explique pourquoi Lionel Jospin qui venait d'arriver au pouvoir, lui-même je crois était plus ou moins au courant que ça existait, a provoqué la réaction de dire 'ah bon, c'est hors de question que la France accepte de signer un tel texte international. Mais ça a servi aussi de lever le voile sur comment ça peut se passer au niveau international. C'est quand même dans le secret des cabinets, ce n'est absolument pas démocratique et c'est aussi un reproche qu'on peut faire aujourd'hui à l'OMC. C'est que l'on a le même problème avec l'OMC aujourd'hui. On sait bien qu'il y a des négociations. On sait bien qu'il négocie sur des choses mais on n'arrive pas à savoir précisément sur quoi, pourquoi, qu'est-ce qu'elles prévoient. Et qu'il y a un vrai problème là-dessus et peut-être que dans trois mois on va avoir à nouveau lieu d'être publiée parce qu'on va s'apercevoir que…dans la GCS on va ….tous les hôpitaux. Donc là c'est un vrai problème sur lequel, nous en tant que SRF, on est parti très prenante. On ne peut pas

régir le monde dans l'opacité absolue dans lequel ça se passe aujourd'hui. C'est au-delà du cinéma mais ça concerne évidemment le cinéma aussi.

JHJ(685) : On Revient aux coproductions franco-australiennes ?

MS : Jusqu'au bout du monde. Ca je n'ai pas vu mais j'en ai entendu parler. A ma connaissance ça se justifie. Enfin, il n'y avait pas le même problème qu'avec Green Card. Mais les autres je ne les ai pas vu et puis je ne sais même pas qui les a fait…

Mais après c'est une question de comment ça se passe. Qu'est-ce que chacun apporte dans la coproduction ou est-ce qu'on fait une coproduction parce qu'il faut faire une coproduction. En Europe, à l'époque, on a eu ce qu'on appelait les « euro-puddings » qui était d'un éprouvant absolu alors il fallait qu'il y ait un acteur italien, tu vois espagnol, marchand truc et tout le monde. A l'arrivée c'était des trucs qu'on ne pouvait même pas regarder. Et c'est vrai que ça par contre, il y a eu une prise de conscience là-dessus et une volonté de dire, par exemple le privé le genre de coproductions financières qui évitent ce genre de question. Essayons d'avoir des coproductions mais intelligentes on va dire, réfléchissons ou l'histoire se donne, voilà c'est plus la prestation technique, ce genre de choses que d'avoir un acteur marchand, un acteur bidule. Donc il y a eu cette prise de conscience pour dire qu'on pourrait avoir des coproductions. C'est bien qu'on en ait, mais qu'on en fasse intelligemment. Alors que peut-être l'accord provoque des choses un peu bizarre dans les coproductions franco-australiennes, qui fait que du coup il sont un peu entre les deux.

JHJ(743) : about the fact that not many french creatively involved in French australian coproductions but that australian crew might find themselves in Algeria shooting a French story (isabelle eberhardt).

MS : Mais je crois que c'est plus une question je dirais d'intelligence mais y compris des professionnels. Je sais que par exemple qu'il y a eu un accord de coproduction franco-allemand qui était signé. Les producteurs français et allemands ont été associés dans les négociations de cet accord. C'est peut-être bien aussi de demander aux professionnels d'être associés à la négociation de ce type d'accord, que ça soit pas un accord je dirais inter-gouvernemental où il y a deux fonctionnaires de chaque côté qui disent bon alors on va faire si/ça. Parce qu'ils ont leur vision professionnelle et ils peuvent dire 'attendez si c'est pour faire un film français tourné par une australienne en Algérie et...peut-être qu'à l'arrivée ça va donner quelque chose d'un peu bizarre. Permettons plus peut-être de faire un film australien en Australie et puis l'Australie va nous aider à faire un film français en France même s'il y a des échanges de techniciens. Parce que je crois que ce n'est pas tellement les échanges de techniciens, parce qu'après c'est la capacité technique des gens. Là, c'est plus de réfléchir intelligemment. Ça peut se faire et être profitable aux deux.

JHJ (783) : Est-ce qu'il y a un comité d'agrément pour la coproduction en France ?

MS : Il y a la commission d'agrément et elle se réunie très souvent. C'est au moins deux fois par mois et ils regardent tous les films. Ça aussi c'est une originalité du système français mais qui me paraît importante. C'est à dire que les professionnels sont en permanence associés à la prise de décisions sur le système d'aide français. Donc c'est toujours des commissions composées

de professionnels qui donnent leurs avis. Toujours. Et je crois que c'est très important parce que c'est quand même les gens qui font du cinéma et qui donc d'abord ont une capacité et…qui ne sont pas dogmatique, pas dans leur genre 'le règlement s'applique', certes ils appliquent le règlement mais ils sont d'abord capable de voir ce que l'on donne : ce qui est vrai/pas vrai et ce qui est derrière. Mais aussi d'avoir une capacité, je dirais d'adaptation, en fonction du film. Donc ça c'est très important et ils se réunissent très souvent. L'avance sur recettes, ils se réunissent tous les deux mois – le temps qu'ils lisent tous les scenarios etc.

JHJ (628) : Si on devait hiérarchiser les éléments créatifs, lesquels vous sembleraient les plus importants ?
MS : Moi je dirais que c'est le tout qui importe. C'est à la fois une aide à la production. Nous on a toujours dit quand même qu'on voulait une prévalence de l'équipe artistique (le réalisateur, le scénariste, les acteurs, la langue). Ca on a toujours défendu qu'il y avait une prévalence qui devait rester par rapport à la nationalité de l'argent on va dire. Mais en même temps, moi je pense que tout rentre en compte parce que c'est aussi quelque chose qui nourrit tout le système y compris celui des laboratoires français ce qui leur permet de continuer à vivre ou des studios français. Parce que le cinéma c'est aussi d'avoir, non seulement des créateurs, mais le tout pour faire le film : des techniciens de qualité, les acteurs, le tout…

Si on se trouve dans un pays où il n'y a pas de labo, déjà on a un problème. Donc c'est aussi important qu'il y ait des labos. C'est important qu'il y ait des studios. C'est important qu'il y ait des techniciens parce que il y a pleins de pays où il y a du mal avoir des techniciens de qualité, donc c'est aussi important qu'il y ait tout ça.

JHJ(883) : Donc c'est une vision qui est beaucoup plus grande que ce qui existe en Australie où la politique tourne vraiment autour de la question de nationalité.

APPENDIX G4

Documents from CNC Archives

Until the End of the World

ARGOS FILMS

4, RUE ÉDOUARD-NORTIER - 92200 NEUILLY-SUR-SEINE

TÉLÉPHONE 47 22 91 26 / 46 37 29 26 / 46 37 28 69

TÉLEX 612 018 F

le 13 mai 1988

CNC ARCHIVES: ACCESS AUTHORISED 2001

M. Yves Marmion
Centre National du Cinéma
12, rue de Lubeck
75016 PARIS

Monsieur le Directeur,

Jusqu'au bout du monde
Un film de Wim Wenders

J'ai le plaisir de vous confirmer que la demande d'agrément de la coproduction franco-australienne du film de Wim Wenders "Jusqu'au bout du monde" a été déposée le 10 mai 1988 auprès de l'**Australian Film Commission** à Sydney.

La collaboration d'Argos Films avec ce grand metteur en scène s'inscrit naturellement dans le cadre d'une coproduction franco-allemande. Les deux films que nous avons déjà réalisés ensemble, "Paris-Texas" et "Les ailes du désir" démontrent, je crois, d'une façon convaincante que l'intérêt artistique peut l'emporter sur toute autre considération pour justifier ce type de coproduction.

Cette même impérieuse nécessité d'encourager l'inspiration profonde d'une oeuvre empreinte d'universalité nous a conduit, cette fois, sur le continent australien. Le projet de "Jusqu'au bout du monde" repose sur la conviction de l'auteur que certains aspects physiques et culturels de ce continent font pressentir ce que sera la vision des choses à la fin de ce siècle, et cette vision ultime, dernier refuge de l'amour de la vie dans un monde voué à la perdition nucléaire, constitue l'aboutissement d'une longue réflexion artistique à laquelle Wim Wenders a voué l'essentiel de son oeuvre.

Il était donc important sur le plan artistique et technique que ce film, dont la réalisation est si étroitement dépendante du contexte australien, fût appelé à se servir des moyens qu'offre l'industrie du cinéma australien. Mais il est destiné à s'inscrire dans le cadre franco-allemand qui reflète si fidèlement les relations de ma société et du metteur en scène, ainsi que les exigences de notre appui militant à la cause du cinéma européen.

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CNC ARCHIVES: ACCESS AUTHORISED 2001

Nous avons présenté à l'Australian Film Commission un projet qui me paraît à priori rendre hommage aux vertus de leur cinéma national. Les décors futuristes placés au centre de l'action seront réalisés en Australie, qui est le lieu d'où a surgi la vision de l'auteur, liée à l'immensité désertique et l'ancestralité de la culture aborigène. Selon les mêmes exigences du scénario, le tournage sera réparti entre 16 pays dans tous les continents, mais sa partie essentielle, soit environ 40% de sa durée totale, se déroulera en Australie et il y sera consacré près de la moitié du budget total s'élevant à 70 millions de Francs. Il y aura, enfin, pour les principales contributions artistiques et techniques australiennes, un rôle vedette, un scénariste, un directeur de production, un chef décorateur, un ingénieur du son et un chef-costumier.

Notre partenaire australien, comme la quasi-totalité des producteurs de ce pays, ne peut contribuer au financement du film que s'il accède au bénéfice des placements effectués dans les abris fiscaux (tax shelters) sur lesquels reposent, dans le cadre de la législation actuelle, l'essentiel des ressources affectées à la production des films. A cette fin, le producteur australien doit s'appuyer sur l'engagement de notre société (et de son partenaire allemand), assorti d'une garantie bancaire, de verser une somme comprise entre 60 et 80% du coût total de la production du film.

Dans ces conditions, la contribution financière de la partie franco-allemande sera nettement supérieure à celle de la partie australienne, et la contribution artistique et technique de l'Australie sera de plus sensiblement supérieure à sa contribution financière effective. Je dois donc considérer que l'équilibre proposé à l'Australian Film Commission entre les coproducteurs n'est pas dénué de souplesse et de bienveillance à l'endroit de la production australienne.

Il m'appartient, dès à présent, de vous indiquer les principes directeurs qui donnent au cinéma français un rôle éminent et majoritaire dans cette coproduction.

Je n'insisterai pas sur le rôle de la société ARGOS FILMS, qui est le principal investisseur, assurant les 4/5èmes de la part franco-allemande, ainsi que le chef de file du montage des opérations avec l'Australie, ce qui justifie que je doive personnellement assumer la responsabilité de producteur exécutif pour l'ensemble de la préparation et de la réalisation du film.

Mais je soulignerai les efforts heureux de la rencontre de Wim Wenders avec la profession française, à laquelle il est depuis longtemps lié par ses coproductions précédentes. Dans la tradition solidement établie par "Paris-Texas" et "Les ailes du désir", Wim Wenders travaillera à nouveau avec des artistes et techniciens français qui lui sont familiers et partagent sa conception élevée de l'art cinématographique. Outre une contribution à l'histoire originale et deux rôles vedettes (Solveig Dommartin et Jacques Dutronc), la part française sera dignement représentée par le Directeur général de la production (Bernard Bouix), le 1er assistant réalisateur (Claire Denis), le cadreur (Agnès Godard) et un décorateur pour toutes les scènes tournées en dehors de l'Australie. La postproduction s'effectuera en France, de même que les travaux de laboratoires, comme il sied aux responsabilités majeures qui sont celles du coproducteur français dans la livraison, puis dans l'exploitation du film.

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Enfin, la part allemande, bien que minoritaire par rapport aux deux autres, s'appuie solidement sur la fidèle assistance du directeur de la photographie (Robby Müller) et du monteur (Peter Przygodda) avec lesquels le metteur en scène travaille depuis toujours.

Je crois donc que, par l'effet de cette pratique extra-territoriale du cinéma qui n'est pas la moindre richesse de son oeuvre, Wim Wenders a su trouver pour ce film un équilibre original qui donne à chaque coproducteur une contribution artistique décisive sans laquelle le film ne pourrait exister.

Il est dans l'intention des coproducteurs d'exprimer cet équilibre par une répartition donnant une part de 40 à 50% pour la France, plus les droits de distribution mondiale, une part de 30 à 40% pour l'Australie et une part de 20% pour l'Allemagne.

Dans l'importance respective des contributions française et allemande, vous pourrez observer que "Jusqu'au bout du monde" constitue un film de "retour", au meilleur sens du terme, par rapport aux deux coproductions précédentes des films de Wim Wenders : après "Paris-Texas", où la proportion était de 80/20 en faveur de l'Allemagne, et "Les ailes du désir", où l'égalité était assurée, la proportion est désormais de 80/20 en faveur de la France.

La pré-production du film est d'ores et déjà engagée et des investissements importants ont été effectués pour ma société et la société ROAD MOVIES pour rendre possible une coproduction avec l'Australie. Des raisons commerciales impérieuses rendent souhaitable qu'une annonce officielle puisse être effectuée au Festival de Cannes. Puisqu'une rencontre est prévue entre le C.N.C. et l'Australian Film Commission lors de ce Festival, je vous serais reconnaissant de bien vouloir envisager de vous rapprocher de cette institution australienne pour vous faire connaître à cette occasion si cette première coproduction qui vous est proposée entre la France, l'Allemagne et l'Australie est susceptible de retenir l'attention et mérite les encouragements des autorités nationales concernées.

J'ose espérer que le film de Wim Wenders pourra constituer une application équilibrée et harmonieuse du traité franco-australien du 15 mai 1986.

Veuillez recevoir, Cher Monsieur, l'assurance de ma considération la meilleure.

Le Président-Directeur Général

Anatole DAUMAN

P.J 1. Contrat de coproduction entre ARGOS FILMS et ROAD MOVIES
2. Synopsis établi par Wim Wenders
3. Demande d'agrément adressée le 10 mai 1988 à l'Australian Film Commission

CNC ARCHIVES: ACCESS AUTHORISED 2001

10th May, 1988

Mr Kim Williams
Chief Executive
Australian Film Commission
8 West Street
NORTH SYDNEY NSW 2060

Dear Sir,

Australian French Co-Production
of the Film
"Until the End of the World"

We the undersigned wish to apply to the Australian Film Commission for the approval of the film "Until the End of the World" directed by Wim Wenders as an Australian film made pursuant to the Administrative Arrangement between France and Australia dated 15th May, 1986.

This film has been sparked off by Wim Wenders' deeply felt attraction to the Australian Continent and focuses on the physical attributes of the outback and a revived Aboriginal culture. It is also the Author's completion of a long creative itinerary summing up his life, travels, feelings and world view. The subject essentially revolves around a love story projected into the year 2000 when the Australian continent becomes the ultimate refuge for the experimentation of an extaordinary invention which enables a blind person to see. There is however a dangerous side to this enthralling invention which is the reverse possibility to extract internal images, memories or dreams from the brain of unwilling people. The film is about seeing and how seeing and loving are related at a time when the earth is dramatically changed by a nuclear blaze.

As Wim Wenders has himself explained in a recently published article (in Cahiers du Cinema, October 1987)

> "This is the only project I ever had which has lasted so long. I started writing on it in 1977 when I first travelled in Australia. My first encounter with this continent was the germ of it all. I came across it in unusual ways, touching land in Darwin, up north there, a very hot city, close to the tropics, and not through the big eastern cities like Sydney or Melbourne. I sensed the Australian continent as the big void, enormous. After Darwin I related first of all with the interior, with the red earth.

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On arriving there I felt the urge to make a film.

It was as though the landscapes were calling for a science fiction story. And this is what I was in the process of writing when I received this telex from San Francisco asking me to go there to shoot "Hammet".

Seven years later, I revisited the same places, this time with Solveig, it didn't change.

Still the same call for a story. Since the first science fiction material a love story has now emerged and there is a round the world trip before we come to Australia."

After several years of preparation the Australian dimension of the subject has taken on a richer significance warranting the full revision of Wim Wenders' original script by a prominent Australian writer and the location of most of the shooting in Australia. Out of a budget of 17 million Australian dollars, nearly half will be spent directly in Australia, whilst the key creative and technical contributions will be well above the minimum requirement of 40% set in the Australian Film Industry Accord.

Argos Films SA is a well known French film production and distribution company which in its 35 year operation under the Chairmanship of Anatole Dauman has been responsible for major quality films which have enjoyed international commercial success whilst winning many awards (notably at the Cannes Film Festival) and taking a distinguished place in the history of the world cinema. Argos Film SA has more recently developed a close relationship with the German Cinema which fostered such widely acclaimed films as the "Tin Drum" by Volker Schloendoerff (Golden Palm, Cannes Festival 1979); "Paris Texas" by Wim Wenders (Golden Palm, Cannes Festival 1984); and "Wings of Desire" also by Wim Wenders (Best Director prize, Cannes Festival 1987, First prize, Sydney Film Festival 1987).

Director Wim Wenders after a distinguised career in Germany starting in 1966 has won international recognition with "The American Friend" (1976) and "Hammett" a film produced by Frances Ford Copolla (1982) before the ultimate awards of the Cannes Festival received for his last two films. Wim Wenders is also one of the very few directors who has suceeded in retaining effective control over the production of his films. His own company, Road Movies G.m.b.h. is arguably the most influential Berlin based production concern, having met the standards required to receive continuing support from the Senate of Berlin and the German Public Television.

On the strength of the success of their two previous productions, Argos Films and Road Movies have again joined as partners to co-produce

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"Until the End of the World" in association with an Australian production company employing some of the most prominent professionals in the Australian Film Industry.

Should the film be recognised as an Australian Film pursuant to the French Australian Arrangement it is intended to seek thereafter from the French authorities a separate approval for a co-production arrangement with the Germany authorities, if this can be viewed favourably by the Australian Film Commission as suggested by Article 5 of its Agreement with the French Centre National Du Cinema.

The three co-producers hereby confirm their intention to avail themselves of the benefits attached to the existing 10BA provisions of the Income Tax assessment Act to raise the budget of the film in Australia by way of private placement or public offer, whilst Argos Film and Road Movies will provide the necessary Distribution Guarantee. On that basis, the Australian Production Company will apply to the Australian Film Commission for a sponsorship agreement and a grant of money covering the non-deductible expenses.

Finally, the co-producers are to discuss immediately with the relevant unions the conditions of employment of crew and cast in Australia. Should they reach an agreement of principle within the next few days, it is respectfully suggested that an official announcement at the Cannes Festival common to the Australian Film Commission and the French Centre National Du Cinema will be a major contribution to the international success of the venture.

We would indeed feel honoured to receive at this early stage in Europe a sympathetic consideration on the part of the Australian Film Commission.

Yours faithfully,

HATHRAB HOLDINGS PTY LIMITED
By Julia Overton - Production Manager

ARGOS FILMS S.A.
By Didier Villatte - Attorney

Argos Films S.A.
4, rue Edouard Nortier
92200 NEUILLY-S/SEINE
Tél. : 47 22 91 28
S.S. : 671 92 051 0062
SIRET : 602 030 629 00011

ROAD MOVIES G.m.d.h.
By Didier Villatte - Attorney

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APPLICATION FOR APPROVAL OF A CO-PRODUCTION PROJECT

Pursuant to the French Australian Administrative Arrangement Between A.F.C and C.N.C of 15th May, 1988

1. PROJECT

1.1. Film Working Title: "Until the End of the World"

1.2 Type of Film: Feature Film.

1.3 Estimated Budget:

(a) Total Budget: $A20 million (of which $A17 million is direct production cost, plus an allowance of $A3 million for indirect so-called non deductible costs). Half of the budget shall be spent in Australia on production.

(b) Amount to be financed from Australian sources: $A17 million. Plus, if possible, proportion of non deductible costs:

(c) Amount to be financed from Overseas sources: Distribution Guarantee and a proportion of non-deductibles to be advised subject to mode of financing

(d) It is assumed that the budget will be raised in Australian dollars.

2. APPLICANT AND PRODUCTION ENTITIES:

2.1 Australian Production Entity: (company to be sponsored by AFC)

Hathrab Holdings Pty Ltd of Level 18, Bondi Junction Plaza, 500 Oxford Street, Bondi Junction NSW, Telephone: 387-8886, Telex AA176531, Facsimile 387-6420.

2.2. Foreign Production Company:

Argos Films S.A.
4 Rue Edouard-Nortier
92200 Neuilly-Sur-Seine
FRANCE

Telephone: (33) 1 47 22 91 26
Facsimile: (33) 1 46 40 02 95

CNC ARCHIVES: ACCESS AUTHORISED 2001

2.3 Associate of Foreign Production Company

Road Movies Filmproduktion GMBH,

Postdamerstrasse 199,
1000 Berlin 30,
WEST GERMANY,

Telephone Number: (39) 30 216 8011
Facsimile Number : (39) 30 216 9144

Company constitutional details from schedule 10 hereto.

3. DIVISION 10 B.A. I.T.A. ELIGIBILITY CRITERIA

3.1 Gauge: 35 mm
Length: 2 hours and 40 minutes

3.2 Exhibition Intentions:

(a) **Australia:** to be distributed by Australian Production Entity;

(b) **Germany:** Road Movies Film Production G.m.b.h.

(c) **Rest of world:** Argos Films SA

3.3 No part of the film will be used or form part of promotion of any product or service;

3.4. The film will not be sponsored or commissioned by any business, institution, organisation or group in terms of division 10BA.

3.5 The film will not contain any record of a public event as contemplated pursuant to division 10BA.

4. SUBJECT OF THE FILM

4.1 Relevance to Australia

The subject is narrated in the synopsis attached as Schedule 1 hereto.

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Wim Wenders conceived of the idea for this film over eleven years ago, and has been refining the ideas since. The idea for the script crystalized upon Wim Wenders' first visit to Australia in 1977, and it has been his intention and hope to make the film in Australia ever since. Australia is not only central to the idea and formation of the script, it is fundamental to the look of the film and therefore an Australian writer is to be contracted to crystalize Mr Wender's idea and construct the script.

4.2 **Script.**

(a) Script is based on an original idea of Wim Wenders.

(b) Extended treatment is written by Wim Wenders.

(c) It is proposed that the script is to be written by an Australian writer in conjunction with Wim Wenders.

5. **OWNERS OF THE UNDERLYING RIGHTS IN RESPECT OF SOURCE MATERIAL;**

Argos Films S.A. and Road Movies Film Produktion G.m.b.h. Documentation attached in Schedule 8.

6. **LOCATION OF PRODUCTION**

The idea and story represent in part, a world view of the Director. The largest proportion of filming will take place in Australia, the remaineder being shared between 15 other countries. Refer to Schedule 4 for breakdown of territories.

7. **CAST LIST**

One lead is to be Australian, and 15 of the supporting roles shall be cast in Australia.

Cast List is attached as Schedule 3 hereto.

8. **KEY CREATIVE PERSONNEL LIST**

The following key creative personnel shall be Australian:

Script Writer
Production Designer
Production Manager
Sound Engineer
Music Composer (part of sound track)
Others to be advised

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10. SOURCE OF FUNDS:

10.1 Source of Funds: Indosuez Australia Ltd (Underwriter)

10.2 Country of origin of funds; Australia

10.3. Type of funding; 10BA investment, and proportion of non 10BA tax deductible contributions.

10.4 Amount of 10BA Investment = $17 million.
Non 10BA Contribution =: to be advised but not to exceed $A3 million.

11. BENEFICIAL OWNERS OF THE COPYRIGHT OF THE FILM:

Investors contributing pursuant to the Underwriting Agreement in accordance with Division 10BA of the Income Tax Assessment Act shall be beneficial owners of the copyright.

Recoupment position and equity splits after recoupment are to be advised.

12. CREATIVE CONTROL:

No entities except the co-production entities shall have rights with respect to script, cast, crew,music, edit, mix, budget items, copyright in the film or its exploitation.

Attachments and schedules forming part of this agreement are as follows:

1. SYNOPSIS/TREATMENT
2. BUDGET (including Australian budget)
3. CAST LIST
4. LOCATIONS
5. SHOOTING CREW IN AUSTRALIA
6. CURRICULUM VITAE OF KEY CREATIVE PERSONNEL
7. SHOOTING SCHEDULE
8. RIGHTS DOCUMENTATION
9. PRODUCTION COMPANY INFORMATION

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SIGNED FOR AND ON BEHALF OF

1. HATHRAB HOLDINGS PTY LIMTED
By Julia Overton - Production Manager

.....

2. ARGOS FILMS S.A.
By Didier Villatte - Attorney

Argos Films S.A.
4, rue Edouard Nortier
92200 NEUILLY-S/SEINE
Tél. : 47 22 91 28
.....
SIRET : 602 030 629 00013

3. ROAD MOVIES FILMPRODUKTION G.m.b.h.
By Didier Villatte - Attorney

.....

SCHEDULE 1

CNC ARCHIVES: ACCESS AUTHORISED 2001

"UNTIL THE END OF THE WORLD"

A FILM

DIRECTED BY WIM WENDERS

SYNOPSIS

BY WIM WENDERS

BASED ON AN ORIGINAL IDEA

BY WIM WENDERS AND SOLVEIG DOMMARTIN

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UNTIL THE END OF THE WORLD is a love story set in the near future, around the turn of our century. It is also an adventure film and the ultimate road movie, as it goes once around the globe, crossing all 6 continents and altogether 17 countries. Its science fiction elements deal on the one hand with the changes that our civilization might have undergone 10 or 15 years from now, economically, sociologically, politically and ecologically, and on the other hand with quite an extraordinary "invention".

In order to explain what the latter is all about, we have to go back in time and follow the story that precedes ours and eventually leads to it. This older story, which is also a love story, started 50 years earlier, in Berlin, when a young and - in spite of his age - already renowned ophthamologist by the name of Dr. Heinrich Farber performed a cataract operation on Edith Eisner. The young woman had been almost blind since childhood and the operation was her only chance. It failed. Edith lost her eyesight completely, and forever. But she and her doctor fell in love and had to leave the country soon afterwards, because Edith was jewish. They married in Paris and after an odyssey via Marseille, Bilbao, Lisbon and Casablanca, on the run from German persecution, finally arrived in the United States.

In the fifties and sixties Farber became one of the World's leading experts in his field. But he never felt satisfied with his success. The only person he really wanted to endow with sight was his wife. So he began to dedicate his whole career to research and to the one idea that possessed him: to make a blind person see, by-passing the eye and introducing an electronically generated image into the brain's centre of vision. Farber became the head of a famous institute on the West Coast, and with the help of a crew of computer and video engineers, biochemists and neurologists, came close to his life's dream around the mid-nineties by producing the first rudimentary images in a blind person's brain, not yet much more than vague black and white shapes, but nevertheless a solid and promising beginning. Farber was worried, though: military and secret service agencies were watching his work closely. They were aware, as he was, that his whole procedure could eventually be reversed, and "internal images", memories or dreams, could then be extracted from the brain.

Worried about the ethical implications of his work and the consequences it would have if it were mishandled, Farber decided to finish his life's work undisturbed and under nobody else's control, especially as his only vital interest and ambition was to enable his wife to see the faces of her children and grandchildren. So he decided to leave the institute and disappear, taking with him only the closest and most dedicated of his collaborators plus all the crucial computer data and the most valuable special equipment. When the rest of the employees returned after a long Labour Day weekend, Farber and the hard core of the research personnel had vanished without a trace, and with them all the essential information.

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The move was carefully planned: they went to Central Australia, where Farber had been on previous visits and where he had friends among the Aboriginal community. They offered him shelter under the cover of an Aboriginal meteorological station that also served as the only TV and radio satellite relay station in the middle of the vast and relatively empty continent. Severe droughts in the early 1990's had driven away most of the white farmers and settlers, and all efforts to create tourist attractions in the "Red Centre" had also failed. The largest part of the outback belonged once again to the Aboriginals. There couldn't have been a safer place on earth and a better hide-out for Farber and his laboratory than this remote outpost in the Australian desert. Secret services were looking for him and his crew worldwide, but without success.

A couple of years later, towards the end of the 1990's and certainly close to the end of his and Edith's life, Farber has finally perfected his method. He can "do it" now. He can make a blind person see. A seeing person serves as a medium, as a sort of "cameraman". This person has to look at something through a specially developed three-dimensional camera, minimalized and portable like a helmet with some strange glasses built in. What the cameraman sees - the "objective image" - is recorded like a regular video image, in digital high-definition quality. This wouldn't be altogether extraordinary by 1998, if it wasn't for the other, the "subjective image", which is recorded at the same time. This other image is "the act of seeing", so to speak, which is being registered through the cameraman's brainwaves and recorded synchronously with the objective image on the same digital tape. The more intensely and emotionally involved the cameraman is when perceiving something, the clearer the second image becomes. The combined sources of information are fed into a blind person's brain, and according to the degree of intensity of the cameraman's vision the blind person will then "see" what somebody else has seen before, on his behalf. Of course, this whole procedure is still in a highly experimental stage, and most of the images "received" by the blind person are still blurred, some altogether "unreadable", but every now and then a clear image emerges, when the blind and the seeing person can communicate well.

Still, Farber finds himself in an almost tragic dilemma; he can finally make Edith see, but all he is able to show her is his own face, or that of her Aboriginal friend Sheila, or the desert landscape around, but none of what she really would like to see, her grandchildren or the places where they have lived together. They couldn't possibly consider travelling; not only are they too old now for such an effort, but they would also run the risk of being detected immediately. The same goes for all of Farber's assistants and collaborators. So close to his life's ambition, Farber sees its very aim no longer realizable.

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That's where Trevor Thompson comes in.

Trevor is a geologist, around 40 years old. He has been living and working in the opal fields of Southern Australia, near Coober Pedy, ever since the death of his wife and child in a plane crash a few years ago. The opal mining didn't mean anything to him, it was just a way to let time and pain go by, in solitude and far away from everything. But due to his geological knowledge and to his stubborn persistence he found a lot of the precious stones, enough to live on for a long time and to buy himself a small plane with which he started to explore the vast empty spaces and deserts of Central Australia, a paradise for a geologist. And one day he landed on the airstrip of the meteorological station that served as a cover for Farber's laboratory.

Trevor met the old man, and after several visits they became friends. They trusted each other, and in a strange way Trevor was Farber's only connection to the outside world. For Trevor too, Heinrich and Edith were the first people he had opened up to in a long time, and they became almost like parents to him. Trevor saw the strength of their lifelong love, and he eventually also understood their dilemma of being so close to their highest hopes and at the same time so far away. So Trevor volunteered for the job of the "cameraman". His "test-seeing" showed that his images were concentrated and profound, and that they were well "received" by Edith. One day early in 1998 he left Australia for a trip around the world to "see" for her all the people and all the places she hadn't been able to see in her lifetime. Trevor was travelling light and didn't carry much more in his bag than a strange helmet and an advanced tape recorder.

At the beginning of our film we don't know any of all this.. UNTIL THE END OF WORLD really starts as Margot's story and is seen from her point of view.

Margot, in the spring of 1998, is 27 years sold. She has done all sorts of jobs already. She has worked as a photographer, a Rock'n Roll singer and songwriter, a sculptor and a TV reporter. She has a degree in history. But she is fed up with all of it. She has just separated from Jerome, a writer and her boyfriend for seven years. She wanted to leave everything behind and start thinking about herself from scratch, so she left Paris and went to Italy. The trip turned out rather raunchy and wild. She didn't get to do much thinking, but she met a lot of people, never went to sleep before daybreak and had taken every drug in the book, and there were a few interesting new drugs around in 1998.

Anyway, she wakes up one morning from a bad dream, into a reality that seems even worse than her dreams, and this is where our film really starts. Margot decides to go back to Paris and do something reasonable, somehow, somewhere. A voice-over will accompany the film from the beginning, coming in every now and then. It will be a sympathetic male

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voice and in the course of the film we will come to accept it as the "narrator". We will only understand much later, towards the end of the film, where this voice comes from. It will be an important element of the film and will often help us to condense the storyline, fill us in about things we don't know or about characters, and most of all will help us to jump from one place to another - and we will go through a lot of places in the course of this movie.

On her way back to Paris, Margot meets Trevor who, at this moment, is in a lot of trouble. Ever since he saw Edith's sister in Nice he has been followed by a shady character and he tries to shake him off. Margot gives him a lift, mostly because she is too tired to go on driving. After a while Trevor takes over the wheel and Margot falls asleep. When she wakes up, they have almost arrived in Paris. They start a conversation that becomes very open and intimate, as between old friends. But it is interrupted all of a sudden, when Trevor stops the car and leaves Margot abruptly and without explanation. She is a little disturbed and somehow hurt.

At home Margot is confronted with Jerome who is happy to see her again. He is still very much in love with her, and all the more disappointed when she decides the next day to go to Berlin. From her conversation with Trevor she has reason to believe that this is where he wanted to go. She doesn't really feel she is trying to follow him, but she certainly feels like leaving Paris. So why not Berlin! In Berlin she actually runs into Trevor again, and is with him just long enough to realize that she has fallen in love with him. But not long enough to be able to tell him, because he is leaving her behind again like the first time. This gets her a little mad. She hires a detective, Philippe Winter, to help her track down Trevor again. And just as she is about to leave Berlin, Jerome shows up. He has decided to follow Margot, first of all because he is worried about her and secondly because he really needs to be close to her. His writing seems to go so much better when she is around. But Margot leaves Berlin without him.

This is the beginning of a rather crazed odyssey. Margot and Winter are following Trevor, and they are in turn followed by Jerome. And all of them seem constantly followed by this shady character who must be some sort of a secret agent. Anyway, Winter and Margot catch up with Trevor again, in Lisbon. But Trevor makes it clear to her this time that as much as he would like to like her, he would prefer to deeply mistrust her. He is convinced that she must belong to whatever organisation it is that is trying to follow him, and that she therefore represents a threat to his mission and the precious load of tapes he is carrying. This time he gets rid of Margot in a rather offensive way. Margot, when she realises that he is running away from her for reasons she does not know but which have nothing to do with her, is all the more compelled to keep following him.

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So the chase continues, zig-zag through Europe, from there to Moscow, to the North of China and from there to Japan. In between Margot travels with Jerome while Winter is following another lead. It is in Tokyo finally, that Margot finds Trevor again, on her own. Trevor is in very bad shape now. He has completely exhausted himself, not only from the compulsive travelling, but even more by overdoing the recording through Farber's glasses. He can't even open his eyes any more without suffering from terrible headaches. He is close to a breakdown when Margot finds him, just in time to save him before he is caught by his other pursuers. She takes him to a quiet place in the country and lets Jerome and Winter know that she doesn't need them any more. Is is in this old country hotel that Margot and Trevor spend their first time together and where their love story really begins. He starts to trust her. So she learns about Farber and his wife and about Trevor's mission. She even learns to use the recording equipment and she is the one who "sees" when they continue the journey together. Trevor's eyes have still not recovered, and he has to cross the United States like a blind man.

Meanwhile, Jerome and Winter haven't gone home at all, but keep following Margot and Trevor, as they have reason to believe that both of them are in great danger.

The journey of the chase goes on, through South America and finally to Australia. This is where for the first time all of our characters arrive at the same time. Trevor hopes to recover his plane to take him and Margot to the laboratory. Instead, they are really caught this time by the agents of the secret service organisation who hope that Trevor can lead them to Farber. Winter and Jerome, by now the best of friends, just arrive in time to save Trevor and Margot. It is a narrow escape and they are all being wounded in the course of it. They have to split up and try to get to the laboratory in separate ways.

On this journey to the desert the most haunting things happen. The sky turns red and it starts to snow. Some terrible catastrophe must have taken place on the planet. They all finally make it to the laboratory where everybody has already retreated into the underground dug-out system built into the mountains to protect themselves from the radiation fall-out that has started. There is no more communication with the world. All satellite, radio and TV connections are dead. They could just as well be the only survivors on earth, and the images that Edith is now beginning to see, from all the places to which Trevor and Margot have gone, all over the world, could very well by the only images left of the world, the last ones. But of course they are also Edith's first ones. It is an overwhelming experience for her, to see what she has never seen, and to fear that everything she is just seeing for the first time might already be extinguished forever. Edith dies of the experience and the pain involved. When they bury her, it is the first time they dare to step outside. But they will still have to stay a long time underground. Slowly they start picking

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up news again from all over the world. It seems that the destruction had not been as total and final as they had feared: some of the nuclear "star wars" weapons had gone out of control and had started fighting each other. But the damage had been done in the outer stratosphere and not on the ground. The consequences were still beyond all imagination and were to change the face of the planet forever. They received images of New York in a new ice age and of Scandinavia under a blazing heat wave. The oceans were rising. The seasons and the climate zones were completely out of balance.

Something in Heinrich died with his wife. He devotes the last months of his life into a frantic and almost mad activity: to actually reverse his method and to use his machinery so as to be the first to ever extract interior images, dream images, from a sleeping person's brain. His Aboriginal friends who had helped him so far and had been involved in his research and in his experiments realize what he is after and warn him. But he won't listen.

Only Trevor and Margot, understanding that this frenzy is Farber's way of coping with his wife's death, go along with it. They submit themselves to his "recordings" and spend night after night in the laboratory, wired to the machinery and the computers that tab their dreams. They look at them in the morning. And slowly they become completely involved in these experiments. This drives them to the edge of insanity. They are aware of the incredible danger and the risk that this means to their love. But they are also like addicts who can't shake their habit. Looking into each other's dreams becomes the ultimate threat, the acid test for their relation. It is Jerome, who is watching all this with more and more concern, who finally "kidnaps" Margot and takes her away from the laboratory to save her, for her own sake as well as for her love for Trevor. He keeps her as a prisoner, in an abandoned train station until she has come to her senses again.

Jerome is writing a new book by now: it is about what happened to Margot and all of them since she met Trevor 2 years ago. (Yes, we are already in the year 2000, and the first of January of the new century has just been another day underground). And now we finally understand where the voice-over was coming from - the voice-over that has accompanied us all through the film: it is Jerome's word processor reading the story and repeating everything that he is typing in, in that sympathetic voice that we came to accept as the "narrator".

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The only chapter left in Jerome's book, the epilogue and certainly a happy ending as far as Margot's and Trevor's story is concerned, will remain untold in this synopsis. I feel reluctant to give it away in this form. Already our whole story seems so flat, reduced to its plot and abstracted from everything that you will only be able to SEE. And as the film is really ABOUT SEEING and about how seeing and loving are related, I hope you understand if I insist that its ending remains in the realm of seeing. And loving.

WIM WENDERS

9th May, 1985

SCHEDULE 3

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UNTIL THE END OF THE WORLD

CAST LIST

PRINCIPAL ROLES

Margot	Solveig Dommartin (French)
Trevor	(American)
Jerome	Jacques Dutronc (French)
Philip Winter	(Australian)

FEATURED ROLES -

No casting decisions have been made.

SUPPORTING ROLES

15 supporting roles for approximately 80 actor days will be cast from within Australia.

EXTRAS

One thousand extra days will be cast from within Australia.

05. 88 05:42 AM *SEBEL HOTEL 3563791 P02
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A Capri une propriété Cuba

DOCUMENT NE FAISANT PAS PARTIE DU DOSSIER HARMON ET UNIQUEMENT DESTINÉ A PASCALE NAUMAN

the Regent SYDNEY

4804 6945

9343 2688

Note relative à d'éventuels problèmes d'interprétation de l'accord franco-australien du 15 mai 1988

les dirigeants de l'Australian Film Commission insistent pour l'application d'un seuil minimum de 40% pour la contribution artistique et technique australienne, même dans le cas d'une coproduction tripartite. L'article 4 du traité ~~me~~ paraît au contraire rattacher cette exigence australienne au seul cas d'une coproduction bilatérale avec la France, et l'article 5, relatif aux situations multilatérales, laisse une liberté nécessaire pour rechercher des équilibres qui ne soient pas uniquement fondés sur le "minimum australien" en l'absence de toute autre considération. Une conception aussi rigide compromet sérieusement l'équilibre qui doit être raisonnablement maintenu en faveur des contributions respectives de l'Allemagne et de la France.

L'administration australienne entend également apprécier l'importance des contributions artistiques et techniques, d'une façon purement mathématique en excluant des postes tels que celui de l'ingénieur du son et du chef costumier, ainsi que tous les autres postes artistiques et techniques jugés par eux indignes de considération. Ce procédé discriminatoire, qui exclut toute recherche d'un équilibre global, n'est pas compatible avec les usages professionels admis en Europe, et il conduit à une situation des plus artificielles reposant sur des calculs de pourcentages nécessairement divergents entre l'Australie et ses partenaires européens. ~~Il me semble que~~ la nature même d'un traité de coproduction ne ~~devrait pas~~ permet à l'Australie d'ignorer totalement la conception de ses partenaires sur l'équilibre de la création artistique et technique, et ~~que~~ la solution de conflits éventuels ~~doit~~ reposer sur des concessions mutuelles, à défaut de vues absolument communes qui seraient pourtant éminemment souhaitables pour la correcte application d'un accord international. devrait

Enfin, l'administration australienne entend apprécier l'importance de la contribution financière de la partie australienne par un calcul qui ne prend pas en considération le rapport existant entre les sommes effectivement engagées par les coproducteurs étrangers et le montant total du cout de production. Cette interprétation s'éloigne de la logique des relations financières entre les coproducteurs eux-mêmes. Elle vise seulement à déprécier l'importance des investissements effectués par les coproducteurs étrangers en imposant une sorte d'abattement prétendûment justifié par l'avantage retiré du système des tax shelters. A cette première penalité s'en ajoute une seconde qui est de refuser, contrairement à la clause expresse de l'article 4 du traité, toute possibilité de dérogation en ce qui concerne l'absence d'égalité rigoureuse entre les contributions artistiques et les contributions financières.

CNC

Centre National de la Cinématographie

65/123

CNC ARCHIVES: ACCESS AUTHORISED 2001

Paris, le 10.6.88

Le Directeur Général

Monsieur Kim WILLIAMS
Directeur de
l'AUSTRALIAN FILM COMMISSION
8, West Street North Sydney
Box 3984 GPO
SYDNEY NSW 2001

Monsieur le Directeur,

La société ARGOS m'a fait part de son intention de produire le film **"JUSQU'AU BOUT DU MONDE"** que doit réaliser M. Wim Wenders. Elle sollicite l'admission de ce projet au bénéfice des accords de coproduction liant la France à l'Allemagne, d'une part, et à l'Australie, d'autre part.

Elle m'a remis à cet effet un dossier comportant notamment le budget du film et la répartition des différents postes artistiques et techniques entre les trois coproducteurs.

Je tiens, tout d'abord, à vous faire part du soutien particulier que le Centre national cinématographie apporte à ce projet, qui est une entreprise très ambitieuse en termes de création artistique et qui nous paraît, par ailleurs, s'inscrire parfaitement dans le cadre des coproductions internationales que nous souhaitons promouvoir.

Dans ce cas très précis c'est tout naturellement que la France, l'Allemagne et l'Australie s'engagent ensemble sur un projet appelant véritablement de chacun des partenaires une contribution artistique et financière effective. Le contenu créatif australien est essentiel : ce film est en effet co-écrit par Wim WENDERS et Peter CAREY, scénariste australien de grand renom, une grande partie du tournage doit avoir lieu, de par le sujet même, en Australie, globalement plus de 45 % des postes clés de l'équipe technique ainsi que des rôles principaux et secondaires sont occupés par des ressortissants australiens.

C'est pourquoi ce dossier m'apparaît tout à fait conforme à l'esprit et à la lettre du traité qui nous lie à l'Australie. L'équilibre entre les apports financiers et les prestations techniques et artistiques de chacun des coproducteurs est satisfaisant, et l'Australie ne peut, me semble-t-il, que se féliciter de la part importante qui lui a été réservée.

../..

Ministère de la Culture
Centre National de la Cinématographie
12, rue de Lübeck
75784 Paris Cedex 16
Tél : 45 05 14 40

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En conséquence les pourcentages de coproduction que m'indique le coproducteur français, soit 50 % pour la France, 20 % pour l'Allemage et 30 % pour l'Australie, recueillent mon complet accord.

L'accord franco-australien distingue, en effet, les coproductions bipartites -où le pourcentage minimum de coproduction du côté australien est fixé à 40 %- des coproductions tripartites pour lesquelles aucun pourcentage minimum n'est imposé. Il convient donc de prendre en considération avec pragmatisme les politiques respectives de coproduction de l'Australian Film Commission et du Centre national de la cinématographie ; s'agissant des coproductions tripartites le Centre national de la cinématographie fait toujours preuve de la plus grande souplesse dès lors que l'importance du budget et la réalité des apports techniques et artistiques de chacun des partenaires sont clairement établies. Tel est à l'évidence le cas du projet **"JUSQU'AU BOUT DU MONDE"**.

Le producteur français me fait savoir que l'Australian Film Commission doit prendre sa décision avant la fin du mois de juin afin que le projet puisse bénéficier d'un investissement au titre des "tax-shelters".

Je souhaite vivement que l'Australian Film Commission accorde un avis favorable au producteur australien car je me réjouirais que les coproductions entre la France et l'Australie débutent par cette entreprise qui me paraît, je vous le redis, à la fois exceptionnelle et exemplaire.

Je vous prie d'agréer, Monsieur le Directeur, l'expression de mes sentiments les meilleurs.

Jérôme CLEMENT

Australian Film Commission 8 West Street, North Sydney. Box 3984 G.P.O. Sydney, NSW 2001. Telephone (02) 925 7333 Telex 25157

Dir. Gale 449. 65/125

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From the Office of the Chief Executive

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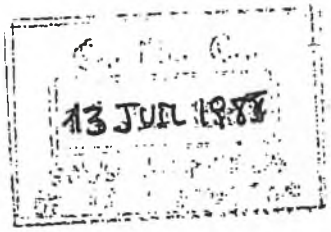
40

28 June 1988



Jerome Clement,
Director,
Centre National
de la Cinematographie
Paris 75784
FRANCE

Dear M. Clement,

I was most concerned to receive your letter of 24 June regarding the proposed co-production, UNTIL THE END OF THE WORLD.

Obviously, as you say, there have been misunderstandings and I apologise if I have not explained to you in enough detail the reasons for our decision. I would be happy to do so now.

Firstly, however, I should like to explain to you a little of the background of the co-production program within the context of film financing in Australia.

The taxation incentive scheme for film production in Australia (known as IOBA) has been among the most generous in the world. It came about after extensive pressure from the industry over a ten year period. The Australian film industry, which had been as productive as Hollywood in the earlier years of this century, had completely ground to a halt during the Second World War. Almost no truly Australian films were made from 1945 until 1971 and since then much pressure has been put on Governments to realise the importance of providing assistance for a continuing local film industry.

Unlike Europe, the Australian film industry is unfamiliar with the concept of official co-production having had little experience with it (the co-production arrangement which we signed in France in 1986 was the first arrangement of its kind in the Australian industry's history). It is therefore understandable that the Government, the industry professionals and the unions and associations feel it is necessary to be protective of our young industry and of the limited finance available for its ongoing operation.

Australian Film Commission

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This does not mean that the industry is unduly resistant or unreasonable about co-production but it has meant that co-production has only been possible because of negotiation and co-operation between all the different sections of the Australian industry.

In fact, our track record in a short time has been successful and the experience, so far, congenial. We have mounted a telemovie co-production with Channel 4 in the UK and a miniseries with the BBC. A feature film has been made in collaboration with New Zealand and a low budget feature film is being funded entirely from Berlin and Australian Government film sources. Some of these films have had foreign directors, some foreign writers, they have all had shared cast and crew, but in all cases the AFC and the Industry Advisory Panel, have been confident that there has been real and substantial Australian creative content.

In each case, these co-productions were made under arrangements similar to the arrangement between AFC and CNC. The guidelines set down for the operation of the Australian Film Commission's co-production program and the agreements with the industry unions and associations have been formulated so that there is no conflict with the co-production arrangements we have negotiated with international counterparts.

The rules and guidelines which were used to assess the project are printed and have been available to the applicants of UNTIL THE END OF THE WORLD from the time that we first became aware that they wished to make application for co-production approval.

Under these guidelines the AFC takes into consideration the principal creative roles of producer, director, writer, director of photography, editor, production designer, composer and four principal artists. If more than one person shares these key creative roles then it is possible for points to be allocated accordingly. In each case the Advisory Panel and the Australian Film Commission endeavour to allocate points to reflect a real indication of the creative control exercised by each party.

In the case of UNTIL THE END OF THE WORLD the Australian creative components were calculated as writer 1/2 point; producer 1 point; production designer 1 point; composer 1/2 point; main role 1 point, giving the Australian creative elements (4 out of 13 points) as 31%.

Since the whole budget of $17 million Australian was to be raised under the Australian taxation incentive scheme, but taking into account the distribution advance available to Australian investors from the European co-producers, it was determined that the Australian financial contribution was over 55%. This discrepancy and the low level of Australian creative contribution rendered the project ineligible as the fundamental criteria for the program specify a minimum Australian creative participation level in the specified categories of 40% and require that financial and creative participation must be in equilibrium.

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Although the production locations and the nationality of other cast and crew are taken into consideration when assessing co-production approval they are not the essential elements that are used to determine basic eligibility.

I must emphasise to you, M Clement, that our procedures are not a mystery, nor are they inconsistent. The point system categories are listed in our co-production guidelines and have been explained repeatedly to the applicants.

They are the same criteria which have been used to assess all previous co-production applications and have been found to be quite consistent with the co-production arrangements which we have negotiated with other overseas authorities.

It is also inaccurate to suggest that the AFC has not been pragmatic or flexible as regards co-production approvals. We understand that co-productions are difficult to mount and that it is not always possible to have calculations correct to the decimal point when dealing with creative control of film projects.

However, our first priority is, unashamedly, to the Australian film industry as, I am sure yours is to the French. The industry in Australia has battled to establish itself and it understandably wishes to see that the limited financial resources available to it are expended on projects which are Australian, or have a fair share of Australian creative input.

In the case of Wim Wender's 'Until The End of the World' - a project with a foreign writer, producer, director, cinemographer, editor, three lead cast and an international music score; with less than one third of the 'shoot' in Australia, and no post-production to be carried out here - it was determined that it would not be equitable for the film to access $17 million under the Austraian Government taxation incentive scheme for local film production.

We have now assessed this project several times, each time giving the applicants an opportunity to present comprehensive information. Each time we have reviewed the proposal thoroughly and fairly and each time have found that the project did not meet out stated guidelines for eligibility. I add that each time the creative and financial components, as presented by the applicants, where unchanged.

My staff and I have offered advice and allocated considerable time to the applicants, setting up meetings and making special arrangements to expedite assessments.

To approve this project, as it is now presented, would be to blatantly ignore our own guidelines, to completly disregard the industry panel's recommendation and to leave previous adverse decisions open to dispute.

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I am indeed sorry to hear that you feel the rejection of this one project will prove damaging to relations between the CNC and the AFC since I have always envisaged that both bodies would have the right to make approval decisions ("on a case-by-case basis having regard to our respective policies") without pressure or prejudice from the other body. This is certainly consistent with the arrangement agreed between our two bodies and in line with Article 5 of that Memorandum of Understanding.

Yours sincerely,

KIM WILLIAMS

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ARGOS FILMS

4, RUE ÉDOUARD NORTIER - 92200 NEUILLY-SUR-SEINE
TÉLÉPHONE (1) 47 22 91 26

TELEX 612 018 F
FAX 46 40 02 05

C. N. C.
15. DEC. 1988
SOUS DIRECTION DE LA PRODUCTION

le 12 décembre 1988

CENTRE NATIONAL DE LA CINEMATOGRAPHIE
Direction de la Production - Service du long métrage
12 rue de Lübeck
75116 PARIS

A l'attention de Madame Peyrefitte

Film : Jusqu'au Bout du Monde de Wim Wenders
RPC n° 65125

Monsieur le Directeur général,

A la suite de votre demande, nous vous indiquons ci-dessous le nombre de cachets prévus pour les rôles principaux de notre film soit :

3 comédiens français	:	221 cachets
3 comédiens étrangers	:	159 cachets

Veuillez recevoir, Monsieur le Directeur, l'assurance de notre parfaite considération.

Le Président-Directeur Général
Anatole DAUMAN

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ARGOS FILMS

4, RUE ÉDOUARD NORTIER - 92200 NEUILLY-SUR-SEINE
TÉLÉPHONE (1) 47 22 91 26

TELEX 612 018 F
FAX 46 40 02 05

C. N. C.
- 9. DEC. 1988
SOUS DIRECTION
DE LA PRODUCTION

FILM : JUSQU'AU BOUT DU MONDE

****

DE WIM WENDERS

- SYNOPSIS
- DEVIS PROVISOIRE
- FICHE TECHNIQUE
- FICHE ARTISTIQUE
- LIEUX DES EXTERIEURS ET DES DECORS NATURELS
- PLAN DE FINANCEMENT

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CONFIDENTIEL

JUSQU'AU BOUT DU MONDE

synopsis

Situé dans un proche avenir, dans une dizaine ou une quinzaine d'années, au tournant du siècle et donc à l'aube du prochain millènaire, JUSQU'AU BOUT DU MONDE est un film de science-fiction. Il se déroule essentiellement au coeur de l'Australie, en plein territoire aborigène, dans une station de radio-télévision régionale, exclusivement gérée par des Aborigènes pour arroser les communautés aborigènes à travers l'ensemble du territoire australien. (Le gouvernement australien a instauré divers programmes de développement , de participation et, somme toute, d'intégration culturels des

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Aborigènes; la gestion autonome de cette station représente l'extrapolation futuriste de telles institutions.) Toutefois, cette station ne se trouve pas en ville, mais en une région partaitement isolée de l'intérieur du pays. Ingénieurs, journalistes, techniciens, opérateurs, et personnel administratif résidant et travaillent sur place sont pour la plupart aborigènes. A quelques kilomètres de là, se trouve d'ailleurs une communauté aborigène tout aussi isolée du reste du pays que les employés de la station.

C'est dans cette station de radio qu'ont trouvé refuge les principaux personnages de l'histoire, le Dr Farber, qui est chercheur, et sa femme Edith. Tous deux ont plus de soixante dix ans. II est nécessaire de remonter dans le temps et dans l'histoire de ce vieux couple pour éclairer l'intrigue.

Né en Australie dans les années trente, Farber y devint d'abord ophtalmologue; puis, alors qu'il était encore assez jeune, une sommité dans le domaine de la chirurgie oculaire. C'est ainsi qu'il rencontra en Edith, une jeune patiente, aveugle de naissance, celle qui allait devenir sa femme. Lorsqu'à l'âge de vingt et un ans, Edith décida de son propre chef de se faire opérer de la cataracte, l'opération fut un échec. Farber, qui n'avait pourtant aucune négligence à se reprocher, fut bouleversé par cet échec. Edith, en revanche,

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prit la chose avec un calme stoïque. Farber tomba amoureux d'elle, et ils se marièrent dans l'année qui suivit. Entre la fin des années cinquante et le début des années soixante, ils allèrent vivre dans les territoires du Nord de l'Australie, Edith travaillant comme anthropologue, tout en étudiant les langues aborigènes, et Farber restant ophtalmologue. Comme les plupart des patients de Farber étaient aborigènes, lui et sa femme nouèrent avec certains d'entre eux de longues et solides amitiés, surtout parmi les membres de la tribu dont le territoire allait accueillir la station de radio.

Vers la fin des années soixante, Farber retourna s'établir en ville, pour y mener des travaux de recherche. Le rêve de sa vie demeurait de permettre à sa femme de voir un jour. Toutefois, comme les yeux d'Edith étaient morts désormais, Farber aborda le problème sous un autre angle. Il envisagea de transmettre directement des images électroniques dans le siège de la vision du cerveau humain. Il fut le premier à envisager cette idée; et tandis que ses travaux avançaient, il fut un jour invité à se rendre dans une grande université américaine. Dans les années soixante-dix, Farber et sa femme émigrèrent donc aux Etats Unis.

Vers 1980, Farber se retrouva à la tête d'un institut entièrement voué à ses recherches, sur la côte ouest.

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Vers 1990, alors qu'il allait bientôt réaliser l'ambition de sa vie (implanter des images, des formes et des couleurs rudimentaires dans le cerveau d'un aveugle), Farber découvrit que sa découverte pourrait comporter un revers. Il comprit que diverses industries et certains services secrets ou organismes militaires s'intéressaient énormément à ses travaux. Sitôt qu'il sera possible d'implanter une image donnée dans un cerveau humain, il sera possible d'extraire du cerveau des images mémorisées ou oniriques. Farber mesura le danger.

Conscient que ses travaux pourraient être dénaturés, et redoutant de les voir tomber entre de mauvaises mains, Farber décide donc un beau jour de disparaître dans la nature. Lui même n'a pas poursuivi ses travaux par ambition ou par goût du lucre, mais dans le seul espoir de permettre à sa femme de voir les traits de leurs enfants et petits enfants. Après avoir longuement préparé leur coup, en 1994, Farber et ses proches collaborateurs mettent donc à profit un long week-end, pour déserter l'institut en emportant le fruit de leurs recherches, avec leurs dossiers et le matériel nécessaire à leur poursuite.

Une horde d'agents secrets et de spécialistes de l'espionnage industriel se jette alors à leurs trousses, mais

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sans retrouver trace d'eux. Farber et les siens semblent avoir disparu de la surface du globe ? Où sont-ils passés ?

Les Farber sont retournés sur les lieux même où ils avaient commencé à vivre et travailler ensemble, au coeur de l'Australie. Au fil des ans, ils étaient resté en contact avec les amis aborigènes qu'ils s'étaient faits dans la région. A présent à la tête de leur communauté, ces amis leur ont proposé de revenir s'installer dans la région, où ils vont trouver un refuge, une planque. Dans ces régions écartées, la station offre une couverture idéale; et Farber peut y reprendre ses travaux, dans un laboratoire creusé à flanc de montagne. Farber n'a entraîné avec lui qu'une poignée de proches et dévoués collaborateurs, et cette petite équipe s'est accrue de quelques scientifiques, informaticiens et techniciens vidéo aborigènes travaillant à la station. Le film commence vers 1998, alors que les travaux de Farber sont enfin couronnés de succès, et qu'il peut désormais montrer des images à un aveugle. Voici, grosso modo, en quoi consiste son invention :

Un non voyant doit recourir au truchement d'un voyant, qui lui sert de preneur de vues. Cet homme, ou cette femme doit tout d'abord visualiser un spectacle en chaussant des lunettes spéciales, sorte de caméra miniaturisée,

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enregistrant tout ce que voit celui qui les porte sur une bande vidéo perfectionnée, d'une parfaite définition. Ces lunettes s'intégrent à un casque permettant de capter avec une extrême précision les ondes émises par le cerveau du caméraman, lesquelles seront simultanément enregistrées sur la même bande vidéo. Cette bande permet donc de stocker indépendament, mais de façon synchrone, deux types d'informations : l'image dite objective (vue à travers les yeux du caméraman), et l'image dite subjective, la vision même, ou l'acte de voir, reflétée par les ondes cérébrales. Ces deux séries d'informations iront ensuite alimenter un énorme ordinateur chargé de les déchiffrer et de les traduire en impulsions électriques ensuite répercutées par lui dans l'esprit d'un aveugle. Suivant l'intensité, la rigueur, et la profondeur de l'implication consentie par le caméraman, un aveugle peut désormais voir une image plus ou moins nette. Plus le caméraman acceptera de s'impliquer dans l'effort de visualiser quelque chose pour autrui, de s'imprégner intensément d'une vision, et plus cette image apparaîtra nettement à l'oeil interne de l'aveugle.

En tout état de cause, Farber peut enfin faire voir à Edith des choses qu'elle n'a jamais vues de sa vie. Mais tous les lieux, tous les êtres chers (enfants, petits-enfants, amis...) qu'Edith désirerait réellement voir se trouvent au

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loin, trop loin et trop dispersés pour qu'elle puisse envisager de tels voyages à son âge. Du moins, sans danger d'être repérée. C'est donc le propre fils des Farber, Trevor, séparé depuis longtemps de ses parents, qui se propose pour opérer ces prises de vues à l'intention de sa mère. Il fait donc le tour du monde, avec le casque et tout l'équipement technique inventé par son père, afin de voir tous les êtres que sa mère aimerait voir. Dans cette folle équipée, Trevor croise une jeune femme, Margot, qui commence par le suivre et finit par se joindre à lui, car elle en est tombée amoureuse. C'est sur cette incroyable équipée fertile en rebondissements que s'ouvre le film. Il se centrera sur le retour de Trevor au labo, qui y revient avec Margot, chargé de prises de vues des quatre coins du monde.

Peu avant leur arrivée au labo, se produit une catastrophe nucléaire, affectant la stratosphère du continent australien. L'une des stations spatiales installées dans le cadre de la guerre des étoiles se trouve pulvérisée, et divers satellites détruits, par un canon laser ayant échappé à tout contrôle. Sur des milliers de kilomètres carrés, tous les circuits électromagnétiques existant au coeur de l'Australie sont atteints, toutes les machines tombent en panne, et la station radio-télé ne capte plus les moindres signaux émis par le reste du monde. Alors que les gens

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retranchés dans la station se trouvent totalement isolés, des précipitations légèrement radioactives viennent confirmer leurs pires angoisses. Dans leur isolement, ils doivent tâcher d'évaluer l'étendue de la catastrophe. Une guerre nucléaire aurait- elle balayé tous les habitants de la planète ? Seraient-ils les seuls survivants du désastre ? Tous les gens de la région cherchant un abri se replient alors sur le labo souterrain et bien aménagé de Farber, qui accueille également les membres de la communauté aborigène des environs.

Telle est la situation désespérée que découvrent Trevor et Margot en arrivant sur les lieux. Les images qu'ils ramènent d'Europe, d'Asie et d'Amérique pourraient bien être les dernières images d'un monde révolu. Que faire, sinon les visionner, espérer et surtout, les montrer à la personne pour qui elles ont été prises -- à Edith ? Edith, quant à elle, ne manifeste aucun empressement à les voir, redoutant même de tenter l'expérience; et sa meilleure amie, Maisie, une aveugle aborigène de son âge, tente même de l'en dissuader. Mais à deux doigts de réaliser le rève de sa vie, Farber ne veut rien entendre. Cèdant au désir d'un Farber bouillant de lui faire voir toutes ces choses, Edith consent donc à découvrir pour la première fois de sa vie des lieux et des gens qu'elle n'a jamais pu voir auparavant, à travers le

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monde. Cette intense et bouleversante expérience se poursuit des jours durant et Edith finit par en mourir.

Il y a désormais une centaine de personnes réfugiées dans le laboratoire souterrain et contraintes d'y vivre dans une intimité confinant à la promiscuité. Les Aborigènes, qui ont suivi de près les expérimentations de Farber, sont bouleversés par la mort d'Edith. De plus en plus de gens se demandent à quoi riment les travaux de Farber et commencent à douter de leur valeur. Lorsque tous refont surface et revoient le soleil pour mettre Edith en terre, Maisie prend la parole et accuse Farber de n'avoir songé qu'à satisfaire des ambitions personnelles et non à rendre service aux aveugles. Mais Farber, écrasé de désespoir, n'entend même pas ces reproches. Il se plonge comme un fou dans une nouvelle série d'expérimentations. Renonçant à implanter des images dans le cerveau, il va s'attacher à extraire des images du cerveau, par un processus inverse. Il va tenter de visualiser les rêves d'un dormeur. Ses collaborateurs se retournent peu à peu contre lui et commencent à déserter le laboratoire, tandis la radioactivité ambiante décroit en surface, et qu'il apparaît que la catastrophe serait moins étendue qu'on ne pouvait le craindre. Cependant, Farber poursuit ses expériences sur lui-même, ainsi que sur Trevor et Margot, qui seuls restent encore disposés à tenter

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l'expérience. Aucun des trois cobayes ne se rend compte que la machine à rêve crée peu à peu en eux une dangereuse accoutumance et une dépendance suicidaire. Farber lui-même perdra la vie au cours de l'une de ses expériences. Et ce sera Ernie, un biochimiste aborigène, jusqu'alors le plus proche et le plus dévoué de ses assistants, qui décidera de mettre un terme à ces recherches. Il détruit donc les ordinateurs de Farber avant d'emmener Trevor et Margot, tous deux endormis et bourrés de somnifères, en plein désert, jusqu'au moment où sa voiture tombe en panne de carburant. Quand Trevor et Margot reprennent conscience, ils doivent subir une douloureuse désintoxication. Mais à regagner la station, en une semaine de marche,ils retrouvent santé et équilibre, constamment revigorés par la beauté du paysage...

Voilà, en condensé, l'intrigue, nécessairement épurée. L'épisode de survie dans les profondeurs de la terre est fertile en rebondissements et en discussions sur l'intérêt des recherches de Farber, et le danger qu'il peut y avoir à violer les rêves d'un homme. Ce sont les Aborigènes qui finiront par convaincre les autres du caractère sacré et inviolable des images que chacun porte en soi. Mais comme il y a parmi eux beaucoup d'enfants, la vie qu'ils mènent dans les profondeurs de la terre n'a rien de triste. A défaut d'autre chose, tous ceux (blancs comme noirs) qui sont un peu

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musiciens, se réunissent pour jouer ensemble de toutes sortes d'instruments, et leur cohabitation forcée s'en trouve passablement allégée.

CNC ARCHIVES: ACCESS AUTHORISED 2001

FICHE TECHNIQUE

C. N. C.
- 9. DEC. 1988
SOUS DIRECTION
DE LA PRODUCTION

Titre du film : JUSQU'AU BOUT DU MONDE
Début de tournage : Prévu le 15 mai 1989
Fin de tournage :Prévu le 22 décembre 1989
Studio : Australie
Extérieurs et décors naturels : 15 pays
Producteur délégué : Argos Films - Paris
Co-producteurs : Argos Films/Paris - Road Movies/Berlin - Hathrab Holdings/Sydney

TECHNICIENS	NOMS	C.I.P.	OBSERVATIONS
Scénariste)			
Dialoguiste (	Peter CAREY		Australien
Adaptateur)	Wim WENDERS		Allemand
X Réalisateur	Wim Wenders		Allemand
X Conseiller technique			
X 1er assistant réalisateur	Claire DENIS	4 268	Française
2ème assistant réalisateur			Australien
X Script girl	Gaby MATTNER		Allemande
X Directeurs de production	(Bernard BOUIX	4 211	Français
	) Julia OVERTON		Australienne
X Régisseur général			Australien
Régisseur Adjoint			Australien
Administrateurs	(Fenella MAGUIRE		Française/australienne
	)		(double nationalité)
	(		Australienne
Secrétaires de production	(Jenny SCHEUBECK		Française
	)		Australienne
X Chef opérateur	Robby MULLER		Allemand
X Caméraman			Français
X 1er assistant opérateur			Australien
2ème assistant opérateur			Australien
Photographe			Australien
X Chef décorateur	Sally CAMPBELL		Australienne
X 1er assistant décorateur			Australien
2ème assistant décorateur			Australien
Régisseur d'extérieurs			Australien
Ensembliers	(		Australien
	)		Français
Accessoiristes meubles			Australiens
Accessoiristes plateau	Philippe HUBIN		Français

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Tapissier			
X Chef monteur	Peter PRZYGODDA		Allemand
X Assistant monteur			Allemand
X Chef maquilleur			Australien
Maquilleur adjoint			Australien
Coiffeurs ou coiffeuses			Australiens
Habilleuses			Françaises/Australiennes
Créateur de Costumes			Allemand
X Chef opérateur du son	Jean-Paul MUGEL	4 684	Français
X Assistants du son	Laurent POIRIER	5 111	Français
Musique			Australien
Divers			
Chef costumier			Australien
Producteurs exécutifs	(John MAYNARD		Australien
	) Marc MONNET	2 460	Français

(X) Ces techniciens doivent être titulaires de la carte d'identité professionnelle

le 8 décembre 1988
Le Président-Directeur Général

CNC ARCHIVES: ACCESS AUTHORISED 2001

C. N. C.
22. OCT. 1990
DIF... ON
DE LA ... CTION

LIEUX DES EXTERIEURS ET DES DECORS NATURELS

Film : Jusqu'au bout du monde

LIEUX (Ville, rue, emplacement précis...)	DATES DE TOURNAGE 1990
San Remo (Italie)	2 avril - 3 avril
Venise (Italie)	4 avril - 6 avril
Lozère (France)	7 avril - 14 avril
Paris (France)	16 avril - 26 avril
Lisbonne (Portugal)	27 avril - 7 mai
Berlin (Allemagne)	8 mai - 16 mai
San Francisco (USA)	17 mai - 25 mai
Hakone (Japon)	26 mai - 1er juin
Tokyo (Japon)	2 juin - 9 juin
Sydney (Australie)	10 juin - 13 juin
Coober Peddy (Australie)	14 juin - 19 juin
Oodnatta (australie)	20 juin - 21 juin
Marree (Australie)	22 juin - 24 juin
Alice Spring (Australie)	25 juin - 20 juillet
-studio- Brisbane (Australie)	21 juillet - 7 août
Brisbane	08 août - 09 août
Kunumarra (Australie)	10 août - 16 août
Sydney (australie)	17 août

SIGNATURE DU DIRECTEUR DE PRODUCTION

Fait le 9 juillet 1990

M. Monnet

CNC ARCHIVES: ACCESS AUTHORISED 2001

FICHE ARTISTIQUE

Titre du film : JUSQU'AU BOUT DU MONDE
Producteur délégué : Argos Films - Paris
Co-producteurs : Argos Films/Paris - Road Movies/Berlin - Hathrab Holdings/Sydney

Noms et Prénoms	Rôles Interprétés	Adresses	Nationa
Solveig DOMMARTIN	Margot		française
Jacques DUTRONC	Jérôme		française
	Trévor		non désigné
Rüdiger VOGLER	Winter		allemande
	Burt		australienn
Dominique ROJO	Chico		française

C. N. C.
- 9. DEC. 1988
SOUS DIRECTION
DE LA PRODUCTION

le 8 décembre 1988
Le Président-Directeur Général

CNC ARCHIVES: ACCESS AUTHORISED 2001

C. N. C.
22. OCT. 1990
DIRECTION
DE LA PRODUCTION

FICHE ARTISTIQUE

Titre du film : Jusqu'au bout du Monde
Producteur délégué : Argos Films - Paris
Co-producteurs : Argos Films/paris - Road Movies/Berlin - Village Roadshow Picture/Melbourne

Noms et Prénoms	Rôles Interprétés	Adresses	Nationalités
Solveig Dommartin	Claire	97 c	Française
William Hurt	Trevor/Sam	69 c	Américain
Sam Neill	Eugène	55 c	Australien
Rüdiger Vogler	Winter	48 c.	Allemand
Eddy Mitchell	Raymond		Français
Chick Ortega	Chico	51 c.	Français
Ernie Dingo	Burt		Australien
Max Von Sydow	Farber	24 c.	~~Américain~~
Jeanne Moreau	Edith	29 c.	Française

SIGNATURE DU DIRECTEUR DE PRODUCTION

Fait, le 9 juillet 1990

Marc Monnet

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CNC
Centre National de la Cinématographie

Paris, le 13 FEV

Direction de la Production
de la Distribution
et des Relations Extérieures

N O T E à l'attention de

Monsieur WALLON
Directeur général

Service du long métrage

Objet : votre rendez-vous du 15.02.90 avec Maître ATTAL
au sujet du film de W. Wenders JUSQU'AU BOUT DU MONDE

1/ Ce film a reçu l'agrément d'investissement le 06.01.1989 sur la base d'un devis de 85 MF, dans le cadre d'une coproduction tripartite France 50 % - Allemagne 20 % - Australie 30 %.

A l'époque, la fiche artistique faisait apparaître :

- 3 rôle français : Solveig Dommartin) soit
Jacques Dutronc) 221
Dominique Rojo) cachets

- 1 rôle allemand : Rudiger Vogler)
- 1 rôle australien) soit 159 cachets
- et un rôle pour un "acteur étranger" non déterminé)

La version originale était anglaise.

La fiche technique comportait :

- 5 techniciens français : 1er assistant réalisateur
directeur de production
caméraman
ingénieur du son + assistant

- 5 techniciens allemands : réalisateur
scripte
chef opérateur
chef monteur + assistant

Ministère de la Culture, de la Communication,
des Grands Travaux et du Bicentenaire
12, rue de Lübeck 75784 Paris Cedex 16
Tél. 45 05 14 40 - Télex : 650306 - Télécopie : 47 55 04 91

../..

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- 4 techniciens australiens : chef décorateur
  1er assistant déco.
  directeur de production
  chef maquilleur.

+ musique
+ un scénariste

Le financement de la part française de 47,70 MF (dont 19 MF dépensés au profit de Français) était entièrement assuré par ARGOS (à-valoir vente étranger, minimum garanti distributeur et investissement de soutien).

La société de W. WENDERS -Road Movies- apportait 11,90 MF et la société australienne Hathrab Holdings 25,50 MF.

L'A.F.C. ayant refusé la coproduction, le financement australien (qui provenait pour la plus grande partie d'un "tax shelter") est tombé et le tournage du film a dû être repoussé.

2- Aujourd'hui ARGOS reprend la production du film dont le tournage devrait débuter en avril.

Le devis sera compris entre 105 et 110 MF.

Le financement du film est couvert par ARGOS FILMS qui investira 34 MF, Road Movies dont la part de coproduction serait portée à 30 % (apport de 12 MF) et une société australienne : Village Roadshow (société propriétaire des studios de Brisbane dans lesquels se fera une partie du tournage) qui aurait 20 % du film (apport d'environ 18 MF).
Le contrat de coproduction avec l'Australie n'est pas encore signé mais l'A.F.C. nous a déjà fait savoir qu'a priori elle ne s'opposerait pas à la coproduction.

Le solde du financement, soit environ 46 MF, sera assuré par Transpacific Films Distributors avec qui Argos et Roadshow ont contracté le 17.11.1989. Cette société, établie à Londres, est animée par Jonathan Taplin, banquier texan, qui a réuni en son sein des financiers japonais et la banque néerlandaise Pierson, Heldring & Pierson.

Le contenu allemand du film est inchangé (5 techniciens et un acteur allemand pour 48 cachets).

../..

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Le contenu australien est loin d'être négligeable pour une part de 20 % : deux acteurs (92 cachets), plusieurs techniciens, un scénariste , la musique et bien entendu une grande partie du tournage en Australie.

La part française reste à 50 % et le contenu français du point de vue technique est ~~inchangé~~ (6 techniciens, c'est-à-dire 40 % de l'équipe technique).

La participation artistique française a diminué : 182 cachets au lieu de 221. En effet, Jacques Dutronc ne fera pas le film. Solveig Dommartin conserve le grand rôle féminin (97 cachets). A ses côtés, joueront Jeanne Moreau (29 cachets) et Chick Ortega (51 cachet).

L'"acteur étranger" non choisi lors de l'examen du dossier par la commission d'agrément fin 1988 est ... américain. Il s'agit de William HURT qui tiendra le grand rôle masculin (69 cachets).

Au total, les rôles "étrangers" représentent 209 cachets, soit 53 % de la distribution du film.

A. DAUMAN souhaite vivement que la commission d'agrément n'ait pas à réexaminer le dossier. Mais étant donné les modifications importantes intervenues dans le budget du film, son financement, les pourcentages de coproduction entre les différents partenaires étrangers, (sans parler du changement de partenaire australien), et la distribution du film (il n'y avait pas, officiellement du moins, d'acteur américain et un plus grand nombre de cachets français qu'aujourd'hui), cela me semble impossible.
Il risque évidemment un abattement du fait de la présence d'un acteur US dans un grand rôle.

3/ Je crois savoir qu'il existe un différent entre A. DAUMAN et W. WENDERS qui porterait notamment sur ses contrats d'auteur et de réalisateur. Je pense que c'est pour cela - entre autres - que l'avocat de W. WENDERS, M° Yves ATTAL a demandé à vous rencontrer.

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M° ATTAL s'inquiète également du financement du film et de l'augmentation de la part allemande qui passerait de 20 à 30 % sur un budget par ailleurs en forte hausse (85 MF → 110 MF) ce qui risque de poser des problèmes à la société de W. WENDERS.

Je n'en sais pas plus.

I. PEYREFITTE

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Trans-Pacific Prods, headed by Jon Taplin, who did a stint at Merrill Lynch as an investment banker, has put together a combination of three Japanese investors (Central Kousan Ltd., Dentsu, and Mitsubishi) and Amsterdam bank Pierson, Heldring & Pierson to fund several new films. The first, entitled "Until The End Of The World," will be directed by Wim Wenders, with a $19-million budget.

Taplin expects to presell the rights outside North and South America through Guy East of Majestic Films in London. In North America, Taplin plans to negotiate for distribution picture by picture. Taplin sees the majors as "needing independents, not only to lower production budgets, but because the inefficiencies of the studio development process make it impossible for them to produce 20 films a year."

VARIETY
24.01.90

CNC
Centre National de la Cinématographie

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Paris, le

Direction de la Production
de la Distribution
et des Relations Extérieures

Monsieur Peter SAINSBURY
AUSTRALIAN FILM COMMISSION
8 west street
NORTH SYDNEY N.S.W. 2060
AUSTRALIE

Service du long métrage

Films : - **JUSQU'AU BOUT DU MONDE**

- **THE FAVOUR, THE WATCH AND THE VERY BIG FISH**

Cher Monsieur Sainsbury,

Merci pour votre gentille lettre du 28 mars 1990. Je me réjouis de la perspective d'une prochaine rencontre à Cannes où nous pourrons continer la discussion entreprise à Paris. (Je serai à l'hotel Gray d'Albion.)
En attendant, j'ai le plaisir de vous annoncer que dans sa réunion du 28 mars, la commission d'agrément a réexaminé le dossier du film **"JUSQU'AU BOUT DU MONDE"** que Wim Wenders entreprend au mois d'avril dans le cadre d'une coproduction tripartite France 50 %, Allemagne 30 % et Australie 20 %.
Elle a émis un avis favorable à cette coproduction dont le contenu technique et artistique lui a paru équilibré. Dès que le producteur français m'aura fourni les quelques documents qui manquent encore, je vous ferai parvenir le dossier complet du film en même temps que notre proposition officielle confirmant cet avis.

Pour ce qui est du projet **"THE FAVOUR, THE WATCH AND THE VERY BIG FISH"**, le coproducteur français ne m'a pas encore soumis de dossier et n'a pas à ce jour, à ma connaissance, signé de contrat avec un coproducteur australien. Je vous tiendrai bien sûr informé des suites de ce dossier.

Je vous prie de croire, cher Monsieur Sainsbury, à l'expression de mes sentiments les meilleurs.

LE DIRECTEUR
de la Production,
de la Distribution
et des Relations Extérieures
Yves MARMION

CENTRE NATIONAL DE LA CINÉMATOGRAPHIE

Ministère de la Culture, de la Communication,
des Grands Travaux et du Bicentenaire
12, rue de Lübeck 75784 Paris Cedex 16
Tél. 45 05 14 40 - Télex : 650306 - Télécopie : 47 55 04 91

APPENDIX G5

Documents from CNC Archives

Green Card

CNC ARCHIVES: ACCESS AUTHORISED 2001

GREENCARD PRODUCTIONS PTY LIMITED

C/- P Thompson
12th Floor
55 Hunter Street
SYDNEY NSW 2000

Ph: 221-2744
Fax: 221-4960

11 January 1990

Mr Peter Sainsbury
Australian Film Commission
8 West Street
NORTH SYDNEY NSW 2060

Dear Peter,

Further to our recent discussions, I now wish to seek official co-production status for my forthcoming film, Greencard, and would be grateful if you would call your advisory panel together and discuss the application at your earliest opportunity. We believe we have financed and structured the production as an Australian/French co-production with Australia as the majority partner.

The film is an important one for me, the first I will write, produce and direct. The greater creative control that these joint roles afford will be a welcome relief after working for so long on American studio based films.

I have established an Australian company "Greencard Productions Pty Limited" (which is wholly owned by me) to acquire all the rights and services to make the film. Accordingly, Greencard Productions Pty Limited is the Australian applicant for co-production status.

Greencard Productions Pty Limited offers the following information for your consideration:

1. CREATIVE PERSONNEL

		Nationality
Producers	Peter Weir	Australia
Director	Peter Weir	Australia
Writer	Peter Weir	Australia
Director of Photography	Geoff Simpson	Australia

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Editor	William Anderson	Australia
Composer	T.B.A.	Unknown
Production Designer	Wendy Weir	Australia
2 x Lead Cast	Gerard Depardieu Andie MacDowell	France USA

A biography of Andie MacDowell is attached. Her most recent starring role was in the hugely successful "sex, lies and videotape".

Production personnel will include:

Sound Recordist	Pierre Gamet	French
Asst. Sound Recordist	Bernard Chaumeil	French.

While it is usual for you to allocate two "creative points" to the major support cast, in Greencard it is submitted that there are no major supporting cast. The film is a bare two hander, written specifically for Gerard Depardieu and Andie MacDowell. All the other speaking roles are "dayplayer" roles. Given this, perhaps the creative points could be totalled to form a pool of eight, rather than ten, making the percentage of key creative personnel 62.5% Australian.

2. SCRIPT

The script Greencard has been written by Peter Weir from his own original idea. A copy of the script is on file at the Commission. A synopsis (from the press kit) is:

> "Greencard is a romantic comedy about an unlikely marriage of convenience. GEORGE (Depardieu) is a French citizen, a composer who needs to marry an American in order to get a Greencard, his passport to continued work and residency in the U.S.A.
>
> [illegible] (MacDowell) is a passionate horticulturalist who needs to find a husband to satisfy the "married couples only" requirements of the rare garden apartment that she wants to rent. They've never met before but with the help of an encouraging mutual friend, they marry and part.
>
> And they could have lived happily ever after, apart, had it not been for the over zealous efforts of the U.S. Immigration Department...
>
> As with his previous films, in Greencard, Peter Weir explores the theme of alienation, using the story of GEORGE, the archetypal 'stranger-in-a-strange-land' to make a statement of great humour and compassion."

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3. SCHEDULE

The film has been partially pre-produced in Australia (during November/December '89), will be shot in New York and will be post-produced entirely in Australia.

The schedule is as follows:

Pre-Production	Sydney	commenced on or about Nov 15 for six weeks
Pre-Production	New York	commences on or about Jan 8 for ten weeks
Production	New York	commences on or about March 19 for ten weeks
Post Production	Sydney	commences on or about June 4 for twenty weeks
Delivery		On or about December 31 1990

4. AUSTRALIAN FINANCE TO BE EXPENDED IN AUSTRALIA

		Australian Dollars
Above the line	Director's fee	641,436
	Writer's fee	320,718
	Producer's fee	320,718
In Pre-Production	Production Management & Office	35,000
	Production Designer	33,000
	Airfares: G Depardieu Paris/Sydney	10,000
In Post-Production	Editing	558,080
	Post Prod. Sound	433,970
	Film & Lab.	264,887
	Titles	32,071
	Contingency	53,740
	Legals	64,143
	Production Designer	50,386
Total Australian Finance expended in Australia		$2,818,149

The editor, William Anderson, has chosen to work at SPECTRUM in Willoughby, Sydney, with a team of three assistant editors, all Australian and Sydney based.

In Sound Post-Production, Peter Weir will be working with Phil Judd and Roger Savage as mixers. Roger Savage's SOUNDFIRM will be used for the mix, with a crew of eight Foley and FX editors working for a period of ten weeks to produce the final tracks.

Roger Savage and SOUNDFIRM are internationally respected (Roger mixed some of Return of the Jedi) and Peter Weir is delighted to be working with them again.

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Titles will be designed and made in Australia, using a local artist and Peter and Amanda Newton at Optical & Graphic in Crows Nest, Sydney.

5. FINANCIAL AND OWNERSHIP ARRANGEMENTS

On the basis that official co-production status is approved, the budget of $US12.5 million (including contingency and completion bond) will be obtained as follows:

(i) the French co-producer will provide $US3 million against all rights for France and French speaking territories, with Greencard Productions Pty Limited participating in post-recoupment French revenues.

(ii) Australian Film Finance Corporation Pty Limited ("AFFC") will be asked to provide up to $US3 million on terms yet to be negotiated.

(iii) Greencard Productions Pty Limited will provide $US6.5 million which it has obtained by way of loan from Lam Ping Limited against worldwide (excluding French and Australian) rights. Lam Ping Limited has negotiated $US6.5 million in present value from Pierson Heldring Pierson Limited, Amsterdam to be funded during production, using the security of the distribution guarantees from Disney totalling $US8 million (which will cover repayment of principal and interest).

Accordingly, Greencard Productions Pty Limited will control the production funds and the expenditure. A US subsidiary (wholly owned by Greencard Productions Pty Limited) has been established to provide the production services in the US and it will be responsible for controlling all US expenditures.

The intention therefor is that the film will be made as an Australian/French co-production with Australia having 76% majority ownership and control. When the film is made Greencard Productions Pty Limited will retain copyright for Australia (and New Zealand and various dependent territories) and also significant participation in all worldwide revenues.

As an approved co-production this structure will allow Australian and French residents (and in particular Peter Weir) to have much greater control over the form and content of the film than would be possible with a normal studio deal. In addition a co-production will leave all Australian distribution rights and profits in Australian hands as well as, if it is successful, returning significant revenues to Australia from overseas.

Furthermore, it is anticipated that most, if not all, the AFFC funds will be spent in Australia.

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6. THE CO-PRODUCTION COMPANIES

In Australia:

GREENCARD PRODUCTIONS PTY LIMITED
C/- Mr Peter Thompson
Tress Cocks & Maddox
12th Floor
55 Hunter Street
SYDNEY NSW 2000

In France:

Mr Jean Gontier
R.I.O., S.A.
25 Rue de la Republic
Avignon 84000
France

Please see the attached co-production deal memo between John Ptak, representing Greencard Productions Pty Limited, and Bruce Lilliston representing Gontier in which a number of minor matters are still to be finally negotiated but none of these relate to the financial or ownership matters between the co-producers. A copy of the latest draft will be provided as soon as it is available.

7. DISTRIBUTION

(a) Buena Vista/Walt Disney has acquired distribution rights throughout the world in all media, excluding Australia, New Zealand, France and those traditional language and media rights usually associated with those territories.

(b) Greencard Productions Pty Limited will hold distribution rights in Australia and New Zealand.

(c) The French Co-Producer will hold distribution rights in France and French speaking territories.

8. BUDGET

As attached. Please note that the budget is in US dollars. Figures quoted in the Australian expenditure paragraph of this letter have been converted to $A at the exchange rate of 1 December 1989.

I trust the information here is sufficient for your deliberations and look forward to hearing from you.

Yours sincerely,

PETER WEIR
GREENCARD PRODUCTIONS PTY LIMITED

PT152/VC

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Centre National de la Cinématographie

Paris, le 15 JAN. 1990

Direction de la Production
de la Distribution
et des Relations Extérieures

001054

Monsieur Peter SAINSBURY
AUSTRALIAN FILM COMMISSION
8 West Street
NORTH SYDNEY NSW2060

Service du long métrage

Cher Monsieur Sainsbury,

Je vous remercie pour votre lettre du 17 janvier que j'ai bien reçue.
Mme Peyrefitte, qui travaille toujours au Centre national de la cinématographie, m'avait fait part de vos courriers précédents mais nous n'y avions pas répondu immédiatement car nous attendions pour le faire d'avoir le maximum d'éléments de réponse aux questions que vous nous posiez au sujet des divers projets de coproduction entre nos deux pays.

1/ Pour ce qui est d'**Isabelle Eberhardt** je vous ai adressé le 26 décembre la proposition officielle du Centre national de la cinématographie ainsi que le dossier remis par le producteur français et je suis très étonné qu'ils ne vous soient pas parvenus à la date du 17 janvier. Si vous souhaitez que je vous faxe un duplicata de la proposition officielle, faites le moi savoir et je le ferai bien volontiers.

2/ Vous souhaitez également connaître notre position sur **Dingo** : le financement de la part française de ce film semble maintenant -d'après les informations dont je dispose- assuré. J'attends donc une proposition officielle de votre part lorsque vous aurez examiné le dossier complet et je ne pense pas que ce dossier devrait poser le moindre problème du côté français.

3/ Je n'ai toujours pas confirmation de la part du producteur français de **Until the end of the world** de la signature d'un contrat de coproduction avec un producteur australien. Je vous tiendrai bien sûr informé des développements de cette affaire dès que je les connaîtrai moi-même.

../..

Ministère de la Culture, de la Communication,
des Grands Travaux et du Bicentenaire
12, rue de Lübeck 75784 Paris Cedex 16
Tél. 45 05 14 40 - Télex : 650306 - Télécopie : 47 55 04 91

CNC ARCHIVES: ACCESS AUTHORISED 2001

4/ J'ai bien reçu le producteur français de **Greencard** et le dossier me semble à première vue problématique. Il s'agit là en effet d'une participation française importante (30 MF environ) et le contenu français tant sur le plan artistique (un seul rôle) que technique (trois techniciens français sur les postes pris en compte par notre réglementation) me paraît très insuffisant face à un tel investissement.
Je vous rappelle que l'article 4 de l'accord entre nos deux pays prévoit que "l'apport du coproducteur minoritaire en personnel créateur, en techniciens et en comédiens doit être (en principe) proportionnel à son investissement".
J'ai fait part de mon sentiment à ce sujet au producteur français.
En outre, pour parler franchement, si Peter Weir est bien sûr un cinéaste australien, il a réalisé ses trois derniers films aux Etats-Unis et le fait que **Greencard** se tourne aux U.S.A., avec un financement important qui provient de Walt Disney, et un rôle principal tenu par une actrice américaine accentue le côté "américain" de ce projet.
Certes l'accord qui nous lie prévoit la participation, à titre exceptionnel, d'interprètes qui ne sont pas ressortissants d'un de nos deux pays mais je ne suis pas sûr que la commission d'agrément qui doit donner son avis sur les coproductions au Directeur général du Centre national de la cinématographie accepte en l'occurence d'accorder une dérogation.

Je vous livre ici mes premières réactions, à la suite du contact informel que j'ai eu avec le producteur français : il ne s'agit pas bien sûr d'une réponse définitive puisque je n'ai pas reçu votre proposition officielle, ni même de dossier complet de la part du producteur français. Mais je tenais à vous faire part des problèmes délicats que pose un tel dossier.

5/ Pour ce qui est de **Clowning Sim** je vous ferai connaître mes observations ultérieurement. Etant donné qu'il s'agit d'un projet pour la télévision, je fais étudier le dossier conjointement par notre Direction de l'Audiovisuel.

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Je me réjouis, comme vous, de voir l'intérêt que semblent avoir les producteurs de nos deux pays à travailler sur des projets communs mais il ne serait pas souhaitable que se confirme la tendance qui se fait jour actuellement : sur quatre projets franco-australiens aucun n'est réalisé par un français, aucun n'est tourné en français, ni totalement en France !

Je serai ravi de vous rencontrer à Paris si votre visite se confirme. Nous pourrons à cette occasion reparler de tout ceci.

En attendant, je vous prie d'agréer, Cher Monsieur Sainsbury, l'expression de mes sentiments distingués.

LE DIRECTEUR
de la Production,
de la Distribution
et des Relations Extérieures

Yves MARMION

CNC ARCHIVES: ACCESS AUTHORISED 2001

Suite aux réunions extraordinaires de la commission d'agrément, Dominique WALLON, Directeur Général du Centre national de la cinématographie, souhaite faire le point avec les membres de la commission, sur la manière dont ils entendent traiter dorénavant la question des "dérogations" prévues par les textes relatifs à la délivrance de l'agrément d'investissement.

Le Directeur Général du Centre national de la cinématographie et la commission sont en effet de plus en plus souvent saisis de projets dans lesquels des éléments techniques et artistiques étrangers à la France, la CEE et les pays coproducteurs - quand il s'agit de coproductions internationales - sont en nombre tel, qu'on peut se demander s'ils sont susceptibles de bénéficier de l'agrément d'investissement et de la nationalité française.

Une redéfinition des règles de l'agrément devra nécessairement être entreprise dans le cours de la présente année, à la lumière notamment des discussions avec les différentes instances européennes (CEE - Conseil de l'Europe), des conclusions de l'audit, en cours, du compte de soutien, de celles d'une consultation juridique sur les rapports entre réglementation nationale et accord internationaux. Le Directeur Général du Centre national de la cinématographie souhaite cependant vivement que la commission se dote dès maintenant, comme elle en a exprimé l'intention, d'une règle commune et aussi objective que possible en matière de dérogations.

La commission marque son accord sur cet objectif et, sur proposition de son Président, décide d'adopter la régle suivante :

5 éléments fondamentaux permettront de déterminer si un film est susceptible de bénéficier d'un avis favorable à la délivrance de l'agrément d'investissement

1) - le réalisateur
2) - le scénariste
3) - premier rôle (en terme de cachets)
4) - second rôle (en terme de cachets)
5) - "bloc technique" (technicien sur des postes "à carte", studios, laboratoires, industries techniques)

Si un seul de ces éléments n'appartient pas à la CEE (ou au pays coproducteur en cas de coproduction) la commission est susceptible d'accorder une dérogation. Cette dérogation pourra être assortie de l'abattement prévu par les textes en vigueur.
Ceci ne crée évidemment aucun "droit" à la dérogation. C'est en effet après étude d'un dossier précis et complet que la commission prendra sa décision.

Si plus d'un de ces éléments est extérieur à la CEE et/ou au pays coproducteur, la commission émettra un avis défavorable à la délivrance de l'agrément d'investissement.

Cette règle pourrait être portée à la connaissance des producteurs français et étrangers et elle permettrait un traitement aussi égalitaire que possible des différents projets que la commission aura à examiner.

A l'occasion de cette discussion M. Stéphane POZDEREC, indique que tout en étant d'accord avec la règle retenue par la commission, il souhaite que s'engage par ailleurs un débat sur les composantes françaises dans la production des films.

CNC ARCHIVES: ACCESS AUTHORISED 2001

CNC
Centre National de la Cinématographie

32/967

Paris, le 19 MARS 1990

Direction de la Production
de la Distribution
et des Relations Extérieures

Service du long métrage

Monsieur Peter SAINSBURY
AUSTRALIAN FILM COMMISSION
8 West Street
NORTH SYDNEY
N.S.W. 2060

Film : **"DINGO - CHIEN DU DESERT"**
"GREENCARD"

003408

Cher Monsieur SAINSBURY,

J'ai le plaisir de vous annoncer que la commission d'agrément qui s'est tenue hier 14 mars 1990 a émis un avis favorable à la coproduction franco-australienne pour le film **"DINGO"** (Australie 65 %- France 35 %).
Ma proposition officielle confirmant cet avis vous parviendra dans les meilleurs délais.

Pour ce qui est du dossier **"GREENCARD"** la commission a émis à la majorité de ses membres un avis défavorable. Comme je vous l'ai expliqué la commission n'est que consultative. La décision repose donc maintenant sur le Directeur Général du Centre national de la cinématographie.

Nous sommes en contact avec les coproducteurs français du film et la décision finale devrait être prise très prochainement.

Je vous en informerai bien sûr aussitôt.

En attendant, je vous prie de croire, Cher Monsieur SAINSBURY, à l'expression de mes sentiments les meilleurs.

LE DIRECTEUR
de la Production,
de la Distribution
et des Relations Extérieures

Yves MARMION

CENTRE NATIONAL DE LA CINEMATOGRAPHIE

Ministère de la Culture
et de la Communication
Centre National de
la Cinématographie
12, rue de Lübeck
75784 Paris Cedex 16
Tél. 45 05 14 40
Telex CN CINE 650 306
Télécopie 47 55 04 91

03. 15. 90 06:33 PM *W. M. A. -BEVERLY HILLS P01

WILLIAM MORRIS AGENCY, INC.

151 EL CAMINO DRIVE
BEVERLY HILLS, CA 90212
213/274-7451

FACSIMILE COVER SHEET

DATE: 15 MAR 90 TIME: 18.30 h

TO: YVES MARMION FAX# 011.331.47.55.04.91

FROM: JOHN PEAK FAX: 213/859-4462

RE:

SPECIAL INSTRUCTIONS:

TOTAL NUMBER OF PAGES INCLUDING THIS COVER PAGE: 4

IF YOU DO NOT RECEIVE ALL OF THESE PAGES, PLEASE CALL THE FAX OFFICE 213/859-4237.

FACSIMILE OPERATOR

IDENTITE 1990-03-16 03:35 G3-96 S BIEN RECU #1

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Cable Address:
"WILL MORRIS"
FAX:
(213) 859-4462

JOHN PEAK
VICE PRESIDENT

15 March 1990

Yves Marmion
Centre National de la Cinematographie
12, rue de Lubeck
75784 Paris

RE: "GREENCARD"

Dear Yves:

There are certain issues with regards to this production that I wish to clarify for you. I know that some have already been discussed, but I must emphasize to you that failure of the CNC to certify this picture as an Australian/French co-production will not only diminish the value of the picture in the French marketplace, but will also destroy the ability of the Australian Co-Producer to raise funds from the Australian Film Finance Corporation. This chain of events would greatly jeopardize the funding of the whole picture, which is to start shooting within two weeks. With the French side being such a minority in relationship to the Australian side, this would be a tragic event, particularly after the Australian Film Commission has given its approval.

As you know, proper certification by both countries will guarantee that taxable revenues, domestic ownership with production and distribution, creative and technical services, and controls are with Australian and French personnel and companies. Australia and France benefit greatly by thus paving the way for "exportable" talent to create situations that will bring some of this success back home. Gerard Depardieu in particular is being given a very unique chance to become more of an international star, which I presume will be as beneficial for France as Peter Weir's success has become for Australia. Depardieu has been working very closely with Weir in the development of this screenplay and will in fact be actually speaking French quite often during the film. This is *not* an "American" film.

Goods and services...successful enough to even export. That is what I believe this is all about and what is so valuable with this co-production agreement, as well as the ability of each country to encourage its own success stories. Otherwise, the successful talent in this world will merely become the employees of Hollywood. I see little reason why success should limit either creativity or nationality.

PAS D'IDENTITE 1990-03-16 03:35 63-96 S BIEN RECU #2

CNC ARCHIVES: ACCESS AUTHORISED 2001

You should be aware of the fact that Disney has no creative controls whatsoever on this picture, nor is Disney providing any funds or advances towards the production. A distribution deal has been made for Disney to provide distribution services throughout the world excluding the Australian and French territories. I have insisted with each co-producer that these territories be handled by domestic companies. This will keep revenues in the country, whereby if this became a foreign picture or if a foreign company was distributing, the revenues would leave the country.

The Disney contract provides the picture with minimum performance guarantees in the areas of video, pay television and foreign that have a present value of $6.5 million, but these amounts are not payable for six to eighteen months following the initial theatrical release of the picture. Note: There is no theatrical performance guarantee, nor is there a print and advertising guarantee and it is the Australian majority co-producer who is at risk by borrowing money from a bank without letters of credit. Disney will receive a distribution fee of 20% on all North American sources excluding video and 25% on all foreign sources. Recoupment thereafter is on a pro-rata basis between Disney's marketing costs and the cost of production. Peter Weir, in order to make this deal, is at risk with the completion bond and is taking only one-third of the potential salary that he could make by simply selling out to a major studio and becoming an employee.

For any co-production agreement to discourage the foregoing, particularly with the high visibility of the artists, the appropriate nature of the story, and, with the proper technical requirements in hand, would indeed be tragic and would certainly serve to discourage even attempting such arduous and complicated independent productions. The history of most commissions is properly protective but should not restrict "trade," otherwise such groups will merely become forms of welfare subsidy supporting product that would not otherwise exist. Partner with your successes if you can.

By the way, I missed your presence at The American film Market. I was part of a morning panel of agents attended by 500 or so that spoke on the current state of affairs with regards to "Structuring the International Motion Picture and Television Package: The Hollywood Agents' Perspective." Each of us was asked to speak for a brief moment at the beginning. I have attached my two-minutes for your enjoyment.

Warm regards.

John Ptak

cc: Jean Gontier
Peter Sainsbury

CNC ARCHIVES. ACCESS AUTHORISED 2001

The William Morris Agency has been around now for some ninety years. In this business, that's certainly a long time. None of our agents have been there quite that long, but a number of them have remained for their entire career. Never underestimate the experience and overview that a few years can give you. Myself, I've been there for 13 years.

William Morris maintains offices in Beverly Hills, New York, Nashville and London and has affiliations in Rome and Sydney. We are involved not just with filmed entertainment...motion pictures and television...but live entertainment, such as theatre and concerts, and publishing as well. Our primary business is mainstream and Hollywood. In every case, our representation flows from the talent. We don't finance, produce or distribute, nor do we ever plan to. All agents are partnered with talent in an effort to secure employment and progress careers. We can be your friend but don't jeopardize that partnership.

William Morris has a proven commitment to the independent. You may have noticed that we haven't sponsored any meals or panels during this market. I want to assure you, though, that while others may have been in the kitchen or board room talking independent, we were out in the field, making deals with the independent. During this past year there are five independent productions in particular that we are quite proud of having represented:

"DANCES WITH WOLVES" - A film by Kevin Costner and starring Kevin Costner.

"DRIVING MISS DAISY" - A film by Bruce Beresford and produced by Lily and Dick Zanuck.

"GREENCARD" - A film by Peter Weir with Gerard Depardieu and Andie McDowell.

"SHATTERED" - A film by Wolfgang Peterson, produced by Dieter Geissler with Tom Berenger, Bob Hoskins, and Greta Scacchi that many of you might know as "PLASTIC NIGHTMARE."

"UNTIL THE END OF THE WORLD" - A film by Wim Wenders produced by Jonathan Taplin and Anatole Dauman with William Hurt, Sam Neill, Solveig Domartain and Jeanne Moreau.

By representation I mean sharing with producers and filmmakers in an advisory capacity that time-intensive, hands-on, hard work that all of you are very well aware of in the areas of financing, foreign sales, North American distribution, co-productions, bank funding,a nd so forth. This is quite beyond the usual Hollywood front office activity that we do every day with the studios. Independent production is damned hard work. We sincerely want to congratulate everyone involved with these pictures because you stuck it out... you did it a little differently and you're getting your picture made... that's what it's all about.

As we see the various barriers come down around the world and as our market capabilities expand, I would offer a thought to all of the commissions, producers, financiers and filmmakers that are concerned about American product. The international desire to see American film and television will probably only increase with the market, but don't blame us. Work with us. There's a lot of room and a big public. Protective barriers may have their place, but if I was your agent I would tell you to look to your talent. Don't sequester them. Look beyond your borders and encourage progress, partnerships and co-production.

Artists are among your greatest exports. They are part of your culture. If you pave the way, they will bring the services, the co-production partners and the revenues back home by the bundle, I guarantee you. They are relying on all of us to be part of the solution, not part of the problem... Don't be distracted by Hollywood, for you are a very important link to the future of the independent and we want to work with you.

CNC ARCHIVES: ACCESS AUTHORISED 2001

C. N. C.
27. MAR. 1990
SOUS DIRECTION
DE LA PRODUCTION

GREENCARD

THE GREEN CARD PRODUCTION COMPANY, INC.

ACTORS WITH FRENCH PASSPORTS:

PASCALE FAYE WILLIAMS
YVONNE CONSTANT
PHILLIPE LECOCQ
FRANCIS DUMAURRIER
FRANCINE ROUSSEL
CECIL CHAVEAU
JACQUELINE MONECINE
GUY MICHEL
CHRISTIAN CANCIANI
SARAH LASSEZ
CHRISTIAN MULOT
MARINE DELTERME
MARIE SOPHIE WILSON
HELENE CARDONA
FRANCOISE GRANVILLE
NADINE KAY
NOELLE CARRUGGI
KARINE EVA DARRAH

PARMI LESQUELS PETER WEIR CHOISIRA DEFINITIVEMENT LES ROLES DEVANT ETRE INTERPRETES PAR DES ACTEURS FRANCAIS, SOIT:

- OSCAR
- CAPTAIN
- VINCENT
- FRANCINE
- ANNETTE
- NICOLE
- WAITERS

CONFORMEMENT A LA FICHE ARTISTIQUE CI JOINTE

1990

CNC ARCHIVES: ACCESS AUTHORISED 2001

GREENCARD
THE GREEN CARD PRODUCTION COMPANY, INC.

March 19, 1990

Mr. Jean Gontier
TCA Productions
93 Champs Elysees
75008 Paris

Dear Jean:

RE: "GREEN CARD"

Following our various conversations over the phone this morning, I confirm that we will endeavor to include as many Australian actors as possible in the film. However, we can only engage Australian actors under the condition that the artistic integrity of the film is not diminished and our ability to accommodate the various legal aspects such as immigration work visas (i.e. H-1's) and Screen Actors Guild rules, which cannot be violated.

Sincerely,

Edward S. Feldman
Executive Producer

cc: Duncan Henderson
Ira Halberstadt
ESF/jer

601 WEST 50TH STREET, 6TH FLOOR, NEW YORK, NY 10019 TEL (212) 265-9131 FAX (212) 265-9478

PAS D'IDENTITE 1990-03-19 19:59 G3-96 S BIEN RECU #2

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ACCUSE DE RECEPTION

DUREE TOTALE: 01'19"

RESULTAT		HEURE	MODE	DUREE	PAGE
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COPIE RECUE		17:07	G3-96 S	00'45"	#1

POSTE APPELE: 61 2 9595403 1990-03-21 17:06

CNC ARCHIVES: ACCESS AUTHORISED 2001

Paris, le 21 MARS 1990

Direction Générale

00 3623

Monsieur Peter SAINSBURY
AUSTRALIAN FILM COMMISSION
8 West Street
NORTH SYDNEY
N.S.W. 2060

Film : "GREENCARD"

Cher Monsieur SAINSBURY,

J'ai le plaisir de vous annoncer qu'à la suite des nombreux contacts que le Centre national de la cinématographie a eus avec les coproducteurs français du film "GREENCARD" que doit réaliser Peter WEIR, j'ai décidé d'accorder l'agrément d'investissement à ce film et de l'admettre au bénéfice de l'accord de coproduction franco-australien.

Les coproducteurs français nous en effet donné l'assurance qu'en dehors du rôle confié à Mme Mac DOWELL et des postes de techniciens de la régie tenus également par des américains, tous les intervenant sur le plan artistique et technique seront soit français soit australiens. De plus, à la demande du Centre national de la cinématographie, la participation française à l'équipe technique du film a été notablement renforcée.

Dans ces conditions il m'a paru possible d'accorder à ce film la nationalité française.

Je ne vous cache pas qu'a pesé dans ma décision la conscience que j'avais qu'un refus de ma part aurait entraîné la disparition du financement australien et donc très probablement condamné l'entreprise de M. Peter WEIR.

Ministère de la Culture, de la Communication,
des Grands Travaux et du Bicentenaire
12, rue de Lübeck 75784 Paris Cedex 16
Tél. 45 05 14 40 - Télex : 650306 - Télécopie : 47 55 04 91

CNC ARCHIVES: ACCESS AUTHORISED 2001

Vous êtes bien conscient, je le sais, des graves problèmes qu'a posé à mon administration ce dossier et je souhaite vous redire ici que le projet **"GREENCARD"** est loin de répondre aux critères qui devraient, me semble-t-il, régir la coopération entre nos deux pays. Je constate par ailleurs que les trois coproductions franco-australiennes que mon administration a agréées (**"ISABELLE EBERHARDT"**, **"DINGO"** et **"GREENCARD"**) ont un réalisateur australien et sont tournées en anglais. Le projet de film de Wim WENDERS qui va, je le crois, prochainement être soumis à mon approbation est également tourné en anglais. Il serait donc souhaitable pour la poursuite de relations équilibrées qu'un producteur français puisse trouver un appui australien pour une oeuvre réalisée par un français, en français !

Comme vous en êtes convenus avec M. Yves MARMION, nous pourrons nous rencontrer à l'occastion du Festival de Cannes et reparler de ce problème.

En attendant cette rencontre, je vous prie de croire, Cher Monsieur SAINSBURY, à l'expression de mes sentiments les meilleurs.

Commission 8 West Street, North Sydney, Box 3984 G.P.O. Sydney, NSW 2001 Telephone (02) 925 7333 Telex 25157
Fax 959 5403 Toll Free (008) 226615

CNC ARCHIVES: ACCESS AUTHORISED 2001

28 March 1990

BY FAX: 33-147-55-04-91

Dominique Wallon
Direction Generale
CNC
PARIS

Dear Dominique Wallon,

Thank you very much indeed for your letter of 21 March.

I am extremely grateful for your decision to approve GREENCARD as a French/Australian Co-production. I have always been very well aware of the difficulties that this proposal created for the CNC and had indeed always made it clear to Monsieur Marmion that your inability to accept the proposal would be fully understood by us.

I am particularly grateful for your consideration of the difficulty of financing the film out of Australia without a Co-production approval. I should perhaps explain that the Australian Film Finance Corporation is permitted to invest in films only if they are Australian or if they are approved under a Co-production Arrangement or Treaty. In this case, the film clearly could not be seen as totally Australian and a Co-production was essential to the Australian finance. I note that the this fact added weight to your decision and I very much appreciate your fair-minded approach to the difficulty.

Regarding UNTIL THE END OF THE WORLD, we consider the Australian participation to be in the minority and we await the CNC's decision before making a commitment to the Australian producer.

Please rest assured that we fully appreciate your concern about the lack of balance between Australian and French productions so far aproved under our agreement. There is of course, in principle, no reason why a French producer with an Australian partner should not access Australian support for a film to be shot in French with a French director. There must, however, be some reasons why such projects have not materialised as proposals either to the CNC or to the AFC. I look forward to discussing this matter with yourself and your colleagues during the Cannes Film Festival.

With best wishes.

Yours sincerely,

PETER SAINSBURY
Executive Director
Film Development

Australian Film Commission

APPENDIX G6

Documents from CNC Archives

Dingo

CNC ARCHIVES: ACCESS AUTHORISED 2001

SCHEDULE F

List of Key Professionals

(Cast & Crew)

1. CAST

Type	Actor	Role	Nation.
Lead	Colin Friels (*)	John 'Dingo'	[Aus]
Lead	.....	Jane Anderson	[Aus]
Supp.	Miles Davis (*)	Billy Cross	[USA]
Supp.	Bernadette Lafont (*)	Angie	[Fra]
Supp.	.....	Jacques	[Fra]
Supp.	Joe Petruzzi	Peter	[Aus]
Supp.	.....	Archie	[Aus]
Supp.	.....	Beatrice	[Fra]

2. KEY CREATIVES (@)

Type	Name	Role	Nation.
	Rolf de Heer	Director	[Aus]
	Marc Rosenberg	Writer	[Aus]
	Denis Lenoir	D.O.P.	[Fra]
	Judi Russell	Prod. Design.	[Aus]
	Barbara Constantine	Continuity	[Fra]
	Miles Davis (*)	Composer	[USA]
	Suresh Ayyar	Editor	[Aus]
	Christian Faure	1st Asst.Dir.	[Fra]
	Henry Morello	Sound Record.	[Fra]
	Frank Struys	Boom Operat.	[Fra]
	.....	Focus Puller	[Fra]

Note: the Persons marked (*) are considered as essential for the artistic and commercial success of the Film and therefore their commitment is a condition of this Agreement. They cannot be substituted without the agreement in writing of the parties hereto.

(@) The parties agree that the nationalities of the key creatives shall not change, and that - except for the key creatives listed above, the rest of the crew shall be entirely French in France and Australian in Australia.

CNC ARCHIVES: ACCESS AUTHORISED 2001

C. N. C.
14. MAR. 1990
SOUS DIRECTION
DE LA PRODUCTION

FICHE ARTISTIQUE - CACHETS

Titre du Film : DINGO
Producteur délégué : GEVEST AUSTRALIA pty ltd (Sydney)
Coproducteurs : AO PRODUCTIONS, 23 rue Jean Giraudoux, 75116 Paris
DEDRA PRODUCTIONS - CINE CINQ

NOMS/PRENOMS	ROLES	NATIONALITE	Nbr CACHETS
COLIN FRIELS	John "Dingo" Anderson	Austr.	45 cachets
HELEN BOUDAY	Jane Anderson	Austr	15 cachets
JOE PETRUZZI	Peter Goforth	Austr.	10 cachets
MILES DAVIS	Bill Cross	USA	12 cachets
BERNADETTE LAFONT	Angie Cross	France	8 cachets
BERNARD FRESSON	Jacques Boulain	France	5 cachets
BRIGITTE CATILLON	Béatrice Boulain	France	5 cachets
ETIENNE CHICOT	Caesar	France	3 cachets
			103 cachets

13/3/90

CNC ARCHIVES: ACCESS AUTHORISED 2001

AO

AO Productions
52, rue Etienne Marcel 75002 Paris
tel : 40 26 00 07 et 40 26 00 72
FAX : 40 28 08 85

C. N. C.
12. FEV. 1991
DIRECTION DE LA PRODUCTION

Monsieur Dominique WALLON
Directeur Général du Centre
National de la Cinématographie
12 rue de Lübeck
75016 Paris

Paris, le 9 février 1991.

Concerne le film "DINGO".

Monsieur le Directeur Général,

Lorsque Monsieur Roger PLANCHON m'a engagée à la direction du Centre Européen Cinématographique RHONE-ALPES, nous avons convenu que je m'engageais à ne plus commencer de nouvelles productions à titre privé, mais que bien entendu je pouvais continuer à suivre les deux productions que ma société AO PRODUCTIONS avait entammées avant que nous ne nous rencontrions , ceci jusqu'à ce que soit je vende la société, soit je trouve un autre gérant.

Une de ces productions, le film BLANVAL, coproduit avec la Belgique et qui sera mixée en mars à Paris, ne pose aucun problème.

Par contre, la seconde production, le film "DINGO" que j'ai coproduit avec l'Australie me cause des soucis très graves.
La part française de coproduction dans ce film est de 35% soit 9.330.000 Fr.
La quasi totalité de ce financement couvrait le tournage en France (3 semaines), des comédiens et techniciens français sur le tournage en Australie.
Le tournage du film s'est terminé à Paris le 9 juin. Le 21 juin 1990, nous avons envoyé le négatif en Australie.
Le film devait être livré au plus tard le 26 novembre. Nous sommes le 9 février et il n'y a pas encore de copie standard. Ceci met ma société et la Banque qui a escompté les contrats des chaînes françaises en très grande difficulté. Je vous adresse ci-joint copie de la lettre de mise en demeure que j'ai adressée à ce propos au producteur australien et à la société d'assurance de Garantie de Bonne Fin.

Serait-il possible vous rencontrer rapidement pour vous informer plus largement sur cette production et envisager avec vous la possibilité d'une intervention officielle de soutien de la part du C.N.C. auprès de l'Australian Film Commission pour que le nécessaire soit fait pour une livraison immédiate du matériel en France.
En effet, le réalisateur et le producteur australien ont quitté l'Australie où ils auraient dû rester pour activer le laboratoire, y suivre l'étalonnage et l'établissement des éléments à nous

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délivrer pour enfin remplir leur contrat. Or ils sont actuellement aux Etats-Unis où ils projettent une copie semi étalonnée à des Majors américaines, et ceci, semble-t-il, avec la bénédiction du Film Finance Corporation qui paraît plus soucieux que le film soit vendu aux Etats-unis que livré à la France qui pourtant l'a financé pour plus d'un tiers.

Je vous remercie d'avance de l'attention que vous porterez à ce courrier et me permettrai d'appeler votre secrétariat dans les prochains jours afin de voir s'il est possible de vous rencontrer à ce sujet.

Dans cette attente je vous prie de recevoir, Monsieur le Directeur Général, l'expression de ma plus haute considération.

Marie Pascale OSTERRIETH

AO

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AO Productions - 52 rue Etienne Marcel - 75002 Paris
tél : 40 26 00 07 - fax : 40 28 08 85

à l'attention de
MOTION PICTURE GUARANTORS
Christine Suli, Melbourne
GEVEST PRODUCTIONS
Giorgio Draskovic,Rolf de Heer,
Marc Rosenberg, Sydney

Adressé par recommandée AR et
par télécopie au
n° 613/529 88 52 pour MPG
et n° 612/327 58 64 pour Gevest Productions

Concerne le film "DINGO"

Paris, le 7 Février 1991

Madame, Messieurs,

Nous vous rappelons les différents contrats qui lient notre société dans le cadre de la production du film "DINGO".

- CINE CINQ :

il s'agit d'un contrat de coproduction pour un montant de 1.000.000F dont 200.000F restent à payer à la livraison de la copie standard prévue **au plus tard le 31/12/90.**

- LA CINQ :

il s'agit d'un contrat de pré-achat des droits pour deux diffusions pour un montant de 2.500.000F payable pour 50% après acceptation de la copie doublée en Français et six mois plus tard pour le solde.
Date de livraison prévue : 31/12/90

- CANAL PLUS :

il s'agit d'un contrat de pré-achat d'une multidiffusion sur TV cryptée pour un montant de 1.800.000F payable 45 jours après acceptation de la bande vidéo de la version française du film (soit en moyenne au total 3 mois après la livraison de cette bande) et à condition que le **film soit sorti en salle avant le 31/03/91.**

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- DEDRA FILMS :

il s'agit d'un contrat de coproduction pour un montant de 2 333 187F effectué sous forme de

- un versement de 666.521 F en investissement payable avant le début du tournage (dont il reste encore 53 676,52 F impayés à ce jour)
- une lettre irrévocable de crédit d'un montant de 1.666.666F valable un an à dater de sa signature, **elle est donc valable jusqu'au 10 mars 1991**, et payable sur remise
  - de la police "ERROR AND OMMISSION"
  - de la livraison de la totalité du matériel décrit à l'annexe H du contrat de coproduction avec l'Australie
  - de la remise d'une lettre du laboratoire français confirmant la bonne qualité technique du matériel livré.

- PAN- EUROPEENNE :

Il s'agit d'un contrat de distribution du film en France métropolitaine, DOM et TOM. qui prévoit une livraison du matériel **au plus tard le 15/12/90.**

Aux termes de l'article 8.11 et des annexes A1 et H du contrat de coproduction en date du 6 février 1990 qui nous lient pour le film avec la société GEVEST AUSTRALIA et aux termes des contrats qui nous lient avec MOTION PICTURE GUARANTORS, **vous deviez établir la copie standard du film au plus tard le 12 octobre 1990 et deviez nous livrer dans les 45 jours suivants (soit au plus tard le 26 novembre 1990) l'ensemble des éléments repris à l'annexe H du contrat.**

Or nous constatons que :

- ces délais n'ont pas été respectés malgré nos rappels ou ceux qui ont été faits par notre avocat Maître Borker,
- à ce jour vous êtes toujours dans l'impossibilité de nous donner une indication précise sur la date de livraison effective,
- hier encore il n'existait toujours pas de copie standard du film pour des raisons techniques,
- vous ne serez pas en mesure de nous livrer la totalité des éléments repris en annexe H puisque la liste des dialogues et le film annonce n'ont pas été établis alors que les frais de fabrication de ceux-ci figuraient au devis du film.
- il sera difficile d'obtenir la police d'assurance "Errors and ommission" si GEVEST ne renonce pas à ses attaques infondées et injustifiées à l'égard des coproducteurs français, et nous imaginons mal l'assureur s'engager en présence d'un conflit.

CNC ARCHIVES: ACCESS AUTHORISED 2001

Ce retard de livraison du matériel et de la police d'assurance "error and ommission" dû à votre conduite de la production met le film et notre société en péril :

- contractuellement:

les dates de livraison n'étant pas respectées, chacun de nos partenaires a maintenant la possibilité de rompre à tout moment son contrat avec notre société.

A ce propos, la société PAN-EUROPEENNE vient de nous faire part de son intention de remettre en question son mandat car le retard sans cesse prolongé de la livraison a désorganisé tout le planning de sa programmation et qu'elle n'est plus en mesure de nous assurer une date de sortie vu les autres films sur lesquels elle s'est s'engagée.
Cela compromet tout- à-fait la sortie du film dans les délais requis par notre contrat avec CANAL PLUS, et par là-même de provoquer l'annulation de ce contrat.
De plus cela nous obligera à rechercher un autre distributeur avec les frais que cela implique.

Pour ce qui est de la société DEDRA FILMS dont Monsieur Decian Drascovic est associé majoritaire, directement ou indirectement, il va de soi que nous n'obtiendrons aucun délais supplémentaire de sa part.
Si la totalité des éléments (y compris la bande-annonce) ainsi que la police d'assurance "errors and ommission" ne nous est pas livrée au plus tard le 20 février 1991 à Paris, il est évident que nous perdrons la Lettre de Crédit de DEDRA FILMS avec toutes les conséquences que cela entraîne..
Cette date tient compte de 12 jours ouvrables seulement avant l'échéance de la Lettre de Crédit ce qui est très court pour dédouanner le matériel, le livrer au laboratoire, le faire vérifier et faire établir par le laboratoire les documents à remettre à DEDRA FILMS.

Nous nous prévalons d'ores et déjà du droit de nous retourner contre vous pour couvrir tous les préjudices que pourrait subir notre société suite à une rupture de l'un quelconque de nos contrats du fait du retard de votre livraison.

- financièrement :

a) Pour financer la part française du film nous avons escompté à la Banque de la Cité les contrats de CANAL PLUS, la CINQ, CINE CINQ et la Lettre de Crédit de DEDRA FILMS (quoique cette dernière ne l'aie jamais remise à la banque, ni à nous mêmes, ni à MPG)

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Dans l'hypothèse où aucun de nos contrats ne serait rompu (ce qu'en aucun cas nous ne pouvons garantir), et qu'ils étaient donc tous honorés, l'énorme retard que vous avez pris dans la livraison coûtera très cher en intérêts bancaires.

Il nous est impossible de calculer aujourd'hui le coût final de ces agios étant donné que nous ne connaissons toujours pas la date de livraison, mais il est d'ores et déjà évident que la provision de 700.000FF d'intérêts prévus au budget dans notre contrat de coproduction et sur lequel nous espérions faire une économie qui aurait été reversée dans la production, sera dépassée.

b) Votre retard de livraison nous fait arriver dans la période de préparation du Festival de Cannes, période où il est extrêment difficile de réserver les auditorium et les laboratoires qui nous seront nécessaires pour doubler et sous-titrer le film en français et faire les génériques français. Tout cela risque de retarder encore plus notre livraison aux chaînes et par là d'augmenter encore nos intérêts bancaires.

Quand il nous sera possible d'approcher plus précisément le montant des interêts financiers que votre retard nous aura ainsi occasionnés, et étant donné que ceux-ci ne peuvent être contractuellement pris en compte par MOTION PICTURE GUARANTORS, nous en réclamerons le réglement à GEVEST.

Nous vous signalons d'autre part que votre retard de livraison cause un préjudice économique important à notre société. En effet, la sortie du film en salle en France était initialement prévue pour début janvier 1991. Si PAN-EUROPEENNE maintient malgré tout son contrat, ou si nous arrivons rapidement à trouver un nouveau distributeur, de par vos agissements et pour autant que vous nous livriez l'ensemble des éléments pour le 20 février prochain, la sortie du film sera retardée au mieux à fin mai 1991, au pire après l'été voir même octobre ou novembre 1991, ce qui retarde la perception des recettes qui nous reviennent d'autant plus que cela retarde également considérablement la vente des droits vidéo du film en France.

En conclusion, nous vous mettons en demeure de nous livrer à Paris la totalité des éléments de livraison repris à l'annexe H du contrat de coproduction et la police d'assurance "Errors and ommission" au plus tard le 20 février 1991.

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A défaut, nous prendrons toutes mesures que nous jugerons utile pour faire respecter nos droits et nous faire rembourser tous les dommages financiers et autres que nous aurons à subir du fait de votre défaillance. Ceci inclus: les suppléments d'intérêts bancaires, le paiement des conventions qui auront été annulées du fait du non-respect des délais de livraison (Canal Plus, La Cinq, Cine Cinq), le paiement du montant de la Lettre de Crédit de DEDRA FILMS si celle-ci vient à échéance avant que nous ayons pu remplir ses conditions de paiement.
Cette liste est non limitative, nous nous réservons le droit de vous demander le paiement de tout autre préjudice que nous aurions à subir de par les conséquences de votre faute et dont nous ne pouvons ce jour mesurer ni l'étendue, ni le coût.

Par ailleurs, nous vous rappelons que nous sommes toujours en attente des comptes de production de GEVEST en Australie. Les derniers que nous ayons reçus datent du 29/4/90. Nous n'avons jamais reçu d'explication sur les variations des coûts de production australiens ni aucune information sur le budget de l'enregistrement de la musique.

Nous vous rappellons également que nous sommes toujours en attente de barêmes à discuter pour l'exploitation mondiale du film et que GEVEST a refusé de négocier avec nous des barêmes lorsque nous leur avons demandé de le faire suite à la proposition remise par UGC. Cette attitude de la part de GEVEST était en totale infraction avec l'article 8.4 du contrat de coproduction entre GEVEST et les producteurs français.

Nous avions signalé à MOTION PICTURE GUARANTORS et à Rolf DE HEER que dans le souci de rendre nos relations positives, nous étions prêts à confier à GEVEST AUSTRALIA le soin de distribuer le film dans le monde y compris sur les marchés de distribution des coproducteurs français (à l'exclusion des territoires nationaux revenant à 100% aux coproducteurs français).
Il va de soi qu'un tel mandat ne pourrait être envisagé qu'une fois que
- tous les griefs infondés de GEVEST à notre encontre seront abandonnés,
- tout le matériel prévu à l'annexe H du contrat de coproduction franco-australien sera livré avant le 20 février 1991,
- l'assurance "errors and ommission" sera fournie,
- une solution financière sera trouvée pour couvrir les dommages que la situation actuelle cause à notre société,
- vous aurez obtenu l'accord écrit de DEDRA FILMS que ce mandat vous soit confié.

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Nous sommes extrêmement déçus de cette coproduction.

Le peu de gratitude et le peu de respect dont GEVEST a fait preuve à notre égard une fois que le négatif du film tourné en France a été envoyé en Australie nous atterre.

GEVEST semble avoir oublié dans quel contexte nous avons signé le contrat de coproduction et que c'est notre attitude positive et courageuse à ce moment-là qui a permis d'assurer le concours de Colin FRIELS et par là de sauver l'existence du film.

Oubliée également la pression infernale que nous avons subie tout au long de la coproduction de la part de DEDRA FILMS partenaire français qui a été choisi et imposé par GEVEST, sans que jamais GEVEST ne nous soutienne face à DEDRA FILMS alors qu'il y a des liens des plus intimes entre les dirigeants de ces deux sociétés.

Oublié peut-être aussi que nous avons obtenu l'escompte bancaire de la Lettre de Crédit de DEDRA FILMS que celle-ci a affirmé détenir alors qu'elle l'a conservée et qu'elle est toujours entre ses mains.
Si nous n'avions pas obtenu cet escompte, le tournage français aurait été interrompu et qui sait peut-être jamais terminé.

Oublié également que nous avons fait le maximum pour donner les meilleurs techniciens, acteurs et conditions de tournage en France et ce dans les limites d'un budget qui malgré son étroitesse fixée par GEVEST au départ a été respecté.
Nous croyons savoir que le réalisateur du film est loin de se plaindre des conditions de tournage qu'il a eue en France par rapport aux difficultés qu'il a vécues en Australie.
De plus, de ce que nous avons pu juger sur le premier montage vidéo que nous avons reçu, et d'après les échos que nous avons reçu d'Australie, il semble bien que la qualité de notre travail se reflète très largement dans la partie française du montage final du film.

Nous avons toujours fait preuve d'un esprit positif et constructif dans cette production. Nous pensons d'abord et avant tout que c'est le film qui compte et que cela ne fait de bien à personne que le film souffre et ne soit pas distribué.
Nous sommes toujours ouverts - témoin notre proposition pour la distribution mondiale - mais à la condition que vous fassiez preuve d'un minimum de respect à notre égard et à l'égard de nos intérêts.

Nous avons évité jusqu'à ce jour d'alerter les autorités compétentes françaises. Malheureusement, vu la gravité de la situation dans laquelle

APPENDIX G7

Documents from CNC Archives

Isabelle Eberhardt

CNC ARCHIVES: ACCESS AUTHORISED 2001

FILMS DE COPRODUCTION

*FRANCE-AUSTRALIE 60/40

TITRE DU FILM	REALISATEUR	PRODUCTEURS
ISABELLE EBERHARDT	Ian PRINGLE	LES FILMS ARAMIS 3, rue Copernic 75016 PARIS Gérante : Danielle DUMAS FLACH FILM 47, rue de la Colonie 75013 PARIS PDG : Jean-François LEPETIT SEON FILMS INTERNATIONAL (Australie)

- AVIS DE LA COMMISSION -

La commission estime devoir ajourner son avis. Elle s'étonne en effet de la présence dans cette coproduction franco-australienne d'un certain nombre de techniciens allemands et du tournage de certaines scènes du film dans des studios berlinois - Elle souhaite donc avant d'émettre son avis que le producteur lui apporte des informations sur la participation allemande à ce film et notamment sur l'intervention du sénat de Berlin.
La commission souhaite par ailleurs que soit consulté le service juridique du Centre national de la cinématographie sur la présence d'éléments n'appartenant pas à un des pays coproducteurs mais néanmoins ressortissants de la Communauté économique européenne, dans le cadre d'une coproduction bipartite entre la France et un Etat non membre de la Communauté économique européenne.

VENDREDI 3 NOVEMBRE 1989

FICHE TECHNIQUE

CNC ARCHIVES: ACCESS AUTHORISED 2001

Titre du film : ISABELLE EBERHARDT
Début de tournage : 12 FEVRIER 1990
Fin de tournage : 4 MAI 1990
Studio : BERLIN OUEST
Extérieurs et décors naturels : BERLIN OUEST . AFRIQUE DU NORD
Producteur délégué : LES FILMS ARAMIS
Co-producteurs : FLACH FILMS (France) - SBON FILMS (Australie) - ROAD MOVIES (R.F.A)

C. N. C.
3. NOV. 1989
SOUS DIRECTION
DE LA PRODUCTION

	TECHNICIENS	NOMS	C.I.P.	OBSERVATIONS
	Scénariste	STEPHEN SEWELL		AUSTRALIEN
	Dialoguiste	IAN PRINGLE		AUSTRALIEN
	Adaptateur			
	Réalisateur	IAN PRINGLE		AUSTRALIEN
X	Conseiller technique			
X	1er assistant réalisateur	JEAN LUC OLIVIER	6161 dk	FRANCAIS
	2ème assistant réalisateur	en cours Anne Saison		ALLEMAND
X	Script girl	en cours Benedicte KERHADEC		FRANCAISE
X	Directeur de production	FARID CHAOUCHE	5500 dk	FRANCAIS
X	Régisseur général	SYLVESTRE GUARINO	6315 dk	FRANCAIS
	Régisseur Adjoint	SAMUEL AMAR		FRANCAIS
	Administrateur	en cours Cecilia BOUTELOUP		FRANCAIS
	Secrétaire de production	en cours		FRANCAIS
X	Chef opérateur	JURGEN JURGENS		ALLEMAND
X	Caméraman	en cours		ALLEMAND
X	1er assistant opérateur	en cours		ALLEMAND
	2ème " "	en cours		ALLEMAND
	Photographe	en cours		FRANCAIS
X	Chef décorateur	BRYCE PERRIN		AUSTRALIEN
X	1er assistant décorateur	en cours		FRANCAIS
	2ème " "	en cours		AUSTRALIEN
	Régisseur d'extérieurs	JEAN MARC MOULIGNER		FRANCAIS
	Ensemblier	en cours		FRANCAIS
	Accessoiristes meubles	en cours		FRANCAIS
	Accessoiristes plateau	GILLES SEGUREL		FRANCAIS
	Tapissier	en cours		FRANCAIS
X	Chef monteur			AUSTRALIEN
X	Assistant monteur	en cours		ALLEMAND
X	Chef maquilleur	en cours		FRANCAIS
	Maquilleur adjoint	en cours		FRANCAIS
	Coiffeurs ou coiffeuses	en cours		FRANCAIS
	Habilleuses	en cours		FRANCAIS
	Créateur de Costumes	en cours		FRANCAIS
X	Chef opérateur du son	en cours		FRANCAIS
X	Assistants du son	~~J.L. DUCARME~~ Bernard Aubouy	2736 dk	FRANCAIS
		~~SAMUEL COHEN~~ Perrier Laurent	5919 dk	FRANCAIS
	Musique			
	Divers	GERARD MOULEVRIER		AUSTRALIEN / ALLEMAND
				FRANCAIS

France 8 CIP (53%)
Australie 3 CIP (20%)
Allemagne 4 CIP (27%)

Le 3-11-89

Ces techniciens doivent être titulaires de la carte d'identité professionnelle.

CNC ARCHIVES: ACCESS AUTHORISED 2001

VENDREDI 3 NOVEMBRE 1989

C. N. C.
- 3. NOV. 1989
SOUS DIRECTION DE LA PRODUCTION

FICHE ARTISTIQUE

Titre du film : ISABELLE EBERHARDT
Producteur délégué : LES FILMS ARAMIS
Coproducteurs : FLACH FILMS (France) - SEON FILMS (Australie)
ROAD MOVIES (R.F.A.)

Noms et Prénoms	Rôles Interprétés	Adresses	Nationalité
MATHILDA MAY	ISABELLE EBERHARDT	c/o MYRIAM BRU	FRANCAISE
PETER O'TOOLE	COLONEL LYAUTEY	c/o W.MORRIS (LONDON)	ANGLAIS
TCHEKY KARYO	SLIMENE	c/o ARTMEDIA	FRANCAISE
VALERIE BUHAGIAR	VERA		CANADIENNE
FRANCOISE BRION	Mme. VERRE	c/o S.COUTIERES	FRANCAISE
SYLVIA SYMS	Mme. DE MORES		ANGLAISE
WOLF HARNICH	JOUE	c/o. PARALAXE	FRANCAIS
IVAN DESNY	TROPHIMOVSKI	c/o. JOELLE BONNET	FRANCAIS
BERNARD FRESSON	Lt. CAUVET	c/o. NICOLE CANN	FRANCAIS
MARC DE JONGE	COLONEL COMTE	c/o. GUY BONNET	FRANCAIS
ROSS WILLIAMS	BARRACUND		ANGLAIS
AMIDOU	HUSSEIN	c/o. S.COUTIERES	FRANCAIS
FARID CHOPEL	LACHMI	c/o. LA LUMA	FRANCAIS
CLOVIS CORNILLAC	AUGUSTIN	c/o. NICOLE CANN	FRANCAIS

le 3.11.89

CNC ARCHIVES: ACCESS AUTHORISED 2001

Paris, le

28 NOV 1989

Direction de l'Administration
et des Affaires Financières

N O T E à l'attention de
Mme PEYREFITTE

HR/cf

Objet : Décision d'agrément -

Vous avez souhaité savoir s'il était juridiquement possible de refuser l'agrément en raison de participation, dans le cadre de l'accord cinématographiqe franco-australien, de techniciens et d'artistes-interprètes allemands, sur la part australienne.

L'accord précité prévoit la possibilité d'employer des ressortissants de pays 1/3 à l'accord cinématographique sous réserve de l'accord des deux parties.

Le C.N.C. n'a aucune base juridique pour refuser de donner son accord à l'emploi d'allemands, puisque l'article 13 ter du décret du 30 décembre 1959 assimile aux ressortissants français les personnels artistiques et techniques ressortissants d'Etats membres de la CEE.

Une décision de refus d'agrément motivée sur la base de la participation d'étrangers si elle devait faire l'objet d'un recours administratif serait immanquablement annulée.

De la même façon, il ne peut être question de prendre une décision d'abattement du soutien financier, lequel ne s'applique que pour les personnels et artistes ne ressortissant pas de la CEE.

Hélène RAYMONDAUD

Ministère de la Culture, de la Communication,
des Grands Travaux et du Bicentenaire
12, rue de Lübeck 75784 Paris Cedex 16
Tél. 45 05 14 40 - Télex : 650306 - Télécopie : 47 55 04 91

CNC ARCHIVES: ACCESS AUTHORISED 2001

SEANCE DU 29 NOVEMBRE 1989

FILMS DE COPRODUCTION

*FRANCE-AUSTRALIE 60/40

TITRE DU FILM	REALISATEUR	PRODUCTEURS
ISABELLE EBERHARDT (2ème examen)	Ian PRINGLE	LES FILMS ARAMIS 3, rue Copernic 75016 PARIS Gérante : Danielle DUMAS FLACH FILM 47, rue de la Colonie 75013 PARIS PDG : Jean-François LEPETIT SEON FILMS INTERNATIONAL (Australie)

- AVIS DE LA COMMISSION -

La commission est d'avis que l'agrément d'investissement ne soit délivré et que l'admission du film au bénéfice de l'accord de coproduction franco-australien ne soit faite que lorsque le producteur aura :

Justifié :

- de la mobilisation du minimum garanti accordé par la société FLACH FILM sur les recettes France ou la possibilité de mener à bonne fin le film sans y avoir recours.

Présenté :

- les contrats de tous les techniciens et comédiens français engagés sur ce film.

Estimant que la participation technique et artistique française dans ce film est très insuffisante, M. POZDEREC se prononce pour un avis défavorable à la délivrance de l'agrément à ce film.

Mme ALMERAS et MM. DE RENGERVE et VOIRIN refusent de se prononcer.

CNC ARCHIVES: ACCESS AUTHORISED 2001

FICHE TECHNIQUE

Titre du film : ISABELLE EBERHARDT
Début de tournage : 12 FEVRIER 1990
Fin de tournage : 4 MAI 1990
Studio : BERLIN OUEST (essais)
Extérieurs et décors naturel : REGION PARISIENNE - AFRIQUE DU NORD
Producteur délégué : LES FILMS ARAMIS
Co-Producteurs : FLACH FILMS (FRANCE) - SEON FILMS (AUSTRALIE)

TECHNICIENS	NOMS	CIP	OBSERVATIONS
Scénariste	STEPHEN SEWELL		AUSTRALIEN
Dialoguiste	IAN PRINGLE		AUSTRALIEN
Adaptateur			
Réalisateur	IAN PRINGLE		AUSTRALIEN
Conseil technique			
1er assistant réalisateur	J.LUC OLIVIER	6161	FRANCAIS
2ème " "	ANNE SOISSON		FRANCAISE
Script girl	MME KERMADEC Bénédicte	3626	FRANCAISE
Directeur de production	FARID CHAOUCHE	5500	FRANCAIS
Régisseur général	SYLVESTRE GUARINO	6315	FRANCAIS
Régisseur adjoint	SAMUEL AMAR		FRANCAIS
Administrateur	MME BOUTELOUP Cécilia		FRANCAISE
Secrétaire de production	MME VERGNES Martine		FRANCAISE
Chef Opérateur	MANUEL TERAN	4964	FRANCAIS
Caméraman			
1er assistant opérateur	PASCAL LAGRIFFOUL	6989	FRANCAIS
2ème " "	THIERRY POUGET		FRANCAIS
Photographe	PETER LEISS		AUSTRALIEN
Chef décorateur	BRYCE PERRIN		AUSTRALIEN
Décorateur	GEOFFROY LARCHER	(voir CNC)	FRANCAIS
2ème assistant décorateur	MARISOL DERODE		FRANCAIS
Régisseur d'extérieurs	J.MARC MOULIGNE		FRANCAIS
Ensemblier	PASCAL GRAFFIN		FRANCAIS
Accessoiriste meubles	PIOTR STYCZEN		FRANCAIS
Accesoiriste plateau			
Tapissier			
Chef monteur	KEN SALLOWS		AUSTRALIEN
Assistant monteur	MONICA COLLMAN	6693	AMERICAINE
Chef maquilleur	JACKIE REYNAL	1815	FRANCAISE
Maquilleur adjoint	MARIANNE COLLETTE		FRANCAISE
Coiffeurs ou coiffeuses	JANICK RODA		FRANCAISE
Habilleuse	RADIJA ZEGGAI		FRANCAISE
Créateur de costumes	MIC CHEMICAL		FRANCAISE
Chef opérateur du son	BERNARD AUBOUY	1778	FRANCAIS
Assistant du son	LAURENT POIRIER	5111	FRANCAIS
Musique	PAUL SCHUTZE		AUSTRALIEN

CNC ARCHIVES: ACCESS AUTHORISED 2001

FICHE ARTISTIQUE

Titre du film : ISABELLE EBERHARDT
Producteur délégué : LES FILMS ARAMIS
Coproducteurs : FLACH FILMS (France) - SEON FILMS (Australie)

NOMS ET PRENOMS	ROLES INTERPRETES	NATIONALITE
MATHILDA MAY	ISABELLE EBERHARDT	FRANCAISE
PETER O'TOOLE	COLONEL LYAUTEY	ANGLAISE
TCHEKY KARYO	SLIMENE	FRANCAISE
OLIVIER PAJOT	DE SUSBIELLE	FRANCAISE
CATHERINE ALCOVER	MME VERRE	FRANCAISE
FRANCOISE BRION	MME DE MORES	FRANCAISE
CLEMENT HARARI	JOUE	FRANCAISE
WOLF HARNISCH	TROPHIMOVSKI	ALLEMANDE
ARTHUR DIGMAN	Lt. CAUVET	AUSTRALIENNE
RICHARD MOIR	COLONEL COMTE	AUSTRALIENNE
CLAUDE VILLERS	BARRACAND	FRANCAISE
BEN SMAIL	HUSSEIN	TUNISIENNE
FOUED NASSAH	LACHMI	FRANCAISE
DAVID PLEDGER	AUGUSTIN	AUSTRALIENNE

N°912113

P. BONNEFOUS
EXPERT-TRADUCTEUR
30 bis, rue E.-Menier, 75116 PARIS
45.53.23.13

CNC ARCHIVES: ACCESS AUTHORISED 2001

Traduit de l'anglais

FFC

AUSTRALIAN FILM FINANCE CORPORATION PTY LIMITED

Par télécopie
6 décembre 1989

Messieurs Ian Pringle & Daniel Scharf
Seon Film International Pty Ltd
12 Egerton Road
ARMADALE VIC 3143

Cher Ian et Cher Daniel,

OBJET : ISABELLE EBERHARDT

J'ai le plaisir de vous aviser que le Conseil d'administration de la société Australian Film Finance Corporation Pty Limited ("FFC") a décidé d'investir US $1.400.000 dans le film long métrage *Isabelle Eberhardt* sous réserve de différentes conditions, qui incluent les suivantes :

(i) Seon Films International Pty Limited ("Seon") et les Films Aramis ("Aramis") devront être les sociétés de production. Daniel Scharf et Jean Petit devront être les co-producteurs physiques à engager selon des clauses qui devront être approuvées par FFC. Ian Pringle sera le Producteur Exécutif.

(ii) Seon devra recevoir un certificat provisionnel reconnaissant que le film doit être réalisé en tant que co-production officielle telle que le définit la Division 10BA de la loi Income Tax Assessment Act.

(iii) Seon et Aramis devront recevoir une approbation écrite de la "Australian Film Commission" et du Centre National de

CNC ARCHIVES: ACCESS AUTHORISED 2001

P. BONNEFOUS
EXPERT-TRADUCTEUR
30 bis, rue E.-Menier, 75116 PARIS
45.53.43.13

la Cinématographie stipulant que le film est qualifié en tant que co-production australienne/française au sens de l'accord administratif conclu entre les deux autorités.

(iv) La présente offre est soumise au fait que Aramis, Seon et FFC concluent des accords juridiques qui satisfassent les avocats de FFC.

Sincèrement vôtre,

Signature illisible
TANIA CHAMBERS
Business Affairs Manager

CNC ARCHIVES: ACCESS AUTHORISED 2004

AUSTRALIAN FILM FINANCE CORPORATION PTY LIMITED
INCORPORATED IN ACT

VIA FACSIMILE
6 December 1989

P. BONNEFOUS
EXPERT-TRADUCTEUR
30 bis, rue E.-Menier, 75116 PARIS
45.53.23.13

Messrs Ian Pringle & Daniel Scharf
Seon Film International Pty Limited
12 Egerton Road
ARMADALE VIC 3143

Dear Ian & Daniel,

ISABELLE EBERHARDT

I am pleased to advise that the Board of the Australian Film Finance Corporation Pty Limited ("FFC") has decided to invest US$1,400,000 in the feature film, ISABELLE EBERHARDT, subject to various conditions which include:

(i) Seon Film International Pty Limited ("Seon") and Les Films Aramis ("Aramis") shall be the production companies. Daniel Scharf and Jean Petit shall be the physical co-producers to be engaged on terms to be approved by the FFC. Ian Pringle shall be the Executive Producer.

(ii) Seon receiving a provisional certificate acknowledging that the film is to be made as an official co-production as defined by Division 10BA of the Income Tax Assessment Act.

(iii) Seon and Aramis receiving written approval from the Australian Film Commission and the Centre National de la Cinematographie that the film qualifies as an Australian/French co-production for the purposes of the Administrative Arrangement between the two authorities.

(iv) This offer is subject to Aramis, Seon and the FFC entering into legal documentation satisfactory to the FFC's solicitors.

Yours sincerely,

Tania Chambers
Business Affairs Manager

Level 6, 1 Pacific Highway, North Sydney NSW 2060 GPO Box 3886, Sydney NSW 2001
Telephone (02) 956 2555 008 251 061 Facsimile (02) 954 4253
11th Floor, 432 St Kilda Road, Melbourne Vic 3004 PO Box 6181 St Kilda Road Central, Melbourne Vic 3004
Telephone (03) 693 1111 Facsimile (03) 868 4355

CNC ARCHIVES: ACCESS AUTHORISED 2001

AUSTRALIAN FILM FINANCE CORPORATION PTY LIMITED
INCORPORATED IN ACT

6 February 1990

Mr Ian Pringle & Mr Daniel Scharf
Seon Film International Pty Ltd
12 Egerton Road
ARMADALE VIC 3143

FACSIMILE: 33 1 4755 6127

Dear Ian & Daniel,

ISABELLE EBERHARDT

I am pleased to advise that the Board of the Australian Film Finance Corporation Pty Limited ("FFC") has decided to increase its offer of investment by US$112,000 to an offer of investment of US$1,512,000 in the feature film *Isabelle Eberhardt*.

It is understood the film will be produced by Seon Film International Pty Limited ("Seon") and Les Films Aramis ("Aramis").

This offer is conditional upon:

- Seon receiving a provisional certificate acknowledging that the film is to be made as an official co-production as defined by Division 10BA of the Income Tax Assessment Act;

- Seon and Aramis receiving written approval from the Australian Film Commission and the Centre Nationale de la Cinematographie that the film qualifies as an Australian/French co-production for the purposes of the Administrative Arrangement between the two authorities.

Please do not hesitate to contact me should you have any enquiries.

Yours sincerely,

Tania Chambers
Business Affairs Manager

Level 6, 1 Pacific Highway, North Sydney NSW 2060 GPO Box 3886, Sydney NSW 2001
Telephone (02) 956 2555 008 251 061 Facsimile (02) 954 4253
11th Floor, 432 St Kilda Road, Melbourne Vic 3004 PO Box 6181 St Kilda Road Central, Melbourne Vic 3004
Telephone (03) 823 4111 Facsimile (03) 820 2663

Australian Film Commission 8 West Street, North Sydney, Box 3984 G.P.O. Sydney, NSW 2001 Telephone (02) 925 7333 Telex 2(
Fax 959 5403 Toll Free (008) 22(

5 February 1990

CNC ARCHIVES: ACCESS AUTHORISED 2001

BY FAX: 33-1-47-55-6127

Daniel Scharf
Les Films Aramis/Seon Films

Dear Daniel,

I finally received the necessary documentation from CNC in Paris on February 1. I have subsequently examined it and confirmed that we are happy with the details provided. I have today requested the appropriate people at DASETT to issue a 10BA Certificate without delay. This will be addressed to you c/- your Melbourne Office.

With best wishes.

Yours sincerely,

PETER BAINSBURY
Executive Director
Film Development

Australian Film Commission

APPENDIX G8

Documents from CNC Archives

The Old Man Who Read Love Stories

FILM	Final 6 March 2001	LE VIEUX QUI LISAIT DES ROMANS D'AMOUR
RPSA		90 155

CNC ARCHIVES: ACCESS AUTHORISED 2004

PRODUCTEURS	
FILDEBROC	Président Directeur Général
PDG: Michelle de Broca	
FRANCE 2 CINEMA	4-31 place de la Madeleine 75008 Paris.
Marc Tessier	
CAPAC	5 rue Lincoln 75008 Paris
Paul Claudon	Tel 08 83 48 93 82
MAGNETIC HALL (australie)	Julie Ryan
KINO VISION (Espagne)	kino@infonegocio.com Inaki Nunez.
Odusseia (Holland)	Ody Wijngaarde.

Catégorie	FRANCE-AUSTRALIE-ESPAGNE
%	55/25/20

COÛT DEFINITIF		**59 674 484**
PART FRANCAISE		34 024 484
DEPENSES EN FRANCE	(67,3%)	40 133 738

DEVIS		**55 852 458**
PART FRANCAISE		30 719 967
DEPENSES EN FRANCE		
PART ETRANGERE (1)	20%	11 170 491
PART ETRANGERE (2)	25%	13 962 000

DEBUT DES PRISES DE VUES	11/10/1999
DUREE DU TOURNAGE	9 semaines
EXTERIEURS	Guyane française
STUDIO	

OEUVRE ORIGINALE	"El viejo que leai novelas de amor" de Luis SEPULVEDA (All)
SCENARIO	Rolf DE HEER (Hol)
ADAPTATION	Marcel BEAULIEU (Can)

REALISATEUR	**Rolf DE HEER (Hol)**

DIRECTEUR PRODUCTION	Yves DUTHEIL
DIRECTEUR PHOTO	Denis LENOIR
CHEF DECORATEUR	Pierre VOISIN
CHEF MONTEUR	Tania NEHME (Austr)
INGENIEUR DU SON	James CURRIE (Australien)

LABORATOIRE DE TOURNAGE	Eclair
LABORATOIRE DE FINITION	Eclair
AUDITORIUM	Sonoblock (Espagne)
PELLICULE	Kodak, 35 mm, couleur

ACTEURS
Richard DREYFUSS (USA) (49 c)
Timothy SPALL (GB) (24 c)
Hugo WEAVING (GB, résid Austr) (22 c)
Guillemo TOLEDO (Esp) (18 c)
Luis HOSTALOT (Esp) (18 c)
Federico CELADA (Esp) (18 c)

VERSION ORIGINALE
Anglaise

BSF producteur :	**48**
BSF CNC :	**46**

APPENDIX G9

Documents from CNC Archives

Paradise Found

CNC ARCHIVES: ACCESS AUTHORISED 2004

Level 4, 150 William Street
Woolloomooloo, NSW 2011
GPO Box 3984, Sydney 2001
Telephone 612 9321 6444
Toll Free 1800 226 615
Facsimile 612 9357 3737
Email info@afc.gov.au

21 March 2000

Mario Andreacchio
Stella Productions Pty Ltd
13 Emily Avenue
CLAPHAM SA 5062

Dear Mario

GAUGUIN – CP0095
DATE OF APPROVAL: 15 February 2000

Attached is a copy of the Commission Decision on the above project. Please note this decision will lapse if principal photography has not commenced within two (2) years from the approval date.

With best wishes

Caroline Verge
LEGAL AFFAIRS MANAGER

encl.

CNC ARCHIVES: ACCESS AUTHORISED 2004

COMMISSION DECISION

Decision No: 2000/004

Report No: EB 2000/1

Meeting Date: 15 February 2000

Australian/French Coproduction: Gauguin / Copie Bordiec

The Commission ADOPTED the recommendation that GAUGUIN be approved as an Australian/French coproduction under the terms of the Memorandum of Understanding between the Australian Film Commission and the Centre Nationale de la Cinematographie and on the basis of applications received by the AFC from Stella Productions Pty Ltd and by the CNC from Le Sabre.

KIM DALTON
Chief Executive

Distribution List

M Barron
D Clark
R de Heer
H Leake
B Moir
K Noble
J Polson
L Staley

K Dalton
C Warner
K Ireland
K Ingham
R Neale

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EXHIBIT "B"

REQUIRED ELEMENTS

"PICTURE"

The word "Picture" refers to the feature-length theatrical motion picture currently entitled "PARADISE FOUND" containing the following Required Elements:

1. The Picture will be in color and in 35mm with a running time between 80 and 120 minutes. It will be capable of receiving a MPAA rating no more restrictive than "R" in the USA. Start of principal photography of the Picture shall occur no later than 30 June, 2001.

2. The role of Gauguin : to be mutually agreed between the parties acting reasonably and in good faith in accordance with Article 12 of the Main Agreement.

3. The Picture will be based on the script dated June 2000 written by John Goldsmith and Mario Andreacchio.

4. The Picture will be directed by Mario Andreacchio.

5. Completion of the Picture shall be guaranteed by a company approved in writing by STUDIOCANAL IMAGE, it being agreed that The Motion Picture Bond Company Inc. is pre-approved, and STUDIOCANAL IMAGE shall be a beneficiary of the completion bond. The completion bond shall be in place on or before the start of principal photography. STUDIOCANAL IMAGE will be added as joint loss-payee on all production insurance.

6. The Budget of the Picture will be no less than AU$ 8,970,000.

7. The Picture shall be of French and Australian origin.

CNC ARCHIVES: ACCESS AUTHORISED 2004

LE SABRE

TELECOPIE

SERVICE JURIDIQUE
Tél. 01 46 94 88 88
Fax 01 46 94 88 89

7 RUE CASTEJA
92100 BOULOGNE BILLANCOURT

date : 11 mai 2001
fax n° : 01 44 34 37 24
nombre de pages : 1

destinataire : CNC
à l'attention de : Caroline Corr
signataire : Agnès Jacob

Ref. : *coproductions internationales*

Chère Madame,

Je fais suite à notre conversation téléphonique de mercredi dernier.

Comme je vous l'avais indiqué, Le Sabre va coproduire un film provisoirement intitulé « Paradise Found ». Nous souhaitons coproduire ce film sous les accords suivants :

- *franco-australien*
- *franco-allemand et*
- *franco-anglais.*

Pourriez vous me confirmer par retour de fax, qu'aucune clause des différents accords bilatéraux ci-dessus mentionnés n'empêche ce montage.

Je vous remercie d'avance pour votre aimable collaboration,

Cordialement,

Agnès Jacob
Service Juridique

CNC ARCHIVES: ACCESS AUTORISÉ 2003

CO-PRODUCTION AGREEMENT

ApolloMedia GmbH, this company represented by its managing director Frank Hübner, Behlert Str. 3a, 14467 Potsdam - hereinafter **"ApolloMedia"** – and Le Sabre S.A. of 7 rue Casteja, Boulogne Billancourt, France, F – 92100, represented by its managing director Georges Campana – hereinafter **"Le Sabre"** and Adelaide Motion Picture Company Pty. Ltd., CAN 092 968 351 of 13 Emily Avenue, Clapham, South Australia 5062, Australia, represented by its managing director Mario Andreacchio - hereinafter **("AMPCO")** and Grosvenor Park Productions (UK) Limited ("GP") of 53-54 Grosvenor Street, London W1X 3HU represented by its managing director Andrew Somper and ApolloMedia, Le Sabre, AMPCO and GP are together jointly referred to as "the Co-Producers" hereby conclude the following agreement:

PREAMBLE

The Co-Producers agree that they join together and cooperate for co-production purposes. The cooperation is meant just to cover the production costs and for rendering services for the Co-Producers and will not hold any exploitation rights after the completion of the production of the below stated Film and the Co-Producers agree that the activity of the cooperation for a co-production purpose is characterized as an auxiliary activity for the Co-Producers and that there shall not be any entrepreneurial partnership between the Co-Producers.

1. SUBJECT OF THE AGREEMENT

a) The parties to the agreement intend to jointly co-produce a motion picture with the provisional working title

"Paradise Found"
(hereinafter the "Film")

on the basis of a screenplay by John Goldsmith.

ARRIVÉ LE
14 SEP. 2001
DIRECTION DU CINEMA

b) The Film will feature the following:

Director:	Mario Andreacchio
Script:	John Goldsmith
Original Story:	John Goldsmith & Mario Andreacchio
Cast:	Nastasja Kinski, Kiefer Sutherland, Thomas Heinze
Camera:	Geoffrey Simpson
Length:	between 90 and 120 minutes.
Format:	35 mm colour
Original language:	English

c)The Co-Producers undertake all reasonable efforts to secure compliance with

(i) § 16 FFG ;
(ii) the Films Co-Production Agreement between the Government of the United Kingdom and Northern Ireland and the Government of France; and
(iii) the Films Co-production Agreement between the Government of Australia and the Government of France
(iv) the Films Co-production Agreement between the Government of the Federal Republic of Germany and the Government of France

((ii-iv) collectively the "Treaties");

d) The parties agree to those creative decision-making rights granted to Mario Andreacchio ("Andreacchio") as set forth in the Director's employment agreement for Andreacchio's services for the Film ("Director's Agreement") which rights shall be subject to the terms of the Completion Guaranty and the Film being on-budget (including contingency) and Andreacchio not being in material default under the Completion Bond Producer's Agreement.

e) Frank Huebner is authorized to make all decisions and grant all approvals hereunder on behalf of ApolloMedia.

Signed 15 Apr. 1 01

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Fiche N° 8 : Artistes interprètes

Agrément des investissements

Titre du film : **PARADISE FOUND**

29 JUIN 2001

BSF							Points
	Rôles	Nom et Prénom	Rôle Interprété	Cachets	Nationalité / Résidence	Employeur	
10	Rôles Principaux	SUTHERLAND KIEFER	GAUGUIN	36	UK	Grosvenor Park Prod. Services	....
		KINSKI NASTASSJA	METTE	15	ALLEMANDE	ZEN (le Sabre)	0
		Sont considérés comme rôles principaux les rôles pour lesquels la présence à l'écran des artistes interprètes est requise pour la moitié au moins des scènes					
10	Rôles Secondaires	ARMSTRONG ALUN	PISSARO	8	UK	Grosvenor Park Prod. Services	....
		HAYWOOD CHRIS	ARNAUD	7	UK/ AUSTRALIE	AMPCO	
		HOPE NICHOLAS	MAURRIN	7	UK/ AUSTRALIE	AMPCO	
		BROWN SARAH LINA	TEHURA	10	Nouvelle Zelande/N.	AMPCO	
		HEINZE THOMAS	SCHUFF	5	ALLEMAGNE	ZEN (Le Sabre)	
		JANEBOVA PAULINE	ALINE	(enfant)11	Hollande/Rép. Tchè	ZEN (le Sabre)	
	Petits rôles	FUTCHER MICHAEL	MARCHAND	3	AUSTRALIE /AUS	AMPCO	
		SEYMOUR BRUCE	LAVAL	3	AUTRALIE/ AUS	AMPCO	
		BITTNEROVA JANA	SUZANNE	3	Slovaque/ Rép. Tché	ZEN (le Sabre)	
		HODKOVA ZUZANA	mme PISSARO	2	Tchèque/ Rép. Tché	ZEN (Le Sabre)	
		VIZNER JAROSLAV	M. BERTIN	2	Tchèque/ Rép. Tché	ZEN (Le Sabre)	
		VARGA PETR	VAN GOGH	3	Slovaque/ Rép. Tché	ZEN (Le Sabre)	
20	Total des points au barème du soutien financier					Total des points obtenus	....

Les points sont acquis lorsque :

1. Les individus concernés sont français, résidents français ou ressortissants d'un état européen (tel que défini dans la plaquette jointe au dossier)
2. Le contrat de travail désigne la loi française comme applicable

Date 21.06.01

Signature

Séance du 1er août 2001

CNC ARCHIVES: ACCESS AUTHORISED 2004

AUSTRALIE - FRANCE - GRANDE-BRETAGNE - ALLEMAGNE
40/20/20/20

TITRE	REALISATEUR	PRODUCTEURS
PARADISE FOUND	Mario ANDREACCHIO	LE SABRE AMPCO (Australie) GROSVENOR PARK PROD (Grande-Bretagne) APOLLOMEDIA (Allemagne)

AVIS DE LA COMMISSION

Le CNC indique qu'il s'agit d'une coproduction internationale réunissant l'Australie (40%), la France (20%), le Royaume-Uni (20%) et l'Allemagne (20%).

Il est précisé que le tournage de ce film a débuté le 24 mai 2001 alors que le dossier a été déposé le 29 juin 2001.

Le dossier présenté réunissant au mieux 19 points au barème du soutien financier, la commission estime qu'il n'est pas recevable en l'état.

Department for Culture, Media and Sport
creative industries division

2-4 Cockspur Street
London SW1Y 5DH
www.culture.gov.uk

Tel 020 7211 6437
Fax 020 7211 6417
colin.green@culture.gov.uk

CNC ARCHIVES: ACCESS AUTHORISED 2004

Paul Chanel
Mlle

Francois Hurard
Le Directeur de la Production cinematographique
Centre Nationale de la Cinematographie
12 rue de Lubeck
75784 Paris Cedex 16
FRANCE

Your Ref:

Our Ref: 5/5/432

6 September 2001

Dear Francois Hurard

UK/FRANCE/GERMANY/AUSTRALIA CO-PRODUCTION: PARADISE FOUND

I am writing to let you know of an application we have received for the project entitled "Paradise Found" to be accepted under the terms of the UK/France Co-production Agreement. Relevant documentation is enclosed.

The application proposes a co-production costing a total of £3,529,543 of which:

£705,909 (20%) will be financed by Grosvenor Park Productions UK Ltd. for the UK;
£705,908 (20%) by Le Sabre for France;
£705,909 (20%) by Apollo Media GmbH for Germany; and
£1,411,817 (40%) by the Adelaide Motion Picture Co. for Australia.

We have reviewed the documentation submitted by the UK co-producer, and are content to grant provisional co-production status to "Paradise Found" under the terms of the UK/France Co-production Agreement.

Provisional co-production status is subject to your views. If you require any further information, please do not hesitate to contact me.

Yours sincerely

12

Colin Green
Film Certification Officer

N.B. Cedric voulait Kieffer comme titre mais il voulait dire en anglais ... Il faut voir si on peut changer ce titre

INVESTOR IN PEOPLE

Department for Culture, Media and Sport
creative industries division

2-4 Cockspur Street
London SW1Y 5DH
www.culture.gov.uk

Tel 020 7211 6437
Fax 020 7211 6417
colin.green@culture.gov.uk

~~CNC ARCHIVES: ACCESS AUTHORISED 2004~~

Chris Chrisafis
Grosvenor Park Productions UK Ltd.
53-54 Grosvenor Street
London
W1X 9FH

Your ref:

Our ref: 5/5/432

6 September 2001

Dear Chris Chrisafis,

UK/FRANCE/GERMANY/AUSTRALIA CO-PRODUCTION: PARADISE FOUND

Thank you for your application for this project, "Paradise Found".

The application proposes a co-production costing a total of £3,529,543 of which:

£705,909 (20%) will be financed by Grosvenor Park Productions UK Ltd. for the UK;
£705,908 (20%) by Le Sabre for France;
£705,909 (20%) by Apollo Media GmbH for Germany; and
£1,411,817 (40%) by the Adelaide Motion Picture Co. for Australia.

I have now reviewed the documentation and am pleased to inform you that we will be able to give provisional co-production status to "Paradise Found" on the terms set out below:

i) that the competent authority of France also recognises the project as an official co-production;

ii) that "Paradise Found" is produced in accordance with the application for co-production status dated 26 June 2001;

iii) that "Paradise Found" is produced in accordance with the co-producers' agreement between Grosvenor Park Productions UK Ltd., Le Sabre, Apollo Media GmbH and the Adelaide Motion Picture Co. dated 15 April 2001, subject to the condition that the said agreement shall make provision for the financial liabilities of the co-producers for costs incurred should the film:

1) be refused provisional co-production status; or
2) fail to comply with the conditions of provisional approval; or
3) be refused public exhibition in the United Kingdom, France, Germany or Australia;

INVESTOR IN PEOPLE

CNC ARCHIVES: ACCESS AUTHORISED 2004

iv) that the financial contribution of each minority co-producer is never less than 20% of the total and final production costs;

v) that you make the necessary arrangements to provide approximately £705,909, i.e. 20% of the production costs, to the project;

vi) that approximately £653,060, ie 18%, is spent on UK elements and on nationals or residents of the UK or the European Economic Area (EEA) who have been approved by DCMS as part of the UK's creative share in accordance with the co-production budget allocation under cover of the e-mail from Malde & Co. dated 6 September 2001;

vii) that all production work is executed in the United Kingdom, France, Germany and Australia with the exception, subject to the demands of the script, of location filming in the Czech Republic;

viii) that all individuals, including the musicians, who take part in the making of the film are, according to the terms of Article 1 of the UK/France Co-production Agreement, nationals or residents of the UK or of France or of a Member state of the EEA; or are nationals or residents of Australia; with the exception of the following:

Sarah Lina Brown, a New Zealand national, as a feature artist;
7 nationals of the Czech Republic, 1 Slovakian, and 1 Yugoslav as other artists; and nationals or residents of the Czech Republic as crowd artists and additional employees whose services are necessary for the location work to be undertaken;

ix) that a final credit list is submitted for prior approval to DCMS confirming how the co-producing countries are mentioned in the credit titles, for example, as "a United Kingdom/France/Germany/Australia co-production". The order of precedence of the co-producing countries may be varied.

Any departure from the terms of a project approved provisionally and from the terms of the UK/France Co-Production Agreement in general is liable to disqualify the project from receiving official co-production status at the final approval stage. Should it be necessary to modify an approved project in any way, prior approval must be sought from DCMS.

I have written to the French competent authorities to inform them that you have received co-production status from the UK.

Yours sincerely

Colin Green
Film Certification Officer

CNC ARCHIVES: ACCESS AUTHORISED 2004

Section 10 — Personnel involved in making the film

Where names cannot be given for the key roles as requested, the Department will be prepared, initially, to accept the number of persons involved and their nationalities. However, it is essential that at least reasonably accurate estimates of the number and nationalities of all persons listed below be provided in order for an assessment for provisional co-production status to be made. Confirmation will be sought for final co-production status.

NOTE ABOUT ANIMATION FILMS

In the case of an animation film, we still require the fullest possible details to be entered. For instance, voice-over artists may be entered as leading artists and feature artists, etc. Generally, something should be put where possible, even if one person performed more than one of the roles listed on the form. For example, for director of photography, you may put someone who supervised the taking of the photographs or similar role, or may wish to amend the application form to show the correct job title for an individual. In the case of an animation film, there is an extra table to complete further on.

CREATIVE GROUP	Names	Nationality	Country of residence
Director	MARIO ANDREACCHIO	AUSTRALIAN	AUSTRALIA
Scriptwriter(s)	JOHN GOLDSMITH	BRITISH	UK
Musical composer	TBC	BRITISH	TBC
Musical director			

PERFORMING GROUP

Leading artist 1	KIEFER SUTHERLAND	BRITISH	USA	
Leading artist 2	NASTASSJA KINSKI	GERMAN	USA	
Leading artist 3	ALUN ARMSTRONG	BRITISH	UK	
Feature artist 1	CHRIS HAYWOOD	BRITISH	AUSTRALIA	
Feature artist 2	NICHOLAS HOPE	BRITISH	AUSTRALIA	
Feature artist 3	THOMAS HEINZE	GERMAN	GERMANY	
Feature artist 4	SARAH LINA BROWN	NZ	NEW ZEALAND	
Other artists	[redacted]		DUTCH BRITISH YUGOSLAVIAN SLOVAK CZECH	1 1 1 2 7
Crowd artists			AUSTRALIAN CZECH	100 386
Musicians			BRITISH	**TBC**

CNC ARCHIVES: ACCESS AUTHORISED 2004

Personnel involved in making the film (continued)

TECHNICAL CRAFT GROUP	Nationality	Country of Residence	Name
1. Director of photography	AUSTRALIAN	AUSTRALIA	GEOFFREY SIMPSON
2. Sound recordist	AUSTRALIAN	AUSTRALIA	DES KENNEALLY
3. Editor	AUSTRALIAN	AUSTRALIA	TED McQUEEN MASON
4. Production designer	FRENCH	FRANCE	JEAN-VINCENT PUZOS
5. Art director	AUSTRALIAN	AUSTRALIA	RITA ZANCHETTA
6. Line Producer	FRENCH	FRANCE	
7. Production Co-ordinator	FRENCH AUSTRALIAN	FRANCE AUSTRALIA	
8. Accountant	FRENCH	FRANCE	
9. Assistant Accountant	AUSTRALIAN	AUSTRALIA	
10. Continuity	AUSTRALIAN	AUSTRALIA	
11. Focus Puller	AUSTRALIAN	AUSTRALIA	
12. Clapper Loader	AUSTRALIAN	AUSTRALIA	
13. Stills	AUSTRALIAN	AUSTRALIA	
14. Boom	AUSTRALIAN	AUSTRALIA	
15. Standby Props	AUSTRALIAN	AUSTRALIA	
16. Wardrobe	FRENCH	FRANCE	
17. Assistant Wardrobe	AUSTRALIAN	AUSTRALIA	
18. Make Up	GERMAN	GERMANY	
19. Hair	FRENCH	FRANCE	
20. Gaffer	AUSTRALIAN	AUSTRALIA	
21. Best Boy	AUSTRALIAN	AUSTRALIA	
22. Key Grip	AUSTRALIAN	AUSTRALIA	
23. Standby Grips	AUSTRALIAN	AUSTRALIA	
24. Genny Operator	AUSTRALIAN	AUSTRALIA	
25. Assistant Editor	AUSTRALIAN	AUSTRALIA	
26. Special effects	AUSTRALIAN	AUSTRALIA	

CNC ARCHIVES: ACCESS AUTHORISED 2004

Personnel involved in making the film (continued)

Does the making of the film involve
The undertaking of animation work

No [X]
Yes [ ] Please give details below.

In addition to taking account of the nationality of other crew and location of facilities, the co-producers should
ensure that the nationalities/residence of the following categories of personnel can be attributed to the co-producing countries' creative share, rather than to the creative share of any non co-producing country:

ROLE	NUMER OF PERSONS	NATIONALITY	COUNTRY OF RESIDENCE
Animator			
Assistant animator			
Opaquer			
In-betweener			
Storyboard editor			
Background (artist)			
Design supervisor			
Camera operator			
Animation director			
Art Director			
Layout (artist)			
Tracer/photocopier			

PLEASE ALSO ANSWER THE FOLLOWING QUESTION

Does the making of the film involve the undertaking of **either** location work or animation work outside the co-producing countries?

No
Yes [X] Please give details overleaf.

BRIEF GUIDANCE ON CREATIVE AND TECHNICAL PERSONNEL FOR LOCATION OR ANIMATION WORK IN NONCO-PRODUCING COUNTRIES

If the production involves location or animation work in a country outside the co-producing countries,
the following serves as a guide to employment of creative and technical personnel.

CNC ARCHIVES: ACCESS AUTHORISED 2004

It is important to note that co-production agreements allow for non-co-producer country nationals to comprise only the most basic level of cast and crew in relation to a location shoot.

LOCATION: a sample list of crew which might reasonably comprise a second unit sourced from a non-co-producing country and be necessary for location filming is given in the table on the next page.

ANIMATION: the same provision can be made for non-co-producing country personnel in non-co-producing countries to be engaged in basic technical and creative animation work equivalent to basic crew on location.

Please give details in the table on the next page.

CNC ARCHIVES: ACCESS AUTHORISED 2004

Personnel involved in making the film (continued)

CREATIVE & TECHNICAL PERSONNEL FOR LOCATION OR ANIMATION WORK IN NON-CO-PRODUCING COUNTRIES

Please complete below as appropriate or, where such personnel are additional to the roles listed above, provide a list on a separate sheet. It is recognised that some roles may be duplicated in second units. Where a certain role may not be employed, please indicate in the relevant box by writing N/A.

ROLE	NUMBER OF PERSONS-DAYS	NATIONALITIES
Production Co-ordinator (SECY)	57	CZECH
Location Manager	63	CZECH
Unit Manager	42	CZECH
Production/Floor runners	39	CZECH
Transport Captain		
Translators /Pas		
(3rd) Assistant Camera	25	CZECH
(3rd) Video Assistant	27	CZECH
Assistant Art Director	48	CZECH
Construction Manager	48	CZECH
Swing Gang		
Construction	78	CZECH
Prop Assistant	60	CZECH
Prop Buyer	120	CZECH
Assistant Buyer	-	
Assistant Costume	190	CZECH
Assistant Make Up/Hair	108	CZECH
Grips	68	CZECH
Sparks	153	CZECH
nking (animation)	-	-
n-betweens (animation)	-	-
other basic animation (specify)	-	-

ALL APPLICANTS SHOULD FILL IN THE FOLLOWING TABLE

How many other technicians craftsmen of each nationality (Excluding specified personnel above, or on any separate sheets)	French ~~HH~~	Austria HH ~~HH~~ ~~HH~~	Germ 1	Czech 15

CNC ARCHIVES: ACCESS AUTHORISED 2004

Section 10 — **Personnel involved in making the film**

Where names cannot be given for the key roles as requested, the Department will be prepared, initially, to accept the number of persons involved and their nationalities. However, it is essential that at least reasonably accurate estimates of the number and nationalities of all persons listed below be provided in order for an assessment for provisional co-production status to be made. Confirmation will be sought for final co-production status.

NOTE ABOUT ANIMATION FILMS

In the case of an animation film, we still require the fullest possible details to be entered. For instance, voice-over artists may be entered as leading artists and feature artists, etc. Generally, something should be put where possible, even if one person performed more than one of the roles listed on the form. For example, for director of photography, you may put someone who supervised the taking of the photographs or similar role, or may wish to amend the application form to show the correct job title for an individual. In the case of an animation film, there is an extra table to complete further on.

CREATIVE GROUP	Names	Nationality	Country of residence
Director	MARIO ANDREACCHIO	AUSTRALIAN	AUSTRALIA
Scriptwriter(s)	JOHN GOLDSMITH	BRITISH	UK
Musical composer	TBC	BRITISH	TBC
Musical director			

PERFORMING GROUP

Leading artist 1	KIEFER SUTHERLAND	BRITISH	USA	
Leading artist 2	NASTASSJA KINSKI	GERMAN	USA	
Leading artist 3	ALUN ARMSTRONG	BRITISH	UK	
Feature artist 1	CHRIS HAYWOOD	BRITISH	AUSTRALIA	
Feature artist 2	NICHOLAS HOPE	BRITISH	AUSTRALIA	
Feature artist 3	THOMAS HEINZE	GERMAN	GERMANY	
Feature artist 4	SARAH LINA BROWN	NZ	NEW ZEALAND	
Other artists	[redacted]		DUTCH BRITISH YUGOSLAVIAN SLOVAK CZECH	1 1 1 2 7
Crowd artists			AUSTRALIAN CZECH	100 386
Musicians			BRITISH	**TBC**

CNC ARCHIVES: ACCESS AUTHORISED 2004

Personnel involved in making the film (continued)

TECHNICAL CRAFT GROUP	Nationality	Country of Residence	Name
1. Director of photography	AUSTRALIAN	AUSTRALIA	GEOFFREY SIMPSON
2. Sound recordist	AUSTRALIAN	AUSTRALIA	DES KENNEALLY
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5. Art director	AUSTRALIAN	AUSTRALIA	RITA ZANCHETTA
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7. Production Co-ordinator	FRENCH AUSTRALIAN	FRANCE AUSTRALIA	
8. Accountant	FRENCH	FRANCE	
9. Assistant Accountant	AUSTRALIAN	AUSTRALIA	
10. Continuity	AUSTRALIAN	AUSTRALIA	
11. Focus Puller	AUSTRALIAN	AUSTRALIA	
12. Clapper Loader	AUSTRALIAN	AUSTRALIA	
13. Stills	AUSTRALIAN	AUSTRALIA	
14. Boom	AUSTRALIAN	AUSTRALIA	
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18. Make Up	GERMAN	GERMANY	
19. Hair	FRENCH	FRANCE	
20. Gaffer	AUSTRALIAN	AUSTRALIA	
21. Best Boy	AUSTRALIAN	AUSTRALIA	
22. Key Grip	AUSTRALIAN	AUSTRALIA	
23. Standby Grips	AUSTRALIAN	AUSTRALIA	
24. Genny Operator	AUSTRALIAN	AUSTRALIA	
25. Assistant Editor	AUSTRALIAN	AUSTRALIA	
26. Special effects	AUSTRALIAN	AUSTRALIA	

CNC ARCHIVES: ACCESS AUTHORISED 2004

Personnel involved in making the film (continued)

Does the making of the film involve — No [X]
The undertaking of animation work — Yes [ ] Please give details below.

In addition to taking account of the nationality of other crew and location of facilities, the co-producers should
ensure that the nationalities/residence of the following categories of personnel can be attributed to the co-producing countries' creative share, rather than to the creative share of any non co-producing country:

ROLE	NUMER OF PERSONS	NATIONALITY	COUNTRY OF RESIDENCE
Animator			
Assistant animator			
Opaquer			
In-betweener			
Storyboard editor			
Background (artist)			
Design supervisor			
Camera operator			
Animation director			
Art Director			
Layout (artist)			
Tracer/photocopier			

PLEASE ALSO ANSWER THE FOLLOWING QUESTION

Does the making of the film involve the undertaking of **either** location work or animation work outside the co-producing countries? — No / Yes [X] Please give details overleaf.

BRIEF GUIDANCE ON CREATIVE AND TECHNICAL PERSONNEL FOR LOCATION OR ANIMATION WORK IN NONCO-PRODUCING COUNTRIES

If the production involves location or animation work in a country outside the co-producing countries,
the following serves as a guide to employment of creative and technical personnel.

CNC ARCHIVES: ACCESS AUTHORISED 2004

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Please give details in the table on the next page.

Personnel involved in making the film (continued)

CREATIVE & TECHNICAL PERSONNEL FOR LOCATION OR ANIMATION WORK IN NON-CO-PRODUCING COUNTRIES

Please complete below as appropriate or, where such personnel are additional to the roles listed above, provide a list on a separate sheet. It is recognised that some roles may be duplicated in second units. Where a certain role may not be employed, please indicate in the relevant box by writing N/A.

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Location Manager	63	CZECH
Unit Manager	42	CZECH
Production/Floor runners	39	CZECH
Transport Captain		
Translators /Pas		
(3rd) Assistant Camera	25	CZECH
(3rd) Video Assistant	27	CZECH
Assistant Art Director	48	CZECH
Construction Manager	48	CZECH
Swing Gang		
Construction	78	CZECH
Prop Assistant	60	CZECH
Prop Buyer	120	CZECH
Assistant Buyer	-	
Assistant Costume	190	CZECH
Assistant Make Up/Hair	108	CZECH
Grips	68	CZECH
Sparks	153	CZECH
nking (animation)	-	-
n-betweens (animation)	-	-
other basic animation (specify)	-	-

ALL APPLICANTS SHOULD FILL IN THE FOLLOWING TABLE

	French	Austria	Germ	Czech
How many other technicians craftsmen of each nationality	~~HH~~	HH ~~HH~~ ~~HH~~	1	15
(Excluding specified personnel above, or on any separate sheets)				

CNC ARCHIVES: ACCESS AUTHORISED 2004

LE SABRE

ARRIVÉ LE
14 SEP. 2001
DIRECTION
DU CINEMA

7 RUE CASTEJA 92100 BOULOGNE-BILLANCOURT FRANCE
TEL 33 (0) 1 46 94 88 88 FAX 33 (0) 1 46 94 88 89
email:contact@lesabre.fr

A Monsieur le directeur Général du CNC
Centre National du Cinéma
12 rue de Lübeck
75784 PARIS cedex 16

Boulogne, le 21 juin 2001

Objet: lettre de demande d'agrément des investissements

Monsieur le Directeur Général,

Vous trouverez ci-joint notre dossier de demande d'agrément des investissements pour le long-métrage PARADISE FOUND.

- titre provisoire de l'œuvre: PARADISE FOUND
- numéro d'immatriculation du film au RPCA: 102 838
- date de début des prises de vues: 24 /05/ 01
- conditions techniques: - pellicule : FUJI
  - format: super 35 mm
  - son: stéréo (mixage dolby SRD)
- Nombre de semaines de tournage:
  - en studios: 0
  - en décors naturels intérieurs: 16 jours (2,5 semaines)
  - en décors naturels extérieurs:22 jours (3,5 semaines)
- Laboratoire de tournage: ATLAB (Australie) ARRI (Allemagne)
- Loueurs de matériel technique:
  - éclairage en Australie: F-Stop productions
  - caméra en Australie: CAMERAQUIP
  - caméra en République Tchèque: ARRI
  - machinerie en Australie: UNIT 13
  - machinerie en République Tchèque: PANTHER PRAHA
  - entreprise de post-production son(mixage de la VO): TELETOTA (en négociation)
  - entreprises de post-production image (labo): ATLAB / ARRI

Je me permets de préciser aussi par la présente certains éléments qui vous permettront de mieux «voir» la structure de ce projet.
Le Sabre est à la fois la pierre d'angle et le moteur de ce long-métrage, et ce depuis le début. Nous avons développé nous-même ce projet depuis quatre ans, et avons en conséquence assuré tout le suivi créatif et financier de la production. Dans cette logique, nous avons engagé des techniciens francais pour tous les postes artistiques

CNC ARCHIVES: ACCESS AUTHORISED 2004
clé(à l'exception de la mise en scène et de l'image). Ainsi toute l'équipe décoration était française, et tous les accessoires du film (notamment pour la partie australienne) sont venus de France. Le chef costumier et son équipe étaient français: Fabio Perrone a effectué toutes les recherches de costumes pour le film qui, je me permets de vous le rappeler, est un film d'époque. Le chef coiffeur, Christian Gruau, était lui aussi français, et bien qu'il ne «compte» pas non plus dans les points du CNC, il a fait, lui aussi, tout un travail sur les coiffures de l'époque et a fait fabriquer les perruques en France. Certaines catégories d personnel essentielles pour notre film sont donc malheureusement absentes des grilles d'évaluation du CNC. D'autres sont sous-représentées. Ainsi Yann Mercier, 1er assistant décoration, a, tout en ayant fait les maquettes des décors australiens, supervisé à Prague pendant trois mois la construction / l'aménagement des décors. Or la plus grosse partie du tournage s'est déroulée à Prague. Santiago Isidro-Pin est indiqué dans la fiche 10 comme premier ouvrier constructeur car il a participé à l'élaboration des décors en Australie et à Prague.
Notre démarche a visé avant tout à la mise en exergue de ce peintre français déterminant pour l'histoire de l'art mondial: c'est dans cette optique que nous avons monté cette coproduction internationale, espérant ainsi, par la diffusion internationale escomptée et assurée par le distributeur STUDIO CANAL IMAGE, toucher un public très large, et ce au moment où intervient le centenaire de la mort de Gauguin (2003).

J'espère que ces précisions vous seront utiles pour l'étude de notre dossier.

Je vous remercie de bien vouloir prendre notre demande en considération et vous prie, Monsieur le Directeur Général, d'agréer l'expression de nos sentiments respectueux.

Alain Bordiec

Séance du 26 septembre 2001

CNC ARCHIVES: ACCESS AUTHORISED 2004

II – POUR EXAMEN DE LA COMMISSION

Dossiers d'agrément des investissements
Décret n° 99-130 du 24 février 1999

AUSTRALIE – FRANCE – GRANDE-BRETAGNE - ALLEMAGNE
40/20/20/20

TITRE	REALISATEUR	PRODUCTEURS
PARADISE FOUND	Mario ANDREACCHIO	LE SABRE AMPCO (Australie) GROSVENOR PARK PROD. (Grande-Bretagne) APOLLOMEDIA (Allemagne)

AVIS DE LA COMMISSION

Il est rappelé que ce dossier avait été ajourné lors de la séance du 1er août 2001.

Le CNC indique qu'il s'agit d'une coproduction internationale entre l'Australie (40%), la France (20%), la Grande-Bretagne (20%) et l'Allemagne (20%).

Le CNC indique que le dossier a été déposé alors que les prises de vues avaient commencé un mois auparavant.

Le producteur déclare réunir 25 points au barème du soutien financier.

La commission, qui s'interroge sur le recours à un auditorium français, demande à ce que le producteur soit averti de l'importance de voir ces points confirmés à l'agrément de production.

MM. ROZANES et SORLAT souhaitent par ailleurs que la validité des deux points accordés pour le directeur de production et le régisseur général soit vérifiée.

La commission demande également que le contrat de production exécutive liant Le Sabre à la société Zen Production ne dégage pas le producteur délégué de toute responsabilité vis à vis des personnels embauchés.

CNC ARCHIVES: ACCESS AUTHORISED 2004

Douat Jean-Luc

De: Hurard François
Envoyé: lundi 10 juin 2002 11:29
À: Douat Jean-Luc
Objet: TR: UK/France/Germany/Australia co-production: "PARADISE FOUND"

Et celui-ci ?
-----Message d'origine-----
De: colin.green@culture.gsi.gov.uk
[mailto:colin.green@culture.gsi.gov.uk]
Date: lundi 27 mai 2002 13:50
À: sirish@maldeco.com
Cc: chris.chrisafis@grosvenorpark.com; Francois.Hurard@cnc.fr
Objet: UK/France/Germany/Australia co-production: "PARADISE FOUND"

Dear Sirish Malde,

Thank you for forwarding the application for final co-production status for "Paradise Found". Your attention to the following would be most appreciated.

CNC DECISION

Please note that we have not yet received the views of the CNC as to whether they can approve the project under the UK/France Co-production Agreement. We will need their decision before we could issue any final approval for this project. As you know provisional co-production status has been granted by DCMS.

COPYRIGHT

I note that the screen credits record copyright as being held by the four co-producers and also by the Australian Film Finance Corporation Ltd. and by the South Australia Film Commission. Can you let me know what proportion share of the copyright is held by each of the six parties?

AUDITORS' REPORT

I refer to note 2 on page 6 of the auditors' report. Could you set out in more detail the sources of finance? The UK finance, for example, may include various sums in respect of:

sale and leaseback;
share of ROW rights (please identify the provider of such finance); and
other sources, such as the co-producer's own resources.

GUIDANCE

This is a general note for future applications. This concerns nationals of one co-producing country who are resident in another co-producing country. For example, on this production there are some UK nationals who are residents of Australia. It would be DCMS's general preference in such instances to count such personnel on the side of the co-producing country in which they are ordinarily resident, as we believe this assists in better meeting the aims of official co-productions. (On the present application we are counting such UK personnel on the UK side where the same were disclosed at the provisional stage as UK personnel, notwithstanding we are now aware of their Australian residence.)

direction générale
CNC ARCHIVES: ACCESS AUTHORISED 2004
téléphone 01 44 34 36 26
télécopie 01 44 34 36 97

service du soutien
à la production
et à la distribution

Paris, le 15 NOV. 2002

Madame Caroline Verge
Australian Film Commission
Level 4, 150 William Street
GPO Box 3984
Sydney 2001
(Australie)

Dossier suivi par
Florence Avilés
Tél : 01 44 34 36 12
E-mail : florence.aviles@cnc.fr

Références : 40/FA/FS

Film : "Paradise found"

Coproduction Australie - France - Grande-Bretagne - Allemagne
40/20/20/20

- Le Sabre
- Adelaide Motion Picture Company (Australie)
- Grosvenor Park Productions (Grande-Bretagne)
- Apollomedia (Allemagne)

Madame,

Par lettre en date du 21 mars 2000, vous avez proposé à mon agrément l'admission du film:

"Paradise found"
mis en scène par M. Mario Andreacchio

coproduit avec la société française Le Sabre, la société australienne Adelaide Motion Picture Company, la société britannique Grosvenor Park Productions et la société allemande Apollomedia au bénéfice de l'accord de coproduction franco-australien, catégorie des films quadripartites (Australie 40 % - France 20 % - Grande-Bretagne 20 % - Allemagne 20 %).

Je vous informe qu'après avoir consulté les instances professionnelles compétentes, j'ai également décidé d'admettre ce film au bénéfice de l'accord précité.

Je vous prie de bien vouloir trouver ci-joint, pour votre information, le dossier que m'a soumis le producteur français. J'attacherais du prix à connaître, dans les meilleurs délais, les observations qu'il pourrait appeler de votre part.

Je vous prie de croire, Madame, à l'assurance de ma haute considération.

P.J. : 1 dossier.

Le Directeur général

centre
national de la
cinématographie

12 rue de Lübeck
75784 Paris Cedex 16

CNC ARCHIVES: ACCESS AUTHORISED 2004

BUNDESAMT
FÜR WIRTSCHAFT UND AUSFUHRKONTROLLE

BAFA

BAFA, Postfach 51 60, 65726 Eschborn

Centre national de la Cinématographie
12 rue de Lübeck

F 75784 Paris cedex 16
Frankreich

Ihr Zeichen	Mein Zeichen	Bearbeiter/-in	☎(06196)908-0 Durchwahl	Eschborn
40/FA/FS	416 - 32-123/01	Herr Reuß	908 - 410	02.Dez. 2002

Internationale Gmeinschaftsproduktion **„PARADISE FOUND"**

Sehr geehrte Frau Avilés,

bezugnehmend auf Ihr Schreiben vom 15.Nov. 2002 muss ich Ihnen leider mitteilen, dass ich Ihrem Vorschlag, die Gemeinschaftsproduktion **„PARADISE FOUND"** nach dem deutsch/französischen Filmabkommen anzuerkennen, nicht zustimmen kann.

Nach meinem Verständnis des Abkommens muss auch bei mehrseitigen Gemeinschaftsproduktionen der Mehrheitsproduzent aus einem der beiden Abkommensländer kommen, damit die Bestimmungen des deutsch/französischen Abkommens auf diese Produktion anwendbar sind.

Dementsprechend habe ich die Gemeinschaftsproduktion nach dem deutsch/australischen Filmabkommen anerkannt.

Für mich wäre jedoch von Interesse zu erfahren, welche Gründe für Sie maßgebend waren, hier eine Anerkennung nach dem deutsch/französischen Filmabkommen auszustreben.

Für eine diesbezüglichen Stellungnahme wäre ich Ihnen daher dankbar.

Mit freundlichen Grüßen
Im Auftrag

Martina Becker

J'comprends rien Tout, mais c'est
négatif...
Mais OK comme
même - autoriser!...

Dienstgebäude:
Frankfurter Straße 29-35
65760 Eschborn

Verkehrsanbindung:
BAB A 66 Abf. Eschborn
S 3/S 4 Haltestelle Eschborn-Süd

Telefon: 06196 / 908-0
Telefax: 06196 / 908800 u. 94226
E-Mail: bundesamt@bafa.de
Internet: www.bafa.de

Bankverbindung:
Empfänger: Bundeskasse Frankfurt
Konto: 500 010 20
Bank: LZB Frankfurt
BLZ: 500 000 00

CNC ARCHIVES: ACCESS AUTHORISED 2004

FILM	**PARADISE FOUND (ex : MOANA)**
RPCA	102 838

PRODUCTEURS
LE SABRE
ADELAIDE MOTION PICTURE COMPANY (Australie)
GROSVENOR PARK PRODUCTIONS (Grande-Bretagne)
APOLLOMEDIA (Allemagne)

Catégorie	AUSTRALIE-FRANCE-GRANDE-BRETAGNE-ALLEMAGNE
%	40/20/20/20

COÛT DEFINITIF

DEVIS	38 664 310 Frs	**5 894 336**
PART FRANCAISE		1 178 868
DEPENSES EN FRANCE		1 020 579
PART ETRANGERE (1)	40%	2 357 734
PART ETRANGERE (2)	20%	1 178 867
PART ETRANGERE (3)	20%	1 178 867

DEBUT DES PRISES DE VUES	24/05/01
DUREE DU TOURNAGE	7 semaines
EXTERIEURS	Australie (3 sem) République Tchèque (4 sem)
STUDIO	

OEUVRE ORIGINALE	
SCENARIO	John GOLDMITH (GB)
ADAPTATION	

REALISATEUR	**Mario ANDREACCHIO (Aus)**

DIRECTEUR PRODUCTION	Philippe HEUMANN
DIRECTEUR PHOTO	Geoffrey SIMPSON (Aus)
CHEF DECORATEUR	Jean-Vincent PUZOS
CHEF MONTEUR	Edward MC QUEEN MASON (Aus)
INGENIEUR DU SON	Des KENNEEALLY (Aus)

LABORATOIRE DE TOURNAGE	Atlab (Aus)/Arri (All)
LABORATOIRE DE FINITION	Arri (All)
AUDITORIUM	Teletota (France)
PELLICULE	Super 35 mm, Fuji

ACTEURS
Kieffer SUTHERLAND (GB) (36 c)
Nastassja KINSKI (All) (15 c)
Pauline JANBOVA (Holl) (11 c)
Sarah Lina BROWN (Nlle Zélande) (10 c)
Alun ARMSTRONG (GB) (8 c)
chris HAYWOOD (GB) (7 c)
Nicholas HOPE (GB) (7 c)

VERSION ORIGINALE
Anglaise

BSF producteur :	***26***	**BSF CNC :**	**25**