



The Honourable Tony Burke MP
Minister for the Arts

The Honourable Anika Wells MP
Minister for Communications and Minister for Sport

Senator The Honourable Penny Wong
Minister for Foreign Affairs

Senator The Honourable Don Farrell
Minister for Trade and Tourism, and Special Minister of State

His Excellency The Honourable Dr Kevin Rudd AC
Ambassador of Australia to the United States

November 21, 2025

Dear Ministers Burke, Wells, Wong, and Farrell, and Ambassador Rudd:

On behalf of the undersigned trade associations representing a broad range of communications and technology firms active in Australia, we write to respectfully underscore our serious concerns regarding the Communications Legislation Amendment (Australian Content Requirement for Subscription Video On Demand (Streaming) Services) Bill 2025 (the “ACO Bill”).¹ This bill, introduced by the Australian government on November 6, would adversely affect U.S. firms and conflict with Australia’s obligations under the Australia-United States Free Trade Agreement (“AUSFTA”).

The legislation's rapid advancement is a matter of great urgency to our members, and it risks undermining the essential trust and economic cooperation the two nations have built over decades. Our concerns regarding this current proposal are detailed below; as an alternative, we would request that the Australian government withdraw this bill and consider seeking its goals through voluntary commitments rather than rigid obligations. At a minimum, we would hope that Australia will delay action on this bill to provide a reasonable opportunity to evaluate its impact and consider alternatives.

¹https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r7404

While Australia retains the right to support local culture, Articles 10.2, 11.3, 11.9, and 16.4 of AUSFTA² prohibit discriminatory treatment of both U.S. service suppliers and digital products connected to those suppliers, as well as requirements to achieve government-prescribed levels of domestic content. The thresholds of the ACO Bill effectively capture the largest U.S. audiovisual services—such as Amazon Prime Video, Apple TV+, Disney+, Netflix, and Paramount+—and inherently discriminate against international content by mandating market access for domestic goods at the expense of U.S. and other foreign digital products. By imposing a binding obligation to spend either 10% of expenditure or 7.5% of gross revenue on specific genres, the bill functions as a discriminatory and trade-distortive industrial policy that targets U.S. digital exports to subsidize the local sector—a burden we estimate will cost U.S. streaming services up to \$1 billion over the next five years. Additionally, the ACO bill is in tension with the policy position set out by the Trump Administration, which opposes measures that “require American streaming services to fund local productions.”³

Furthermore, the economic premise of the bill risks damaging the very ecosystem it seeks to support. U.S. streaming services already invest billions voluntarily in Australian productions. Mandating a sudden, massive influx of capital into the local sector will artificially inflate the costs of limited physical resources such as sound stages, post-production facilities, and skilled crews. This acts as a tax on efficiency, forcing service providers to pay more to produce the same amount of content.

We appreciate the consideration of these views. We, the undersigned associations, urge the Australian Government to reconsider these rigid mandates in favor of a flexible model that recognizes the significant voluntary contributions our members already make to the Australian creative economy.

Sincerely,

Coalition of Services Industries (CSI)

Computer & Communications Industry Association

Motion Picture Association of America (MPA)

National Foreign Trade Council (NFTC)

U.S. Chamber of Commerce

U.S. Council for International Business

²<https://www.dfat.gov.au/about-us/publications/trade-investment/australia-united-states-free-trade-agreement/Pages/chapter-sixteen-electronic-commerce>

³<https://www.whitehouse.gov/presidential-actions/2025/02/defending-american-companies-and-innovators-from-overseas-extortion-and-unfair-fines-and-penalties/>