



voluntary scheme devised by the ABA. The pay TV industry also opposes any increase in the amount of expenditure required on Australian programs at this very early stage of the industry's development.

The Minister has directed the ABA to report to him by 30 April 1997.

### Current requirements


Section 102 of the Act provides:

Each subscription television broadcasting licence is subject to the condition that, if the licensee provides a service devoted predominantly to drama programs, the licensee will, for each year of operation, ensure that at least 10 per cent of the licensee's program expenditure for that year in relation to that service is spent on new Australian drama programs.

In the course of consulting with interested parties on the implementation of this licence

condition, however, the ABA concluded that few, if any, pay TV licensees will themselves spend money directly on programming.

The ABA therefore developed guidelines, *Guidelines for 'new Australian drama' on pay TV* (June 1996), which encourage voluntary expenditure on new Australian drama by those corporate entities which purchase programming. The aim of the s.102 guidelines is to en-

courage pay TV broadcasters and channel providers to act in a way which honours the spirit of the licence condition and leads to new opportunities for the Australian drama production industry. 

For copies of  
**Australian content on  
pay TV - Working paper**  
please contact Robyn  
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**At the ABA's forum on 12 March 1997, representatives of the pay TV and film and production industries discussed the Australian content on pay TV - Working paper.**

## Australian content on pay TV industry forum

Early in the investigation it became apparent that there was a need to share information between the production and pay TV industries.

The ABA also considered that there would be value in getting all parties together at a forum, especially once the initial information gathering stage of the investigation was completed.

The forum was hosted by the ABA and chaired by Mr Jock Given, Director of the Communications Law Centre. With approximately 80 attendees from all sectors of the pay TV industry (from broadcasters to drama and non-drama channel provid-

ers), the production industry (craft unions, individual producers and the Australian Film Finance Corporation) plus the Federation of Commercial Television Stations; the Australian Record Industry Association; and the Federation of Australian Narrowcast Subscription Services.

In her introduction Ms Lesley Osborne, ABA Manager Standards, stressed that the main purpose of the forum was to discuss the issues raised by the ABA's options outlined in the working paper. On the information gathered to date in the investigation the ABA considers that the 10 per cent expenditure requirement for new drama can deliver on the policy

objective of supporting the Australian drama production sector, particularly for movie channels. The ABA also considers that the broader cultural objective can be advanced by a more flexible requirement which encompasses a wider range of Australian programs. These considerations are reflected in the options put forward in the working paper. If we are to stick with an expenditure requirement it has to be able to be enforced by the ABA, and have greater accountability built into it.

Ms Beryl Cuthbertson, from the Bureau of Transport and Communication Economics (BTCE), presented the



preliminary findings of the BTCE study into how much money a program expenditure condition might generate for the production industry over the next 10 years. The estimates, yet to be finalised, indicate that the movie channels will spend most on new Australian drama. Other types of drama channels will cost significantly less to program than the premium movie channels. The BTCE study will also look



at production industry capacity and at the options in the working paper.

Much of the discussion at the forum focused on the program expenditure options and the issue of greater flexibility in meeting Australian content requirements, in particular, the definition of 'new', whether there should be a pay TV window for television drama and extending eligibility to other Australian program types. Pay TV representatives at the forum were not attracted to the proposal that rerun programming count towards a 20 per cent program expenditure option they contend there is not enough Australian library programming.

The lack of available Australian back catalogue was also one of the main arguments the pay TV industry expressed in opposition to any introduction of transmission quotas.

The other main area of discussion was whether Australian content requirements should be extended to non-drama pay TV channels. The Australian Screen Directors Association argued for Australian content obligations to be placed on documentary channels. The Screen Producers Association of Australia expressed the view that all non-drama pay TV channels, including the forthcoming Arts channel, should be required to spend 10 per cent of their program expenditure on new Australian programs. Others at the forum pointed out that such an approach was not appropriate to many pay TV channels such as news, sport and foreign movies.

The ABA has invited written comment on the working paper and encouraged all at the forum to make further submissions to the investigation. □

## The ABA will make a second commercial television licence available for allocation in remote and regional Western Australia.

# New television licence for regional WA

The ABA has decided to make a second commercial television licence available for allocation in remote and regional Western Australia.

'The half million Western Australians outside of Perth have never had access to more than one commercial television service,' said Mr Peter Webb, ABA Chairman. 'The good news for them is that the ABA has decided they should get a second commercial television service.'

Mr Webb was speaking at the ABA's inaugural Broadcasting Planning Seminar in Canberra.

'The ABA believes that such an outcome is both feasible and unambiguously in the public interest. Nevertheless, it is important for the people of the region to understand that the emergence of the new service will depend on the market,' he said.

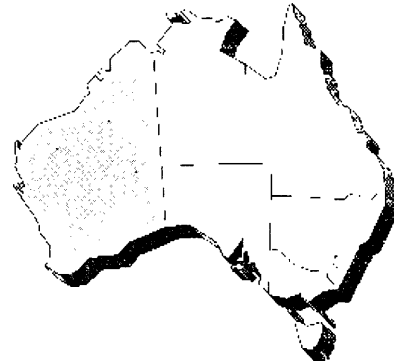
'In the marketplace at the present time, there are still some unknowns about the availability of sufficient programs and about the means by which some programs might be delivered to the more inaccessible areas of the region.'

'But the ABA remains confident that operators or entrepreneurs — and Western

Australia has a couple of notable television entrepreneurs — will find a way to deliver new programs to the remote and regional communities of the state.'

The new commercial television licence will be made available through a price-based allocation process. The licence area of the new service will be the whole of regional and remote Western Australia and will encompass the four existing television licence areas (South West/Great Southern, Geraldton, Kalgoorlie and Remote WA).

The ABA's decision is contained in its television licence area plan for remote and regional Western Australia. During its planning process the ABA received expressions of interest in operating the second commercial television service from a number of sources, including Imparja Television, Mr Jack Bendat's jmb Pty Ltd, and a group of businessmen from Albany.



The ABA has also made channel capacity available for:

- ABC and SBS television services in the regional markets;
- re-transmission of ABC and SBS television services in the remote region;
- re-transmission of the second commercial television service in other centres in remote and regional Western Australia on request;
- the existing 13 community television services;
- an extension of the Wingellina community television services to a further 11 sites; and
- one local coverage open narrowcasting television service at Broome. □

**Details of the television licence area plans for remote and regional Western Australia will be available for viewing at major public libraries in these regions, or can be obtained from the ABA by calling Freecall 1800 810 241.**