



Following a direction from the Minister for Communications, Information Technology and the Arts, the ABA is investigating whether pay TV documentary channels should be required to spend a minimum amount on new local documentary programs.

Should pay TV documentary channels be regulated?

The ABA is conducting an investigation into whether pay TV documentary channels should be required to spend a minimum amount on new local documentary programs. The investigation follows a direction by the Minister for Communications, Information Technology and the Arts, on 16 December 1999, to the ABA to advise him on this matter.

'Levels of support for new Australian or New Zealand documentaries have been slowly increasing with some of the channels involved in initiatives aimed at opening up opportunities for Australian or New Zealand documentary filmmakers,' said Professor David Flint, ABA Chairman.

'The key question for the investigation is whether the regulation of pay TV documentary channels is necessary to guarantee an adequate level of support for local documentary programs,' he said. 'This requires consideration of the acquisition of Australian or New Zealand documentaries by pay channels, the financial capability of the

channels to increase expenditure on those programs and whether the benefits of an expenditure requirement would outweigh the costs of regulation.'

The ABA's analysis of current levels of support for Australian and New Zealand pay TV documentary programs shows that across the sector, expenditure on new eligible documentaries represented 5.6 per cent of total program expenditure in 1998-99.

Pay TV documentary channels in Australia have been operating for varying lengths of time and are at different stages of development. They include Discovery Channel, National Geographic Channel, Odyssey, The History Channel (a part channel with Fox Kids), and Animal Planet (part documentary and part other genres).

Current regulation

Local content regulation currently applies to drama channels only on pay TV. The *Broadcasting Services Amendment Act (No 3) 1999* requires predominantly drama chan-

nels to spend a minimum 10 per cent of their program budgets on new eligible drama.

The pay TV documentary channels have assisted the ABA in preparing the investigation discussion paper by providing detailed information about their acquisition and broadcast of eligible documentaries.

The issues most relevant to the investigation are:

1. What is the role of the documentary channels in relation to the objectives of local content regulation for pay TV?
2. What are the implications of the current level of support by the documentary channels for new Australian documentary programs?
3. What is the financial capability of the channels to increase support for new eligible documentary programming?
4. What is the capacity of the local documentary sector to provide material that fits the needs of the channels and the interests of their audiences?
5. Would the benefits of an expenditure requirement outweigh the administrative and

other costs associated with regulation?

6. Are there alternative approaches that would better achieve the policy objectives?

7. If legislation was to be implemented, would some other form of regulation be more appropriate than an expenditure requirement?

8. If an expenditure requirement is considered appropriate, at what level should this be set?

Following analysis of submissions the ABA will undertake further consultation with the documentary channels and other key parties prior to finalising its report to the Minister.

The ABA has to deliver its report on this matter to the Minister by 18 December 2000.



Comments: closing date

The ABA seeks comment on the issues set out in the discussion paper, which is available on the ABA web site, www.aba.gov.au. See the discussion paper for how to make a submission.

Submissions should reach the ABA by **5 p.m. Wednesday 18 October 2000**.