



CMTLP SEMINARS

1. Australian Content: New Rules and Policies?

The inaugural CMTLP seminar focussed on Australian content, with the subtitle 'New rules and policies?' (some thought the question mark rather ominous).

Australian Broadcasting Authority chair Brian Johns was the opening speaker on the theme of 'The Issues We Face', along with ABA Program Services Director Debra Richards. The ABA used the seminar as a launching pad for the second and third issues of its occasional publication *Trends and Issues*, each on aspects of Australian content (details in Policy File).

The main thrust of Johns's address was that the Australian production industry must look outwards and become involved in 'global programming endeavour'. Australia needs to adjust its thinking and not settle for the 'self-contained element'. The industry needs to have a structured approach to export like Hollywood or the UK book publishing industry, rather than a one-by-one approach, the results of which have been 'dispiriting'. The reality of the balance of payments problem in the audio-visual area has to be confronted by the networks and the industry.

The tricky question of what this implies for the 'Australianness' of our programs was left dangling. In a muted reference to the controversy over the classification of New Zealand-made programs as Australian for the purposes of Australian content regulation, Johns said that the section of the Act which obliged the ABA to carry out its functions in accordance with Australia's international obligations was a 'very important' section.

The question whether official co-productions should continue to be ex-

cluded from TPS 14 quotas remains highly contentious. Johns conceded that there were negative aspects to co-productions but said there were also positives. For example, there were co-production series in which each partner controls an individual program. We must recognise the difficulties associated with co-productions and confront them, he said. Even in Europe, there are few programs which cross frontiers (*Derrick* and *Navarro*, shown here on SBS, are rare examples) but Australia has 'decades of experience' in crossing cultural barriers.

Looking to New Markets

Johns said the time may have come for the focus to shift from an argument based on nurturing the audience, to one based on economics. The new market reality was the breaking down of domestic boundaries, and the development of new regional and local markets.

In Europe, Johns said, the rationale for restrictions on importation of foreign programs was weighted more to fear than to encouragement. Australia has a fundamentally different perspective, being part of a region where countries are struggling towards a sense of their own nationhood, while accepting that they share common concerns. Joining forces on program issues was just as important for the Asia Pacific region as doing so on technology, he said.

APEC (Asia Pacific Economic Cooperation Group), where the debate

has so far been conducted in economic terms, has immediate relevance as a forum to develop cultural objectives and raise issues of global broadcasting.

He said that the national cultural policy currently being developed by the Government will provide a framework for broadcasting and cultural identity. The Cultural Ministers Council had written to him urging the importance of Australian content regulation.

There is no simple solution, the ABA chair said. Australian content standards cannot be discussed in isolation but need to be pulled together in a strategic framework which takes account of State and Federal interests including departments involved in trade and industry, as well as funding bodies.

In answer to a question from the floor, Johns later elaborated, saying that the networks engaged in 'robust competition' but were preoccupied with buying rather than selling. It was encouraging to consider that with the advent of pay TV, they might begin to co-operate. But the networks alone could not achieve a strategic approach to marketing our product, which would need to involve AUSTRADE, for example.

Bob Weis, president of SPAA, later said that we must stop looking at producers and networks as 'natural enemies'. They must work together to place Australian product strategically into world markets. Otherwise, Australian content concerns will be marginalised and the control of costs will be taken out of network hands.

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Other Contributions

Jock Given (Policy Advisor, AFC): the cultural task of Australian content regulation should not be one of simply national goals. The outcome of current trade negotiations (CER, GATT, APEC) possibly affecting the production industry remains in doubt. Subsidies to production do not appear to present a major problem in this round, though co-production arrangements are a problem area and countries have had to seek special exemptions for these arrangements. The 50 per cent transmission quota is 'the real target', and is more vulnerable than the drama/diversity quota.

Debra Richards (ABA Program Services): Television stations aim for programs that will give them a full score of 3 under TPS 14 but this is becoming a great deal harder to achieve because of funding requirements. TPS 14 'has achieved what it set out to do but the environment is changing rapidly'.

Bruce Gyngell (Chairman, Nine Network): pay TV will do nothing for Australian cultural values; the majority of its programs will be US movies, of which nine out of ten will be 'unutterable crap' and entirely foreign to the culture developing in this country. The income from Australian programs will increasingly justify the cost of producing them; advertisers already pay a premium to be associated with them. Offering two or three pay TV licences is 'a fatal mistake' and will repeat the BSB/Sky fiasco of the UK.

Bob Weis (President, Screen Production Association): Foresees a push, mainly from the US, to make the product as un-Australian and acceptable to broad markets as possible. The United States does not show any foreign product but buys it and remakes it. Pay TV will change the relationship between producers (holders of copyright) and audiences. Networks are currently intermediaries, and the market for programs is the networks, not 5 million or more Australians. The benefits of direct consumer access (eg via cable) may be cancelled out if delivery systems are controlled by copyright owners, some of whom control many thousands of rights, while as a producer he controls perhaps 20.

Chris Lovell (Chairman, FFC): TPS 23, which permits 20 per cent imported TV commercials, militates against the maintenance of a production industry infrastructure. TPS 14 puts too much emphasis on 'upfront' factors, and the requirement that, to qualify as Australian, programs should be wholly or substantially made in Australia should be extended to post-production as well as production. Some of TPS 14's effects are 'patently absurd' such as the fact that *Stark* would not be regarded as having an Australian perspective because it had an English writer. The ABA is

too ready to grant C drama points to animated features like *Ali Baba* and *Goldilocks* whose cultural sources are patently not Australian. The Australian drama requirement for subscription services will be 'a nightmare' leading to a plethora of litigation. These services should be subject to the same requirements as other services.

Sean O'Halloran (Seven Network Director Broadcast Policy): Would rather work with TPS 14 than see it radically reconfigured. Program quotas are undesirable and homogenise programming across networks (which is difficult to reconcile with the concept of program diversity) and into a pattern of programming which does not take account of changing audience preferences; for example at the moment audiences clearly prefer infotainment and comedy to (serial) drama. Quotas promote the production of quota quickies and shift funds to 'quota effective' times. The transmission quota should be dropped or at least, should exclude repeats. The diversity quota is 'philosophically offensive' and shows cultural arrogance by suggesting that arts programs are closest to appropriate cultural tastes while excluding news, game shows, sport.

Helen Mills (Director, Communications Law Centre): We need to take a firm fix on what our cultural goals are and stick with them, but be flexible about how we achieve them. Most new services not subject to any Oz content requirements. Point to point services (eg dial-up, pay per view) do not fall within the ambit of the BS Act at all. Under s.128 Parliament can rewrite codes and standards; all that is required is for one house to pass an amendment. Why are radio, or pay services which might attract a large audience share, not regarded as culturally influential? No structure of encouragement exists for pay services to provide innovative programs. The regulator has changed from being a strong element in cultural policy to a consumer protection model, and the direct relationship between audience and regulator has been lost. In Canberra these days the focus of content regulation has shifted to issues like sex and violence. ABA should use its influence to restore Oz content policy to the agenda.

Janette Paramore, adviser to Arts Minister Bob McMullan: Regulation underpins a delicate industry infrastructure and ensures program delivery to the audience regardless of fluctuating policies on the part of broadcasters. What planning is going on in the industry to meet the 10 per cent Australian drama requirement for pay TV? How is the ABA going to administer it? □

