



# ABA And Oz Content: Trade-Offs Everywhere

**The initial reaction to the ABA's working paper on its Australian Content Standard Review, released in late November, was that fears that the existing Australian content standards would be revised downwards had been unfounded.**

In a major win for children's television and production industry groups, the ABA proposed:

- a significant increase in the required amount of children's drama, from 16 to 32 hours a year for each station; and
- 50 per cent of the annual requirement for preschool programs to be first release Australian programming;
- a 10-hour a year quota per station for single issue, in-depth documentaries.

Closer scrutiny of the paper revealed that the proposals are accompanied by a number of significant trade-offs: for example, official co-productions and 10BA-certificated programs would become eligible Australian programs for the quota - outcomes which have been strenuously resisted by some proponents of a genuinely Australian 'look' for commercial television; and the drama quota time band would be extended to a 12-hour period (midday to midnight), thus diluting the effectiveness of the quota, which previously ran from 6pm and 12pm - virtually ensuring that viewers had access to quality Australian drama in prime time.

The ABA inherited the Australian content and children's standards developed and imposed by its predecessor, the ABT. In the current environment where existing networks face imminent competition from new services and have lobbied hard for relaxation of content requirements, few expected that the ABA would maintain the requirements in their current form.

It will nevertheless be difficult for the networks to object too strongly to

the ABA's proposals after the recent *Creative Nation* statement handed them a financial boost for the production of Australian programs in the form of the \$60m commercial television production fund (see *CU* 105). *CU* understands that ABA Chairman Brian Johns was the prime mover in the proposal to establish this fund.

The Government's comprehensive list of sports which cannot be siphoned off to pay TV and its prohibition on advertising on pay TV should also help mitigate any adverse network reaction, as Johns suggested in the ABA's media release announcing the proposals. 'It is not unreasonable', he said, 'to ask the industry to pass on some of the benefits resulting from these measures to viewers in the form of increased levels of Australian programming.'

## Kiwi Threat Exits

The working paper follows a discussion paper released in July, in response to which the ABA received 53 submissions.

Suggestions in the earlier paper which caused some concern included allowing SBS and ABC programs to count as first run when re-screened on commercial television (an idea which seems to have been quietly dropped), and counting New Zealanders as Australians in the definition of an Australian program.

The paper knocks on the head the threat of recognition under the standard of New Zealand persons and programs. The ABA judges that the arguments, put by the CLC for one, that it would be beyond its legal powers to include New Zealand programs in the standard, are correct.

But it has stuck with its proposal that all programs which have a 10BA certificate should qualify as Australian for the purposes of the standard, while non-10BA programs will have to comply with a 'simplified' creative elements test.

The ABA is also proposing an increase in the overall transmission quota for Australian programs from 50 to 55 per cent over the next three years. In addition, stations would be allowed to count some programs which start before midnight up to 2.00am. This would cover live sports programs, as proposed by Ten in its original submission, but not other categories of program.

This proposal is 'modest', as the ABA itself concedes, since the average level attained by the whole commercial television industry is currently 56 per cent. It offers no rationale for such a modest requirement, saying merely that it would 'play a valuable role as a safety net'.

## Kids' Lobby Happy

Barbara Biggins, president of the Australian Council for Children's Films and Television, described the ABA's P program proposals as 'great'. The Council put a strong case for the 50 per cent quota for P programs, believing that a quota would provide some guarantee that production teams could be kept together. This would allow P producers to keep in touch with their audiences and adapt to changing circumstances.

The virtual doubling of the C drama quota is 'terrific', Biggins said. 'The existing quota is too small - the programs are hard to find and hard to promote'.

The children's lobby continues to be concerned that there should be sufficient live action drama for young viewers rather than programs of the toy-related marketing type which, among other shortcomings, remove the opportunity for children to see other children performing competently.

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The quota period for both P and C programs has been extended to encompass the period 7am-8.30am on weekdays, a move Biggins also welcomed. She said that in the past the Council had not favoured encouraging children to watch from so early in the morning, but changing social circumstances and the fact that there is currently no alternative to violent cartoons at the earlier hour had caused them to change their position.

## Docos Recognised

The proposal which surprised and pleased many in the production industry was the ABA's foreshadowing of the introduction of a quota for new Australian documentaries - ten hours per station annually.

Over many years, documentary makers have lobbied regulators for special treatment, arguing that Australia's reputation as a country which produces world class documentaries is not reflected in the output of the commercial networks, whose documentary programs are almost entirely limited to the 'travel and adventure' genres. FFC-funded documentaries are rarely aired on commercial networks. There was disappointment and disillusion in this sector of the production industry when the ABT's original Oz Content decision (1989) failed to take account of submissions on behalf of documentary.

Longtime independent documentary maker Sharon Connolly, currently executive producer at Film Australia, welcomed the ABA's proposal. 'One hopes that the networks will embrace this opportunity to capitalise on the substantial documentary audience that the ABC and SBS have built up', Connolly said. She suggested that the networks might also benefit from purchasing and on-selling the pay TV rights to documentaries.

The documentary quota proposal involves another trade-off, since the current quota for 'diversity' programs is to be abolished. The ABA claimed in its original paper that the diversity quota had not worked, though it is

quick to emphasise that it does not reject the concept of encouraging diversity. Few would disagree with the claim that the diversity quota has not achieved its objectives.

In finalising its new standards, the ABA will need to give consideration to how it defines 'documentary'. The working paper calls documentaries 'programs of one hour or more in length that deal with a single subject or issue, but which are not magazine or infotainment style programs'. This is close to the definition of 'social documentary' used in the ABT Oz Content standard, but still leaves the door open for news crews to be sent off in downtime to produce a 'quota quickie'.

Sharon Connolly commented that it was encouraging that this definition apparently did not exclude nature documentaries. The effect of the previous standard was to bracket, unfairly, Australia's leading nature documentary makers, who had often played a vital role in environmental issues, with makers of infotainment documentaries of the 'A Day on the Barrier Reef' variety.

Connolly said that it was to be hoped that the networks, with access to the new production fund, would begin to pay better than the 'ridiculous' prices they currently paid for the few documentaries they did screen. 'They should pay at least as much as the public broadcasters do', she said.

## Drama Changes

FACTS argued in its submission that there is no explicit legislative requirement for the ABA to set particular levels of drama, children's programs or indeed, any program genre. The ABA rejects this argument, saying:

*While (the ABA) accepts that the Act makes no explicit reference to Australian drama in relation to commercial television, the ABA believes that it has the power to determine that an Australian content standard shall relate to drama programs and that it is within the discretion of the ABA to accord drama the status that it has.*

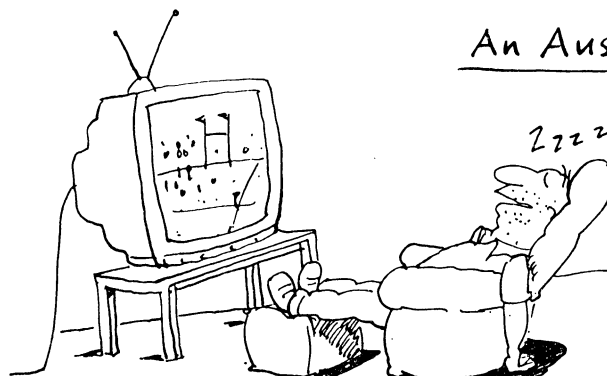
The ABA says that it has a significant degree of discretion as to what constitutes Australian programs, as long as any standard it determines is consistent with the Act.

That being said, the ABA sees a need for further consultation on the required amount of drama, since it feels the existing level may not necessarily still be appropriate. To encourage discussion, it has developed two models for setting the amount of drama.

One option would require 150 hours a year (excluding C drama) with a sub-quota of eight hours of miniseries and telemovies (as proposed by the FFC). A major victory for the producers and the networks is that this would now include official co-productions, which were excluded from the original ABT standard on the grounds that they would not necessarily involve drama which was identifiably Australian and was developed for an Australian audience. It would also include fully scripted sketch comedy programs - a sensible move.

The proposed 150 hours level is well below the average achieved by the networks between 1990-1993 (211 hours). The ABA's rationale for proposing a drop of this dimension is that its proposed model seeks to take account of the need for a degree of flexibility and the encouragement of specific program formats. The 150 hours figure 'is suggested as one that may be

An Australian, content.



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realistically achieved by each of the three networks' and in the case of Nine, represents an increase of 12 hours on the level of first release Australian drama achieved in 1993. The ABA postulates that an hour-based quota could encourage the production of the most hours for the least possible expenditure if the hour level is set too high or there are not enough 'offsets' (= trade-offs).

The second option is to maintain the current drama quota but simplify the points system. The ABA acknowledges that the fact that the current system does not require a set number of hours is an advantage since it allows a range of values on program formats and flexibility to determine a mixture of formats.

The trade-off in this area would be the removal of the 'Australian factor' test and its replacement by reliance on 10BA certification OR a 'one-step creative elements test' as a means of deter-

mining whether the program is Australian.

A program's score would be based on its format factor (the same as the current quality factors - in ascending order, series/serials produced at the rate of one hour or more a week, series/serials produced at the rate of one hour or less a week, and miniseries/cinema films/telemovies).

The ABA rejects any approach based on program costs, saying that it does not believe that making program licence fees more subject to direct regulation is desirable. This will not please SPAA, which strongly supported a cost factor in assessing quality. The ABA comments that none of the submissions it received fully developed a licence fee factor approach. 'The ABA is reluctant to become involved in determining a fair price for Australian drama programs', it concludes.

Both of the above models involve another major trade-off: increasing the first release drama time band to a twelve hour period between midday

and midnight. Theoretically, this would allow networks to dust off ancient drama pilots, unscreened episodes of failed series, or bad rejects from the AFI Award screenings, and put them to air in graveyard timeslots while at the same time gaining quota points.

## Where to From Here?

The ABA is not cooling its heels over the holiday period while people ponder the implications of these proposals. On the contrary, it is seeking written comments on the proposals by 6 January, with the expectation that a final draft of the revised standard will be released before the end of January. In the meantime, there will be discussions with producers, broadcasters and other interested parties. □

## Cultural Policy: Hot Topic

**With cultural policy well and truly established on the Federal Government agenda, Griffith University in Queensland has grasped the opportunity to mount a major international conference on the subject next year.**

As the organisers point out, cultural policy issues 'now dominate debate about communications and information technologies, cultural industries and cultural development, heritage management, tourism and urban planning'.

They are calling for papers (by 31 January) on a wide range of associated topics, including communications and new technologies, culture and government.

Titled *Cultural Policy: the State of the Art*, the conference will be held in Brisbane between 28 May-3 June. The organising committee for the conference comprises Tony Bennett, Sandra Buckley, Jennifer Craik and Colin Mercer.

Contact point is: The Administrative Officer, Institute for Cultural Policy Studies, Faculty of Humanities, Griffith University Qld 4111, phone (07) 875 5511 fax (07) 875 7772.

Meanwhile, the Department of Communications and the Arts has produced the conference papers from its recent cultural talkfest *Creating Culture - the new growth industries* (August 11-12). The papers are accompanied by a video (what, no CD-ROM?) of the conference highlights, including vox pops from delegates, a dinner speech by Leo Schofield, and speech extracts and memorable quotes from every speaker.

This production is a snip at \$24.95. The conference papers cost the same (or free to those who attended). Purchase at Government bookshops, or by calling 008 020 049/faxing (06) 295 4888 with credit card details, or from AGPS Mail Order GPO Box 84 Canberra 2601. □

## Setting Standards

**'Raising the Standard', a Consumers Telecommunications Network (CTN) seminar (2 December) on the 'rather arcane' topic of user and consumer participation in telecommunications standards setting was surprisingly well attended, CTN Co-ordinator Trish Benson told CU after the event.**

About 60 people from the industry and residential consumers attended. Representatives from AUSTEL, ATUG and information networks were among the speakers at the seminar, which considered the recommendations of a CTN report earlier this year on the subject of consumer participation in this area.

Benson said the day generated considerable enthusiasm for setting up an informal forum to provide input to the standards setting process, through the AFCO representative on technical standards committees for instance. Anyone interested in further information should contact Trish Benson on (02) 318 2026, fax (02) 318 2031, TTY (02) 318 2967. □