



was still 'embryonic' as privacy and civil liberties concerns had to be addressed. 'If it's not handled correctly, there'll be a public backlash', he said. 'We don't want the spectre of the Australia Card to jeopardise us.'

Such concerns have ensured that the proposal is being treated on a strict 'need-to-know' basis in Canberra. The office of Health Minister, Carmen Lawrence, referred *CU* to the department and the Health Insurance Commission.

When we contacted the Health Insurance Commission, which administers the current Medicare Card and which promoted the Australia Card, no-one in senior management had heard of the proposal. General manager Jackie Wood said the HIC had just started a five-year plan for Medicare card reissue and that a smart card was certainly not part of that plan.

Even the Federal Privacy Commissioner's office had been kept in the dark. According to researcher Michelle Pilfrey, the Commission had

received no formal notification of the proposal. She said if Carmen Lawrence pursued a smart card, she would be revoking a commitment from former Health Minister Brian Howe rejecting such a card. Privacy Commissioner, Kevin O'Connor, would be very disappointed if Lawrence went back on this promise, Ms Pilfrey said.

With such potential for a major backlash, especially in an election year, it's curious that the proposal has even reached its current stage. The major concerns with smart cards - especially those based on personal information - are that further applications can be added to chips without the need for cards to be re-issued and that, for the scheme to function properly, the cards need to be carried by the whole population at all times.

Chairman of the NSW Privacy Committee, Chris Puplick described the proposal as 'dishonourable and dishonest.'

'It's highly privacy intrusive without any proper justification,' he said. It's a reversal of assurances that were

given to the public about the expanded use of the Medicare card.

'This is the growing reintroduction of the Australia Card by subterfuge.'

Organisations like Telstra and Security Domain are apparently involved because they see enormous potential for commercial applications for smart cards. Telstra is keen to see a multi-function smart card which can be used in pay-phones as well as vending machines and on public transport. But one industry representative admitted to *CU* that there were concerns that the Medicare card proposal would 'reactivate fears of the Australia Card and Big Brother.'

Clearly Senator Cook sees the financial rewards from government applications of smart cards and as far as the industry group is concerned, current government nervousness may be irrelevant after the next election. A Liberal Government could well have an even more favourable view of smart card use within the government sector. □

Oz Content Standard

A win for Oz viewers

New draft content requirements for commercial television, if adopted, would boost the overall amount of Australian programming transmitted but lock in Australian drama at current levels. The ABA's proposed new Australian content standard would also be a boon for Australian children's programs and documentaries. With more offerings for viewers, a guaranteed local market for the production industry and simpler, more flexible requirements on the stations, the news has to be all good, right? Not quite.

The final draft follows eleven months of industry consultation, public submissions and floated options.

So, should viewers be pleased with the upshot of the review? Although the ABA has not defined the public interest in Australian content, it has virtually preserved the former Australian Broadcasting Tribunal's definition of the object of the standard:

to promote the role of commercial television in developing and reflecting a sense of Australian identity, character and cultural diversity by supporting the community's continued access to television programs produced under Australian creative control.

So the stated object is full of promise, but the capacity of the standard to deliver must be questioned. Overall

the Australian transmission quota represents an increase from 50 per cent to 55 per cent of transmission time. Whether the television industry will in fact produce and broadcast more new Australian programs is in question because the quota has always allowed repeats. Preserving the quota for first-run drama at current real levels looks good but now second runs of programs first screened on pay TV and the ABC and the SBS will also be counted (see page 3).

The capacity to reflect Australian identity is also diminished by the adoption of 10BA certification (under the Income Tax Assessment Act) as an automatic qualification for movies to be defined as Australian. The prob-



Single program market

lem is that these tax provisions define Australian films for production assistance purposes (i.e. Film Finance Corporation investment) and include official co-productions, such as *Green Card* and *The Piano*, which are the result of Australian creative control but are devoid of Australian identity. Earlier concerns that the Closer Economic Relations treaty obligations would force the ABA to change the definition of an Australian program to include programs made in New Zealand by New Zealand nationals, have been allayed.

To give the ABA its due, there are significant advances in the new draft requirements. First release Australian C drama will be doubled from 16 to 32 hours for each station each year and for the first time, there is a requirement that all pre-school quota programs will be Australian. Another significant innovation is the introduction of a specific quota for Australian documentaries of 10 hours annually.

With the move to industry self-regulation and the introduction of competition from pay TV (both brought on by the Broadcasting Services Act 1992) that the statutory mandate is met this comprehensively is quite a remarkable achievement. Once implemented it will preserve the cultural imperatives of its predecessor and guarantee the continued health of the domestic production industry.

The Australian public will continue to enjoy representations of Australian culture and information and entertainment based on Australian lifestyles. However nothing in the new standard, other than provision for SBS re-runs, will address the stated intention of reflecting cultural diversity, a matter still left to self-regulatory guidelines despite community concern about commercial television's performance. □

Barry Melville

The new definition of 'first release', which will allow the networks to count ABC & SBS-produced drama and kids' drama towards their quota, so long as the network has a pre-sale agreement, has already attracted criticism.

The entertainment union and the Screen Producers' Association have raised the spectre of ABC programming increasingly adopting commercial values and styles in order to get commercial pre-sales. The new definition will enable increased quota to be met without a commensurate increase in production, particularly for kids' drama.

Although the ABC might seem to be a winner from the combination of the increased kids' drama quota and the co-production policy, the ABC was not given access to the commercial television production fund announced in Creative Nation. The co-production policy doesn't give the ABC a back-door entry to those funds because programs financed out of the fund don't count towards Australian content quota.

Less attention has been paid to the second new element of the definition of 'first release'. Australian drama first broadcast by pay TV licensees (who have to meet a 10 per cent-of-budget Australian drama quota for each of their movie channels), will also count towards quota for the networks - but not vice versa. Australian drama can only count towards the pay TV quota if it has not been previously broadcast, although prior cinema and video release is not a problem.

The ABA describes the new policy as a recognition 'that the entry of subscription television into the broadcasting arena has altered the distribution order of Australian feature films.' In their view, Australian feature films which would currently go to commer-

cial television after cinema and video release should still be able to count for commercial quota. But it should be noted that the new policy is not limited to feature films made for cinema release. It will apply to all Australian drama programs and kids' drama programs, including those made for pay TV.

This aspect of the new policy points to something more fundamental - a tacit recognition that there will be a single Australian program supply market in which commercial TV and pay TV are not necessarily competitors but collaborators.

With this recent ABA endorsement, the reality of an integrated program market is becoming policy. There are implications here for the way the Trade Practices Commission (TPC) will approach the question of market definition in its imminent decision on the anticompetitive effects of Optus Vision's signing of the Seven network to join the Nine network in the Optus Vision consortium.

TPC chairman Allan Fels has said in the past that he tends to regard the market for pay and commercial TV as an integrated one, although he has avoided taking a doctrinal position until the pay TV market develops.

One unanticipated spin-off from the recognition of an integrated program market may be to make it easier to argue for an increase in the pay TV Australian drama quota to 20 per cent of budget for each movie channel. Whether this should happen is a question the Minister must decide before 1 July 1997. If the same programming earns quota recognition in both pay and free to air broadcasting, there is a stronger argument for raising the quota for the medium of first release (ie pay TV). □ Helen Mills