



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