

NO BREACH OF ANTI-SIPHONING RULES BY AUSTRALIS, ABA SAYS

No breach of the anti-siphoning regime for sports and other events has been committed by Australis Media Limited, the ABA has said.

The ABA has received a response from Australis which makes clear that, contrary to the impression created in its 28 July media release, Australis has, in fact, not acquired any rights to broadcast events on the anti-siphoning list.

Both subscription and free-to-air rights to some listed events have been acquired by Prime International. Australian free-to-air broadcasters will have the opportunity to acquire the rights to broadcast those events.

The joint venture agreement entered into by Australis simply gives its licensees first access to subscription broadcasting rights when they become available. Australis or its subsidiary subscription licensees will only be able to acquire the right to broadcast such events if a free-to-air broadcaster first acquires the rights to broadcast the event or the event is removed from the Minister's list.

CLARIFICATION SOUGHT

The ABA held talks on 29 July with representatives of Australis Media Ltd on the issue of sports rights and pay TV.

The talks followed the announcement by Australis of a joint venture with Liberty Media/Prime International. The joint venture is in the field of television

program rights over certain sporting events.

The ABA noted that some of the events are included in an anti-siphoning list contained in a notice gazetted by the Minister for Communications and the Arts in July. Under the provisions of the Broadcasting Services Act, the Minister published the list to ensure that these programs 'should be available free to the general public'.

In addition, all subscription television broadcasting licences, including those controlled by Australis, are subject to the condition in the Act that licensees will not acquire the right to broadcast an event to which a notice applies unless a free-to-air broadcaster has acquired the right to broadcast that event.

In the light of information Australis has provided to the ABA, the ABA asked Australis to clarify some aspects of its announcement.

Events mentioned in Australis' 28 July media release which are protected by the Minister's anti-siphoning list include:

- Australia-West Indies test cricket series—February 1995.
- Australia-South Africa-India one day cricket series—October 1996,
- The New Zealand centennial cricket competition—February 1995,
- The 1995 rugby league World Cup.
- US Professional Golf Association tournament.
- English Football Association Cup final.



BORDERLESS OPPORTUNITIES

THE TEXT OF AN ADDRESS BY INDUSTRIES' CONFERENCE,

Today we are addressing the question of the export opportunities for the cultural industries. Specifically I have been asked to address those opportunities that will exist in the development of borderless markets.

Before doing so, I want to tackle an idea that a distinction is to be made between culture and communications. That would be as if communication was not the building block of culture and culture was not the product of the richness of human communication.

CULTURE AND COMMUNICATIONS

If by communications is meant the various technological apparatuses and services that carry human messages, then we are simply talking about enabling technology. That is, those things that further the development of cultures, but are not in themselves the heart of the culture.

It is also ironic that we are here today talking about the export of Australian culture and cultural products, when we ourselves are the products of both physical and cultural exportation to this land.

By this I don't just mean our colonial past and the inheritance from our Anglo-Celtic forebears. I mean the cultural enrichment we have received from European and Asian migration since the war and the unique multicultural character of Australia to which this has contributed. I also mean the growing, but long overdue recognition of the culture of the indigenous people whose land was colonised and to whom we owe a debt.

Yet, we are also the products of cultural exports from the United States, whose popular culture has so effectively travelled the world in this century. In fact, there are those who would argue that Australia has suffered or is still suffering from the import of an American popular culture that threatens to overwhelm our own identity.

MARKETS: IN CULTURE AND COMMUNICATIONS

**BRIAN JOHNS, CHAIRMAN, ABA AT THE 'CREATING CULTURE: THE NEW GROWTH
11-12 AUGUST 1994, CANBERRA.**

Undoubtedly, this has had its problems, but in confronting and handling them, we have developed an openness to cultural influence, a commitment to the free flow of ideas which has given us our own strength.

In many ways it is a strength on which we have built, by learning how to take and adapt and to make certain cultural forms our own. It is precisely in the area of popular culture that this can be demonstrated and to which I will return in a moment.

It would be presumptuous to expect others to welcome our cultural products if we were to reject out of hand the works of others. It is also important to recognise that there are crucial structural imbalances, brought about by the size of our population and our ability to support Australian cultural industries, which have provoked governments to intervene.

For my part, it is not American culture that is the problem, but a pressing recognition that there needs to be a structured approach to dealing with our cultural industries.



BRIAN JOHNS

BORDERLESS MARKETS

The term borderless markets suggests the prospect of national markets being eroded over time, the implication being the emergence of a truly global marketplace. Or, if you like, the single global village that we have been hearing about for so long, which will bring both threats and opportunities for us all.

But, I think that the national markets and the nation-state will be with us for some time to come. However, make no mistake, a change is on the way that will have far-reaching effects on the way in which markets operate and national cultures develop and prosper.

The information superhighway has become an over-used and misleading term, but it currently signifies the changes being brought about by the

convergence of technologies and industries. Five of the largest world industries are coming together—communications, computing, consumer electronics, publishing and broadcasting.

There is growing international trade in telecommunications, information services and broadcasting, all of which have potentially important effects on national and cultural development.

The main protagonists in this trade are organising themselves around regional and global markets. Markets which are becoming more focussed on customers, not individual territorial boundaries. It is not only the borders around countries that are affected, it is the borders around what were once separate industries. New industries are being made from these combinations and, with, them new ways of cultural expression.

These new industries offer the potential for new information, educational, business, entertainment and community services, many of which will be offered across national boundaries. Transnational broadcasting and the Internet are examples of how these new services and markets are being facilitated.

But, what is important about these 'highways' or networks is not that they exist, but the services they deliver to people.

BROADBAND SERVICES EXPERT GROUP

The BSEG, of which I am also chair, was set up by the Commonwealth Government to address the implications of many of these developments for Aus-

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Australia. The BSEG released its interim report on 2 August.

In its work to date, the BSEG has had to pay attention to what was technically feasible. But that has been less important than considering the implications for human interaction and cultural development from the introduction of these services.

In the report, the BSEG has identified the major opportunity for Australia in the provision of content for these new services.

The BSEG has identified the existence in this country of a creative infrastructure as the key to taking up these opportunities. That is, an environment conducive to the development of new networks, related services and the creation of content. Because these opportunities are still emerging, Australia is well placed to establish itself as a leader in newly developing markets. Well placed also because of that openness to innovation and new cultural forms that I referred to earlier.

EXPORT OF CULTURAL INDUSTRIES?

As you may know I worked at SBS for a number of years. In that time I naturally gave consideration to the development of sales of programs produced by SBS both in Australia and overseas. I thought about it then in the usual way, domestic use and then some export sales as a bit of icing on the cake. For more expensive co-productions it was a way to have foreign interests underwrite our domestic use.

It was a program sold here and a program sold there. Each sale was important enough in its own way. A little bit of Australian cultural output was exported.

What I now realise is that the development of Australia's cultural industries is not well served by this fragmented approach.

We need a cultural industry that delivers in a structured way, not the one-off, but the library or catalogue of programs or applications that can find their way consistently to the market.

We face enough problems with our own small population and distance from

other markets, without hampering ourselves further with an uncoordinated approach to the development of creative infrastructure and to export.

MULTIMEDIA

Last week I was among a group drawn from the computing, telecommunications, multimedia and film production industries. We were discussing the prospects for the development of an Australian interactive multi-media industry.

On an international basis interactive multi media, which largely consists of gaming and educational applications, is a very large industry. A relatively small and very creative local industry earns export revenue from servicing multinationals with software.

What struck me, coming from a background in the cultural industries, and listening to those whose primary interests were technological, was that the problems were the same.

Creativity and technological skills were not at issue for the group. Australia has those and is developing them further. But they mean nothing without the means of distribution.

For the nascent multimedia sector participants, the choice was between developing an international industry from Australia, or developing a service sector in Australia for an international industry controlled elsewhere. I'm here to tell you that no magic solution was found, but everyone in the group had ideas for achieving the former rather than the latter.

The same dilemma has faced all our cultural industries. Room for creativity can be found, skills can be developed and even international recognition of individual achievement has come.

Quality on its own is not enough. In many of our cultural industries in Australia we have been pushed to the 'quality' end of the market, because the middle ground has been occupied by others. It can be seen in the development of the cinema over the last two decades and in the book publishing industry.

Australian achievement is flourishing at the margins, because the middle ground, of what is often derided as popular culture, is much harder to suc-

ceed in. From the point of view of developing a cultural industry it is just as important to have a flourishing group of writers of crime fiction (which we have), as it is to have writers who may win the Booker Prize.

It is out of this diversity of endeavour and the encouragement of it by government and the private sector, that the creative infrastructure can be built. No better example is to hand of how this can happen than the Australian television industry.

The television industry in Australia has established itself as a populist based cultural industry, but one which is distinctly Australian and delivered with a high degree of skill and creativity both in the commercial and the national sectors.

Here the middle ground is firmly occupied by Australians, both in terms of the content and control over the means of production and distribution. Think of how we got it. By a structured and measured approach to the development of a creative infrastructure in the television industry.

There has been a continuing commitment by government to independent national broadcasters serving all Australians. This commitment has produced a strong tradition of Australian production in all its forms.

The commercial sector has been regulated so that it is predominantly Australian owned and controlled, and since its earliest years has been encouraged to meet mandated levels of Australian content.

AUSTRALIAN CONTENT

Australian content rules have applied to programs and to advertisements. The rules applying to programs encouraged over the years the growing representation of a populist Australian culture on commercial television.

At the same time, the long standing prohibition on foreign made advertisements encouraged the development of production skills and a technical infrastructure, along with ever-increasing levels of increasingly popular Australian content.

The result is a strong and confident cultural industry that stands poised to

take advantage of the opportunities in a new competitive environment, and which has the potential to make a significant contribution to the creative infrastructure of the new media.

Speaking at a recent industry seminar, the chief executive of the Seven network, Bob Campbell, acknowledged a debt of gratitude for being compelled to develop such a strong Australian identity for commercial television:

We should say thanks in some part to the regulators and their foresight in forcing us to make Australian content because I think that will be the driver for our ongoing success in the new broadcast environment.

As gratifying as this might be for one who wears the hat of a broadcast regulator, I mention this only to indicate how the television industry itself sees the benefits coming from the creation of this creative infrastructure.

I am not advancing regulation of this

sort as the means of encouraging the development of the creative infrastructure in the new media.

I simply make the point that here is a success story in terms of the ability of one of Australia's cultural industries to take and hold the populist middle ground. I believe that only by taking and holding that populist base is it really possible to develop the potential for export. In recent years we have seen an increasing focus upon this by the television broadcast sector.

My understanding is that this conference is seeking remedies and solutions to encourage the development of Australia's cultural industries. In addressing my subject I have taken a broadcast and a broadband focus not simply because of my present role. I have done so because I want to suggest there are important lessons to take from the development of the broadcast sector as a cultural industry and important oppor-

tunities to be grasped with broadband.

If I am correct in my predictions that broadband services will form the basis of the next big wave of popular human communication, then they will have a profound effect upon the nature of our culture.

In the past, Australia has not always dealt with such changes well. We have often struggled, often been marginalised and often had to play catch up. We now have a unique opportunity to be present at the creation of a new generation of communication media, with the makings of a creative infrastructure in the broadcast and television production industries.

To take advantage of the opportunities, we need more than collaborations between the creative and the technical. We need strategies for placing such collaborations firmly in the realm of the popular imagination and application.



PROGRAMS CLASSIFIED C OR P

The following table contains programs granted C or P classification by the ABA between 15 July 1994 and 15 August 1994. Producers interested in submitting programs for classification should contact Liz Gilchrist on (02) 334 7840.

TITLE	ORIGIN	CLASS- IFICATION	NEW/ RENEWAL	DECISION DATE	APPLICANT
<i>Debate (Series 2)</i>	Australia	C	new	12.8.1994	Network TEN
<i>Godlings, The</i>	Australia	CAD	new	15.7.1994	Millenium Pictures Pty Ltd
<i>River's End</i>	Australia	CAD	new	8.8.1994	Grundy Television Pty Ltd

CAD C Australian Drama.
PRC Provisional C.

