



Review of Australian content standard—

ABA releases discussion paper

The ABA is seeking public comment on a discussion paper as part of its review of the Australian Content Standard for commercial television.

The discussion paper outlines possible approaches to developing a standard that relates to the Australian content of programs and meets Australia's obligations under the Trade in Services Protocol to the Australia New Zealand Closer Economic Relations Trade Agreement (CER).

'The ABA has not reached any view on the approach it should take in framing a new standard,' said Professor David Flint, ABA Chairman. 'The discussion paper canvasses a number of issues and options for consideration. We're interested in people's views on how a new standard that complies with Australia's CER obligations can, as far as possible,

promote the role of television in reflecting a sense of Australian identity, character and cultural diversity.'

High Court ruling

The High Court has ruled that the *Broadcasting Services Act 1992* requires the ABA to develop program standards that are consistent with Australia's international agreements.

The discussion paper sets the review in the context of its legal and policy framework and discusses the economics of production and distribution of television programs. It outlines the implications arising from the High Court decision which found that the standard is unlawful because it does not provide national treatment and market access rights to New Zealanders.

The second part of the paper presents a comprehensive examination of possible approaches to, and options for, changing the standard. This is based upon the ABA's understanding of the nature of the obligation under the CER, and experience with the Australian Content Standard since its introduction in 1996. The discussion of these options provides the basis for ABA consultation on the standard.

The ABA seeks comment on:

Eligible programs

1. Introducing separate and equivalent Australian and New Zealand creative elements tests (for Australian and New Zealand programs respectively) or a combined creative elements test for trans-Tasman programs.
2. Increasing the level of creative involvement of Australians/New Zealanders required under any creative elements test for Australian, New Zealand or trans-Tasman programs.
3. Incorporating on-screen criteria in any test for eligible programs in the standard, specifically, on-screen tests for the Australian content of programs and for the New Zealand content of programs.
4. Removing Division 10BA as a gateway for recognition of quota eligible programs.
5. Maintaining Australian official co-productions as a gateway for recognition of quota eligible programs, with New Zealand official co-productions with third party countries qualifying to the extent that they meet the test for eligible programs under the standard.

Quota levels for eligible programs

6. Increasing the subquotas for drama, documentary and children's drama programs in a standard which includes New Zealand programs.
7. The relative merits of various options for including New Zealand programs in the transmission quota and subquotas.
8. Requiring licensees to spend a minimum amount each year on eligible first release drama programs, including the practical implications of implementing such a drama program expenditure requirement.
9. Amending the time bands for the broadcast of quota eligible drama and documentary programs.

Other requirements for eligibility

10. Imposing further conditions on first release programs concerning release location or age of eligible first release programs.
11. Assessing the impact of subsidies on the likely cost advantage of quota effective New Zealand programs over similar Australian programs.
12. Capping the level of direct subsidy for eligible programs.
13. Requiring subsidised eligible programs to have a degree of marketplace attachment.
14. Limiting the types of subsidised programs eligible under the standard.

Improving definitions in the standard

15. Amending the definition of first release drama to include telemovies first broadcast on pay TV.
16. Amending the definition of documentary, in particular, excluding sports and light entertainment programs from the definition.
17. Amending the definition of sketch comedy to make clear that such programs must be original works comprised of a number of short self-contained sketches that are able to be broadcast in any order.
18. Including additional specific criteria to apply to animated programs in any creative elements test for eligible programs.

Submissions

The discussion paper is available on the ABA's web site at <http://www.aba.gov.au>. Details on how to make a submission are included in the discussion paper. Submissions should reach the ABA by 5.00 p.m. Monday 10 August 1998.



The ABA has announced the results of its monitoring of compliance with the Australian Content Standard and Children's Television Standards for 1997.

Australian content and children's programs on commercial TV in 1997

All commercial television networks met their Australian content obligations in 1997 for the annual transmission, drama and documentary quotas.

Each of the networks met the 50 per cent quota for Australian content. All the networks meet the 10 hour minimum requirement for first run Australian documentaries—the Nine and Seven networks broadcast 27 hours and

42 hours of documentary programs respectively.

In 1997 the Nine network achieved the highest drama score of 272 points.

The Nine and Ten networks met the 28 hours first release Australian children's C drama target and exceeded the 8 hour quota requirement for repeat Australian C drama programs. The Nine and Ten networks each broadcast 34.5 hours of repeat Australian C drama programs, 26.5 hours

over the quota. The Ten network broadcast the most children's C classified programs, exceeding the overall C quota of 260 hours by 22.5 hours.

Breaches by Seven network licensees

The ABA has found that the Seven network stations failed to meet the requirements of the Children's Television Standards on two occasions in 1997. Failure to comply with these standards is a breach of a condition of the stations' licences.

The Seven network had a shortfall of 30 minutes in their broadcast of first release Australian C drama in 1997. This was due to an error in calculating the amount of C drama broadcast.

To compensate for the shortfall, each licensee will schedule a make-up 30 minutes first release Australian C drama in 1998. The Seven network will also commission an additional 2 x 30 minutes of first release Australian C drama for broadcast in 1999.

The second breach, a shortfall in repeat C drama, occurred due to an administrative error in recording episodes of

'Clowning Around' resulting in the network stations and BTQ Queensland broadcasting only 6.5 hours and 6 hours respectively.

To compensate for the shortfall, each licensee has scheduled extra repeat C drama which commenced with a repeat of 'Sky Trackers' in May 1998. In addition, the Seven network intends to continue broadcasting repeats of 'The Adventures of the Bush Patrol' throughout the year. The Seven network will broadcast a total of 25 hours 30 minutes repeat Australian C drama in 1998.

The ABA is satisfied with these measures and does not propose to take further action.

CTS 3

All commercial television networks met their CTS 3 requirements in 1997.

Children's Television Standard (CTS) 3 requires licensees to broadcast 260 hours of children's C classified programs each year, half of which (130 hours) must be first release Australian programs and 130 hours of Australian preschool P classified programs.

Australian Content Standard

The Australian Content Standard has two main mechanisms: an overall transmission quota and minimum quotas for specific types of programs.

The transmission quota for 1997 set the overall annual minimum level of Australian programming at 50 per cent between 6.00 a.m. and midnight. (First release sports coverage commencing before midnight and finishing before 2.00 a.m. can also count towards the quota). The transmission quota increases in 1998 from 50 per cent to 55 per cent. There are specific quotas for annual minimum amounts of first release Australian programs in the following categories: drama, documentary, and children's (C classified) programs, including children's drama. There is also a requirement for a minimum amount of Australian preschool (P classified) programs.

The standard supports Australian drama programming by guaranteeing a minimum amount of first release drama. The standard requires a drama score of at least 225 points in any year.

C drama

The Australian children's C drama requirement increased from 24 to 28 hours in 1997. Australian children's first release drama levels will increase further to 32 hours in 1998.