



The ABA has varied the Australian content standard to include a definition of independent producer, revised broadcast hours for documentaries and the form for reporting.

# Australian content standard varied

The ABA has varied the Australian Content Standard for commercial television: the definition of 'independent producer', broadcast hours for documentaries and the form in which licensees report to the ABA.

The variations came into effect on 1 July 2004.

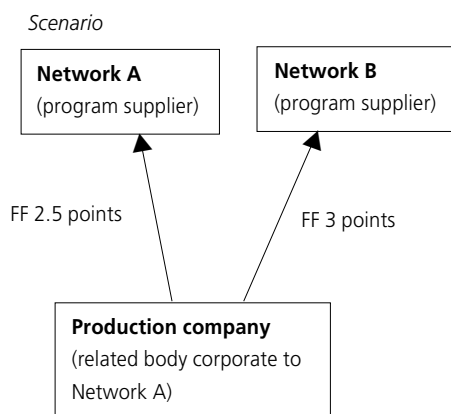
'The variation to the definition of 'independent producer' gives effect to the intent of the standard, which is to encourage broadcasters to look beyond in-house production to purchase programs from external production companies,' said Ms Maddock. 'The ABA's policy of support for the independent production sector has not changed.'

## Independent producer

The ABA considered that the variation to the definition of 'independent producer' (section 6 of the standard) was necessary to clarify the policy intent and range of circumstances in which 'independent producer' status can be claimed.

The definition of 'independent producer' is relevant to section 11 of the standard, which sets out the method for calculating the drama score for Australian drama programs. For programs acquired from independent producers for at least \$300,000, a higher format factor (format factor 3) applies. The intent is to draw a distinction between in-house and independent production, and to provide incentives for licensees or networks to commission programming from the independent production sector.

The variation allows a production company that is a 'related body corporate' of a program supplier, licensee, or holder of a subscription television broadcasting licence, to be considered an 'independent producer' in relation to a program when it is supplying that program to bodies other than the body to which it is related. It maintains the distinction between independent and in-house production, and clarifies that the intended scope of the provision is to apply to the purchase of programs from third party production houses.



For example, if a production company that is a related body corporate of a network (network A) sells a program to that network, the format factor 2.5 applies because the production company is outside the definition of 'independent producer'. If the production company sells a program to a network (network B) other than that to which it is related, it will be regarded as an 'independent producer', and format factor 3 applies (see illustration).

The ABA will review the operation of the revised definition of independent producer to ensure that it is continuing to meet its objectives and does not give rise to any unintended arrangements.

## Broadcast hours for documentaries

The variation, to section 16 of the content standard, relates to Australian first release documentaries.

Documentaries counting towards the documentary quota must now be broadcast within the same band of hours as material counting towards the Australian transmission quota i.e. between 6 am and midnight.

## Licensee reports on compliance

This variation introduces a new Part 12, which allows the ABA to determine the form and the times in which compliance information must be provided by licensees to the ABA.