



australian screen editors



media, entertainment & arts alliance  
the people who inform and entertain



**Australian Directors Guild; Australian Cinematographers Society;  
Australian Guild of Screen Composers; Australian Screen Editors Guild;  
Australian Writers Guild; Media, Entertainment & Arts Alliance; and  
Screen Producers Association of Australia  
Submission to Department of Broadband, Communications and the  
Digital Economy**

**Content and Access: The future of program standards and captioning  
requirements on digital multi-channels Discussion Paper**

The Australian Directors Guild, Australian Cinematographers Society, Australian Guild of Screen Composers, Australian Screen Editors Guild, Australian Writers Guild, Media, Entertainment & Arts Alliance, the Screen Producers Association of Australia wish to put forward the following joint position with regards to the Department of Broadband, Communications and the Digital Economy's *The future of program standards and captioning requirements on digital multi-channels Discussion Paper*.

Our organisations remind the Government that free to air (FTA) commercial broadcasters have been provided with access to public spectrum, which remains a highly valuable resource both in terms of the commercial opportunities it enables and the social cohesion it promotes.

Free to air television broadcasters have received, at no additional cost, the benefit of public spectrum access allowing them to multi-channel with consequent commercial benefits. Our organisations believe that it continues to be reasonable to impose social and cultural responsibilities on commercial free to air broadcasters for this access.

We call on the Australian Government to restate its continuing commitment to ensuring the delivery of Australian content on free to air digital television *including* the digital multi-channels.

Furthermore our organisations recommend that the Australian Government ensure the delivery of Australian content on free to air digital television multi-channels via some form of regulatory, direct or indirect intervention, from the very beginning of multi-channelling.

With respect to the options put forward in the discussion paper, we make the following recommendations:

**Option 1: Specify that one digital multi-channel must continue to meet all program standards**

Our organisations do not support Option 1 on the basis that it will lead to the dilution and marginalisation of Australian content.

**Option 2: Bring forward the date at which exemptions for program standards and captioning requirements end**

We support bringing forward the date at which exemptions for program standards end.

We recommend that the Australian Content Standard transmission quota of 55 per cent Australian programming should be applied to all commercial broadcasters on their first multi-channel and then extended to any further new multi-channels to the extent possible under the Australian US Free Trade agreement.

We further recommend that the Television Program Standard for Australian Content in Advertising be applied to all commercial broadcasters on their first multi-channel and then extended to any further new multi-channels to the extent possible under the Australian US Free Trade agreement.

Our organisations acknowledge the challenges with imposing particular genre sub-quotas in a multi-channel environment. To this end we recommend additional mechanisms must be developed to underpin certain specific genre sub-quotas. These could include the possibility of a limited tradeable quota scheme, described further below.

We do not support allowing commercial FTA broadcasters to develop, as an initial service, multi-channels that inherently preclude Australian content ie creating a foreign drama or movie channel.

**Option 3: Allowing broadcasters to apply for exemption from program standards for particular multi-channels**

We do not support Option 3 on the basis that the FTAs have been provided with privileged access to additional multi-channel capacity by the Australian people. The

Government should ensure that in return, the FTAs do not contribute to the diminution of Australian culture by allowing any exemptions from the Australian Content Standard across the full digital transmission environment. Australian culture is not protected by language or tariff from more powerful English speaking economies making it even more vital to ensure the expression of the Australian experience through Australian programs is maintained across the broadcast environment. While measures such as tradable quotas allow for re-allocation of content to build niche services, exemptions simply reduce the ratio of Australian content to foreign content. While the discussion paper notes Australian content rates highly and finds an audience it should also be noted that broadcasters rarely if ever provide more content than that required under the quota system. The simple market relationship of supply and demand continues to fail in this environment due to the market power of the United States in being able to effectively dump programs into the Australian market at a fraction of their real cost.

Further, as can be evidenced by the speed at which the new digital channel GO! has outstripped SBS in television audience ratings, substantial additional advertising revenue is now streaming into the FTA to support channels with very low cost programming. Given the FTAs are an established brand who now enjoy privileged access to spectrum and ongoing profitability, there should be no barrier to the application of the Australian content standard across all channels on an FTA network.

#### **Option 4: Aggregate all programming shown across all digital television multi-channels**

For the same reasons as articulated for Option 3, we do not support Option 4 on the basis that it will lead to the dilution and marginalisation of Australian content.

#### **Option 5: Introduce a tradable obligations scheme**

Given the increased opportunity for the development of niche programming in a multi-channel environment, our organisations are open to the development of a tradeable quota scheme within the following parameters:

- That, in addition to the 55 per cent Australian Content and 80 per cent Advertising Content Standards applying, the sub-quotas be applied to every Networks' first channel and every other channel up to the maximum amount allowed under the AUSFTA;
- That trading in these subquotas be confined to the secondary (non-core multi-channels);
- That the current obligations continue to be placed upon the free to air core channel with no trading of subquotas;
- That any trading scheme be confined to the commercial broadcasters multi-channels ie public broadcaster multi-channels are not involved.

## **About us:**

### **Australian Directors Guild**

The Australian Directors Guild is the industry association representing the interests of film, television and digital media directors, documentary makers, animators, assistant directors and independent producers throughout Australia. ADG has 600 members nationally.

ADG works to promote excellence in screen direction, to encourage communication and collaboration between directors and others in the industry, and to provide professional support for its members. ADG is proud to represent the key creative elements of the Australian independent production sector, and maintains its high profile in a cultural and policy role by addressing issues affecting the industry from a broad perspective

### **Australian Cinematographers Society**

The Australian Cinematographers Society is a not-for-profit company, limited by guarantee, that was formed in 1958 for the purposes providing a forum for cinematographer to further develop their skills through mutual cooperation

### **Australian Guild of Screen Composers**

The AGSC's principle objectives and aims are to represent the interests of Australian screen composers by developing and promoting employment opportunities, undertaking educational initiatives and increasing their profile amongst the industry.

### **Australian Screen Editors Guild**

The Australian Screen Editors Guild (ASE) is a cultural, professional and educational organisation, dedicated to the pursuit and recognition of excellence in the arts, sciences and technology of motion picture film and television post production. It aims to promote, improve and protect the role of editor as an essential and significant contributor to all screen productions.

The ASE is a national organisation formed in 1996. It has members across Australia as well as overseas. The Guild is an association of professional screen editors and assistants working in a wide range of disciplines including: Feature Films, Documentary, Television Drama, Commercials, Corporate Video, Education and Training, Sound Editing, Negative Matching, Pos Conforming, Music Video, Multimedia.

### **Australian Writers Guild**

The AWG is the professional association for all performance writers, that is, writers for film, television, radio, theatre, video and multi media. The AWG was established in 1962 and is recognised throughout the industry in Australia as being the voice of performance writers.

### **The Media, Entertainment & Arts Alliance**

The Media, Entertainment & Arts Alliance is the industrial and professional organisation representing the people who work in Australia's media and entertainment industries. Its

membership includes journalists, artists, photographers, performers, dancers, symphony orchestra musicians, freelance musicians and film, television and performing arts technicians.

### **Screen Producers Association of Australia**

SPAA is the industry body that represents Australian independent film and television producers on all issues affecting the business and creative aspects of screen production.

SPAA members include television, feature film, animation, documentary, TV commercial and interactive media production companies as well as services and facilities providers such as post-production, finance, distribution and legal companies