

Inquiry into recent ABC programming decisions

Personal Submission

John Cleary

Terms of reference:

That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 12 October 2011:

The decision by the television management of the Australian Broadcasting Corporation (ABC) to significantly cut the number and amount of ABC-produced programs, jobs (including through forced redundancies) and potentially affect resources, as announced on 2 August 2011, with particular reference to:

- The implications of this decision on the ABC's ability to create, produce and own its television content, particularly in the capital cities of Brisbane, Adelaide, Perth and Hobart;
- the implications of this decision on Australian film and television production in general and potential impact on quality and diversity of programs;
- whether a reduction in ABC-produced programs is contrary to the aims of the National Regional Program Initiative;
- the implications of these cuts on content ownership and intellectual property; the impact of the ABC's decision to end internal production of Bananas in Pyjamas and to outsource the making of a 'Bananas in Pyjamas' animation series to Southern Star Endemol Propriety Limited; and
- the future potential implications of these cuts on ABC television's capacity to broadcast state league football and rugby; and
- any other related matters.
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1. INTRODUCTION

Recently announced changes to the ABC in the areas of Arts and light entertainment have alerted the public to shifts in the nature and purpose of the national public broadcaster which, until now, have largely escaped public comment and scrutiny. The changes raise questions about the future of public broadcasting, the role of the ABC in Australian culture, and the allocation of taxpayer funded resources.

The controversy over closure of Arts and other programming has revealed an intention to outsource, to the commercial sector, the vast bulk ABC 'general programmes' made in Television. (General programmes are all those programmes not produced by the News and Current Affairs Division).

Because of the number of hours broadcast, and the Australian focus of much of the output of the NEWS division, this new model seems to presume that the output of the News division will be sufficient to satisfy the expectations of both public and parliament of the ABC as a comprehensive public broadcaster.

It is the view of this submission that such a model is not only flawed but seriously undermines the ABC as a public broadcaster. Several key elements of the ABC are at issue. First, the expectation of the public and the parliament that the ABC exists to make programmes, and is not funded to simply serve as a transmission vehicle for the commercial sector. Second, that ABC programmes will be editorially independent, and that editorial independence is critically linked to the non-commercial character of its output.

Further, the impact of the changes present the prospect of major asset rationalisation, particularly to ABC operations outside of Sydney and Melbourne, and raise a reasonable prospect of taxpayers and parliament questioning the amount of public resources allocated to the ABC.

That such a strategy could be adopted at a time when the ABC is approaching completion of major Studio building projects in capital cities around Australia, raises questions about the coherence of Board and Management policy.

2. PUBLIC BROADCASTING PURPOSE

The ABC was created in the 1930's some time after the commercial networks, following recognition that the advertiser driven mass-market demands of commercial broadcasting tended towards a mono-cultural middle, and did not adequately serve or reflect the diversity of the nations cultural communities.

What the commercial model failed to deliver was material designed for the life of the mind. The need for public broadcasting to make up for this 'market failure' of the commercial model is still a basic rationale of public broadcasters, and was recognised as such only recently by ABC Managing Director Mark Scott, when he described the ABC as a "market failure broadcaster". (Guardian 16 May, 2011)

Rather than use the crude measurement of raw numbers to define audience support, the ABC was funded by the Government to provide a service free of the commercial, imperative. The key distinguishing factor, was that public broadcasting values would be shaped by content, not commerce. Editorial integrity was to be the bench-mark. The ABC board was established to act as the shield of the corporation against commercial and political influence.

The Charter of the ABC, with its mandate to inform educate and entertain, also recognised the diversity of interests to be reflected in the output of the national broadcaster. With this mandate the ABC was able to serve the whole of the nation by catering to those communities and interests overlooked or under-represented by the commercial model. It served the whole by serving the particular rather than the mass.

This is the common thread in the establishment of public broadcasters around the globe. The words 'educate and inform' became central to the mandate of public broadcasters. The other concept linked to the public broadcaster was to contribute to a national culture by reflecting its diversity.

The key element identified as necessary to achieve these ends was freedom from commercial and political influence.

According to the revised edition of Toby Mendel's *Public Service Broadcasting: A Comparative Legal Survey* (2011), which examines the public broadcasters of Australia, Canada, France, Japan, Poland, Thailand, the United Kingdom and South Africa, all public broadcasters strive to serve the broadest public possible, by establishing and maintaining a national identity and culture, upholding democracy and freedom of expression, and furthering a plurality and diversity of voices. To this end a public broadcaster needs to be both free of political interference and economically independent.

Perhaps the best definition was that given by Sir Ian Jacob, Director General of the BBC from 1952-59.

Public Broadcasting is '...A compound of a system of control, an attitude of mind, and an aim, which if successfully achieved results in a service which cannot be given by any other means. The system of control is full independence, or the maximum degree of independence that parliament will accord. The attitude of mind is an intelligent one capable of attracting to the service the highest quality of character and intellect. The aim is to give the best and the most comprehensive service of broadcasting to the public that is possible. The motive that underlies the whole operation is a vital factor; it must not be vitiated by political or commercial consideration.' – *Report of the Committee on Broadcasting 1960, Vol.1, Appendix E. HMSO, 1962.*

In 2010 the revered United States broadcaster Bill Moyers, a former Press Secretary to President Lyndon Johnson, provided a revealing anecdote on his involvement in the establishment of Public Broadcasting in the United States in 1964,

" We talked about how television could be more than the boss' stenographer - how it would convey the interests and opinions of more people than the economic and political elites; how it could in fact help those elites understand the questions regular people asked every day - how to get a job, how to pay the doctor, how to put food on the table, how to get the kids through school, how to afford old age - the very questions corporate media scarcely valued. All this talk led to something. It led us to believe that what democracy needed was a truly free and independent broadcasting service - free of both state and commerce."

The significant thing to note is these definitions are not primarily focused on NEWS programmes. The programmes being defined as needing to be free of commercial influence are those concerned with culture, information and education. The very material the ABC is intent on outsourcing to the commercial sector.

3. WHATS THE PROBLEM WITH COMMERCE: ADVERTISING, SPONSORSHIP AND CO-PRODUCTION

What's wrong with commercially based programming? The general claim is that commercial ties disrupt editorial independence by introducing criteria other than editorial merit into the program commissioning and scheduling process. Commercial linkages fall broadly into 3 categories. Advertising, Sponsorship and Co-production.

Advertising is problematic because it corrupts schedules. That is, advertisers want their product exposed to the maximum number of viewers, of the sort they most desire for their product. They are prepared to pay large amounts to place advertisements at peak viewing times. They demand that their advertisements be slotted alongside programmes that will maximise those peak audiences. The most attractive programmes are generally light entertainment and sport, Thus, material of high editorial merit and public importance, if it is not deemed attractive enough to the advertiser, will be pushed to the margins of the schedule.

In the late 1980's ABC management seriously contemplated changing the ABC act to allow for advertising. Some government ministers were active advocates of commercialising the ABC. The board of directors eventually resisted those pressures.

Sponsorship is different in that it corrupts individual programmes. All programmes need production money. Sponsors put money into individual programmes to promote their views, or through product placement, have their product featured. Sponsorship gives the sponsor inordinate influence over what sort of programmes are made and what sort of views are expressed. Though less visible than advertising, it is arguably more destructive of editorial independence.

The third sort of commercial relationship is the Co-production. This is where the Broadcaster enters into an arrangement with another producer in order to offset the costs of production. Many of these arrangements can be mutually beneficial. In the past the ABC has entered into many co-productions that have produced programmes of great merit. Co-productions can occur with other public broadcasters such as the BBC, or with commercial production companies.

Commercial co-producers generally make their profits from securing the rights to on-sell the finished product into other markets after the initial screening with the public broadcaster. For the co-producer to secure a profit the production needs to be commercially attractive, that is attractive to the widest possible audience. If the production fails in the market place the commercial producer will go out of business. Hence the pressure exerted by the commercial partner to make the programme fit commercially successful templates can be extraordinarily strong. Where the public broadcaster can exert leverage is if the commercial producer knows that the public broadcaster, if pushed too far, is strong enough to go it alone.

Generally co-productions work best in a mixed production environment where the production capacity of the public broadcaster is strong enough to accommodate a range co-productions yet maintain its own public output of material commissioned purely on the basis of independent editorial merit.

However, unless strictly controlled, co-productions can provide a vehicle for disguised advertising and sponsorship. During the 1990's the ABC had to deal with public controversy over 'back-door sponsorship' introduced by commercial co-production partners. One episode of the well known 'Hypotheticals' programme was the subject of considerable scrutiny when it was found that a drug company was underwriting the co-producer of an episode concerned with health.

The most problematic form of co-production is full out-sourcing. In this model the broadcaster ceases to produce programmes of its own, and relies on the commercial sector to produce a range of programmes in which the broadcaster is prepared to invest. Such a model introduces commercial market forces into almost every aspect of the production process, from decisions about content to decisions about crews. This is the generally preferred model of commercial

television stations. As transmission agents for commercially produced product, they share the desire of the co-producer for commercial return through maximised audience.

On this model the broadcaster no longer has an option to make the programme themselves, or to proceed on the basis of merit alone. Criteria such as public purpose or editorial merit are not relevant or even appropriate. This market-driven model is the furthest away from the traditional criteria of public broadcasting. Yet this is the model the ABC is implementing for much of its general programme production in television.

4. IMPACT OF CHANGE

Mark Scott says the ABC exists as a reflection of 'market failure'. Yet the model supported by Scott and implemented by Kim Dalton is to turn over the great bulk of ABC non news and current affairs television production to the very commercial model responsible for 'market failure'. It is argued that such a model will not impact on 'public purpose' or limit the quality and diversity of ABC output.

The evidence available tends to contradict this assertion.

The outsourcing model is pushing ABC programmes towards the same mono-cultural middle that defines the commercial market place. It is marginalising material of minority or special interest to the edge of the schedule regardless of its cultural significance.

Drama

Outsourcing began with Drama, proceeded to Natural History, and has moved on to Features and Documentaries, now it has swept up Arts and Entertainment. With the accompanying reduction in general production capacity, even that which remains will have access to limited skills and resources, raising legitimate fears in states outside of NSW and Victoria, that even local sporting coverage will be lost.

Drama programmes are now overwhelmingly designed for the same 'middle australia' market as the commercial channels. They are pitched at an A/B demographic, and can be readily resold into the commercial market place. The latest example, 'Crownies' is a creation of the same company that gave Underbelly to the commercial marketplace. There is a thin attempt to introduce a little substance into the story line but this is regularly broken by the need to keep viewers engaged with liberal sprinklings of gratuitous flesh.

With one or two notable exceptions, examples of drama co-production over the past few years are hardly more encouraging, some clearly being designed for onsale to 'Hallmark channel' type broadcasters, after perfunctory screening on the ABC.

The reality is that Drama is so expensive that it is impossible to make without co-production partners. The weakness from the ABC perspective, is that so much of our drama production facilities have been closed over the years, that it is now impossible to exert anything but limited

leverage on the production values. Indeed the ABC now sees Drama in almost purely commercial terms, investing only in such product as it thinks will work in the market place. This is an appropriate goal for a commercial broadcaster, and there are a number of government and state funding vehicles set-up to serve this model of state supported production.

Documentaries

Documentaries, long regarded as the show piece of public broadcasting, and the place where independence and editorial merit should triumph over entertainment and ratings, show a similar move towards 'populist' mainstream formats designed for commercial on-sale.

It is evident in both the choice of subject, and the style of production adopted.

The ABC was once the place for significant feature documentaries such as David Goldie's 'Nobody's Children' made in follow up to the Burdekin Report into youth homelessness. This sort of material is handled these days under the umbrella of the NEWS division, and whilst of considerable merit, NEWS production values are different from those of the feature documentary. (See also below: Science)

Today's documentaries, made as commercial co-productions are heavily influenced by 'entertainment' criteria. They broadly fit just a few styles. The first are generally produced to fit the History Channel model, featuring much dramatised re-enactment, CGI, and usually focused on popular topics around which a plot or story line can be crafted. The dramatic content is constructed in such a manner as to move much of this material into 'infotainment' rather than genuine documentary.

The second model is one that seeks to artificially impose a dramatic structure on the material by creating tension through tabloid style scripting. Such documentaries are usually presented as a mystery that needs to be explained, a puzzle needing to be solved, or good guys v bad guys arguing over a subject such as 'The Hobbit'. They promise 'startling revelations' about historical events that will 'revolutionise' our understandings of those events. The style is deliberately overhyped to the point of damaging or even destroying real historical insight.

The third is the ever popular, 'Indiana Jones' model. Where our intrepid host 'takes us on a real life adventure among people and lands that time forgot'.

Each of these styles are market tested and reliable audience pullers, what they do not do is take the content seriously on it's own terms. Topics of great importance may never make it past the commissioning editors desk because no matter what their public merit or importance, they do not fit the accepted templates, and will not attract a wide enough audience to be commercially viable.

Science Documentaries.

A few years ago the ABC closed its famed Natural History Unit. This is the type of unit, because of the specialist content knowledge, technical skills, and the years of craft development involved, that only public broadcasters can afford to sustain.

Recently the ABC marked the death of three distinguished program makers filming the flooding of Lake Eyre, many in the ABC felt a double disappointment. First at the loss of valued colleagues, and second in the knowledge that the ABC has little commitment to providing for the skill development of such technical crafts-people in the future. That is, they are truly irreplaceable.

There is one further thing to note about the recent tragic deaths. The crew making the programme came from ABC news and current affairs. In past years such an event would almost certainly have production teams from ABC Science or the Natural History Unit in the field. These are the production Units that gave us 'The Nature of Australia' and other wonderful programmes. The Natural History Unit has been disbanded, and the highly skilled Science Unit in Television has been reduced to making, short segment magazine pieces for Catalyst; material suitable for commercial re-purposing and on sale as clips for 'Qantas' style programming. The major natural events of Australia over the past decade, from crippling drought to disastrous floods, have had no in depth science documentary analysis by the National Broadcaster.

In fact these skills are being pushed out of the Corporation. When the last Science documentary 'Crude' was produced, it was hailed as an outstanding piece of documentary making. When the team came up with their next creative idea, they were invited to resign from the ABC and bring the project back as a commercial proposition. This has happened to other producers in other states.

Arts, Religion

Social documentaries, minority interest exploration, religion and arts documentaries are increasing shifted into smaller magazine style formats, or in the case of arts, abandoned. This is happening at the very time when a need for such material is growing rather than diminishing. For example, over the past few years the Sydney Theatre Company has enjoyed a remarkable degree of success in re-interpreting great American Theatre Classics, and taking them back to the USA. This is a significant achievement in national cultural endeavour. A past ABC would be seeking to produce such performances for broadcast, and for posterity. It would also be working on related documentary material. Under the current philosophy this sort of venture would also have to pass the test of 'commercial viability'.

The generally accepted definition of 'market failure' is that which does not rate sufficiently well to attract a commercial return. Given that the broad percentage of the general public that follows 'cultural' activities is generally around 15% or less, it is unlikely that any form of cultural coverage will prove attractive to the new model National Broadcaster.

Long Form Features.

What the commercial model cannot sustain is the long term investment required to develop the program making skill base that can make long form documentary series in those specialist areas so vital to a nations sense of itself, whether it be Science, Religion, History, Arts, Society. This is the unique and distinctive contribution made by public broadcasters to the National Culture.

The ABC no longer has the content specialists nor the crews to make such large scale productions viable. Kim Dalton has been encouraging them to leave. The most important loss is in the continuity of technical and content skills. It takes years of working together on various projects in common programme units to develop the art of feature documentary making. It is in this field that public broadcasters have excelled.

The impact of such dismantling reaches into the structure of the corporation. Specialist content units that were once responsible not just for producing programs but for advice on the purchasing and scheduling of material from external sources, are being dismantled. A couple of years ago ABC schedulers programmed a series called Psychic Detectives, a piece of poorly researched pseudo documentary entertainment that not only caused public disquiet, but led to an internal protest by members of the Science unit.

The outsourcing model applied to the ABC has effected the elimination, or severe restriction, of the very programme strands for which public broadcasting was established. To claim success in this fashion is reminiscent of the 'we had to destroy the village in order to save it' logic of Vietnam.

Employment

One other piece of collateral damage from this approach to programme making is the introduction of 'run of show' employment contracts for creative staff, including technical staff. The effect is that those employees traditionally most valued by the public broadcaster, the content creators, are the ones increasingly subject the poorest and most tenuous employment conditions. Strangely, management contracts are generally exempt from such short term provisions. Over time this represents the intentional run down of the skill base and dismantling of the ABC as a national content creator.

Infrastructure

There is also the question of the appropriate use of public assets. Over the past two decades the ABC has replaced the bulk of its major capital city studios and upgraded the technical facilities to digital standards.

Some of these facilities such as Brisbane, are still being completed. What the public and parliament are largely unaware of is that the out-sourcing model means the mothballing of many of these production resources. In Perth the recent program cancellations have resulted in almost new studios and technical facilities, in both radio and television, standing idle for much of the time. In Sydney the huge Ultimo complex is emptying out. The rehearsal rooms, open to

public view, are now more often used for Yoga classes, or as UTS examination rooms, than they are for ABC production purposes.

Management says it is making use of the facilities as commercial hire venues, but this is not why they were so recently constructed, and it is not what the taxpayer expects of the ABC. When these facilities were built the reasonable expectation of the taxpayer and parliament, is that the huge buildings, and millions of dollars, would be used to provide something more than a complex Heath-Robinson means of syphoning money to the commercial sector. This has historically been done by the AFC or other bodies out of small offices with minimum overheads. Using the ABC for this is not only a duplication of what exists, it is surely extraordinarily inefficient way of delivering it.

The Media Landscape

New technologies are fragmenting the media landscape. Multi-media and broadband will foster the proliferation of narrow-casting. Everybody can be a broadcaster, talking to their own closed communities of interest. The media critic Jay Rosen has observed that in this environment the place of the public broadcaster as a clearing house, or public square for the sharing of ideas and debate, may be critical to the health of civil society. Will the new media serve to divert or enlighten? Clearly the historic purpose of public broadcasters was to serve the latter more than the former.

5. CONCLUSION

The ABC was founded in the 1930's in recognition that the cultural life of Australia was far richer than that filtered through the narrow lens of commercial profit. The ABC's principal role was to be not simply a transmitter of programs but a production house. Producing and broadcasting programs that the market could not or would not. Nation building, Education, Music, Science, Religion, Drama. News and Current Affairs. It's mandate was to inform, educate, and entertain.

The prohibitions on Advertising contained in the ABC act were placed there to protect the integrity of the content from commercial influence. By outsourcing the production of the bulk of non news ABC programmes, the board and management are seeking to evade the explicit intentions of the ABC Act to keep the ABC free of such influence.

Over recent years the board of the ABC has tried to have it both ways. As commercial money began to leach into the corporation, some years ago the board introduced a new set of editorial guidelines, retaining the tight criteria for news and current affairs style programmes, whilst softening criteria for more general programmes. This is an implicit recognition that commercial influence does taint production values. However, this distinction is not known or recognised by the public. Independent, merit based, commercial free programming is what the public think they are getting from the ABC, in all its programmes. It is what they value and what they see the logo as standing for.

Outsourcing the majority of ABC general television programmes represents the effective commercialisation of those areas most often described in the literature as in most need of protection from commercial imperatives.

The Dalton outsourcing model is not principally concerned with questions of public purpose. It's underlying premise is that the old justifications for public broadcasting are no longer necessary, the commercial model can deliver satisfactorily. And even if it cannot, even if the old definitions remain true, independence and editorial integrity are not worth the cost.

The logic of this can only lead to one place: a parliamentary question or two as to why so much money has been expended over recent years constructing ABC production facilities that management had no intention of using for ABC production. And a second question, Why all the capital tied up in plant and equipment if the model used by the ABC is the same commissioning model available through existing government channels. The final question: If production funds are simply being channelled from Government through the ABC to the private sector, why fund the ABC at all? Close it down, give its programme funding to a film commission, and simply restructure what remains as a smaller news operation.

Vale ABC, and all it once stood for.