

RECOMMENDATIONS

Recommendation 1

The Committee recommends that the Australian Broadcasting Authority (ABA) state in the introduction to its new Australian Content Standard that Australian culture and New Zealand culture are different from each other. They each have their own distinct characteristics and are not interchangeable. The ABA must make it clear that if the new Australian Content Standard gives special status to New Zealand productions the aim is solely to make the Standard consistent with Australia's obligations under the CER Protocol.

Recommendation 2

The Committee recommends that, in the event of the ABA's new Australian Content Standard being implemented, its effects on the number of New Zealand programs broadcast as part of various television quotas should be closely monitored by the ABA, with a view to taking remedial action if the ABA finds that object 3 (e) of the *Broadcasting Services Act 1992* is no longer being met. The ABA should report to the Minister after 2 years of operation of any new Standard.

Recommendation 3

The Committee recommends that section 160(d) of the *Broadcasting Services Act 1992* be amended to require the ABA to perform its functions having regard to Australia's obligations under any convention of which the Minister has notified the ABA in writing.

Recommendation 4

The Committee recommends that on the question of New Zealand/third party co-productions, the government should negotiate with the New Zealand government with a view to exchanging side letters to the CER Services Protocol to clarify both countries' understanding of the meaning and application of the CER Services Protocol in relation to New Zealand/third party co-productions. The side letter should make it clear that New Zealand/third party co-productions would not be eligible for the purposes of the Australian Content Standard quotas.

Recommendation 5

The Committee recommends that, in accordance with the Canadian precedent, an exclusion clause for cultural industries should be inserted in all future trade agreements with other countries

Recommendation 6

The Committee recommends that the Department of Foreign Affairs and Trade examine the government's obligations under other treaties to which Australia is a party to, with a view to the government beginning negotiations to remove any possible applications to cultural industries.

Recommendation 7

The Committee recommends that the government approach the New Zealand government to seek an amendment to the Closer Economic Relations (CER) Protocol which would insert a "cultural industries clause" to exempt services relating to cultural industries from the Protocol.