

AUSTRALIAN DEMOCRATS

Statement to the ECITA committee report into Section 160(d) of the Broadcasting Services Act.

15 February 1999

The Australian Democrats oppose any downgrading of the current Australian content standard, in terms of both drama and documentary programs.

Importance of Australian Content

The issue of content is also crucially important in our current television environment, but the decision to amend the standard will have serious long term implications. The evolution to digital broadcasting and other technological developments mean that content will be delivered in many different ways, across different media, and these should be protected. The decision on Australian content should not be made using assumptions made on the basis of current forms of analogue broadcasting. Australian content is going to become increasingly more important in the future, not less so, as new mediums of broadcasting services evolve.

We believe that the Governments, both of Australia and New Zealand should renegotiate the Protocol on Trade in Services to the Closer Economic Relations Trade Agreement in good faith, in order to exempt culture from this and other trade treaties. We do not believe amendment to the Australian content standard is in our national interest. We have received advice that amendment to the CER, as noted by the Department of Foreign Affairs and the Attorney General in their submissions, is the only way to proceed other than amending the Standard. We call on the Government to consider this course of action as the first and most important way to proceed on this matter.

The Australian Democrats are of the strong opinion that one of the most important elements of Australian television is its Australian content. As the majority report points out, television is one of our most important sources of information and entertainment. It has the power to influence public opinion, and has a key role to play in the promotion of Australian cultural identity. It reflects the tastes, concerns and aspirations of a multi-cultural society which is dynamic, changing, challenging and incredibly complex.

Anything that attempts to amend our current levels of Australian content seeks by implication, to downgrade the very important role television plays in maintaining our sense of ourselves. But not only is Australian content standard important in a cultural sense, it is also important in securing the ongoing viability of our film and television industry. Film and documentary makers, actors, writers, producers, and a host of supporting industries rely on product produced for Australian content standards. Job losses will surely result from any downgrading of the standard.

Everybody will remember the High Court judgment on *Blue Sky* where the High Court noted that one interpretation of the Act was that equal access might require 50 per cent of Australia's quota being given to New Zealand programs. Of course, if that happened, Australian audiences could see half of their favourite television programs disappear and be replaced by New Zealand programs. Even if that interpretation did not prevail, for every single New Zealand program that gets into the Australian quota there is one fewer Australian program.

In some categories, particularly children's drama, of which New Zealand is a significant producer and Australian networks are not noted for a willingness to pay high prices, one of the greatest fears is that Australian audiences might see all of their Australian children's drama disappear and be replaced by New Zealand programs. Arguably this has already happened in commercial television advertising, now deregulated.

The Australian content standard was written with a definite purpose in mind - to ensure that Australians will be able to hear our own voices and see our own stories and our own heroes in our largest mass medium. The history of Australian television demonstrates that, before the standard was introduced, there were very few Australian dramas, comedies, children's dramas or documentaries on commercial television. The success of programs like *Play School*, *Heartbreak High*, *Neighbours*, *Home and Away*, *Blue Heelers*, *Water Rats* and *Wildside*, are all built on that content standard.

Most countries in the world have local content quotas. They have them for the same reason we do: not to protect an industry but to preserve their own culture in the face of the enormous pressure from the largest producer of film and television and multimedia in the whole world - the United States. United States film and television is now that country's largest export industry. As an English language country, we are particularly vulnerable to that kind of cultural domination. This is particularly so in the case of third party co-productions, where programs produced and owned outside of New Zealand could conceivably be counted as New Zealand product, and therefore counted as Australian under the proposed changes.

There is no doubt that television, and its extension in the future digital age, will be the medium through which most Australians experience much of Australian culture. Our successful programs play an important role in reflecting and even in shaping our culture and our society. They help to promote a sense of unity, social cohesion and nationhood. These programs help to reiterate and reaffirm the fact that we are a fair and tolerant society which resolves its problems through the processes of justice and democracy.

When our television programs are seen in other countries, they show Australia to be a country which is modern, technologically advanced, safe, stable and democratic. That, of course, is of enormous benefit to trade and tourism.

The High Court '*Blue Sky*' decision was a warning. Our Australian standards are vulnerable. We cannot combine our culture with the culture of another country and still maintain the uniqueness of our own. Solving this dilemma is not a job for the Broadcasting Authority - it is the role of the Australian Parliament. Indeed, the

Australian Parliament has to approve of the Australian Broadcasting Authority's new standard.

The Australian government should move quickly to examine other international treaties to ascertain that other countries do not have rights over the introduction of their content under our own current standards. The Australian Government should make it perfectly clear that any amendment to current content standards are being made in relation to New Zealand only. The Government should move immediately to ensure that culture is exempt from all other bilateral and multilateral trade and service treaties

Committee recommendations:

Recommendation 7

This recommendation should be the immediate and urgent priority of the Australian Government. As stated, the Democrats are firmly of the opinion that the Government should seek to have the Trade in Services Protocol to the Closer Economic Relations Trade Treaty amended as the first and most important means to satisfy the High Court ruling on '*Blue Sky*' without undermining the current Australian Content standard under the Broadcasting Services Act.

Recommendation 1

The Democrats agree with this recommendation.

Recommendation 2

The ABA ought to commence monitoring the effect of changes to the content standard on the day any new standard comes into effect. It should report on the content standard under qualifications made by the Australian Parliament in its annual report. Two years is an arbitrary time frame.

The Australian Broadcasting Authority has stated it will monitor the revised standard after the first two years of completion. The ABA should commence monitoring immediately, and continue to provide a detailed annual analysis of how the standard impacts on the operation of the broadcasting industry. It should also report on the effect of the revised standard in relation to its Charter, which is to promote the role of Australian television to ensure it reflects a sense of Australian identity, character and cultural diversity. The new standards may not be consistent with this direction. Long term reporting is the only way to determine this outcome.

Recommendation 3

This recommendation should make it clear that the Minister should notify the ABA in writing of any obligations it has to international conventions, as per s580 of the Telecommunications Act.

Recommendation 4

The Democrats do not believe that third party co-productions should count as New Zealand product for the purposes of any amendment to the content standard to include New Zealand product. The product to be included should be fully owned and funded New Zealand product. Any letters of agreement should reflect this.

Recommendation 5

The Democrats agree with this recommendation. However, we are of the opinion that the recommendation should read: "...an exclusion clause for cultural industries should be inserted in all future trade **and service** agreements with other countries".

Recommendation 6

The Democrats agree with this recommendation.

Senator Lyn Allison

Australian Democrats