

5 February 2016

Jonquil Ritter
Executive Manager, Broadcasting Safeguards Branch
Australian Communications and Media Authority
PO BOX Q500, Queen Victoria Building
Sydney NSW 1230

Dear Ms. Ritter, *Jonquil*

Proposal to reduce compliance reporting under the Australian Content Standard

I welcome this opportunity to respond to your letter dated 21 December 2015.

Screen Producers Australia supports initiatives by the Australian Communications and Media Authority (ACMA) to increase efficiency and reduce red tape costs. This support is contingent on adequate safeguards that do not diminish the transparency of reporting and accountability of regulatory obligations.

It is with this in mind that Screen Producers Australia does not object to changing the frequency of monthly reporting to annual returns by metropolitan commercial television broadcasters. However, we strongly object to the proposed removal of program-by-program data, the public delivery of which does not create additional compliance burden for the broadcasters and indeed is collated and generated by the businesses for various operational reasons separate from any compliance outcomes as a matter of course.

Program-by-program data is supplied to the ACMA in order to independently assess the calculation of points and hours required under the quota regime. This level of scrutiny is a reasonable expectation given the protections enjoyed by commercial broadcasters and their privileged position they have as licencees of publicly owned broadcasting spectrum.

Furthermore, program-by-program data is a critical tool for all stakeholders to assess the ongoing effectiveness of the Australian Content Standard and in so doing develop evidenced based policy. This is of particular importance in the current climate of media reforms and legislative review. Screen Producers Australia would caution the ACMA on underestimating the importance of the annual compliance data.

If you would like to discuss this further please contact Matthew Hancock (Manager, Strategy and Operations) on matthew.hancock@screenproducers.org.au or 02 8076 5878.

Yours sincerely,



Matthew Deaner
Chief Executive Officer

21 December 2015

Mr Matthew Deaner
Chief Executive Officer
Screen Producers Australia
Suite 2, Level 1
36 Fitzroy St
Surry Hills, NSW, 2010

Email: matthew.deaner@screenproducers.org.au

ACMA file reference: ACMA2015/745-6

Dear Mr Deaner,

Proposal to reduce compliance reporting under the Australian Content Standard

As you may be aware, the ACMA has been reviewing administrative requirements applicable to commercial television broadcasting licensees as part of the Government's regulatory reform agenda.

The ACMA has been considering the level and frequency of reporting provided by metropolitan commercial television broadcasting licensees to demonstrate compliance with the *Broadcasting Services (Australian Content) Standard 2005* (the ACS). As you are aware, these licensees currently provide detailed program-by-program data on a monthly basis to the ACMA to demonstrate compliance with the sub-quotas and transmission quotas.

Our current thinking is to require metropolitan commercial television broadcasting licensees to report at the same time and to the level of detail currently required of regional commercial television broadcasting licensees. As you are aware, regional licensees provide aggregated data to the ACMA once a year. A sample of the aggregated annual report for metropolitan licensees is attached.

As a key stakeholder with an interest in the use of ACS compliance data, the ACMA is keen to understand what, if any, concerns your organisation may have if the ACMA were to proceed in the way outlined. Your comments would be appreciated by **cob Friday 5 February 2016**.

If you have any questions, please email me at jonquil.ritter@acma.gov.au or call (02) 9334 7833.

Yours sincerely,



Jonquil Ritter
Executive Manager
Broadcasting Safeguards Branch

Encl.



Australian Content Standard – Possible annual reporting form for consideration

Under section 21 of the *Broadcasting Services (Australian Content) Standard 2005* (the ACS), commercial television broadcasting licensees are required to demonstrate compliance with the quota requirements in a form and at the times specified by the ACMA.

Section 1: Compliance details

This is to certify that:

Licensee Company		
Network		
Major Source of Programs (for regional licensees)		
Broadcasting Service Licence No.	ABN	ACN

For the compliance period:

[dd/mm/yyyy] - [dd/mm/yyyy]

The following quantity of programs relevant to quota requirements have been broadcast.

	Primary Channel Transmission Quota (Hours)	Non-primary Channel Transmission Quota (Hours)	1st Release Australian Drama Score	1st Release Australian Drama (Hours)	1st Release Australian Documentary (Hours)	1st Release Australian C Drama (Hours)	1st Release Australian C Non-Drama (Hours)	Repeat Australian C Drama (Hours)	C Program Other (Hours)	Australian P Program (Hours)
Compliance Summary										

Section 2: Certification

The information provided in this Form is true and accurate.

Secretary | Public Officer

Signature		
Print name		
Title		
Day	Month	Year

Section 3: Contact details

Name
Position
Address
Phone
Mobile
Email

Section 4: Notes for this Form

Please refer to the *Broadcasting Services (Australian Content) Standard 2005*, *Children's Television Standards 2009* and the *Broadcasting Services Act 1992* for the quota requirements and eligible time periods. The Standards and related information are available on the ACMA website at www.acma.gov.au.

Compliance with quota requirements are based on a calendar year (and set triennial periods for drama and C-drama quotas).

For regional licensees, please enter the major (or sole) source of programs, such as: Seven, Nine, Ten or cherry-picked.

Please email the completed Form to: content.compliance@acma.gov.au.

Record keeping: Please retain records of programs counted towards quota/sub-quota requirements, as the ACMA may request further information when assessing details provided in this Form.

Section 5: Privacy information

The *Privacy Act 1988* (Cth) (the Privacy Act) imposes obligations on the ACMA in relation to the collection, security, quality, access, use and disclosure of personal information. These obligations are detailed in the [Australian Privacy Principles](#).

The ACMA may only collect personal information if it is reasonably necessary for, or directly related to, one or more of the ACMA's functions or activities.

The purpose of the collection of the personal information in this form is to enable the ACMA to assess the licensee's compliance with the quota requirements. This information is required under section 21 of the *Broadcasting Services (Australian Content) Standard 2005*.

The ACMA will not use the information for any other purpose, nor disclose it, unless the relevant consent has been obtained or it is otherwise permitted to do so under the Privacy Act.

Further information on the Privacy Act and the ACMA's Privacy Policy is available from the ACMA website www.acma.gov.au/privacypolicy. The Privacy Policy contains details about how personal information that is held by the ACMA may be accessed, and how such information may be corrected, where appropriate. It also explains how a complaint about a breach of the [Privacy Act](#) may be lodged and how the ACMA will deal with such a complaint.

Any questions relating to the privacy of information requested in this form should be directed to the ACMA's privacy contact officer on telephone 1800 226 667 or by email to privacy@acma.gov.au.