Commercial television compliance with Australian content requirements

2021 compliance report: regional licences

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Canberra

Red Building
Benjamin Offices
Chan Street
Belconnen ACT

PO Box 78
Belconnen ACT 2616

T +61 2 6219 5555
F +61 2 6219 5353

Melbourne

Level 32
Melbourne Central Tower
360 Elizabeth Street
Melbourne VIC

PO Box 13112
Law Courts
Melbourne VIC 8010

T +61 3 9963 6800
F +61 3 9963 6899

Sydney

Level 5
The Bay Centre
65 Pirrama Road
Pyrmont NSW

PO Box Q500
Queen Victoria Building
NSW 1230

T +61 2 9334 7700
F +61 2 9334 7799

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Written enquiries may be sent to:

Manager, Editorial Services
PO Box 13112
Law Courts
Melbourne VIC 8010
Email: info@acma.gov.au

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Executive summary

The availability of Australian programs on television contributes to strong and vibrant communities and a shared sense of who we are as Australians, by building a common understanding of Australian experiences and stories and enhancing our understanding of the Australian national identity.

Relatedly, there are 2 key obligations on commercial television licensees that require them to meet certain minimum standards for broadcasting Australian content each year. As a result, commercial television licensees report to the ACMA annually on their compliance with:

1. the Australian content transmission quotas required by section 121G of the *Broadcasting Services Act 1992* (BSA) – the transmission quotas
2. the new first-release Australian program points quotas as required by the Broadcasting Services (Australian Content and Children’s Television) Standards 2020 (ACCTS) – the points quota.

This report provides the compliance results and related information for all 62 regional commercial television licensees for the 2021 calendar year. The BSA transmission quotas have remained static across recent years.

Of note, this was the first year of operation for the ACCTS, which the Australian Communications and Media Authority (ACMA) made in December 2020 following a direction from the then Minister for Communications Urban Infrastructure, Cities and the Arts.

This report provides a summary of regional commercial television compliance for 2021 with the Australian content obligations set out in the BSA and ACCTS. Under these reporting obligations, regional television licensees lodge content returns with the ACMA by the end of March each year, giving details of:

* broadcast hours of programs claimed towards the transmission quotas in the preceding calendar year; and
* the annual points claimed for first-release Australian programs broadcast in the preceding calendar year. First release Australian programs are either commissioned Australian drama (including children’s drama), commissioned Australian documentaries, commissioned Australian children’s non-drama programs, or acquired Australian films.

Notably, all licensees met all their obligations in 2021 for both the transmission quotas and the ACCTS points quota obligations. Compliance has been achieved through a mix of actual or deemed compliance with the BSA transmission requirements and the ACCTS quota requirements.

# Regional compliance for 2021

## Transmission results for broadcasts in 2021

The Australian content transmission quotas in the BSA require commercial television licensees to transmit:

Australian programs[[1]](#footnote-2) for at least 55% of all programming broadcast between 6 am and midnight on their primary television services; and

at least 1,460 hours of Australian programs between 6 am and midnight on their non-primary television services (multi-channels).

All regional licensees reported meeting transmission quotas for their primary channel (55%). The level of compliance for Australian content, between 6 am and midnight on primary channels, ranged from 67.81% to 77.7% in 2021.

Fifty-two regional licensees reported broadcasting more than the 1,460 hours quota for non-primary channels by broadcasting a range of hours; the lowest being 1,502 hours and the highest being 8,205 hours for 2021. Ten regional licensees broadcast less than 1,460 hours. These licensees have relied on ‘deemed compliance’ available under the BSA.

### Deemed compliance – Australian content transmission quotas

In 2020, section 121H of the BSA was introduced. Section 121H permits a regional commercial licensee to be deemed compliant. The introduction of the section recognises that regional and remote licensees can find it difficult to satisfy the Australian content obligations because they rely on metropolitan licensees for content provided through program affiliation agreements. The number and type of multi-channels provided by regional and remote licensees can be impacted by infrastructure capacity and/or by affiliation agreements that exist between licensees.

Regional and remote licensees can be deemed compliant with multi-channel quota obligation to broadcast at least 1,460 hours of Australian programs if they provide the ACMA with a notice that meets relevant conditions set out in subsection 121H(1) of the BSA. The ACMA must publish a copy of the notice on the [ACMA’s website](https://www.acma.gov.au/broadcaster-compliance-tv-content-standards). As part of the 2021 regional licensee compliance reporting, the ACMA received 10 notices for deemed compliance with the multi-channel quota requirements.

The effect of deemed compliance is that the 10 licensees will be taken to each have broadcast 1,460 hours of Australian programs because they have each transmitted no less than the total number of hours of Australian programs broadcast on the equivalent multi-channel by the metropolitan commercial television broadcasting licensee, during targeted viewing hours in 2021. For example, 7 regional and remote licensees showing 10, 10 Bold and 10 Peach on their multi-channels transmitted the same amount of Australian content as the affiliate metropolitan counterparts, so these licensees can be deemed compliant.

The transmission percentages and hours broadcast for each regional licensee are in Table 1 [below](#_Part_one_–).

## Points quota for first release Australian programs and acquired films broadcast in 2021

The [ACCTS](https://www.legislation.gov.au/Details/F2020L01653) commenced on 1 January 2021. The ACCTS requires commercial television licensees to broadcast at least 250 points of first release Australian programs, across certain genres, each calendar year. The genres include:

commissioned first release Australian documentary programs

commissioned first release Australian children’s programs (non-drama)

commissioned first release Australian drama programs

acquired first release Australian films.

This is the first report of regional licensee compliance results under the ACCTS.

The ACCTS allocates points per broadcast hour based on the program’s production budget, and higher points can be claimed by licensees for commissioned Australian drama programs with high production budgets.

### When is a program commissioned?

‘Commissioned’ in relation to a program is defined in section 8 of the ACCTS to mean that a licensee or its program supplier has made a material and meaningful financial contribution to a program (before completion). Commissioned programs may include in-house productions or domestic co-productions with national broadcasters, streaming video services or subscription broadcast channels.

The Explanatory Statement to the ACCTS states that for a financial contribution to be considered ‘material and meaningful’, it should be a contribution that is both significant and enables the program to be made. If the contribution of the licensee is not considered material and meaningful, quota points cannot be claimed for the program.

The significance of a financial contribution is assessed by looking at the licensee contribution as a proportion of the overall production budget for the commissioned program. The approach to the 2021 points quota has been:

For all fully-funded programs, licensees are considered to have made a significant financial contribution and this has enabled the programs to be made. A licensee’s contribution is material and meaningful as a result.

For programs where a medium to high proportion of the total production budget has been supplied by the licensee, the ACMA has considered this a significant financial contribution, and this has enabled the programs to be made. A licensee’s contribution is material and meaningful as a result.

For programs where a lower proportion of the total production budget has been supplied by the licensee, the ACMA queried licensees on matters beyond direct funding, such as broadcasting and streaming rights/entitlements; the creative control the licensee has; the type of program being produced and the arrangements for co-commissioning or multiparty productions, as well as the overall budget of the program. Following assessment of further evidence, the ACMA determined whether licensee contributions for particular programs meet the ‘material and meaningful’ test as a result.

### What points can be claimed?

Schedule 1 of the ACCTS provides for points allocation across genres as follows:

| **Genre** | **Points per hour broadcast** |
| --- | --- |
| Commissioned first release Australian documentary program (capped at a maximum 50 points per calendar year) | 1 |
| Commissioned first release Australian children’s program (non-drama) | 1.5 |
| Commissioned first release Australian drama program (less than or equal to $450,000 production budget per hour) | 1.5 |
| Commissioned first release Australian drama program (more than $450,000 up to $700,000 production budget per hour) | 4 |
| Commissioned first release Australian drama program (more than $700,000 up to $1,000,000 production budget per hour) | 5 |
| Commissioned first release Australian drama program (more than $1,000,000 up to $1,400,000 production budget per hour) | 6 |
| Commissioned first release Australian drama program (more than $1,400,000 production budget per hour) | 7 |
| Acquired first release Australian film (licence fee per film less than $50,000) | 1 |
| Acquired first release Australian film (licence fee per film equal to or more than $50,000) | 2 |

All regional licensees have met the annual points quota under the ACCTS, with:

* 44 licensees broadcasting first release Australian content between 270 and 374 points[[2]](#footnote-3)

18 licensees broadcasting first release Australian content below 250 points but relying on the deemed compliance provisions of the ACCTS.

Licensees may ‘carry over’ up to 50 points in excess of the annual points quota from one calendar year to the next.

The average hours of ACCTS first release commissioned programs and acquired films broadcast by regional licensees in 2021 ranged between 109 hours and 192 hours.

### Deemed compliance: ACCTS annual points quota

Section 16 of the ACCTS provides that a regional licensee can be deemed compliant with the annual points quota under the Standards. The [Explanatory Statement to the ACCTS](https://www.legislation.gov.au/Details/F2020L01653/Explanatory%20Statement/Text) indicates that the deeming provision was introduced to protect regional and remote licensees that may have limited control over programming retransmitted under an affiliate agreement.

As part of the 2021 compliance reporting, the ACMA received 18 notices for deemed compliance with the 250 annual points quota for first release Australian content and films. Deemed compliance for the ACCTS points requirement can occur if the duration of first release Australian programs the regional or remote licensee broadcasts is the same as, or more than, the amount broadcast by its metropolitan affiliate on the latter’s equivalent channel/s during the same year. For example, 10 WIN Television regional and licensees transmitted the same duration of first release Australian programs and Australian films as the affiliate metropolitan counterparts, so can be deemed compliant. WIN Television licensees transmitted 10, 10 Peach and 10 Bold from 1 January to 30 June 2021, Sky News on WIN from 1 January to 31 July 2021. Then following new affiliation agreements transmitted 9, 9Go!, 9Gem from 1 July to 30 December 2021 and 9Life from 1 August to 30 December 2021.

The ACMA has published copies of the notices given under the ACCTS on the [ACMA’s website](https://www.acma.gov.au/broadcaster-compliance-tv-content-standards).

The ACCTS quota points broadcast by each licensee are in Table 1 below.

# **Table 1: Transmission quota and ACCTS points quota – regional licensee results**

**1 January 2021 to 31 December 2021**

| **Call sign** | **Licence no.** | **Company name** | **Primary channel transmission quota (%)** | **Non-primary channel transmission quota (hours)** | **First release Australian program quota points**  |
| --- | --- | --- | --- | --- | --- |
| **Major source of programs: Cherry-picked (number of licences: 5)** |
| BCV | 104 | SOUTHERN CROSS COMMUNICATIONS PTY LIMITED | 72.16 | 2,114.93 | 340.17 |
| CTC | 85 | AUSTRALIAN CAPITAL TELEVISION PTY LTD | 72.95 | 2,008.47 | 340.17 |
| GLV | 106 | SOUTHERN CROSS COMMUNICATIONS PTY LIMITED | 72.16 | 2,114.93 | 340.17 |
| TDT | 1150806 | TASMANIAN DIGITAL TELEVISION PTY LTD | 72.16 | 2,114.93 | 340.17 |
| TNQ | 113 | REGIONAL TELEVISION PTY LIMITED | 72.63 | 2,020.05 | 340.17 |
| **Major source of programs: Nine (number of licences: 16)** |
| BDN | 1130143 | BROKEN HILL TELEVISION PTY LIMITED | 76.23 | 2,303.93 | 271.00 |
| GDS | 1130142 | SPENCER GULF TELECASTERS PTY LIMITED | 76.23 | 2,303.93 | 271.00 |
| IMP | 2898 | IMPARJA TELEVISION PTY LTD | 77.70 | 1,460.00^ | 270.50 |
| MTN | 10103 | WIN TELEVISION GRIFFITH PTY LTD | 76.46 | 5,660.37 | 250.00# |
| NBN | 94 | NBN PTY LTD | 77.74 | 2,158.40 | 271.00 |
| NTD | 10172 | TERRITORY TELEVISION PTY LTD | 77.15 | 2,177.03 | 271.00 |
| NWS | 121 | CHANNEL 9 SOUTH AUSTRALIA PTY LIMITED | 76.23 | 2,304.10 | 271.00 |
| RTQ | 116 | WIN TELEVISION QLD PTY LTD | 76.05 | 5,671.95 | 250.00# |
| RTS | 10174 | WIN TELEVISION SA PTY LTD | 74.75 | 5,721.72 | 250.00# |
| SES | 10330 | WIN TELEVISION SA PTY LTD | 74.75 | 5,721.72 | 250.00# |
| STV | 10088 | WIN TELEVISION MILDURA PTY LTD | 75.53 | 5,752.53 | 250.00# |
| STW | 10162 | SWAN TELEVISION & RADIO BROADCASTERS PTY LTD | 75.82 | 2,397.38 | 271.00 |
| TVT | 132 | WIN TELEVISION TAS PTY LTD | 75.53 | 5,752.53 | 250.00# |
| VTV | 107 | WIN TELEVISION VIC PTY LTD | 75.53 | 5,752.53 | 250.00# |
| WIN | 99 | WIN TELEVISION NSW PTY LIMITED | 76.46 | 5,660.37 | 250.00# |
| WOW | 10048 | WIN TELEVISION WA PTY LTD | 72.25 | 5,852.65 | 250.00# |
| **Major source of programs: Seven (number of licences: 18)** |
| AMN | 10104 | WIN TELEVISION GRIFFITH PTY LTD | 72.92 | 5,361.75 | 373.75 |
| AMV | 103 | PRIME TELEVISION (VICTORIA) PTY LIMITED | 76.24 | 4,671.38 | 373.75 |
| BKN | 10241 | BROKEN HILL TELEVISION PTY LIMITED | 75.60 | 5,171.82 | 373.75 |
| CBN | 90 | PRIME TELEVISION (SOUTHERN) PTY. LIMITED | 72.90 | 4,929.75 | 373.75 |
| GTS | 10234 | SPENCER GULF TELECASTERS PTY LIMITED | 75.60 | 5,171.82 | 373.75 |
| GTW | 10418 | GERALDTON TELECASTERS PTY LTD | 71.29 | 5,093.35 | 373.75 |
| ITQ | 114 | REGIONAL TELEVISION PTY LIMITED | 72.54 | 5,157.55 | 373.75 |
| NEN | 95 | PRIME TELEVISION (NORTHERN) PTY LIMITED | 72.90 | 4,929.75 | 373.75 |
| PTV | 10089 | PRIME TELEVISION (VICTORIA) PTY LIMITED | 76.24 | 4,671.38 | 373.75 |
| QQQ | 4285 | REGIONAL TELEVISION PTY LIMITED | 72.54 | 5,157.55 | 373.75 |
| RDS | 1130145 | WIN TELEVISION SA PTY LTD | 75.60 | 5,171.82 | 373.75 |
| SDS | 1130144 | WIN TELEVISION SA PTY LTD | 75.60 | 5,171.82 | 373.75 |
| SSW | 10417 | GOLDEN WEST NETWORK PTY. LIMITED | 71.29 | 5,093.35 | 373.75 |
| STQ | 115 | CHANNEL SEVEN QUEENSLAND PTY. LIMITED | 72.11 | 5,356.80 | 373.75 |
| TND | 10173 | REGIONAL TELEVISION PTY LIMITED | 75.60 | 5,171.82 | 373.75 |
| TNT | 133 | SOUTHERN CROSS TELEVISION (TNT9) PTY. LIMITED | 76.26 | 5,117.10 | 373.75 |
| VEW | 10416 | MID-WESTERN TELEVISION PTY LTD | 71.29 | 5,093.35 | 373.75 |
| WAW | 4747 | GOLDEN WEST SATELLITE COMMUNICATIONS PTY LTD | 71.29 | 5,093.35 | 373.75 |
| **Major source of programs: Ten (number of licences: 14)** |
| CDT | 1130050 | CENTRAL DIGITAL TELEVISION PTY LIMITED | 67.99 | 1,460.00^ | 250.00# |
| DTD | 1130013 | DARWIN DIGITAL TELEVISION PTY LIMITED | 67.99 | 1,460.00^ | 250.00# |
| GDW | 1130046 | WEST DIGITAL TELEVISION NO.2 PTY LTD | 69.43 | 1,567.83 | 278.00 |
| IDQ | 1130051 | CENTRAL DIGITAL TELEVISION PTY LIMITED | 67.81 | 1,460.00^ | 250.00# |
| LRS | 1150796 | WIN TELEVISION SA PTY LTD | 72.11 | 8,059.12 | 279.00 |
| MDN | 1130146 | WIN TELEVISION GRIFFITH PTY LTD | 71.05 | 7,938.28 | 278.50 |
| MDV | 1150827 | MILDURA DIGITAL TELEVISION PTY LTD | 70.26 | 1,501.25 | 278.50 |
| MGS | 1150799 | WIN TELEVISION SA PTY LTD | 72.11 | 8,059.12 | 279.00 |
| NRN | 96 | NETWORK INVESTMENTS PTY LTD | 69.77 | 8,205.05 | 250.00# |
| SCN | 1150797 | BROKEN HILL TELEVISION PTY LIMITED | 67.85 | 1,460.00^ | 250.00# |
| SDW | 1130049 | WEST DIGITAL TELEVISION PTY LTD | 69.43 | 1,567.83 | 278.00 |
| SGS | 1150798 | SPENCER GULF TELECASTERS PTY LIMITED | 67.85 | 1,460.00^ | 250.00# |
| VDW | 1130048 | WEST DIGITAL TELEVISION NO.3 PTY LTD | 69.43 | 1,567.83 | 278.00 |
| WDW | 1130047 | WEST DIGITAL TELEVISION NO.4 PTY LTD | 69.43 | 1,567.83 | 278.00 |
| **VAST licences: (9 callsigns)** |
| **Major source of programs: Nine** |
| SVW (WIN9) | 1130166 | WA SATCO PTY LIMITED | 72.25 | 5852.65 | 250.00# |
| VAN (IMP) | 1130136 | EASTERN AUSTRALIA SATELLITE BROADCASTERS PTY LTD | 77.70 | 1,460.00^ | 270.50 |
| VAS (IMP) | 1130135 | EASTERN AUSTRALIA SATELLITE BROADCASTERS PTY LTD | 77.70 | 1,460.00^ | 270.50 |
| **Major source of programs: Seven** |
| SVW (GWN7) | 1130166 | WA SATCO PTY LIMITED | 71.29 | 5093.35 | 360.00 |
| VAN (SCT) | 1130136 | EASTERN AUSTRALIA SATELLITE BROADCASTERS PTY LTD | 72.54 | 5157.55 | 373.75 |
| VAS (SCT) | 1130135 | EASTERN AUSTRALIA SATELLITE BROADCASTERS PTY LTD | 76.26 | 5176.10 | 373.75 |
| **Major source of programs: Ten** |
| SVW (WIN10) | 1130166 | WA SATCO PTY LIMITED | 69.43 | 1567.83 | 278.00 |
| VAN (CDT) | 1130136 | EASTERN AUSTRALIA SATELLITE BROADCASTERS PTY LTD | 67.81 | 1,460.00^ | 250.00# |
| VAS (CDT) | 1130135 | EASTERN AUSTRALIA SATELLITE BROADCASTERS PTY LTD | 67.99 | 1,460.00^ | 250.00# |
| **Summary information** | **Lowest** | **67.81** | **1,460.00** | **250.00** |
|  |  | **Highest** | **77.74** | **8,205.05** | **373.75** |
|  |  | **Minimum annual requirement** | **55.00** | **1,460.00** | **250.00** |

^ Denotes licensees provided notice to the ACMA for deemed compliance under s121H(1) of the BSA. Notices are available on the ACMA website.

# Denotes licensees provided notice to the ACMA for deemed compliance under section 16 of the ACCTS. Notices are available on the ACMA website.

1. An ‘Australian program’ is one that is produced under the creative control of Australians. This may include having Australian producers, directors, writers and cast. [↑](#footnote-ref-2)
2. Figures have been rounded up or down to reflect a whole number. [↑](#footnote-ref-3)