

26 October 2000

Hon Marian Hobbs
Minister of Broadcasting
Parliament Buildings
WELLINGTON

Dear Minister

RESPONSE TO TVNZ DRAFT CHARTER

Thank you for the opportunity to comment on the proposed charter for TVNZ. I am responding on behalf of the Screen Producers and Directors Association, a nationwide organisation with nearly 300 members comprising almost all the production houses and independent producer/directors in New Zealand. We have surveyed our members so we may respond effectively.

First, SPADA agrees that TVNZ requires a charter, which we see as a vital document that sets out the reason why TVNZ is state-owned and why it is different to a fully commercial television operator. We support the introduction of this document and congratulate you on the work done so far.

We especially support:

- The re-introduction of the concept to 'inform, educate and entertain' as underpinning notions for the provision of a diversity in programmes offered to New Zealand audiences
- The idea that innovation, risk-taking and experimentation are to be goals
- The participation of Maori and the presence of a significant Maori voice
- The celebration of diversity of cultures
- That the film and television industry is to be a focus of investment and promotion
- And that TVNZ is to play a leading role in New Zealand television through quality standards and new forms of content

However we are concerned that the prime purpose of TVNZ is imperfectly articulated. If one considers some of the important public broadcasting concepts which have been identified over the years, both in New Zealand and abroad, we believe that a more robust vision needs to be incorporated at the outset in order that TVNZ has a clear mandate under which to operate. Given that TVNZ operates under a mixed model framework, where commercial disciplines must be aligned with broad social and cultural objectives, it is especially important that its foundation document is clear and concise.

Thus our response is in two parts: what we see as the ideal concepts from a broadcasting perspective, and then some comments on the Charter's wording as it is presently drafted.

A: The ideal concepts:

We believe that the concepts of the Charter, as currently expressed, do not give TVNZ a clear and driving purpose which is surely to provide a national television service for the people of New Zealand. Unlike its international peers, TVNZ has a special position in that it must balance public good issues with commercial expectations.

From our perspective the main problems with the existing text are that:

- It does not seem to encapsulate a sense of an over-arching vision
- It avoids the overall concept of genres yet still manages to favour some types of programmes over others. This is problematic as it seems to provide too much focus on some, ignores others (most notably drama) and potentially detracts from the over-riding vision.
- It does not seem to be integrated with other broadcasting policy initiatives. This is discussed further at the end of this submission.

We believe concepts in the current draft could be more simply and boldly expressed as a core function for TVNZ as follows:

Television New Zealand shall provide innovative, comprehensive and independent broadcasting services and shall:

- Aim to be New Zealand's most creative and trusted television broadcaster.
- Ensure that New Zealand audiences have access, in prime time and elsewhere in the schedule, to a full range of programmes, including Maori programmes, that inform, educate and entertain.
- Commission and schedule in prime time, and elsewhere in the schedule, programmes that enable New Zealanders to better understand and treasure their past, challenge the present, and shape their future.
- Engage New Zealanders in the exploration of their diverse cultural and regional identity through authoritative programmes focused on New Zealand, its place in the Pacific and the world.
- Provide coverage of important events and ceremonies that reflect national identity and citizenship
- Encourage New Zealand's most innovative talents, in both fictional and factual programming, by investing in and promoting the New Zealand film and television industry
- Play a leading role in television by setting standards of quality and ethics and by encouraging and commissioning new forms of content

B. The Existing Text:

If a substantive redraft is not envisaged we offer the following comments and suggestions on the wording as it stands.

‘Innovation and Leadership’

- There has been some disquiet about the separation of “New Zealanders and the New Zealand film and television industry” and “Maori and the Maori film and television industry”. This disquiet has been expressed by both Pakeha and Maori, but not uniformly so, of course. We wonder if the separation is related to different outcomes (and if so, what they might be) or, if that is not intended, what the reason is for the separation.
- In the final point in this section, we would strongly suggest that the phrase “developing new forms of content” is replaced by “*encouraging and commissioning* new forms of content”. The former word has serious implications that such development might be undertaken in-house as a matter of course rather than TVNZ being receptive to ideas from all programme makers including the independent industry. This is a key process to enhance diversity.

‘National Identity/Citizenship’

- We wonder why ‘natural history and heritage’ genre has been especially singled out. We are certainly not opposed to the concept but are uneasy that this genre appears to be receiving special treatment compared to others. See General Comments below.
- We also wonder why contemporary elements of national identity/citizenship are omitted – perhaps the word *contemporary* could be include in the first bullet point to add to the differentiation between the points, eg. *provide contemporary experiences which contribute.....*

‘Minority Interests’

- The final bullet point could be of concern if it is interpreted as broadly as it reads, especially since funding is unclear (see General Comments below). We suggest that these words are added at the end “..... *where a meaningful television audience can be presumed to exist*”. We do not believe that either TVNZ funds or public funds should be invested in expensive television programming unless there is a realistic potential audience in this medium (it may be a small audience but it should not be minuscule). The rise of regional stations, the internet and various new forms of technology mean that programme investment can now be considered from a more strategic perspective: namely, very small audiences may sometimes be better served by other media.
- We would suggest that TVNZ should also have regard for the needs of the particular minority audience when scheduling the particular programme. We understand the political sensitivities of this but it is nevertheless important to note as a focus. The wording could be along the lines of: *take account of the likely availability of the target audience when scheduling minority interest programmes.*

‘Regions’

- Given the rise of regional and regionally-based channels in New Zealand over the past decade, it would be very unfortunate if TVNZ was now forced to compete with these small, often fledgling operations. The competitive advantage of the small channels is predominantly in their small-scale regional news, current affairs/ community and sports coverage and we would not like to see this put at risk. We would suggest that the point could be expressed more simply as: *‘feature programmes which reflect the regions to the nation as a whole’*.
- An alternative approach would be simply to include the word regions in the Representation of Diversity section, namely: “celebrate in its programming the diversity of culture *and regions* making up the”

C: General Comments:

Genres

We note that several genres have been singled out for special mention in the Charter: natural history, Maori programming, history and heritage, news, current affairs and sport, programmes for minority interests which include programming for children and young people, arts programmes and regional programmes.

We are uneasy about the extensiveness of this list. Singling out almost invariably leads to the downgrading of attention paid to other genres. Some questions and comments are:

- Drama, including feature films, is a notable exception (we realise that this could be included in several of the existing general descriptions, and that *‘the full range of genres’* is referred to, but its particular omission is curious for such a vital (and expensive) genre which struggles to achieve market penetration. **This genre cannot be omitted if genres are to continue to be specified in the Charter.**
- Another omission is the specific inclusion of a contemporary (or forward-looking) focus as noted above.
- Documentary is also not mentioned by name. It must be if genres are to be individually specified.
- There is disquiet that children’s programmes are categorised under minority interest programmes, given that other genres have a special category
- How does all this compare and integrate with s36 of the Broadcasting Act and the requirements for NZ On Air?
- How does this relate to quota?

The root issue is the lack of synchronicity between three key broadcasting policy platforms: charter, quota and funding. As you know we are very concerned that these issues are being dealt with in relative isolation rather than being presented as a package. This seems to present some difficult political implications.

If the three areas are being dealt with together behind-the-scenes, then we are unaware of the process and policy.

Funding

It is of considerable concern to us that we are being asked to comment on this document in the absence of any information on financial ramifications. We strenuously argue that:

- TVNZ must be allowed to invest more of its revenue on local programmes (meaning a reduced dividend), and that
- NZ On Air must remain a contestable funding source, able to receive applications from producers who have secured broadcast commitment from any channel. Contestability of funding is a highly influential driver towards diversity, transparency and accountability.

Quotas

It is also of considerable concern that this document has been promulgated in isolation, with no indication of how the charter will work in with quota requirements. A suggested method was set out in our proposal *Television Programme Quotas – A Blueprint For New Zealand* but we have not had the benefit of any feedback from officials, nor any clue of what an alternative model might look like. For consistency, practicality and proper integration of frameworks, it is imperative that:

- The quota system applies to all broadcasters [to provide minimum **quantity** levels]
- At least six specified quota genres should be a requirement on all broadcasters with varying levels, [so that **financial implications are borne equally** and that **diversity** is a target]
- The Charter covers programmes or genres which may not practically be a requirement on all channels [providing for **the existence** of some genres and the **quality** and **diversity** of others]
- The specified genres in the draft Charter are not integrated with quota. The Charter cannot be an excuse for TVNZ to reduce or avoid quota quantity targets or for private broadcasters to argue that key achievable genres should only be the responsibility of the state broadcaster. There is no audience benefit in either argument. The Charter needs to **reflect** and **add** to the genre requirements of quota.

If a quota system is not introduced in the same timeframe as the Charter, there is real risk that TVNZ's revenue will be seriously eroded: the commercial broadcasters will be operating on a playing field which has been considerably tilted in their favour.

D: Summary

- SPADA agrees with the intent to introduce the Charter
- We believe that a distinct vision for outcomes needs to be better articulated and respectfully suggest some alternative wording
- We raise specific comments and suggestions on the existing text, with special concerns regarding the rationale for singling out particular genres and the inexplicable omission of drama in particular
- We are very concerned that the document has been promulgated in isolation and that the implications on funding and quota are consequently unclear
- We are very anxious that the slowness of process for the introduction of quota is jeopardising its viability.

Yours sincerely

Jane Wrightson
Chief Executive