



**Australian
Broadcasting
Authority**

Documentary Guidelines

Interpretation of 'documentary' for the Australian Content Standard

**Australian Broadcasting Authority
Sydney**

16 December 2004

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Published by the Australian Broadcasting Authority
201 Sussex Street
Sydney NSW 2000

Defining documentary

The Australian Content Standard contains a definition of ‘documentary program’:

Documentary program means a program that is a creative treatment of actuality other than a news, current affairs, sports coverage, magazine, infotainment or light entertainment program.

Documentary and the other program types listed in the definition are all forms of factual programming. These program types are not always distinct. They are on a continuum, with movement over time as new styles of program emerge and others lose popularity. Within the documentary form itself there are various genres, such as the observational versus fully scripted form, and hybrids such as programs which combine re-enactments and interview.

This highlights some of the difficulties involved in attempting to define or characterise program types too tightly. As a result, the definition of a documentary is a term of art rather than a precise description.

These Guidelines are intended to give direction as to the ABA’s interpretation of the meaning of documentary for the purposes of the administration of the Australian Content Standard (the Standard) for commercial television licensees. The Guidelines are not expected to have more general application outside of this context.

A. Is the program ‘a creative treatment of actuality’?

The first test a program must meet in order to be considered a documentary is that it must be a ‘creative treatment of actuality’. There are two issues for consideration:

- whether the subject matter of the program is ‘actuality’; and
- whether the program is a ‘creative treatment’ of its subject matter.

Actuality

To qualify on the ‘actuality’ test, the subject matter must be grounded in fact, or real life. This generally means that the context for the program exists independently of the program itself. That is, the documentary is a record of something that ‘would have happened whether someone was there to film it or not’¹. *RPA* (Network Nine) is an example of such a documentary.

¹ Louis Menand, ‘Nanook and Me’, The New Yorker [online version] 2004-08-09 and 16

As a general statement, programs based around contrived situations would not be considered to be documentary. This is because contrivance is generally associated with fictional, or non real, scenarios.

However, this distinction is not clear cut. It may be that a program records a situation that would not have occurred in itself, but has been contrived for the purposes of filming. In this case, the ‘actuality’ test applies to the subsequent real life events or contextual matters that are depicted. An example of such a documentary is *Super Size Me*. This documentary is based around a contrived situation (the director’s decision to eat a diet of fast food for 30 days) with the film serving as a day-by-day record of the outcomes of the dietary experiment.

See the section ‘Converging program types’ for discussion of some forms of programs based around contrived situations that also, in certain cases, meet the definition of documentary.

Creative treatment

One of the primary characteristics of a documentary, recognised in the Standard definition, is that it will treat its subject matter in a creative way. That is, the program will demonstrate original thought or expression.

A program may depict actual events (it may, for example, be a record of a street parade, or a birthday party), but unless it treats these events in a creative way, it will not be considered a documentary. Similarly, chat or interview based programs where real events are discussed, but not explored in a creative way, will not meet the definition.

The following characteristics may be non-exclusive indicators that a program is a documentary. It should be noted that these are general characteristics only. A program may not contain all of these characteristics, and yet still be considered a documentary.

- The starting point for the program will be to explore an idea, theme or subject matter. The idea, theme or subject matter does not need to be serious. The program may adopt a critical approach, or present the theme in an original way.
- It will be interpretative, explaining or construing the idea in a particular way.
- It will be structured to form a narrative, and will not be simply a series of aspects of a common subject.
- Through the information conveyed, it will increase a viewer’s understanding of the idea. It will be more than a ‘how to’ guide, a travel guide, or a vehicle to highlight goods and services.
- It is likely to have some enduring appeal and ongoing relevance.

The program will not serve primarily as a vehicle to promote goods or services. Where it does contain commercial content, this will either be incidental² to the central subject matter, or the program will demonstrate sufficient other characteristics listed here to bring it within the definition of documentary.

Converging program types

Some programming types raise particular issues in categorisation, and may not be readily distinguishable as documentary or otherwise. While there are any number of such forms, the following are likely to be relevant in the commercial television environment.

'Reality' programs

In that they depict 'real people' (non actors) in 'real-life' (non-scripted) situations, reality programs share some characteristics with documentary. While some forms of reality programming (such as those with an observational, 'cinema verite' approach where people are filmed in real life situations) will be readily accommodated under the documentary definition, other forms, particularly those in which participants are placed in contrived situations, can pose difficulties for categorisation. It is this latter form of reality program that is discussed below.

Such reality programs traverse a wide range of scenarios, but tend to have a number of common characteristics. The contrived situation often involves competition for a prize, and contestants face a regular challenge which will potentially see them eliminated from the competition.

The primary purpose of such reality programs is to provide a vehicle within which participants' characters can be observed and assessed by the viewer. To this end, participants may be placed in situations that are designed to generate extreme responses (such as challenges to survive in harsh landscapes or in challenging social situations). The primary purpose of the program is not to explore and interpret an idea.

However, for the purposes of the Standard, some such programs may also meet the test for documentary. Such programs may be based around a contrived situation but the contrivance will serve to explore an idea. Observations about the character of a participant will tend to illustrate the idea, rather than serve as the primary purpose. Such programs may contain a strong information component within which the idea is explored. There will be critical commentary which interprets or provides context for the activity depicted.

A key indicator that a reality program is not a documentary will be the presence of a competitive element, whereby prizes may be offered to the winner of the scenario.

² 'Incidental' – Happening or likely to happen in fortuitous or subordinate conjunction with something else. (Macquarie Dictionary)

This introduces a game-show component that will necessarily detract from any documentary purpose.

Examples

1900s House, 1940s House, Edwardian Country House

These are examples of reality style programs that are likely to also meet the definition of documentary. They involve modern day families or individuals being brought together to live in circumstances recreating those of a past era. The *idea or theme* of the program is that this synthesis will cast light on the historical period, as well as on aspects of contemporary life. The programs convey information about the period in question; including the daily realities of life, rules of etiquette, the social structure and major events of the period; and compare these with contemporary circumstances. Relationships between family members or others involved in the recreation are observed to the extent that they throw light on past or contemporary circumstances. Commentary and analysis adds to the viewer's understanding of these circumstances.

This is not to say that all reality style programs set in a historical period will be considered to be documentary, and boundary issues will emerge when the purpose of such a program appears to be primarily to assess characters or relationships. It will always be the particular combination of elements in a program that determines whether or not it meets the documentary test.

Reconstructions

There is a form of programming that uses reconstruction to tell the story of actual events. Such programs will often be about historical matters, dealing with a particular event or historical period. Reconstructions will be interspersed with or accompanied by voice-over, interviews or other commentary providing factual information and context for the reconstruction. Actors will stand in for the real people involved.

Such programs do not use 'actual' footage from the event or period, and, given that the actual course of events may not be on the historical record, they may rely on conjecture about the event rather than being strictly factually based.

For the purposes of the Standard, however, such programs may be found to meet the definition of documentary. The key considerations will be the integrity of the program's treatment of the factual material (is it substantially based in fact, are the recreations credible according to the information available) and whether the program meets the other characteristics of documentary (is it an original treatment, does it explore an idea and increase a viewer's understanding of a subject.)

It is worth noting that the Standard allows for a category of drama programming referred to as 'dramatised documentary'. While such programs may be based around a real life event, they have a dramatic narrative structure making them distinct from and readily distinguishable from documentary.

Travel Programs

Travel programs are a popular form of programming on commercial television. When assessing whether a particular travel program is a documentary, consideration will be given to the extent to which it meets the general tests for ‘creative treatment’ considered above. Considerations will include whether the program interprets its subject matter in such a way as to bring to the viewer new understandings or a fresh perspective into the area or its people, whether it has an overarching narrative, and whether it has enduring appeal. A program that is simply a guide on ‘how-to’ travel to the area, presents unrelated aspects of a place, or has a life span limited by its reference to current attractions or travel options, is not likely to be a documentary.

Examples

Michael Palin’s travel series, such as *Himalaya: The Roof of the World*, *Pole to Pole*, and *Around the World in 80 Days*, meet the test for documentary. Their starting point is to explore a particular subject matter, and they do this in an original way that serves to increase a viewer’s understanding of the subject. They have an overarching narrative in that they present common themes related to a place. Because of their original, informative approach and the insights conveyed, they have enduring appeal. Greg Grainger’s travel programs, such as *Mediterranean Magic* and *Mysteries of the Mekong* (Seven), also meet the definition of documentary for these reasons.

For examples of travel programs that do not meet the definition of documentary, see the discussion under ‘Infotainment’.

B. Does the program fall into a category of ‘excluded program’?

Assuming a program meets the initial criteria for a documentary program at (A) above, consideration must then be given as to whether it falls into one of the excluded program categories (i.e. news, current affairs, sports coverage, magazine, infotainment or light entertainment).

News

News is defined as ‘a report of any recent event, situation, etc.... the report of events published in a newspaper, journal, radio, television, or any other medium’.³ News will include sport, finance and weather news and updates. It is usually broadcast in the context of a regular news program or news update. Outside of such broadcasts, other reporting of current or breaking events (for example, live coverage of the September 11 events in New York) may also constitute news. News is generally readily able to be categorised, and is easily distinguishable from documentary.

³ Macquarie Dictionary

Current Affairs

Current affairs is usefully defined in the Commercial Television Industry Code of Practice as ‘a program focussing on social, economic or political issues of current relevance to the community’⁴. This does not preclude documentaries from also dealing with issues of current relevance.

The primary characteristic of a current affairs program is that its appeal and relevance are likely to be limited to the period close to the duration of the events it depicts, and it is therefore likely to have a short shelf life. A change in the immediate circumstances may detract considerably from its interest to viewers.

Other elements that may characterise a current affairs program include:

- Due to the specific or singular nature of its subject matter, its appeal may be limited to the immediate community within which it is broadcast.
- It may have been a short time in production.
- It may be less than 30 minutes in duration.
- It may be screened as part of a scheduled current affairs program.

Examples

A Current Affair (Network 9) and *Today Tonight* (Seven) are current affairs programs. They deal with matters that are of immediate relevance to the communities they serve. They comprise a number of segments about different issues, and each segment is generally about a specific, single event or issue. The singularity of their focus is such that the shelf-life of the segment will generally be limited to close to the time of broadcast.

The President v. David Hicks (SBS, 2004) is a documentary. Its subject matter is the US government’s treatment of prisoners held in Guantanamo Bay, Cuba. This is a political matter which was of relevance to the Australian community at the time of the program’s initial television screening. This subject matter is explored within the context of a story of how a particular person, Australian David Hicks, came to be a prisoner at Guantanamo Bay. This contributes to a broader context for the film that means its relevance would outlast any particular change in US government policy or the circumstances of its protagonist.

Totally Australia: The Weighting Game (Ten, 2003) is a documentary which explores Australia’s problem with childhood obesity. It includes discussions with a number of young people who have developed successful strategies to deal with weight problems. It then puts the issue into a broader context of what families, schools and other agencies can do to contribute to dealing with the problem. The level and breadth of analysis is such that the program’s relevance is not limited to the immediate time of

⁴ Clause 4.2 of the Commercial Television Industry Code of Practice (July 2004).

screening, as would be the case if the program simply focused on a current aspect of the issue.

Sports coverage

This includes any coverage of a live or delayed sporting event, highlights packages, and commentary or panel discussions about topical sports events.

Sport may be the subject matter of a documentary if the program meets the general characteristics for a documentary defined above.

Magazine

Magazine programs are programs that deal with a number of different subjects, or different aspects of one subject. They share characteristics with documentary in that they are factual programs, the primary purpose of which will be to convey information and improve a viewer's understanding about a subject.

These characteristics will distinguish magazine programs from documentary:

- A magazine program will not contain an overarching story narrative. Even if it deals with one broad subject matter, it will consider a number of aspects of the subject. Each aspect will be discrete from others.
- It will not necessarily comprise a 'creative treatment' of the subject matter. It may, for example, impart factual information, possibly in conjunction with interviews with experts on the subject matter, without presenting an original thesis or interpretation.

Example

An example of a magazine program is the ABC's science program *Catalyst*. Each week this program comprises a number of segments dealing with different matters related to science, such as emerging issues in science (including in the medical and natural worlds), scientific breakthroughs, and ethical and political issues.

Infotainment

A useful definition of infotainment program is contained in Schedule 6 to the *Broadcasting Services Act 1992*:

Infotainment or lifestyle program means a program the sole or dominant purpose of which is to present factual information in an entertaining way, where there is a heavy emphasis on entertainment value.

An infotainment program is likely to contain all or most of the following characteristics that distinguish it from documentary:

- The program will often be episodic in nature, comprising a series of distinct or loosely connected segments rather than an overall story arc.
- The treatment of the material will be superficial and unquestioning. There is likely to be limited engagement with or analysis of the subject matter.
- The primary purpose of the program may be to highlight goods or services available to the viewer, or to give the viewer advice on 'how to' undertake an activity.

While the fact that a program contains commercial content is not, in itself, a factor in defining the program as infotainment, infotainment programs will often contain commercial content, particularly in the form of product endorsements.

Examples

Getaway (Nine) is an example of a program that falls readily into the infotainment category. This weekly travel program involves a group of presenters travelling to tourist destinations and endorsing selected accommodation options and tourist attractions. The program comprises separate sequences that each highlight an aspect of the featured location. The treatment is lightweight and each product or service is positively endorsed. The program includes information on prices and special travel deals to destinations visited.

Another example is the 2001 series of *Leyland's Australia* (Ten). This series is a record of the Leyland family's travels through Australia. Each program consists of discrete segments highlighting aspects of their travels, including accommodation, tourist sites visited, and some local identities encountered along the way. These segments are linked in that they provide a chronological record of the family's travels, but they do not form a cohesive story. The program includes information on how to make the caravanning adventure comfortable and enjoyable.

It should be noted that other series of *Leyland's Australia* may contain different characteristics and have not been considered for the purpose of these Guidelines.

Harry's Practice (Seven) and *Burke's Backyard* (Nine) are further examples of infotainment programs. These programs are light and entertaining, information is conveyed in a fun manner with limited analysis and no overarching narrative.

Light entertainment

Light entertainment programs are designed primarily to entertain rather than to provide factual information. The term is understood in the commercial television industry to refer to the following types of programs:

Games shows

Participants compete against each other or against the clock in order to win prizes or recognition. An example is *Who Wants to be a Millionaire* (Nine), in which

participants compete individually to answer a series of questions which become increasingly harder as the prize money increases. *Wheel of Fortune* (Seven) and *The Price is Right* (Nine) are other examples of game shows.

Talk shows

These may be panel based or with a studio host. They may cover one primary topic, or a number of topics. An example is the ABC program *Enough Rope*, where a number of well-known guests join host Andrew Denton to chat about themselves. *The Panel* (Ten) is an example of a panel based discussion of current events.

Variety shows

These will often be presented by a host, and may combine (for example) comedy skits, musical items, panel discussions, and audience interaction. An example is *Rove Live* (Ten).

These categories are not mutually exclusive, and one form of light entertainment may share characteristics with others (for example, a talk show may include a musical number).