

# **Documentary guidelines**

## Interpretation of ‘documentary’ for the Australian Content and Children’s Television Standards

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# Defining documentary

The Broadcasting Services (Australian Content and Children's Television) Standards 2020 (the Standards) contain 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 and 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 that combine re-enactments and interview.

These guidelines give direction to the ACMA's interpretation of the meaning of 'documentary' for administering the Standards that apply to commercial television licensees.

# Tests to define documentary

The test a program must meet to be considered a documentary is it must be a **'creative treatment of actuality'**. Within this, there are 2 tests for consideration:

- > whether the subject matter of the program depicts 'actuality'
- > whether the program is a 'creative treatment' of its subject matter.

## Actuality

To qualify on the first 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<sup>1</sup>', such as the program *Paramedics* (Nine).

However, it would be possible for a situation that was contrived by a program maker to give rise to actual events that are explored and analysed as part of a documentary program. For example, *Todd Sampson's Body Hack* (Ten) is a documentary series structured around contrived situations in which the presenter participates in physical challenges to explore different cultures and the limitations of the human body. See the section *Converging program types* for further discussion on contrived situations.

## Creative treatment

To qualify on the second test, the subject matter must be treated in a creative way. That is, the program will demonstrate original thought or expression. The following characteristics may be non-exclusive indicators that a program is a creative treatment of its subject matter. A program does not need to contain all of these characteristics to still be considered a documentary:

- > The starting point for the program will be to explore an idea or theme via analysis of its subject matter. The idea, theme or subject matter does not need to be serious, but the program will be interpretative, and may adopt a critical approach or present the theme in an original way. Programs that are superficial in their examination of the subject matter would generally not be characterised as documentaries.
- > 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 incidental to the central subject matter, or the program will demonstrate sufficient other characteristics listed here to bring it within the definition of documentary.

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<sup>1</sup> Menand L, ['Nanook and Me'](#), *The New Yorker* [online version] 2004-08-09 and 16, 1 August 2004, accessed 18 May 2021.

# Converging program types

Some programming types raise particular issues in categorisation and may not be readily distinguishable as documentary or otherwise. The following forms are likely to be relevant in the commercial television environment.

## **‘Reality’ programs**

Reality programs that depict ‘real people’ (non-actors) in ‘real-life’ (non-scripted) situations share some characteristics with documentary. Some forms of reality programming will be readily accommodated under the documentary definition, such as those with an observational, cinema verité approach where people are filmed in real life situations.

Other forms, particularly those in which participants are placed in contrived situations, can pose difficulties in categorisation. Such reality programs tend to have a number of common characteristics. The contrived situation often involves competition for a prize, and contestants face a regular challenge that may see them eliminated from the competition. The primary purpose of such programs are to provide a vehicle within which participants’ characters can be observed and assessed by the viewer, more for entertainment value than for critical analysis. 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 challenging social situations. The primary purpose of the program is not to explore and interpret an idea.

A key indicator that a reality program is not a documentary will be the presence of a competitive element – scenarios may have winners, and prizes may be contested or awarded. This introduces a game-show component that will typically detract from any documentary purpose.

However, some programs that have ‘reality’-style characteristics, may also meet the definition of documentary. What distinguishes such programs from ‘reality’ programs is that the contrived situation will serve to explore an idea. Such programs are likely to include a strong information component and provide critical commentary, which interprets or provides context for the activity depicted. For example, *Filthy Rich and Homeless* (SBS), is an example of a documentary with ‘reality’ style elements. However, observations about the behaviour of participants illustrate a theme – the complexities and experiences of homelessness.

Another example of a reality-style program that meets the definition of a documentary is *Back in Time for Dinner* (ABC). This program involves a modern-day family placed into a contrived circumstance that recreates aspects of living in past eras. One 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 program conveys information about the period in question – including the daily realities of life, particularly cooking and eating – which provides a comparison for contemporary circumstances. While presented in an entertaining way, commentary and analysis add to the viewer’s understanding of these past eras.

Not all reality-style programs set in a historical period will be considered documentaries, and boundary issues will emerge when the purpose of such programs appear 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.

*Love on the Spectrum* (ABC) is another example of a documentary that features some reality elements. The program follows young adults on the autism spectrum as they explore the unpredictable world of love and relationships. While it does incorporate features that are sometimes included in reality 'dating shows', the program's focus is on elements that are intended to add to the viewer's understanding of the difficulties with social interaction and communication that may be faced by people on the autism spectrum.

## 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.

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 re-creations 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?).

The Standards allow 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. When assessing whether a particular travel program is a documentary, consideration must be given to the extent to which it meets the general tests for 'creative treatment' outlined above.

Considerations will include whether:

- > the program interprets its subject matter in such a way that brings the viewer new understandings or a fresh perspective into the area or its people
- > it has an overarching narrative
- > it has enduring appeal.

A program that is simply a guide on 'how to' travel to an area, presents unrelated aspects of a place, or has a lifespan limited by its reference to current attractions or travel options, is not likely to be a documentary. For example, *Michael Palin in North Korea* (SBS), and *Miriam Margolyes Almost Australian* (ABC) 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.

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

# Programs that are excluded

For the purposes of the Standards, the definition of documentary specifically excludes certain categories of factual programming – news, current affairs, sports coverage, magazine, infotainment or light entertainment.

Where a program meets the initial criteria for a documentary as outlined above, consideration must then be given as to whether it falls into one of the excluded program categories.

## News

News is 'a report of any recent event, situation, etc.... the report of events published in a newspaper, journal, radio, television, or any other medium'.<sup>2</sup> 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 may also constitute news. News is generally readily able to be categorised and is easily distinguishable from documentary.

## Current affairs

Current affairs is defined in the Commercial Television Industry Code of Practice as 'a program focusing on social, economic or political issues of current relevance to the community'.<sup>3</sup> This does not preclude documentaries from also dealing with issues of current relevance.

The primary characteristics of a current affairs program are 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 current affairs programming include:

- > its appeal may be limited to the immediate community within which it is broadcast, due to the specific or singular nature of its subject matter
- > 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.

A *Current Affair* (Nine) is a current affairs program. It deals with matters that are of immediate relevance to the communities it serves. It comprises 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 relevance of the segment will generally be limited to close to the time of broadcast.

Some documentaries also deal with topical issues. For example, *The Final Quarter* (Ten), is a documentary that examines the events during the final 3 years of the AFL player Adam Goodes' football career. This subject matter was of particular interest to the Australian community at the time of the program's initial television screening. However, through this subject matter, the program explores broader themes and issues, namely, the examination of racism, particularly as experienced by First Nations

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<sup>2</sup> Macquarie Dictionary.

<sup>3</sup> Clause 8 of the Commercial Television Industry Code of Practice 2015.

Australians, in Australian sport and broader culture. This contributes to a broader context for the program, which means its relevance would outlast the specific circumstances of its protagonist.

## Sports coverage

This includes any coverage of a live or delayed sporting event, highlights packages, and commentary or panel discussions about topical sports events. Sports coverage is often broadcast in the context of a news update but may also include commentary and analysis. However, similar to current affairs programs, the appeal and relevance of any commentary and analysis is likely to be limited to the period close to the specific sports events covered.

Sport may be the subject matter of a documentary. For example, *Beyond the Boundary – Inside our Ashes Triumph* (Seven) examines the rise of women's elite sport while following the Australian Women's cricket team. While it includes some coverage of specific topical sporting events, the commentary and analysis in the program is primarily designed to examine an idea or theme – in this case, the inner workings of the team and the broader development of women's sport in Australia.

## Magazine programs

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 does not typically 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.
- > A magazine program 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.

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 (including in the medical and natural worlds), scientific breakthroughs, and ethical and political issues.

## Infotainment

An infotainment program is defined 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 usually 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.

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

*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 more superficial than analytical, and each product or service is positively endorsed. The program includes information on prices and special travel deals to destinations visited.

*Better Homes and Gardens* (Seven) and *The Living Room* (Ten) are further examples of infotainment programs, as are several programs that depict cooking. 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 provide factual information.

The term is understood in the commercial television industry to refer to the following types of programs:

- > Game shows: Participants compete against each other or against the clock in order to win prizes or recognition. An example is *Millionaire Hotseat* (Nine), in which participants compete individually to answer a series of questions that become increasingly harder as the prize money increases. *Have You Been Paying Attention* (Ten) and *The Chase Australia* (Seven) 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.
- > 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 *Shaun Micallef's Mad as Hell* (ABC).

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).