



Due diligence – additional moral obligations

Although there is less regulatory obligation, the production may have a moral obligation to address other issues such as if the content may adversely affect a significant proportion of the viewers. Consider if the content depicts particular scenes, which may trigger a traumatic response or depression – some documentary producers choose to give contact details for support groups and counselling services as one control to help reduce the risk of suicide or other traumatic event triggered as a result of exposure to the show. Will you be required to contribute financially to having someone on call at the end of the show to take calls?

It is a good idea to peruse the script carefully for contentious items, which may later be deleted for legal or social reasons. If it can be sorted out in pre-production, it may well save considerable time and effort later.

For example, a police drama series was to show one of the police cast performing a technical manoeuvre to treat an asthmatic – the manoeuvre was very dangerous if not performed correctly by trained personnel and the scene was eventually dropped after pressure from several medical associations, fearing that the public would attempt it with dire consequences. Dropping the scene made no fundamental difference to the plot and the scene was rewritten prior to shooting. By undertaking lateral consultation, the production saved considerable money by not having to re-shoot the scene at a later date, but more importantly, by not having to defend its reputation if someone had been killed as a result of attempting the manoeuvre.

Another budgetary consideration is how what you depict will affect the saleability of the product – e.g. will showing lots of blood restrict the time slot it can be viewed at or the audience you are targeting, particularly for overseas television sales. What may be a financial consideration for you, may be a risk management decision for the programming or sales department.

A final point is to always try to run your business ethically. Mistakes made in the current production will not only reflect badly on the production, but may affect future sales, and eventually reflect on the image of the film industry in Australia, or any associated foreign production teams.

The above content is designed to promote thought and pre-planning. The production should seek legal advice and should not rely on the above for decision-making.