

Continued from p. 21

I will also be looking to my department to report to me on the outcomes of this conference for consideration in the process. I hope to be in a position to announce these details shortly after the Budget.

There is one aspect of the review about which I would like to comment. The future role of AUSTEL as the specialist industry regulator is of particular concern to me.

It is quite clear that in the post Hilmer era, the role of specialist indus-

try regulators, like AUSTEL, will have to be scrutinised. This is particularly the case in my portfolio, where there are a number of such bodies - for example, the ABA, the SMA, and of course, the overarching role of the Trade Practices Commission.

In conclusion, I would like to reiterate that the Government has devoted considerable attention and resources to all parts of the communications sector in recognition of its vital economic and social role. I am confident that this will be further reflected in the upcoming

review.

I have not yet had the opportunity of observing the very impressive array of exhibits here, but this conference and the sheer size of the exhibition is a clear indication of the significance of the sector in Australia.

It is an exciting time to be involved in this industry and I look forward to being the first Communications Minister in recent times to address more than one ATUG conference !

I wish ATUG every success with this event.



CONVERGENCE AND CULTURE

ADDRESS BY BRIAN JOHNS, ABA CHAIRMAN, TO THE ATUG CONFERENCE, 2 MAY 1994, MELBOURNE

The conference program demonstrates the reality of convergence. The fact is that we no longer know where to draw the boundaries around telecommunications and broadcasting industries, let alone computing and entertainment.

It seems to me that we must now talk about the communications sector. For this gathering, convergence and culture (C&C) is a much used cliché. When the term C&C was coined in the late 1970s it stood for computers and communications.

Nowadays we might be tempted to say it stands for *confusion and change*. It definitely does not stand for certainty and control. In providing this update on the ABA and recent developments in broadcast regulation, I need to focus on the two 'c' words for the 1990s, convergence and culture.

Convergence is an overloaded word. Fundamentally, it means change: not just technology change and market change, but social, business and community change and reconstruction. It also reminds us of our integration into the world of Asia and the Pacific and the emergence of borderless markets.

Regulators, like technologists, like to be definitive and espouse black and white views about the meaning of life. Unfortunately, the old view of regulating as the speed governor controlling the pace of the industry engine does not work any more.

We are all finding it difficult to codify new rules for the convergence of industries and markets. Culture, the style and content of our communications industries, certainly cannot be codified: it can only be celebrated and encouraged.

Last week I returned from a visit to the United States, the United Kingdom, and Asia. I found widely different, conflicting, views about what might happen. That is not surprising.

What did strike me, though, was the widely divergent views about what is happening now, and about how to interpret current developments. I came home with a great sense of the pace at which things are happening. The timeframes for the deployment of new technologies are not in the future: it is all happening much faster than the schedules we tend to be working to here. Business alignments are changing just as quickly. The outcomes and opportunities for Australia are not pre-determined - that is the old technocratic view - but will depend on how we seize the moment.

Back, way back, in the 1970s, Marshall McLuhan told us that the medium was the message. In the 1980s, the popular debates about pay TV and broadcasting continued in this McLuhan mould and the obsession with delivery techniques, glossing over the crucial software technologies producing creative material and user applications.

But, McLuhan's crucial contribution was the profound insight that technical

tools and the way they are used and owned, affect our perceptions of reality and of ourselves as a community. Scientists know that the relationship between observer and observed is not neutral and the same is true of the message and the medium. The danger today, however, is that we will continue to focus too much on the media for delivery - whether satellite, mds, or fibre - and not enough on the substance, the content.

Australia's old Broadcasting Act, dating back to 1942 and much amended, was inflexible, rigidly prescriptive and horribly complex. It was a lawyer's dream. The Act regulated broadcast content through the surrogate of licensing and controlling the delivery technologies.

Today that is not viable and that is the revolutionary aspect of the new 1992 Broadcasting Services Act and the way in which the ABA is now asked to address its central regulatory challenge. In the new Act, the Parliament has, for the first time, spelled out its expectations of broadcasting regulation. These state the objectives of broadcasting policy and regulation as being:

- promoting the availability of a diverse range of radio and television services offering entertainment, education and information;
- facilitating the development of a broadcasting industry that is efficient, competitive and responsive to audience needs;

- encouraging diverse and effective Australian control of the influential broadcasting services;
- developing and reflecting a sense of Australian identity, character and cultural diversity; and
- promoting the provision of high quality and innovative programming, which reflects community standards.

The Act charges the ABA with responsibility for monitoring the industry, and to exercise its core functions and powers in a way that will produce a stable and predictable regulatory regime. This new Authority is not the old heavy-handed Tribunal. We prefer to describe ourselves, as does AUSTEL, as facilitators, working alongside industry to achieve together the objectives set out in the Act. This is consistent with the changed system for regulatory control.

Under the new Act, broadcasting operations are licensed on the basis of the type of services provided and the 'degree of influence' they exert. Licence categories are defined on the basis of whether services are targeted at mass audiences or are of more limited appeal, and whether they are distributed free or require a fee or subscription. Thus commercial television services which are aimed at a general audience and free-to-air are deemed to have a high level of influence. As such, they are licensed individually and have to comply with the heaviest regulatory requirements.

By contrast, a subscription radio narrowcasting service, such as a fee-based business information service, is deemed to have limited power of community influence and can operate under a class licence with minimum regulatory conditions. The system of regulatory control is thus calibrated according to the degree of influence a broadcasting service possesses. In other words, different levels of control are applied depending on the degree of influence a particular type of service has in shaping community attitudes.

Administering this system calls for a light handed approach. It also calls for a high degree of sensitivity and an awareness of the ways in which the communications industry is addressing its audiences. This is why the ABA must be able to exercise discretion under the Broadcasting Services Act to use re-

sources and develop procedures that are consistent and compatible with the category of broadcasting service in question.

The flexibility of the regime is also reflected in the range of different sanctions that the ABA can impose. In the eighteen months since it was established the ABA has, whilst restructuring and downsizing, focused on five key areas: licensing, planning, program standards, complaints and research.

In accord with the essential purpose of this session, I would like to highlight some aspects of this work:

Licensing

The Act envisaged a rapid and diverse growth of broadcasting services. Whilst media comment has focused on satellite pay TV, much else has been achieved in other categories.

The ABA has:

- issued nearly 100 cable pay TV licences *[the figure is now 166 - Ed.]*;
- received more than a thousand applications for licences for open narrowcasting radio services to provide a variety of niche services, and issued around four hundred;
- completed the licensing process for the first two satellite pay TV operators in Australia, and
- released spectrum for the sixth television channel licence, the last high power, free-to-air television channel available in many parts of Australia. This channel will be available for community and educational narrowcasting purposes on a temporary basis.

Planning

The planning exercise required by the Act is certainly the largest and most public review of broadcasting spectrum in Australia's history. In pursuing this task, the ABA has:

- engaged in an exhaustive process of public consultations around Australia in order to have an informed basis for subsequent decisions on planning priorities.
- determined planning priorities for the provision of spectrum for new services, by dividing the country into zones.
- has drafted its first licence area plan. In doing this, the ABA has laid the

foundation for a more rapid roll out of the planning process.

Program standards

As I have said previously, the Act requires a light touch approach to industry regulation. The Act heralds a new, flexible regime that allows the industry to set its own program standards, or codes of practice, in line with community attitudes. In its first 18 months, the ABA has brokered with industry the establishment of self-regulatory codes covering both radio and television.

These have been adopted and implemented after wide consultation between the industry, public interest groups and the ABA. Let it be noted that these codes are of no less force as the result of voluntary negotiation than the codes previously in place due to direct government regulation. Early evidence indicates that these new codes are working well.

Culture and Content

I have indicated already that the ABA has to be highly sensitive to the issue of culture and content and the related question of levels of transmission of Australian material on television. The Broadcasting Services Act talks clearly about the need for radio and television services to offer audiences entertainment, education and information; the role of radio and television services in developing and reflecting a sense of Australian identity, character and cultural diversity and the provision of high quality and innovative programming.

Here we are at the heart of the matter. No matter how sophisticated the technologies by which services will be provided no matter how numerous the broadcasting services which become available it is the content of those services by which they will be judged, by the public, the politicians and the press.

The ABA has the specific task of setting standards for Australian content on commercial television broadcasting services, and standards for children's television on commercial and community television broadcasting services.

In line with those crucial objects of

Continued on p. 24

Continued from p. 23

the Act, the ABA has been assessing the performance of the existing Australian content standard, TPS 14, and has been consulting informally with industry and public interest groups about the operation of the standard.

Complaints

As I have said previously, as part of the light touch approach to regulation required by the Act, the broadcasters themselves are responsible for dealing with complaints about program content in the first instance. There has been a large drop in the number of complaints made to the ABA, and this can be attributed in part to the broadcaster now being the first port of call for the viewer.

The level of complaints directed to broadcasters is also significantly down, an indication that the new system of pre-program classification announcements is working. The ABA will continue to monitor complaints closely, because they are an important barometer of the industry's responsiveness to community standards.

This monitoring helps us assess how well the codes of practice are working.

Research

As part of our concern about content and culture the ABA has kept a close eye on community attitudes. The traditional public concerns about explicit sexual material have been bolstered by increasing concerns about the depiction of violence on television. As a result, since 1992 the ABA has undertaken or commissioned major research projects on:

1. R rated material on pay TV: This information will be used by parliament before it decides whether R rated programs can be shown on pay TV.
2. Children's attitudes about what they see on television, particularly in regard to sex, violence, and offensive language.

The ABA is also concerned to identify public attitudes to various types of broadcasting services. As part of this focus, the ABA is conducting research into how people use radio, both in and out of the home, and what sort of

demand exists for new types of services.

PUTTING OUR WORK IN PERSPECTIVE

The Act and the ABA have put in place a few, relatively simple, ground rules for the industry that should permit and encourage a variety of diverse developments.

The ABA's functions, and the new licensing regime, will need to continue to evolve. Nineteen ninety seven will see a review of the new arrangements, including an examination of advertis-



Brian Johns

ing and Australian content on pay TV.

Nineteen ninety seven of course also sees important changes in the telecommunications industry, with the ending of the interim duopoly regime for the network carriers. What happens after 1997 is being shaped now. The policy framework for the communications sector will be influenced by the work currently being undertaken by the Communications Futures Project, the Broadband Services Expert Group which I chair, and the work of the Copyright Convergence Group.

What Australia's new broadcasting arrangements have already achieved is a direct focus on content and the creative presentation and sharing of our community's culture. The new regime recognises that the medium is important but that the message matters, particularly if it is a local message.

We are also beginning to recognise in our approaches that the regulatory challenge is a shared, regional challenge. Australia is not a broadcasting island, nor will it be a broadband island, self-regulating in the comfort of its own sovereignty. International trade, cross-border marketing, and cross-border delivery techniques prevent that happening. A good example of one of the vexing regulatory issues is copyright.

It is easy to be pessimistic about how to protect 'intellectual property' rights in the new media. If we lapse into pessimism we lose perspective. We have done it before. Today you can buy a book in Dubbo or in Darjeeling and the author gets the royalties. We now take this for granted, but it is a source of wonder that it ever happened.

So we should not throw up our hands and say that we cannot solve new issues like copyright. But it will take time and intelligent co-operation around the world. To go back to the beginning, Australian communications policy now centres around the two themes of convergence and culture. When we talk about local content and the importance of being distinctively

Australian we are talking about culture, and about the power of culture.

The Broadcasting Services Act, and our ABA charter, is about the power, and responsibilities, of culture. The reason that culture and local content are at the heart of broadcasting policy is clear. Like other nations in our region Australia has a colonial past. We know the power of culture because we have struggled so long to achieve a sense of authentic, independent identity. We have struggled to find an Australian voice, and to make it heard and shared. A contributor to a Sydney newspaper, the *Sydney Morning Herald*, remarked a few days ago 'Australia is too young and is changing too fast to have acquired a permanent national identity'.

However, we are well on the way to developing a distinct and vibrant culture and we are becoming more confident that we can share this on equal terms with older societies. Broadcasting is one of the most important areas

in which we are already doing this and this process will strengthen in the years ahead. Regardless of changes in the type and number of different delivery platforms, program content will remain the central issue, for two reasons:

- 1 Program production is part of a global network of product sourcing and delivery; and
- 2 There has to be a focus on preserving and promoting different cultural values and yet reinforcing a sense of Australian identity.

The cultural definition of difference and commonality is a challenge we share with our regional neighbours. We share similar regulatory concerns and dilemmas. Like them, we know the power of culture because we have been on the other end of cultural imperialism. It is precisely because of this that we should feel comfortable in the re-

gion, and see the benefit of closer regulatory collaboration.

The Prime Minister has already outlined his vision of a framework agreement for an open economic association in the Asia-Pacific region. Perhaps there is also the possibility for the creation of a forum in which future co-operation on cultural issues could be discussed with our Asia-Pacific partners. In the Prime Minister's suggestion that the Asia-Pacific economic co-operation group should be able to agree on intellectual property rules, he has already made a move towards cultural co-operation.

In September 1991, an international conference on children and television, held in Indonesia, adopted the Australian standards for children's television as the basis for a push for similar standards in every country in the Asia-Pacific

region.

These sorts of examples illustrate that as industries and countries create forums for increased dialogue there is the increased potential for international agreements and conventions to be established in order to protect specific interests, public interests.

In closing, if we remember that the technology is only a means to an end, and that the end we are striving towards is content and services which meet audience needs, then we will be clearly focused on the task ahead. We share these challenges with other nations in our region and we must learn to understand their needs and views in order to work more closely with them. It is only in this context, that we can seek to unleash the full potential of the changes occurring in the communications sector.



PROGRAMS CLASSIFIED C OR P

The following table contains programs granted C or P classification by the ABA between 14 March and 16 May 1994. Producers interested in submitting programs for classification should contact Josie Tomas on (02) 334 7840.

TITLE	ORIGIN	CLASSIFICATION	NEW/RENEWAL	DECISION DATE	APPLICANT
ALEX	Aust/NZ	CAD	new	25.3.94	Total Film and Television
BARNEY AND FRIENDS	USA	P	new	8.4.94	Nine Network
MISSION TOP SECRET	Aust/UK/Eur	CAD	new	6.4.94	Grundy Television Pty Ltd
TWO PALS	Australia	CAD	new	3.5.94	Australian International Pictures Pty Ltd
SILVER BRUMBY, THE	Australia	PRC	new	5.4.94	Media World Features Pty Ltd
THE BOOK PLACE (Series 3)	Australia	P	new	3.5.94	Seven Network

CHILDREN'S ADVERTISING CONFERENCE

A national conference on advertising and children will be held on 18 and 19 July 1994, at New College, UNSW. The conference will provide a forum for advertisers, broadcasters, regulators and community groups to consider the issues involved in advertising to children, such as the developmental abilities of children to deal with advertising, existing regula-

tions and the economics of children's television.

The conference is being organised by Young Media Australia and the Institute for Values Research, with the support of the Federal Bureau of Consumer Affairs, the Australian Consumers Association and the ABA. The ABA is contributing to the costs associated with participation at the conference of two

North American experts in the field—Dr Dale Kunkel, Associate Professor of Communications, University of California Santa Barbara, and Professor Andre Caron, Centre for Youth and Media Studies, University of Montreal, Quebec. While in Australia, Dr Kunkel and Professor Caron will also be consulting with ABA Members and staff.

