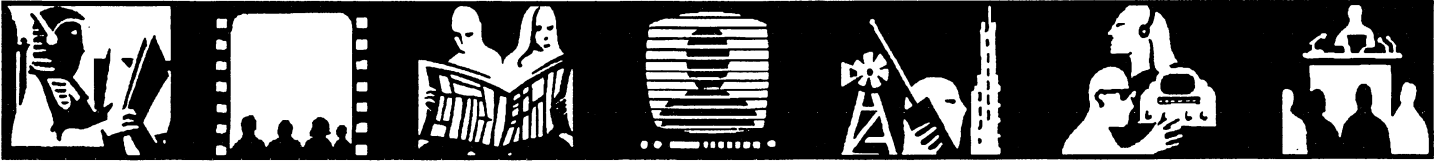


Communications Update

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Canberra's New Moralism

A new emphasis on moral issues in some quarters in Canberra has resulted in inroads on the independence of the Australian Broadcasting Authority in the first year of its existence.

In the latest development, as *CU* went to press Senator John Tierney (Liberal, NSW) was to move a motion in the Senate expressing dissatisfaction with the methodology and design of research on pay TV undertaken by the Authority in fulfilment of its obligations under the Broadcasting Services Act.

Senator Tierney is a member of the so-called Reynolds Committee, which among other things is reviewing the criteria for film classification. Along with Brian Harradine, conservative Catholic independent from Tasmania, Tierney has led a general trend towards tighter controls on program content. In his motion, he proposes among other things that this Committee be the final arbiter of whether R-rated programs are broadcast on pay TV, and that all ABA research relevant to this issue should be subject to 'vetting' by the Committee. Some observers believe that Tierney's background as an academic may have stimulated his particular interest in the research design and methodology.

Since April this year, there has been a long period of 'consultation' between the ABA and the Committee with the aim of refining the research design and the questionnaire for a major national survey. ABA sources told *CU* that in order for the research to proceed with the Committee's approval, the Authority has accommodated its wishes on many issues. These accommodations have included deferring the research, increasing the sample size from 1600 to 2400, agreeing to a third qualitative stage if required, and including Committee's suggestions in the questionnaire.

Sticking points remain, however. In summary, these are:

- the inability of the ABA and the Committee to reach agreement on an adequate description of the R-rating to be used in the study;
- at what point in the survey respondents should be told that it may be possible to block R-rated programs with disabling devices;
- the Committee's suggestion that two further questions on attitudes to sex and violence be included. (The ABA considers these questions are too general and that attitudes on these issues have been canvassed in earlier surveys); and

Continued on page 2 ...

IN THIS ISSUE

Paul Chadwick on
Media Ethics



Telecom's
Consumer in a New
Competitive World



Liz Jacka on
Globalisation





... Continued from page 1

- the inclusion of statements requiring respondents to agree or disagree, which the Committee believes are biased and out of context.

Parallels with UK

Readers may recall that the Prime Minister himself stepped into the program classification fray with criticism of violent material on television during children's viewing hours, and direct pressure on commercial licensees to regulate their scheduling of this material.

These developments have direct parallels with the situation in the UK, where structural deregulation of broadcasting was followed by a significant new emphasis on reinforcing community standards on 'taste and decency' through content regulation and classification. At the BTCE forum in August, British academic Martin Cave said that economic liberalism co-existed with social illiberalism in UK broadcasting, and mentioned an incident where the Prime Minister intervened to ensure that an attempt by ITV to move the 10pm news to an earlier slot did not succeed. The Broadcasting Act of 1990 gave the British regulator, the Broadcasting Standards Council, statutory powers, and all broadcasts are subject to the Obscenity Act.

In Australia, the first blow was struck when Harradine, in a late night addition during the passage of the Broadcasting Services Act late last year, achieved an amendment (s.128) which allows either House of Parliament to initiate an amendment to an existing program standard or code of practice. Theoretically, this means that a single Senator with no particular background or expertise in television could change or eliminate a code or standard developed through a lengthy process of consultation involving the industry, the public and the regulator.

Harradine also succeeded in an amendment which prohibits commercial and community broadcasters from broadcasting R-rated material unless

modified as the Act specifies (s.123(3A)(b)). Subscription licensees are subject to more onerous conditions: they have to ensure that access to R-rated programs is restricted by disabling devices acceptable to the ABA, and are not to broadcast such programs until the ABA has completed extensive, Australia-wide qualitative and quantitative research (Schedule 2, BS Act). Now it seems that the Committee has no confidence in the ABA's capacity to carry out this research to its satisfaction.

Background

Tierney and Harradine are key members of the Reynolds Committee, which was originally set up to investigate community standards relevant to new telecommunications services, such as 0055 services. It reported last year and was due to disband, but in May this year was given a new lease of life, for the term of the current Parliament; a new (though still inordinately long) name - Senate Standing Committee on Community Standards Relevant to the Supply of Services Using Electronic Technologies (SSCSRSSUET); and wider terms of reference, including one which entitled it to consider the 'quality and adequacy' of ABA research (full terms of reference are printed below).

Harradine and Tierney have lost a former staunch ally with the retirement of Tasmanian Senator Shirley Walters, but they have found an unexpected supporter in the form of committee chair Margaret Reynolds (ALP), who while coming from a largely different direction (feminist, small 'l' liberal) appears to share her colleagues' views, particularly regarding the influence of the media on children, and to favour equally draconian regulatory outcomes.

The rest of the Committee, which includes people like Stephen Loosley (right wing ALP NSW) and the Democrats' Vicki Bourne, have apparently played little role in its activities this year.

The core members of the Committee were incensed earlier this year by the cinema release of Pasolini's film *Salo* (which was given an R certificate by the Office of Film and Literature Classification on appeal from the distributor). In a subsequent report, they recommended to the Attorney-General that both this body and the Film and Literature Board of Review (chaired by NSW cultural bureaucrat and film critic Evan Williams) be 'restructured and expanded to ensure that they have more comprehensive community representation' and that the Attorney-General should consult with State and Territory Censorship Ministers (sic) before any appointments are made to these bodies.

The same report recommended, *inter alia*, that video and computer games equivalent to 'R' not be granted classification, which effectively means they would not be released at all. Given that there is already material of this kind available, on CD ROM for example, A-Gs decided that attempting to ban it was a futile exercise and that classification was the sensible alternative.

We have clearly not heard the last from the Reynolds committee, which seems bent on making life difficult for the new regulator - and for anyone else it perceives as slack on issues of television morality and violence. □

The Committee's Terms of Reference

- whether a code of conduct reflecting community standards should be observed by providers and carriers of commercial information or entertainment services utilising electronic technologies and if so, its content, monitoring and enforcement;
- whether it is appropriate to control the provision of certain commercial information or entertainment services utilising electronic technologies, or to control access to such services, or both, and, if so, how control would best be achieved;

Continued on page 3 ...



... Continued from page 2

- (c) the suitability of the continued provision of commercial recorded information or entertainment services carried by Telecom Australia including 0055 and Discovery Services;
- (d) whether the content of pay TV, were such a service to be introduced, should include material which would be classified in the 'R' or 'X' categories, under existing legislation relating to classifications;
- (e) the quality and adequacy of the extensive, Australia-wide qualitative and quantitative research conducted and to be conducted, by the Australian Broadcasting Authority, on:
 - (i) community standards of taste and decency in relation to classifications for pay television
 - (ii) what levels of violence and depictions of sex should be allowed; and
 - (iii) what other matters should be included for viewing for adults and children in the various classifications; and
- (f) whether, considering the existing regulatory arrangements, at both State and Commonwealth levels, used to regulate all film, video, literature and other publications, similar arrangements are, or should be, applicable to regulating the provision of commercial information or entertainment services utilising electronic technologies. □



Call for New Standard

An impressive coalition of cultural bodies, unions, ethnic community organisations and public interest groups has asked the Australian Broadcasting Authority to determine a standard requiring Australian television to show the cultural diversity of our society.

In a letter to ABA Chairman Brian Johns (6 December), the coalition wrote that the request had been made necessary 'by the ABA's failure to respond adequately to the findings of its own research in this area and to the representations and submissions from the community and industry seeking action from the regulator in this area'. The ABA has the power to determine a standard under s.125(2) of the Broadcasting Services Act.

Despite all the evidence to the contrary, Australian television drama, in particular, continues to show a society of blond, blue-eyed Anglo-Celtic people.

This is not mere speculation, but is strongly supported by research published earlier this year by the ABA itself, and by the office of Multicultural Affairs (see *CU89*, June 1993). Channel Nine chairman Bruce Gyngell gave it additional credence with his recent statements that the popularity of Australian drama in the UK could, in his view, be attributed to latent racism in Britain and the appeal of programs which reminded people of an era when the British population was predominantly white.

Still the networks have failed to act, apparently in the belief that Australian viewers would turn off in droves if their drama began to show our society as it really is in the 1990s. This is despite the fact that series dramas which have attempted to do this, like *GP* and *A Country Practice*, have attracted and maintained impressive ratings.

Meanwhile, ethnic communities continue to consolidate their position as viewers of television and buyers of advertised products, and the effect of the networks' relentlessly monocultural perspective must begin to be felt. Plans on the part of SBS and commercial interests like Australis Media to set up niche channels pitched to particular ethnic communities will undoubtedly have an effect on the audiences - and the revenue - of mainstream television. Audiences alienated by drama which ignores their existence are very likely to turn to services which acknowledge them.

Advertisers and their agencies are, it appears, beginning to get the message. One Australian of NESB with his own agency, Bob Belgiovane, who has been outspoken on the performance of his industry in this area, recently reaped the rewards when his agency got the Special Broadcasting Service account.

The coalition's letter to the ABA noted that resistance on the part of FACTS to any form of regulation in this area is 'well documented', and that it was therefore surprising that the commercial television broadcasters had 'failed to include this critical area of programming in its code'. The Advisory Notes issued by FACTS provide guidance but no guarantee of the appearance of the faces and stories of non-Anglo Australians.

The Communications Law Centre is co-ordinator of the letter to the ABA.

The 22 signatories to the letter include the Aboriginal Arts Management Association, NSW Anti-Discrimination Board, the Australian Consumers Association, the ACTU, the Australian Writers Guild, the NSW Ethnic Affairs Commission, and Ethnic Communities Council, MEAA, NIMAA, and the Northern Land Council. □