

Out of Control: Electronic and Digital Media on the Information Super Highway

Australia, like most western late-capitalist societies, is finally having to come to terms with the oddly named "information super highway". The much vaunted information revolution, which was going to deliver the paperless office and didn't, which was going to put a computer in every home and hasn't, is at last finally delivering something, namely, pay television. I'm not suggesting that the new satellite, cable or optical fibre technologies will not have other consequences. Rather, I suggest that insofar as these technologies and services are "demand driven", the audiences will, at least initially, prove much smaller than the audience for pay television. The next immediate step, namely pay TV, is in one sense truly trivial, yet in another sense it is vast in its policy implications. I was forced to ponder the implications of the next moves in the race down the super highway because I was asked to address a Senate Committee concerned with such matters.¹

In doing some serious thinking with regard to the policy issues involved, I was reminded of my early work with the Glasgow University media group. When looking at issues of balance, fairness and neutrality in television news, we discovered to our horror that there was no copyright obligation to keep copies of broadcast material and deposit it with the nation. Television, the dominant medium, had fewer obligations and constraints than the print media. Public access to the broadcaster's output is not guaranteed nor provided for.²

Historically speaking there have always been cultural constraints upon the press for example, licences, defamation, libel. Given the Senate's desire to retain some community cultural constraints upon a rapidly developing set of technologies, it is critical to address the questions of how acceptable, enforceable and feasible are such cultural controls or measures? The policy issues raise in turn the more intractable problem of who is to pay for, monitor and administer such cultural controls as are felt to be socially balanced and desirable? As McKenzie Wark has indicated in a recent article in *The Australian*; all this

depends on what role government plays. It is highly unlikely that there will be a big role for government in building the new infrastructure to ship information around, but there is a very necessary role for government in co-ordinating standards, policing the competition, and safeguarding the public interest.³

As Wark observes, the Clinton administration is taking a proactive role, intervening to create ground rules and minimise the commercial and social risks. The question must be whether the Australian Government should do the same.

Although some of the immediate issues may appear only of specific interest to the pay television debate, I believe that they also raise important general issues which revolve

* This is a revised version of a paper and evidence delivered at the request of the Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies, March 1994.

1 Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies, 25 March 1994.

2 Glasgow University Media Group, *Bad News* (1976) and *More Bad News* (1978).

3 Wark, M, "Market Media Races down the Infobahn" *The Australian* 18 May 1994 at 26.

around differing aspects of cultural control. Further, given the general political and community agreement to have some public involvement in the content and direction of the rapidly unfolding "information super highways", it is important to examine the general issues.

The crucial control issues would seem to revolve around balancing the freedoms and commercial demands of *publishing* versus the *public responsibility* for the cultural results of the output of present and future media outlets.

The current Australian TV codes are being revised as a result of the recent passage of the *Broadcasting Services Act* of 1992. Prior to this Act the Australian Broadcasting Tribunal and other statutory bodies have been responsible for regulation. The new commercial self-regulation by industry agreed codes will now determine the general norms subject to control of children's programming and local content quotas. The Federation of Commercial Television Stations (Facts) is gathering responses and conducting surveys in the development of a new industry based code. It could be claimed that the new code goes further than the previous one especially with regard to the noting of complaints by stations, programme classifications, and placement of programme promotions. Other major alterations include an anti-discrimination provision, which prohibits material that seriously offends the cultural sensitivities of racial groups, more flexibility for political advertising, and some limits on commercials for alcoholic drinks, betting and gambling.

In the programming area the new code has replaced the "adults only" classification with "mature adult". These now give specific guidance on levels of coarse language, sexual references and violence. In general, such output can only be shown after 8.30 pm. The administration of this code is left to the industry via Facts, although the new Australian Broadcasting Authority (ABA) may on some occasions be involved. Whilst these measures have been reported in industry magazines⁴ the attitude seems to be one of complacency. The only notable exception being the recent development of a media code covering siege and hostage situations which the television companies have accepted, but the print journalists have rejected.

In general, the recent information highway debate has oscillated between the "techno-boosters", and the rather "defeatist techno-sceptics". The former believe that technology will somehow deliver the answers. The latter believe that despite deregulation little will alter, and that cultural control is either unnecessary or utopian. There are however crucial decisions yet to be made, which if not addressed will lead simply to a society stratified by the "information rich" and the "information poor".

There are five key policy issues which are emerging in relation to the new electronic and digital media technology to which I will call attention.

Restriction of Viewing

Recently there has emerged enough survey material to reveal that most people believe in the necessity and efficacy of both a warning and classification system.⁵ It is a general view that such a system should be universal, that is the same standards should apply across broadcast television, video, pay television and other new media. In the case of pay TV, the USA and European experience reveals that it attracts substantial numbers of viewers

4 Hulse, L, "International News" (April 1993) *World Broadcast News* at 34.

5 Federman, J, "Film and Television Ratings: An International Assessment" (1993) *Media*.

and that economically it is lucrative. Moreover, providing a warning and classification system is imposed by law upon the programme providers, the systems coupled with decoders will be effective. Each programme would carry a pin number or a code which would allow the subscriber to determine who in the household has access to adult material. Coding costs only a few dollars while the decoders installed on each TV are a one-off expense.

The argument for watershed hours for child viewing works for broadcast television, but has less force for pay TV because subscribers may pay for first run movie channels or video on demand which will have films which vary in their classification. Australian estimates assume that within a decade 40 per cent of the population will have pay TV as well as so called "Free to Air TV".

General Enforcement

To ensure that legal and self classification codes are proper, monitoring and random sampling of outputs will be required. As electronic technologies become more common and pervasive this will become an expensive and time consuming exercise. To render this less difficult; what is required across the whole information super highway is an amendment to the copyright acts requiring producers, transmitters, and others to deposit two copies free to the nation in a "National Electronic Archive" in much the same way as print publishers are required to do in copyright libraries. Access to this output could be granted to designated researchers, lawyers, politicians and community groups with a proven interest. Any breach of codes should be severely fined to prevent classification fudging.

A Classification or Content Tax

Given that, in general, diversification into these new electronic areas will be for commercial reasons and given that it will inevitably lead to a division between the "information poor" and the "information rich", consideration should be given to levying an associated tax. The tax contribution would provide for both the national monitoring costs, for ongoing research into developing cultural effects, and for public information access for those who cannot otherwise afford it. The tax could take many forms, for example, a percentage of revenue, or a percentage tax only imposed upon adult or violent material. This has the further advantage of providing some commercial deterrent to those who choose to provide adult only material. Moreover, tax credits could be given to providers of culturally balanced channels.

Australian Cultural and Educational Content

As many of the new electronic technologies are produced by foreign or multinational corporations, a cultural profile determined by such providers may well emerge that has little or, on some channels, no Australian material. In view of this possibility, legislation requiring minimum levels should be considered and/or expanded to both assist local production and further ensure that educational and cultural content is carried free or at reduced costs. Failure to do this could mean that as the percentage of viewers and users increases, the government and its taxpayers may be forced to pay for community health and other messages at prices dictated by oligopolistic cartels. This also raises the old ownership questions of oligopolies dominating information via control across the board. Some restrictions could be written into licensing practices. Free to Air TV viewing could well be the last resort of the less well-off within a fifteen year period.

Changing Views of Community Tolerance of Media Output

Most international survey material in Australia, the USA and elsewhere reveal that large majorities of the viewing public (between 65 per cent and 80 per cent) now believe that there is too much violence shown on media. This material is broadcast by both the news and entertainment areas.⁶ Whilst the direct effects of such violent coverage on events such as copycat crimes may be small, the cumulative or culturally mediated and amplified effects all contribute to the character structure of society. The cumulative cultural outcomes of media messages cannot be doubted, those who do so should simply consider the probable outcome of allowing tobacco advertising back into the electronic media.⁷

It is clear that whilst media is only one cause among many, the constant portrayal of violent headline crime as if it is an everyday reality adds to, rather than diminishes, the incidents of such crimes.⁸

In conclusion then, whilst freedom of information and viewing need to be protected, this should occur against the balanced cultural needs of larger society. Commercial realities have to be measured against cultural outcomes; those who wish to trade on the merely commercial aspects of the new technologies should be taxed and socially controlled so as to provide the cultural space for those who wish to improve it. In the rapid movement down the information super highway we have to remember to provide some public access, archives and quotas; and to impose some direct controls, taxes, standards and legislation upon those owners, producers and providers whose profit motives may show little regard for the effects upon Society in general or the less fortunate in particular. For, as most communication experts now agree, whatever the new technologies deliver and can support, it is unlikely that they will lead to the flowering of a cultural renaissance such as that which followed the introduction of the printing press.

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6 Id at 1–5.

7 See Alchin, T M, "Tobacco Advertising Bans: Some Thoughts" (1992) vol 27 no 4 *The Australian Journal of Social Issues* at 298–310.

8 See an excellent Australian policy overview of this in Cunningham, S, *Framing Chapter* (1992).