Community television and the transition to digital broadcasting

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ABSTRACT

Digital transmission technologies have brought with them the promise of a better picture for all. The new system is said to provide better quality transmission, an increase in the number of services, and a new dimension in broadcasting experience through audience participation. For the community sector, however, digital television is threatening the survival of current services. Whilst access, decentralisation, and participation have become key words of the transition phase, there is a risk that, in the application and development of digital transmission systems, prior broadcasting patterns of concentrated ownership control will prevail. This paper attempts to define the challenges involved in securing a public space in Australian television’s new landscape and analyses the impact of the digital legislation on the public sphere. Recent developments indicate that the democratic forum of community television may need more support than ever before.

Community television in Australia has evolved despite difficult circumstances and a constant threat of extinction. It has continued to broadcast on test transmission and temporary open narrowcasting licences, operating with no government funding and with restricted access to sponsorship. Ambiguous guarantees of digital spectrum and permanent licence provision are yet to take shape and could entail significant sacrifices for the already deprived sector. Although community television has been allowed to test its ideals of access and participation, it has had to do so in a harsh and uncompromising environment. As a result, the full potential of a free and open community television service remains unknown in this country.
Digital broadcasting is the latest interruption to the development of the community television sector. The new transmission technology has been heralded as an advance in electronic democracy, allowing for more channels and new services (Department of Communications, Information Technology and the Arts, 1998; Productivity Commission, 1999). Access, decentralisation, and participation have become key words of digital television as it has been sold to the public. It would seem on the surface that such an environment would favour community broadcasters. However, there is a risk that, in the application and development of digital transmission systems, prior broadcasting patterns of concentrated ownership control will prevail. Technological determinist assumptions and weak broadcasting policy are combining to deter any real possibility of democratic television.

Community television was introduced in Australia two decades after community radio. Cost and lack of spectrum were given as reasons to reject petitions from video access groups campaigning for community television as early as 1973 (Open Channel, Hughes, & Dalton, 1986, p. 3). It was not until 1992 that a Parliamentary Inquiry into the future development of the sixth channel recommended that community TV be allowed to occupy the spectrum until a final decision was made on its use (House of Representatives Standing Committee on Transport, Communications and Infrastructure, 1992). This concession extended an already lengthy trial period for community television broadcasters, and allowed for the formation of consortiums and what was to become known as Channel 31 in five metropolitan and two regional areas. Six years later, the sector was still waiting for permanent guaranteed spectrum. Although this never came, community television was granted permission to broadcast analogue until the introduction of digital (Jan. 2001), after which time it was guaranteed free access to the datacasting spectrum needed to broadcast one standard definition television signal (Alston, 1998). However, in May 1999, the Minister revoked the use of the sixth channel in areas other than those holding existing broadcast licences. Sixth channel spectrum not currently in use is being reserved for digital broadcasting. The Minister's promise of digital spectrum was not realised in the Broadcasting Services Amendment (Digital Television and Datacasting) Bill 2000. Only in the Bill's passage through the senate was it amended by the opposition parties to include a ministerial review into the feasibility of community television's digital transmission.

It would be fair to assume from this brief history that community television is not high on the government's list of priorities. The principles of access and participation, on the other hand, have gained a significant
level of popularity. Television has ‘become part of the digital revolution that is sweeping every aspect of society’ (Department of Communications, Information Technology and the Arts, 1998). The new system is said to provide better quality transmission, an increase in the number of services, and a new dimension in broadcasting experience through audience participation. The media, the broadcasting industry, and the bureaucracy have, by means of such rhetoric, raised public expectations of a transformation in audience-producer relationships. Internationally and at home, digital television is said to possess the means to a new, more open public sphere.

Legislation that has been developed for the purposes of digital conversion in Australia does not live up to this hype. The principles that were used to rationalise the introduction of digital television will remain nothing more than distant goals for the duration of the transition phase. Current policy is conservative in its approach to allowing the entry of new services or players. Amendments to the Broadcasting Services Act protect the existing commercial and public broadcasters and inhibit the use of new technology for some interactive services. What we are seeing is an enthusiastic endorsement of an electronic revolution that is actually being tightly controlled and restrained. Digital technological determinist talk is drawing attention away from possible pro-active government strategies that could strengthen and secure a real public forum.

The terms access, participation, and diversity were once used in relation to Australian television by the media activists who pioneered independent video production and what we now know to be community television. Indeed, community television has grown out of the same love affair with ‘technology as a means to freedom’ that fed the rapid growth of the Internet and now the uptake of digital television. With this in mind, it could be said that digital television is the revolution that community television has been waiting for. However, as Johnson notes, policy design has never belonged to such ‘small-time political actors’ (1996, p. 94). Johnson observes how current developments in the global communications industry parallel the introduction of cable television in the US and Canada in the 1970s. Although local campaign groups did eventually achieve cable access for the community, he describes the achievement as a ‘brawl’ rather than the ‘communications experiment’ that the groups were expecting. The activists ‘had stumbled into the midst of an enormous communications land grab and we proceeded to place ourselves in the public right-of-way just as one corporate juggernaut after another, full of big money and lawyers hit town’ (Johnson, 1996, pp. 94-95). As with the introduction of cable in the
United States, digital television offers more channels and better transmission. Digital also has the ability to offer an 'entirely unanticipated community communications space'. But as with the US introduction of cable, the community is just a very small player in rough territory. According to Johnson, 'access' does not occur naturally within such a landscape. Equating social change with technology ignores the realities of existing social inequality and the importance of clear intentions in decision-making and policy.

The 2000 Bill protects the interests of the existing free-to-air commercial stations by mandating High Definition Television (HDTV). Large portions of spectrum have been reserved for these broadcasters, using up space that could be sold to new commercial services or reserved for other sectors. The emerging datacasting industry—intended to cater for niche markets—has had severe limitations imposed upon it that restrict entertaining content. Although government broadcasters have been permitted to multichannel, they have not been provided with extra funds to produce content for these channels. But it is the community broadcasting sector that has by far the worst deal. Although digital television transmission began on January 1 2001, there was no provision in the legislation for community television services to migrate to digital television along with the other free-to-air stations, nor any guarantee that it will do so at any future point during or after the simulcast period.

This came as a surprise to the community television sector. The groups had welcomed the 1998 legislation, despite some misgivings concerning an imposed relationship between datacasters and community broadcasters. The amendments contained the first legislative recognition of the developing sector and provided a framework under which the sector could potentially progress. Section 59 (e) of Schedule 4 of the Broadcasting Services Act 1992 (BSA) required the Minister to conduct a review into the regulatory arrangements that would apply to 'the digital transmission of a community television services, free of charge, using spectrum in the broadcasting services bands allocated for use for the provision of datacasting services' (House of Representatives, 1998). Flew and Spurgeon (2000) wrote of the arrangement:

The main advantage of this approach is that community groups are freed from the burden of financing and maintaining complex and costly TV broadcasting and distribution systems and can concentrate resources on program making, by 'piggybacking' their services onto infrastructure developed by commercial providers.
However, they also warned that the interests of the not-for-profit groups would most likely be made vulnerable through their relationship with the commercial carrier. The Community Broadcasting Association of Australia (CBAA) further pointed out that, under such an arrangement, community television services would exist only in those areas where there was a viable datacasting market (Community Broadcasting Association of Australia [CBAA], 1998, p. 3). In general, these hesitations did not overshadow the sector's belief throughout 1999 and the first half of 2000 that a licence condition for the carriage of community television to be imposed upon a datacaster was at least a way for the sector to enter the digital broadcasting environment.

Although the 1998 legislation put in place a statutory requirement for a review into the possible regulatory arrangements for community television, this never guaranteed the survival of the sector. Neither the 1998 amendments, nor the Broadcasting Services Amendment (Digital Television and Datacasting) Bill 2000 provided for spectrum allocation to be made available to community broadcasters. This was despite a Ministerial promise in 1998 that community television services would be granted digital access: 'The digital environment opens up new localised programming opportunities for all broadcasters, including the community television sector which will be guaranteed free access to the spectrum needed to broadcast one standard definition digital channel' (Alston, 1998).

The report that came out of the Section 59 review was expected to deliver the arrangements for community television but was still not tabled at the time of the Senate hearings into the 2000 Bill. Although the ACA submitted the report to the Minister, the Government did not feel it would be in a position to finalise matters 'until the ABA's digital channel plans are finalised and the quantum of spectrum available for datacasting is known, towards the end of 2000' (Department of Communications, Information Technology and the Arts, 2000). Community television was left in the same tenuous position while the commercial and government broadcasters and the new datacasting industry were assured a place in digital broadcasting. The CBAA expressed their concern that, if provision were not made for community television in the legislation, any subsequent efforts to provide digital spectrum would be difficult and unlikely. Once spectrum was assigned for datacasting and licences auctioned, it would be too late to impose a carriage requirement as 'the market would have already determined an access price predicated on the uptake of a full 7 MHz bandwidth' (CBAA, 2000, p. 1). It is possible that the Government's delay is not just a means

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for them to finalise spectrum planning, but also to determine just how much datacasting licences will be worth. If this is the case, then the public interest worth of community access to television broadcasting has been deemed less than the potential economic value of digital spectrum. There is the danger, too, that if datacasting services are seen as profitable and the industry is quick to develop, then the spectrum currently occupied by analogue community television services will be reallocated to provide for more datacasters.

So what is the potential impact of the current digital proposal on Australia’s public sphere? Public sphere theory attempts to locate the conditions under which politics can work most effectively and intelligently through citizenry interaction. The public sphere is the arena in which the public act, separate from the economy and state, yet linked to both. It is an informal assemblage of citizens—thinking, communicating, reading, listening, and debating, and then expressing their views directly or indirectly to the state. In this way, democratic government ‘rests on a posited link between the people and the state via the public sphere: the state opens itself up via publicity, and the people respond with public opinion’ (Peters, 1993, p. 541). Habermas’s original conception of the public sphere excludes the mass media. However, revisionists have reinstated it, refusing to see face-to-face relations as being qualitatively superior to those mediated over space and time. Media policy is seen as having a direct influence upon the democratic process of information exchange within the public sphere (Garnham, 1986).

Fraser, feminist revisionist of Habermas’s theory, discusses how ‘bracketing out’ inequality can lead to the reinforcement of the dominant hegemony, even where there is the intention to create a space for vibrant public discourse (Fraser, 1992). In the context of Fraser’s work, the current Bill, by ignoring the social reality, threatens to inhibit the democratic potential of the media. The utopian rhetoric used to promote digital television also ignores the social reality in which the new technology must function in the same way as traditional notions of the public sphere shut out, or ‘bracket’, difference and inequality. Workable policy solutions that address inequality are ignored in favour of approaches that assume distant outcomes. The regime that has been constructed for the introduction of digital television (the 1998 amendments to the BSA and the Digital Television and Datacasting Bill 2000) does not attempt to rectify the lack of diversity in Australian television. By mandating HDTV, preventing new commercial services, restricting the content of datacasting, and by not providing spectrum for community television, the government has actually set out to preserve what is
a narrow and unequal access structure. And the assumption is that at the end of the conversion period, diversity and access will be allowed to emerge. This approach does not take into consideration the 'head start' that the incumbents have been offered in a new environment. Nor does it take into account the very strong possibility that if community television is declared a failure now, no future government will set out to restore it. The claims being made about digital television are hollow promises, without the policy intention to actively address the lack of diversity in television broadcasting.

Habermas's theory of the public sphere does not offer a political vision, despite its reliance on the Enlightenment project. His study of the bourgeois public sphere, and the search for an ideal public sphere, is about attempting to find the best possible climate—or space—for political ideas to be expressed and communicated. Broadcasting policy in Australia claims to be based upon a similar vision. The Broadcasting Services Act 1992 states in its objectives that that Act is intended to provide a 'regulatory environment' that will promote diversity, competition, audience needs, and other such factors that will work to create the best possible space for information dissemination (Section 3). The digital conversion policy of 1998 and the 2000 Bill, however, actively confine this space, and exclude the democratic potential of television broadcasting. Fraser departs from Habermas's depiction of the ideal bourgeois public sphere primarily because of exclusionary aspects, and her criticism of these exclusions can be used to illuminate the problems of the digital policy. She sees Habermas's ideal sphere as being inaccessible to most citizens (illustrated by Habermas's reference to the coffee-houses of the eighteenth century), and reveals the normalising and suppressing elements of the bourgeois public sphere. As McLaughlin explains, 'Habermas develops his account of the rise of the classical bourgeois public sphere around the notion that critically reasoned argument is more important than the identities and status of the participants' (1993, p. 601). The feminist literature admits to the presence of status in the public sphere, providing an explanation for minority exclusion and defining the conditions through which minority involvement can occur.

Fraser begins by challenging Habermas's claim that the bourgeois public sphere is open and accessible to all. The argument that the historical exclusion of women, and the racial and property criteria needed to participate in the public sphere, can be bypassed if one maintains that the ideal itself remains unaffected, does not satisfy Fraser. The bourgeois public sphere

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was to be an arena in which interlocutors would set aside such characteristics as differences in birth and fortune and speak to one another as if they were social and economic peers. The operative phrase here is ‘as if’. In fact, the social inequalities among the interlocutors were not eliminated but only bracketed. (Fraser, 1992, pp. 118-119)

This ‘bracketing out’ of social inequalities was not successful, in Fraser’s view, and still remains one of the hindrances to the contemporary public sphere. To proceed as if social equalities do not exist when, in fact, they do can act as an impediment to participatory parity and can even act in favour of the dominant class. It is counterfactual, and even undesirable, to assume that cultural differences can be overlooked. This ‘assumes that a public sphere is or can be a space of zero degree culture, utterly bereft of any specific ethos as to accommodate with perfect neutrality and equal ease interventions expressive of any and every cultural ethos’ (Fraser, 1992, p. 120). Fraser’s theory, when applied to communications policy, calls for the acceptance of different minority groups in broadcasting and the provision of media access for such groups. With media being run for profit, subordinated groups usually lack the means to participate in the public sphere. Fraser questions whether it is possible, even in principle, ‘for interlocutors to deliberate as if they were social peers’ when the forums of the public sphere are located in a society that is structured by complex power relations.

At the Senate Committee hearings into the 2000 Bill, the CBAA identified an impressive list of social benefits that community television has provided to date, and which digital transmission technology is capable of expanding upon (CBAA, 2000). These include media training opportunities, localism, the encouragement of innovation and program development, higher education delivery, and culturally diverse content at a local level. Sectoral diversity and diversity of ownership could also be added as qualities that community television provides to the Australian broadcasting environment. Without community television, these qualities are poorly represented in the current digital television proposals.

The ideal of access is restricted in the Bill by the mandating of HDTV. The requirement for government and commercial broadcasters to transmit a triplecast of HDTV, SDTV (standard definition digital television), and analogue for the transition phase, ‘restores the spectrum scarcity paradigm, and forestalls the development of new broadcasting entrants’ (Australian Consumers’ Association, 2000, p. 4). Opposition to this feature of the Bill has pointed out that where analogue spectrum planning has been characterised by scarcity, this is not necessarily the case with digital. The current free-to-air broadcasters could be given spec-
trum to broadcast their services as they currently exist, and there would
still be enough spectrum left over to broadcast four times the current
number of channels. By using HDTV as a ‘bandwidth intensive white
elephant’ (Australian Consumers’ Association, 2000, p. 4), the govern-
ment has established a technical excuse to protect the existing commer-
cial stations. There is also no guarantee that access will come with the
hand-back of spectrum used for analogue broadcasting at the end of the
convergence period. As News Limited point out, ‘with no real incentive
for the incumbent players to drive the uptake of digital technology by
consumers, the analogue spectrum will be held by the free to air broad-
casters beyond the foreseeable future’ (News Limited, 2000, p. 1).
Although it is debatable whether community television has so far
achieved its own goal of access, access remains the underlying principle
of the sector. By attempting to provide access to those who would
otherwise be denied it (as specified in the charters, codes, and licence
conditions of community broadcasters), the sector enhances the democ-
ratric potential of broadcasting.

Participation, as a broadcasting ideal, is the disruption of the one-
way and one-to-many action that is inherent in television transmission.
Digital television’s facility for interactivity allows for a questionable
degree of audience participation. Digital television supposedly allows
the viewer to interact with their sets, to choose programming and to
access other information on demand. This changes the audience-
producer relationship, allowing for reciprocity and empowerment of the
viewer. Fist, however, believes that ‘interactive television is a myth for
the foreseeable future; the bandwidth doesn’t exist (except at LMDS
frequencies) to satisfy even a fraction of the big-city markets’ (2000, p.
4). He also points out that the interactivity envisaged for digital televi-
sion does not sit well with current viewing habits:

Even if there is a feasible means to interactivity and participation,
questions emerge as to what type of identities the viewer-participant will
have available to them within that space. Will it be essentially the iden-
tity of the consumer? Or, perhaps, a techno-identity devoid of ethnicity,
individuality, and personality? Community television as it currently exists
does not provide immediate interactivity of the type envisaged for data-

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casting services. However, it does allow the public to participate in television production. As Benjamin observed of the section 'Letters to the Editor' in a newspaper, participation changed the distinction between the author and the public (Benjamin, 1970, p. 226). Community television allows the television audience to participate in the material broadcast. Moreover, it allows people to do so without relinquishing their personal identity, which may otherwise sit uncomfortably within the culture of mainstream television.

To return to Fraser, solutions that rely on the market cannot guarantee equality. Fraser reveals her disaffection for liberalism and the liberal belief, present in Habermas's work, that political processes must be insulated from non-political processes. Circumstances, in Fraser's opinion, show that bracketing inequality does not induce participatory parity and the only thing that can achieve this is substantive social equality. The claim that a system of limited government and free market capitalism is a precondition for a healthy public sphere is inadequate, as such a system does not foster economic equality and inhibits free discussion in the media due to private ownership. In the United States, technological utopianism has been used to justify a deregulated new media industry and has received much criticism as a policy objective. Johnson criticises both technological determinism and its reliance on free market economic theories:

market driven development and commercial media systems by themselves are incapable of fostering democratic communication systems or assuring universal access to telecommunications for diverse people and ideas.  
(Johnson, 1996, p. 97)

Participatory parity can only be achieved if minorities are given a means to expression. For this reason, broadcasting policy should be approached as social policy, and attempt to take into account the inequalities that exist in media access and to seek to rectify these. There is a danger that digital technological determinism may obscure the realities of the broadcasting market and the inhibiting factors that may endure beyond the shift from analogue to digital. As Garnham writes,

such yearnings for a return to a golden age of press freedom are attempts precisely to avoid the crunch of political choice. Indeed, that is perhaps the main unconscious attraction of the free press model and indeed of the market model, that it removes the weight of conscious social choice.  
(Garnham, 1986, p. 51)

If ever there were an appropriate time for social choice and proactive government strategy in relation to broadcasting, then surely it is now.
The bourgeois public sphere, when analysed through the lens of revisionist historiography, can be seen as 'the prime institutional site for the construction of consent under a new form of domination' (McLaughlin, 1993, p. 608). The digital legislation has much in common with the bourgeois public sphere by not allowing for public access and participation. Private interests in the media inhibit the participation of subordinate groups within society, restricting debate and available information. A justification exists for institutions that encourage the participation of underprivileged cultural and economic groups in the media, as well as the recognition of these groups as participants. In so far as these counterpublics emerge in response to exclusions within dominant publics, 'they help expand discursive space' (Fraser, 1992, p. 124). Australia's digital future requires such expansion.

REFERENCES


