

LOCALISM POLICY UNDER SCRUTINY

In late December, the Minister for Communications, Mr Duffy, announced the Government would conduct a wide-ranging review of the policy of localism in Australian radio and television.

The Review is examining the extent to which localism should be maintained, and in what form, in the continuing development of the Australian broadcasting system.

While localism is of most significance to commercial broadcasters, the Review will also examine its relevance to other broadcasters (such as public radio stations) and the extent to which localism has created, or might create, a barrier to the establishment of new broadcasting services.

The Review is being conducted by Mr James Oswin, a senior officer with the Department of Communications, and is expected to be completed by the middle of the year. The findings are expected to form the basis of a Ministerial Statement and policy guidelines, to be issued by the Government in the second half of 1984.

The essence of localism is that stations are licensed to cater, as far as practicable, for the particular needs and interests of the audience within their respective service areas. The policy was designed to encourage the development of local programming (whether produced or purchased by stations), local ownership or control of stations and local advertising.

MAIN ISSUES

The main issues being examined by the Review are:

- A:** To what extent should radio and television broadcasters:
- (i) broadcast locally produced programming;
 - (ii) broadcast locally originated programming;
 - (iii) broadcast local advertisements;
 - (iv) broadcast advertisements sold by an outside source; and

(v) be owned or controlled by members of the local community?

B: To what extent has the policy of localism created, or might in future create, a barrier to the establishment of new broadcasting services;

C: What impact will the introduction of satellite-related broadcasting services and supplementary licences have on the localism policy?

The issues are expressed in terms most relevant to commercial broadcasting, but are intended to apply, as appropriate, to the other broadcasting sectors and to metropolitan and non-metropolitan stations.

Written submissions must be lodged by 31 March 1984. Oral discussions with those making submissions may be sought.

An information paper is available from the Review, which can be contacted at the Department of Communications, P.O. Box 970, North Sydney, NSW 2060. (Telephone: (02) 922 9111).

Wireless Telegraphy Act under challenge

The validity of the Wireless Telegraphy Act 1905 is being questioned following the seizure by the Department of Communications of microwave links allegedly used to transmit television signals from TCN-9 Sydney to QTQ-9 Brisbane unlawfully.

The existence of the links was brought to public attention by Ian Reinecke and Julianne Schultz in *The Phone Book* (1983). According to the authors, the signal was picked up off air outside Sydney and transmitted via a series of microwave dishes erected on poles and towers located about 50 kilometres apart on high points of the terrain to Brisbane.

In 1983, officers of the Department's Radio Frequency Management Division seized two of the links, one just outside Sydney and one in the Razorback area.

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stations have applied to the Department to have their service areas defined.

"Let me stress that both the application for supplementary licences and the definition of service areas are two-way processes. The Department will not be combining the roles of advocate and judge, but will be very dependent upon the industry for the technical information mentioned in my ministerial statement.

"So far as the definition of service areas is concerned, cooperation between the licensee, neighboring licensees, and the Department will be essential. Unless it occurs, we will all be frustrated by irritating delays while papers are pushed backwards and forwards.

DEPARTMENT'S PRIORITIES

"The Secretary of the Department of Communications, Mr. R.B. LANSDOWN, addressed the seminar, and, in doing so, summarised priorities of his Department in processing supplementary licence applications and associated service area definition proposals:

- ABSOLUTE priority will be given to processing supplementary licence applications for areas where formal Expressions of Interest from potential independent commercial licenses have been received and substantial concentration of media ownership and control already exists.
- THOSE applications forming the second priority grouping will be from areas where there is also an Expression of Interest for an independent commercial service.
- GENERALLY speaking, priority applications will be processed in accordance with the date they are accepted by the Department.
- THESE priorities can, of course, always be altered by the Minister pursuant to his planning powers. The Department will ensure within this priority framework that lower priority applicants are not unduly delayed by the system, which if rigidly applied could result in their being constantly pre-empted.

Department of Communications Directory

The table lists Divisions, Branches and some Sections of the Department's Central Office, together with the name and telephone number of the officer in charge of each unit. The information is largely based on the Commonwealth Government Directory (July 1983).

Broadcasting Division advises on broadcasting policy and planning and the Minister's responsibilities under the *Broadcasting and Television Act 1942* (both in relation to planning and the provision of services by the ABC and SBS).

Communications Development Division advises on policy aspects of the demand for, and potential means for supply of, communications services and the development of standards for the introduction of new technologies.

Corporate Policy and Projects Division advises on policies and projects where more than one communications system is involved and is responsible for various operational functions such as legislation, information and management services.

Radio Frequency Management Division advises on the Minister's responsibilities under the *Wireless Telegraphy Act 1905*, the *Wireless Telegraphy Regulations Act 1970* and international agreements relating to the use of the radio spectrum.

Space Telecommunications and Postal Policy Division advises on the Minister's responsibilities under the *Postal Services Act 1975*, *Telecommunications Act 1975*, *Overseas Telecommunications Act 1946* and the Memorandum and Articles of Association of AUSSAT Pty. Ltd.

DEPARTMENT OF COMMUNICATIONS — CENTRAL OFFICE

Secretary .. R.B. Lansdown (64 4994)

Deputy Secretary .. E.E. Payne (64 4939)

BROADCASTING DIVISION	COMMUNICATIONS DEVELOPMENT DIVISION	CORPORATE POLICY AND PROJECTS DIVISION	RADIO FREQUENCY MANAGEMENT DIVISION	SPACE TELECOMMUNICATIONS & POSTAL POLICY DIVISION
P.B. Westerway (64 4696)	D.R. Eyles (64 4649)	A.F. Guster (64 3095)	M.R. Ramsay (64 4601)	V.J. Kane (64 3742)
Broadcasting Policy Branch R. Smith (64 4946)	Communications Applications Branch N. O'Doherty (64 4649)	Management Services Branch B. Johnman (64 3483)	Operations Branch C.W. Pike* (03. 609 1570)	External Relations Branch D. Large (64 3741)
Station Establishment & Operations Branch A.T. Garner* (03. 609 1641)	Communications Systems Branch R.P. Mere (64 3221)	Policy Analysis and Co-ordination Branch J.P. Coleman (64 3717)	Planning & Development Branch J.N. McKendry 64 4635)	Finance and Regulatory Branch J.D. MacLean (64 3260)
Station Planning Branch A. Norris* (03. 609 1671)		Information and Public Relations Section G. Barrow (64 4690)		Services and Standards Branch Dr E.N. Cain (64 4999)
		Legislation Section A. Blunden (64 3198)		
		Broadcast Planning Task Force V.H. Jones (64 4192)		

*Melbourne telephone numbers. All other telephone numbers are Canberra based, area code 062.

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At the preliminary hearings before magistrates in Sydney and Brisbane, counsel for the stations indicated that the question of the constitutional validity of the *Wireless Telegraphy Act* would be raised, on the ground that the Act breached the guarantee of freedom of "trade, commerce and intercourse" among the States contained in s.92 of the Constitution.

The cases were adjourned to April. It is expected that the magistrates will

determine the factual questions and then refer the questions of law to the High Court.

Issues likely to arise in the High Court case include whether the transmission of television signals comes within the description of "trade, commerce and intercourse"; whether restrictions on interstate trade should be based on wide discretionary licensing powers not limited by objective criteria; and whether the licensing scheme imposes no more restrictions

than are reasonably necessary to achieve acceptable objectives. (These matters are more fully canvassed by Mark Armstrong in *Broadcasting Law and Policy in Australia*.)

If the stations are ultimately convicted of the alleged offences, the question could arise whether the licensee companies were "fit and proper" persons to hold television licences under the *Broadcasting and Television Act 1942*.