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**The Australian Community Television ‘Trial’ and the Introduction of
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Digital terrestrial television broadcasting began in Australia in January 2001, implemented through a cautious transition regime that will be subject to a series of reviews and amendments over the course of the next decade. The relatively new community television sector had no permanent claim to spectrum prior to these changes and is now struggling to gain a hold within a new environment dominated by powerful players attempting to stake their claim. Community television seems precariously positioned between the old and the new, waiting for a commitment from government that will take it beyond its current makeshift regulatory framework and into the uncertain digital future.

Beyond the immediate industry efforts and interests, the question of how broadcasting can be constructed and regulated to cope with emerging technological and cultural demands brought about by the introduction of digital transmission remains unanswered. As attention is directed at the carving-up and handing-out of spectrum, current obstacles to the development of the community television sector are being neglected in policy processes. This history highlights the gaps in Australia's cultural and communications policy that must now be addressed. Without this, the combined characteristics of non-profit status, localism, civil society participation and citizenry expression embodied in community television that are only partially realised now, may be overlooked in the future.

History

‘Access and participation’, later to become the catch-phrases of community television, were first voiced by the independent documentary makers of the 1970s. The availability of affordable and relatively portable new video equipment enabled groups that had been previously overlooked in art and film subsidy to participate in the creation of cultural images. In 1974 ten independent video access centres and two resource centres were established with the assistance of the arts funding body, the Australian Council for the Arts, signifying a deliberate attempt to expand the field of cultural representation through video activity. The institution of the video access centres can be seen alongside other community arts projects that had begun to attract funding and policy support at this time as a shift in cultural policy away from regarding the nation as a unified whole, towards an acceptance of difference and cultural multiplicity. Australia’s image of itself – or at least the national framework that encouraged the negotiation of such images – had begun to diversify and to look towards facilitating the range of interests, cultures and communities that had previously been excluded from notions of ‘culture’ and ‘art’ (Hawkins, 1993).

As pointed out in a 1990 report by the Communications Law Centre, the resources concentrated into video production from the mid-70s onwards were out of proportion to the available broadcast opportunities (Communications Law Centre, et al., 1989/90). The metropolitan video access centres watched with interest as pirate television stations in Ernabella and Yuendumu were established by the Indigenous people of the area, the Pitjanjarra in Ernabella and the Walpiri of Yuendumu (Batty, 1993, Michaels, 1987). Without the option of pirate transmission, the metropolitan groups began campaigning for community television out of the Metro access centre in Sydney and Open Channel in

Melbourne. RMITV, a founding member of Melbourne Community Television Consortium, conducted the first test transmission permitted under the Radiocommunications Act in 1987, which was followed by subsequent tests established with the regulator's approval (at the time the Australian Broadcasting Tribunal) from a range of local production groups throughout the 1980s and early 1990s. When the Broadcasting Services Act was passed in 1992 it incorporated a separate licence category for community broadcasters, stipulating non-profit status, community accountability and access. Community radio stations, which had previously been broadcasting on temporary licences, became community broadcasting licensees and gained considerable momentum with over 200 stations now in existence. Community television, on the other hand, was much slower to eventuate.

Spectrum scarcity and the expense of television broadcasting were given as excuses by successive governments to reject petitions for community television beyond the test transmissions. As it had been consistently stated by government agencies that community television would not receive direct government funding, the community television test transmission groups instead focused their attention on securing spectrum with the intention of financing the stations through other means (Flew and Spurgeon, 2000). It was not until 1992 that the Government decided that the sixth high power television channel (so called because of Australia's existing three commercial and two government funded broadcasters) could be used for community television until a final decision was made on who would occupy it. Consortia of the aspiring community television groups were formed and the new regulator, the Australian Broadcasting Authority (ABA), awarded apparatus licences and allocated the sixth channel for community television use as 'drop-

through' spectrum. As there was no commitment from Government at this time to ensure permanent spectrum allocation for community television the stations began broadcasting on temporary open narrowcasting class licences – and not community broadcasting licenses – under what was to be known as the 'community television trial'. The first community television 'trial' services began broadcasting in 1994.

The policy history of the community television 'trial' continued to be characterised by a series of unresolved inquiries and reviews that consistently fell short of providing the sector with a permanent place within the nation's mediascape. An Inquiry into the Uses of the Sixth Channel was conducted by the ABA in 1997 which recommended that 'the sixth channel, if put to any use at all, should be used for community access television, as most socio-economic benefits presently appear likely to follow from this use'(Australian Broadcasting Authority, 1997, xi). The opportunity to allow the stations to become fully licensed community broadcasters came and went as the ABA's report was never tabled in parliament and the sector saw no direct outcomes from its recommendations. In a 1998 News Release, Senator Alston, the Minister for Communications, Information Technology and the Arts, stated that 'the community television sector will be guaranteed free access to the spectrum needed to broadcast one standard definition channel' on digital television (Alston, 1998). Although this announcement was originally welcomed by the sector, no mention was made in the digital television legislation of any arrangements that would deliver the sector its digital channel. In May 1999 the Minister revoked the use of the sixth channel in areas other than those holding existing broadcast licences in order to use the spectrum for the digital television planning (which excluded community television). As a result, analog community television stations can now only

exist in areas where there is an incumbent service or spectrum available to be allocated on an ad hoc basis. Hopes for a regional roll-out of community television will not be realised unless legislative changes are made to accommodate digital community television services in all television market areas.

Out of the five metropolitan and three regional community television stations that have been awarded temporary narrowcasting class licences under the community television trial, five were operating in 2001 (in Adelaide, Brisbane, Perth, Melbourne and Sydney). One regional station in Lismore, New South Wales, was also licensed but not broadcasting. Market research figures commissioned at the time by Access 31, the Perth community television station, found that approximately 1.8 million people in the five cities were tuned in and watching community television, the equivalent of 23% of the adult population living in areas that could receive a community television service (Market Equity, 2001). The stations must be run not-for-profit and are expected to be guided by the community broadcasting licence restrictions if they are to progress beyond the 'trial' phase. Licensed community broadcasters are required to represent the interests of the community for which they were intended to serve and to allow for community participation in programming as well as the running of the organisation. However, as the stations have not yet been licensed as community broadcasters the regulator is unable to enforce these obligations.

Each station instituted a different organisational model at commencement and as a result the programming, community access arrangements and revenue-raising activities of the stations differ significantly. Funding sources include broadcast fees from program providers, facilities hire and production fees for some programming, membership fees,

donations and grants. Sponsorship resembling the television advertising of commercial stations is permitted but is limited to five minutes per hour (although this too cannot be enforced). With no legislative guarantee that community television will continue beyond the current one year licence term, the stations have been cautious in their efforts to seek on-going financial solutions. Impermanency is the primary obstacle that the sector faces.

Expecting the community television 'trial' stations to emerge triumphant as a coordinated collective of efficient stations would have been unrealistic given the conditions under which the stations were made to operate. Without permanent licensing arrangements the stations have not had sufficient regulatory framework to protect them from commercial interests or to enable them to enter in to long-term funding and programming arrangements. The survival of the majority of licensees, and the relative success of some, indicates not only a remarkable resilience within the sector but also that the potential for permanently licensed services is substantial. Programming already reflects a wide range of communities including language groups, environment and social justice groups, gay and lesbian programming as well as local information, local sport, student productions, indigenous programs, panel discussions and magazine-style entertainment. This current programming represents only a small portion of the possible culture groups, taste groups, civil society organisations and local government agencies that might participate in community television if the sector could overcome the funding and management problems brought about by the inadequate regulatory arrangements.

As the community television 'trial' persevered under difficult conditions throughout the 1990s, Indigenous community television was meanwhile mapping out its own path. In 1987 the Department of Aboriginal Affairs developed a framework for rural and remote

Indigenous television services through the Broadcasting for Remote Aboriginal Communities Scheme (BRACS). When the Broadcasting Services Act of 1992 was introduced, these services (which had progressed from ‘pirate’ status to ‘limited licences’) became fully licensed community broadcasters (Productivity Commission, 2000). Although Indigenous broadcasters are currently the only television services that are licensed as such, a number of Indigenous groups have begun campaigning for the development of a separate licence category for Indigenous broadcasters. Under the community broadcasting licence, the groups argue, Indigenous radio (and potentially television) broadcasters must compete for spectrum and licences with other aspiring community broadcasters despite the fact that Indigenous radio and television are a ‘first level of service’ – the primary information and entertainment source – for many Indigenous communities. Sponsorship restrictions also sit uneasily against demands from Indigenous groups for new approaches to policy-making that cease to see Indigenous people in terms of ‘welfare’ and dependency and that instead encourage social and economic reciprocity (Pearson, 2000) (Aboriginal and Torres Strait Islander Commission, 2000).

The issues surrounding the future of Indigenous broadcasting highlight the tensions in the definition, use and role of community broadcasting – who this media is intended to serve and who is excluded, or what interests are not met, by current services. Sponsorship restrictions that are seen to be limiting by Indigenous groups are just as much to the detriment of other community television broadcasters, containing the stations’ revenue-raising abilities. As non-profit status and community accountability are mandatory for community broadcasters, justifications for sponsorship restrictions that point to the threat

of commercial exploitation are groundless. In the absence of government subsidy, these legislative barriers seem only to protect the commercial sector's market – and keep the community sector struggling – rather than raising the ethical status of the community stations. It furthermore denies the important service that these stations provide to small or local businesses that cannot afford to participate in commercial television advertising.

Underpinning the Indigenous broadcasters' demands is the issue of whether the Australian government is willing to make a commitment to identifying 'air rights' (or spectrum rights) as a natural right possessed by first peoples alongside land rights. Unless the issue is addressed on these terms, it is possible that community television's marginality will be reinforced as a result of the intended departure of Indigenous broadcasters from the sector. Gay Hawkins' work on community arts policy and programs in Australia identifies notions of "amateur", 'local', 'political', 'authentic', 'social concern', 'welfare', 'therapy' and 'worthy' as justifications for community arts as well as the source of opposition and its marginal status (Hawkins, 1993, xix). It is fair to assume that the same values accompany the policy questions that surround community television and may explain why the sector's needs have not been fully addressed. In the expensive and powerful domain of Australia's free-to-air television industry, 'community' can appear inconsequential. In the financial year 1995/96 \$176 million of total government funding that was distributed to third sector arts and culture organisations (Lyons, 2001, 63). But where community arts and radio are seen as worthy of institutional support community television has received no subsidy. With content that is directed at particular groups or localities and produced out of conflicting motivations and limited resources, community television has been left open to aesthetic judgements

and neglected in funding and review processes. Stuart Cunningham, has pointed out that government initiatives, in particular Creative Nation in 1994 which was intended to develop content industries, 'simply reiterated the status quo for community broadcasting, while all around it special initiative funding was being delivered for a wide variety of related (Cunningham, 1997, 22). Community television will always be part of the disorganised and changing field of civil society – the networks of affiliation that are formed out of our beliefs, experiences, language groups, cultural tastes and neighbourhoods. Composed of video accounts of people's experiences, their everyday activities as well as their ambitions for themselves and the world around them, the biggest impediment to community television in a policy context is that it seems 'so ordinary' (Walzer, 1992, 106).

In the race to predict the future direction of our media and culture it is easy to lose sight of the existing cultural and industrial realities from which any change must emerge. For Australian community television, the reality is that there are many challenges within the analog broadcasting environment that have not yet been met. Issues such as funding arrangements, national coordination and program distribution, as well as management structures and access models must be, at some level, addressed by the sector. But these problems are underpinned by the need for an appropriate licence structure and, more importantly, available spectrum. Without government direction to allow the current stations to progress to community broadcasting licenses and to make available spectrum for use by community television, sector development will be difficult, if not unlikely.

Although the transition to digital television seems premature for the sector, there is a chance that if digital spectrum is not secured now then there may not be any spectrum

available for community television when it is required. When the *Broadcasting Services (Digital Conversion) Act* of 1998 was passed it required a review into the regulatory arrangements that should apply to ‘the digital transmission of a community television service, free of charge, using spectrum in the broadcasting services bands allocated for use for the provision of datacasting services’ (under section 59(e) of schedule 4 of the BSA prior to amendments). In 2001, the sector was still waiting for the report from this review to be made public. There was no mention of the community television making the transition to digital broadcasting in the *Broadcasting Services Amendment (Digital Television and Datacasting) Bill 2000* which was intended to implement the findings of the digital television and datacasting reviews. Only as the Bill made its passage through the Senate was it amended to include a new review into the digital transmission of community television and a new object to the *Broadcasting Services Act*. The object reads:

“to ensure the maintenance and, where possible the development of diversity, including public, community and indigenous broadcasting in the Australian broadcasting system in the transition to digital broadcasting” (3 (1)(n) of schedule 1).

This object sits alongside other aims and intents of the Act such as the development of an efficient and competitive broadcasting industry, the need for broadcasting to reflect a sense of Australian identity and culture, fair and accurate coverage of matters of public interest and the protection of children from harmful content. It is the only object to mention digital broadcasting and refers to the short-term imperative of the transition to digital, giving it an uncharacteristically specific timeframe. It is also the first legislative

recognition of Indigenous broadcasting as being distinct from community and public broadcasting. Goldsmith, Thomas, O'Regan and Cunningham have observed that 'although the *Broadcasting Services Act's* objects may in many ways appear remote from the real history and current practice of Australian media regulation, they embody many of the key terms and ideas which frame debate over future policy directions' (Goldsmith, et al., 2001). A separate regulatory framework for Indigenous broadcasting and a future for community television services stand out as two issues that require attention not just in the digital future, but in the lead-up to it.

Although the above object can be seen as an endorsement of community television and its role in bringing about broadcasting diversity, it exists as a hollow statement – a promise that cannot be fulfilled – without the legislative means to enable the regulator to carry it out. The object may be no more than a last minute attempt by the opposition parties to add a principle of diversity to a Bill that, prior to amendments, made no mention of community television or recognised the concerns of Indigenous broadcasters. But it also stands as a reminder that our immediate cultural concerns are as important as our long-term ones, that there are areas being left out, marginalised or avoided that digital television policy is still to address.

New Media Environment

As broadcasting policy is reconfigured to allow for digital transmission, cultural policy is put under pressure to reassess its techniques and priorities. Community broadcasting will be one such area that will eventually be either reshaped or overlooked as a result of economic and technological change. Not only will the delivery and availability of

community media be effected by media convergence, but the uses and the significance of participatory, community media will require reassessment with new globalised (and localised) issues, media ownership trends and access issues arising from the availability of information technologies. It is impossible to predict at the turn of the century exactly what the future of broadcasting will look like or what policies will succeed in promoting the uptake of new technologies. Existing cultural imperatives, and in particular concerns for diversity – diversity of ownership and of information – may be swayed or promoted by new economic forces.

What exactly are we facing in the new media environment? ‘Convergence’ brought about by the introduction of digital technology involves the restructuring of the ‘service’ industries, not only media and telecommunications but all ‘knowledge and transaction-intensive’ industries (National Office of the Information Economy, 2000). Digital information can be distributed across a range of platforms – television, radio, the internet, and via satellite, cable, terrestrial transmission or microwave – and is compressible and manipulable allowing for greater volumes of information as well as two-way communication on traditionally one-way mediums (such as television). The traditional ‘silo’ industry structures that enabled businesses to function as vertically integrated owners of infrastructure and content with little service flexibility is changing as a result. Where industry players were once focused on providing a particular service to a domestic market, they are now able to provide multiple services horizontally across formally separate industries and, on the whole, are less restricted by geographical boundaries and regulatory structures. Industry and technology are said to be the drivers of these changes with government taking a secondary role through regulation, standards and subsidy

measures. For television this signifies the potential for increased channel capacity (and hence competition), interactive services, better quality picture and new production technologies that will allow video content to be distributed through other media and will allow other media (such as radio and the internet) to be available through the television set. These changes in information distribution will mean that the traditional one-to-many information distribution structures will no longer be preserved because of technological constraints. It can be assumed that if we continue to receive information from singular, 'closed' or inaccessible sources without entering into participatory dialogue and production then it will be due to either industrial, political or cultural forces (or through personal choice) rather than because we do not have the technical capacity.

Australia's policy for digital broadcasting transition indicates that broadcast media will be slower to adapt to the changes brought about by convergence compared with other media and service industries, with the exception of radio. The rationale behind the digital television legislation favours industry stability over increased competition and potential disruption of existing services. The result is that the economic interests of the incumbent free-to-air broadcasters will not be threatened before the year 2006 when new entrants to the free-to-air market will be considered. There has been much criticism of the digital television transition policy for favouring the interests of the incumbents to the detriment of making new services available to consumers. The triplecast obligation of the digital television Bill – which required free-to-air broadcasters to transmit their signal in high definition digital, standard definition digital and analog formats – was described by the Australian Consumer's Association as a 'bandwidth intensive white elephant' designed to

take up spectrum that could otherwise be given or sold to new entrants (Australian Consumer's Association, 2000, 4).

This does not mean that the cultural objectives currently pursued through broadcasting policy have not been put under pressure as a result of the introduction of digital television. With the increased spectrum capacity, a range of new players stepped forward to express their interest in participating in digital television broadcasting, mostly from the press and telecommunications sectors. Somewhat more accustomed to competition policy approaches, these players pushed arguments of consumer choice and the development of innovative new services via market forces. In O'Regan's words, 'the presence of these players ensured intense debate, signalled the break up of any consensus about the agenda within which debates would be constructed and conducted in both film and broadcasting policy alike, and ensured that any decisions taken were likely to be at most provisional' (O'Regan and Goldsmith, 2001, 14). Even though ultimately the Australian government opted to maintain the status quo in the short term, debate continues as to whether this approach will stand up, particularly in light of the slow consumer uptake of digital television in countries with less conservative digital television regimes (such as the UK). A convergent media environment has meant new emphasis on issues such as privacy protection, copyright, standards, access to infrastructure and commercial robustness. Previous regulatory concerns that focused on cultural maintenance and support can no longer claim such distinct, or primary, importance.

The cultural role of community broadcasting is also being revised in light of new competition pressures. Although spectrum scarcity excuses for denying permanent allocation to community television are less convincing with the introduction of digital

technology, commercial interest in spectrum has also increased. The Productivity Commission, a government agency required to advise on microeconomic policy and regulation, wrote in their *Broadcasting Inquiry Report* that ‘the major cost to the general community of community broadcasting is the opportunity cost of the spectrum they use’ and recommended that the ABA conduct regular research on the demand for community radio and television programming (Productivity Commission, 2000, 275-276). Digital technology may have delivered more channels through increased spectrum capacity, but it has also brought with it new pressures to see spectrum in purely economic terms. In such an environment, community broadcasting is in danger of being seen as a ‘waste’ of a profitable resource.

With spectrum now seen in economic terms new justifications for community media are appearing that look to the economic opportunities that are gained through the sector. The argument goes that community media centres increase skills within the community, providing training to people who may not have the financial means or schooling to participate in higher education media courses. Community television already subsidises the commercial and government-funded (or ‘national’) television sectors by providing on-the-job skills and experience that could not be gained through structured course-work. Justifications for community media that are appearing in the UK focus on the use of community media in building a ‘knowledge economy’ through education and creative expression.

Although all these justifications for community media are interesting and likely to be well founded, we also need to question whether it is enough to justify the existence of community television as a means to the expansion of the commercial media industry.

Instigating social regeneration by facilitating community television content production, allowing people access to readily-available locally relevant information and providing groups with access to information distribution platforms are becoming less important than the individual's ability to enter the workforce after completion of a community media 'apprenticeship'. The role of community television in extending civil society networks, providing a means for cultural and political expression and bringing new *ideas* into our public spheres through citizenry participation is in danger of being outdone by economically attractive justifications which may or may not stand up to 'opportunity forgone' reasoning. Although the creation of community media may equip individuals with valuable skills and work opportunities, unless we focus on the importance of the *distribution* of community information, we are in danger of seeing a regression to the video access centre/community radio days where valuable content was produced and heard but rarely seen.

Perhaps our motives for community broadcasting do not have to comply with the state versus the market formula, an equation of revenue lost and social capital gained. It may be the case that the two philosophies are not opposed, that social and cultural capital, as well as civil society development, can actually lead to economic growth. Such an approach would lead us away from conceptions of community media based on welfare and towards what Anthony Giddens calls 'generative politics'. Community media fits well with 'a politics which seeks to allow individuals and groups to make things happen, rather than have things happen to them, in the context of overall social concerns and goals' (Giddens, 1994, 15). How we prove that this is the outcome of community media and that more social benefits are likely to ensue from community television than from a

greater number of commercial television broadcasters is another dilemma. These are all issues that will need to be examined before community television can be seen as valuable and relevant to the digital environment.

The Bigger Picture

Broadcasting policy is not alone in having to deal with cultural, political and industrial shifts. Nikolas Rose writes that we are now experiencing a proliferation of ‘forms of politics and types of contestation which cannot be calibrated in terms of the dichotomies of traditional political thought’ (Rose, 1999, 2). The activities of civil society have perhaps also expanded, or at least repositioned, to become the foreground upon which many of our issues, conflicts and cultural creations are played out. As the role of the state has changed from one that was once a cultural dictator to that of a cultural facilitator, our cultures and their relation to the social and political seem to have exceeded these boundaries and structures.

There is a relationship between our social, political and cultural landscapes and our ability to engage with media at different levels and through multiple means. Whether there has been a recent proliferation of cultural and political groups, tastes, identities and issues is debatable. It does appear to be the case, however, that we are witnessing or recognising this activity more acutely and with greater interest than in the past. It is now a recurrent theme of political thought that issues of national sovereignty and identity are being challenged by ‘the globalisation of flows of money, communications, products, persons, ideas and cultures, and the localisation of local economic regions, world cities, regional identities, lifestyle sectors and so forth’ (Rose, 1999, 2). This recognition, if not

the activity itself, is directly tied to our information systems, our access to media and our increasing ability to participate in and distribute cultural expression.

To what extent 'community' cultural policy approaches to date have succeeded in advancing Australia's identification and acceptance of the various political and identity groups must therefore be questioned. The history of community television in Australia does not demonstrate that there has been any concerted effort directed towards encouraging civic participation in the broadcasting arena or that 'community' policies are a priority for government – at least where there are economically powerful interests at stake. Is this justified in a society dealing with competing and conflicting demands stemming from not only our differences, but also the boundaries of our freedom and rights, from environmental crises, globalised industrial issues and a variety of claims to identity recognition and support? Technological change – in particular the introduction of digital media – is altering civil society through new methods of information exchange, new industry structures and regulatory capabilities. We can accommodate this shift only by granting our civil society institutions – including community television – the right to develop and to begin to interact dynamically with our cultural and political spheres. As O'Regan has stated it, cultural diversity in the community arts context was about 'recognising, sanctioning and organising inter-ethnic political identities'. This approach may fall short of encompassing the 'subcultures, taste-cultures, value and lifestyle segments' created and exploited through new forms of commodified culture and information systems (O'Regan, 2001, 5). Australia's cultural and communications policies have overlooked community television in the past. This gap must be addressed in

order for the sector to progress from its secondary status and to become capable of attracting wide participation, true diversity and adequate resources.

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