

"TRESPASSERS ARE WELCOME"

ACCESS AND COMMUNITY TELEVISION POLICY

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Abstract

This article looks at the changing notion of access in communications policy. It compares the regime for community television access in Australia with new conceptions of access based on the notion of the information commons. Community television has been marginalised in broadcasting policy as it does not conform to the broadcasting regime of *quid pro quo* regulation whereby market stability is maintained in return for content requirements imposed upon the commercial broadcasters. In the new media environment (in particular that of the narrowband Internet), access has begun to be conceived of as openness or "intercreativity," rather than as "access to" an otherwise controlled system. This article discusses how that change can contribute to the formation of new policy justifications for community broadcasting in the digital television environment. What is at stake is a shift from seeing community media as oppositional and marginal to new notions of community-based media that are empowering and generative in nature.

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Introduction

I was once told that outside of his home in the town of Liffey, Tasmania, a prominent Australian Senator has placed a sign that reads “Trespassers are Welcome.” Senator Brown (who I have seen being removed from property during a peaceful protest) acknowledges through the presence of his sign the way in which property can restrict freedom whilst at the same time undermining that principle. By allowing access the sign makes lack of movement in other spaces visible.

The act of seeking access cannot help but sound like a challenge or a demand as it is the opposite of exclusion and alienation, and yet it is also a recognition that these dynamics exist. Access has been requested in many places at numerous times (in the women’s movement, in overcoming racially designated borders) but it is not a unifying political goal in itself. Seeking access is not so much the attempt to institute a fundamentally different regime, but a process of reform that occurs on multiple fronts within a complex system. Access is the process of identifying the spaces where power is used to block freedom and seeking to shift it.

Thomas Streeter, writing on US broadcasting policy, has pointed out that access television is subservient to a system organised around the principles of contemporary liberalism (what he calls “corporate liberalism”) in that it appeals for access to something owned by someone else. This means that “the legitimacy of that ownership and control is thus presupposed” (Streeter 1996, 195). Community broadcasting suggests an alternative regime through the act of demanding a space and using it differently to the general governance of the airwaves. But the difficulty of community broadcasting comes not from its ambitions to change wider patterns of ownership and control, but that it is made to exist within overall policy arrangements that are antithetical to its design. The policy question about how to accommodate community broadcasting – how to provide access – has generally presupposed its subservience, or accommodation, within that system. An alternative policy regime is difficult to imagine.

And yet, in broader policy trends, a new conception of access is being imagined, if not pursued. What in the past has been a politically ambiguous word (more of a political process and a tool than a system of governance), “access” has come to describe a new type of politics. Writes Jeremy Rifkin, “access has become the ticket to advancement and personal fulfilment and as powerful as the democratic vision was to earlier generations. It is a highly charged word, full of political significance” (Rifkin 2000, 15). Lessig writes that in the digital age, “the central question becomes not whether governments or the market should control a resource, but whether a resource should be controlled at all” (2001, 14), suggesting that we need to relearn the benefits of protecting resources from private and public control. What has emerged policy-wise is “a new public interest,” based on an alternative regime where access is no longer about gaining *access to* a controlled territory, but where that territory is freely accessible to begin with. Inspired by the rise of the Internet, the new public interest argues that open and accessible communications platforms are the most guaranteed pathway to the development of new ideas – and for the reinvigoration of political life. Although that moment may not last, it has brought a new significance to notions of access. It needs to be asked how the new public interest and its vision of democracy relate to the old idea of community broadcasting and the public interest. Whether new notions of access are necessary in the

context of community broadcasting is the concern of this article. I direct this discussion around the current situation of digital television policy in Australia, not only to ground the discussion within a real policy problem, but also to contribute some ideas to where that debate is heading.

Community Broadcasting and Policy Analysis

Perhaps the last statement needs some explaining. A great deal of cultural studies work in Australia has concentrated on the intersection of culture and government, including a prolific published debate over the worth of such analysis (known as the “policy moment” of the 1990s). That debate is a useful reference point in explaining my interest in the policies of community broadcasting as well as the difficulties that any such analysis faces. It was argued in the “policy moment” discussions that policy studies creates an engagement with the national cultural infrastructure that cannot be reached by focusing only on grand theories (O’Regan 1992; Cunningham 1992, 535). Not only could an emphasis on policy create more socially relevant studies but theory itself could also benefit from an understanding of the processes, ideas and structures created through the technologies of government.

However, as pointed out by those opposing the policy turn, policy analysis risks becoming the “handmaiden of practice,” of selling-out to a particular political climate (O’Regan 1992, 526). It was further argued that the social utility of policy analysis could not be proven over the broader influences of critical theory and inquiry. The former is a possible hazard within this paper, which attempts to locate community broadcasting within wider policy trends. However, my primary concern is to move away from notions of community media that depict it as something resistant to government and the economy (see also Hawkins 1993). Community broadcasting is dependent upon and intersects with both, as any investigation into bureaucratic attempts to accommodate the sector in policy terms clearly shows. To ignore these dynamics risks denying important aspects of an already neglected area of the media within cultural studies.

Theory also has a role to play now in the development of policy for community-based media. In the past, media studies has not paid sufficient attention to the use of community media, or delved into the more complex dynamics that characterise it. This is now beginning to change. Rodriguez (2001) has examined the generative processes of community media production, its transforming ability as a tool of empowerment, as an articulation of citizenship. Couldry (2002) has written of the tactics of ordinary people to place themselves within the media frame as an act of symbolic power that puts into perspective the power relations of the media as whole. Atton (2002) has challenged the assumption that the collective organisation and economics of small-scale media need to be overcome in order for it to be relevant in the cultural field (see also Downing 2001). All of these works move away from the predominant conceptions of community-based media as a cure-all for the problems of the mainstream media that characterised the earlier debates on New World Information and Communication Order. As Rodriguez writes,

alternative media were seen as promising political venues only as long as they succeeded in overcoming their fragmentation. Alternative media’s potential was recognised only if the array of small-scale and diverse media

experiences could organise and join forces around a unified project for social change at a national level (Rodriguez 2001, 12).

Instead, community media theory has begun to accept its fragmented nature, as well as its “on the ground reality” over idealistic goals. It is this that gives it the ability to work on multiple fronts, creating new cultural engagements and sites of contestation. The works of Atton (2002) and Rodriguez (2001) imply that there is something about community media that resists organisation, that efforts to seek out institutional design miss the point of what is successful in its seemingly random, transient, and often small-scale character. But these insights into why and how community media exist *can* point the way to a more constructive definition of community media within policy processes. Community media is positively defined as inventive, generative and empowering rather than oppositional. This requires, but also demands, a new policy focus.

Uniting theory and policy raises questions about the type of governance that the community sector brings with it to the broadcasting field. It is organised on a non-profit basis and relies upon the principles of access and participation. Through this it provides new sites for cultural production. But its particular type of self-management is not necessarily free or uncomplicated. It is shaped by the difficulties involved with organising numerous groups, sometimes with conflicting agendas and with limited resources. And, in addition to community broadcasting’s own internal dilemmas, it is also constrained by broader cultural policy agendas. The interests of other broadcasters, the organising imperatives of bureaucrats and government, and – on a more fundamental level – the dominant social philosophies of a time and place do intersect with and shape community broadcasting.

For me, a useful starting point in considering the management of community broadcasting is Rose’s (1999) work on community as a style of political governance. Community, for Rose, sits at the intersection of government and a more organic, natural sphere of social interaction and alliances. It makes claim to what is considered pre-political, self-forming and transient, yet it institutes a political style or a form of governance in the way that it organises and mobilises groups within the political field. That sphere has come to be understood as a “third space,” between government and the individual upon which certain political aspirations depend. As a result, it becomes “the object and target for the exercise of political power whilst remaining, somehow, external to politics and a counterweight to it” (Rose 1999, 167). As with Rose, I see community policies as a “transaction” between the state and something beyond its reach. Focusing on the dynamics of community communication without taking into account how governmental frameworks and programs influence it provides only a partial picture of how the sector works.

Engaging with the policy process in this way means being a historian of the present (Rose 1999) – seeing the different configurations, opportunities and tensions that now exist. And, in a pragmatic sense too, there is no better time than the present. No mention was made in Australia’s digital television legislation of any arrangements for the digital transmission of community television and spectrum planning to date has not included a channel for community purposes. It appears that the policy-makers have floundered in their efforts to accommodate community broadcasting within a regime that could potentially be very different to that which has gone before. The next section looks at the policy principles of access and

the public interest, how they have been treated in relation to community broadcasting in Australia, and what alternatives may be forged at this important moment of transition.

Australian Community Television Policy

Community broadcasting has not been able to overcome its position of marginality in an environment where the interests of the incumbent broadcasters are prioritised on the pretext of market stability. Television in particular has been considered an arena of controlled quality in which the status quo is maintained (favouring the commercial incumbents) in return for public interest requirements. This *quid pro quo* rationale, the presence of two national broadcasters and a fixed approach to spectrum planning have made for a broadcasting environment in which access can only ever be a minor concern. The “political, technical, industrial, economic and social compromises,” as one report stated, “have created a policy framework that is inward looking, anti-competitive and restrictive” (Productivity Commission 2000, 5). In such a framework, trade-offs between economic and cultural imperatives are favoured over transparency or flexibility. Access, as a principle, is marginal within such a system, an anomaly that does not fit with notions of prescriptive regulation over content and production.

The history of community policy reflects this uncomfortable relationship. It has coincided with the rise of notions of cultural diversity, in which national identity has been redefined to account for and support the existing identities of the various cultural groups. This included policies directed at particular cultures: the development of multicultural and Aboriginal and Torres Strait Islander policy frameworks and the establishment of a national broadcaster with an ethnic broadcasting mandate – SBS television. But where multiculturalism has a defined and easily identifiable purpose (ethnic/migrant cultures and multilingualism), community policies are more often defined by what they are not (Hawkins 1993). Community has been named in the cultural process as something other than high culture, as an effort to account for the various groups that were seeking recognition, funding and cultural rights. In this cultural reorganisation, community has been constructed as something that belongs at the fringes of culture. The inherent untidiness of community when viewed as an object of policy (where does it end and who is in charge?), the transient nature of groups and its status as something different to established forms of cultural enterprise (experimentation, voluntarism) fit uncomfortably with a regulatory environment of managed difference. In the television context, it is clear that the preferred means of maintaining Australian cultural standards is through content requirements rather than through access. Access becomes a concession to what is left over rather than a positively defined means to diversity.

This brings me back to Streeter’s point that access is complicit to the system within which it works as it is always “access to” a predetermined structure. At the same time, access is predicated on a notion of fairness and administratively achieved neutrality, characteristic of liberal policies in general. It is therefore a means of appeasing the public whilst pursuing, and legitimating, a broader agenda of market-based broadcasting (or cable casting, in the case of the United States).¹ Although this is also partly true in Australia, the emphasis has been different. Where Streeter,

writing of the American context, speaks of access as being complicit in a rationale of bureaucratically supported private interests, in Australia the more pertinent point is that any claims to access *creating neutrality* (i.e., access making a market-based system more acceptable) are overwhelmed by a broader framework of pre-emptive, bureaucratically achieved, regulated balance.

In November 2002, legislative changes were passed to allow existing community television stations to progress from their trial status to permanent community broadcasting licences. Although this symbolised a commitment to community television, the decision was not as definitive as it seems. In 2006, Australian television will be under review once again – this time to determine a new set of changes towards digital conversion. Although the new permanent licences will have a five-year duration, in 2006 when the digital television plan is reviewed the government will decide whether community television is allowed to maintain its current analogue spectrum arrangements over the transition phase and gain a place in the digital environment. This means that the broadcast licence has been separated from the spectrum it occupies² (in the past licences have come with channels), potentially leaving the stations with a licence but no means to broadcast. It also means that despite the new permanent community television licenses, the sector is left with only a very temporary assurance of its future.

Australian communications policy requires a clearer conception of what community access means if an adequate arrangement for the digital transmission of community television is to be found. This means thinking beyond the activities of the existing community television stations and towards community access in general. Fortunately, an example exists of a different type of access – one that has received significant attention in both academic and policy fields. In terms of the establishment of access and participation, nothing has been more significant than the rise of the Internet.

The Internet and Access

The rise of the Internet has had broad political consequences for all sectors of the media (for a policy-based discussion see Flew 2002). What this means for *community* media is nicely summed up by community web developer, Gabrielle Kuiper. If there is a future for community media, Kuiper believes, then it will need to be constructed out of “Do It Yourself”-materials. In true communitarian style, the technologies used will be the equivalent of mud bricks: “anyone can learn how to make mud bricks, build their own houses and teach other people how to build them” (Kuiper 2002). Kuiper works with the group Catalyst, located in an old ice cream factory in a suburb of Sydney. Catalyst assists community groups in achieving an online presence as a low-cost ISP, through training and the development of free software based on open source code. By pioneering free software, Catalyst constructs technology that can be built upon, adapted and repurposed by other groups. This technology is the hand-made bricks of Kuiper’s metaphor for community access. Access here is something that is free to all, where information can be copied without permission and where the community creates its own spaces and technologies rather than being designated them.

The technical initiatives of open source and end-to-end can be credited with having made the Internet the unusually accessible and participatory communica-

tions platform that it is. End-to-end design is the result of a system of protocols that allow computers to share data by “packet-switching” – shifting recognisable packets of data by labelling and routing them to their destination (see Froomkin 1997). As a result, there is no reason why a computer should send a packet through the same route twice, avoiding the need for a central machine. Writes Lessig (2001, 34), “end-to-end says to keep intelligence in a network at the ends, or in the applications, leaving the network itself to be relatively simple”. This system means that permission is not required in order to participate in the Internet. And as the source code that implements the protocols is visible, anyone can participate in the construction of new layers of protocols, and so develop new applications or produce new versions of existing ones. In the case of free software (meaning software distributed under the GNU³ Public Licence that prevents it from being copyrighted) a philosophical idea, or ethic, about access to technology and how it can be engineered to promote participation is promoted. That the software cannot become proprietary means that it is kept in the public domain as a free, common resource. Furthermore, the technology is collaborative with a capacity-building potential and educative in that the code is visible to be analysed and learnt (Kuiper 2002).

These characteristics of the Internet’s architecture have been written about extensively. For Lessig, the Internet is a commons in which no one has “the exclusive right to choose whether the resource is made available to others” (Lessig 2001, 20). It is akin to a public park or beach that anyone can access or a language that anyone can learn without having to seek permission. The commons is a resource that is held “in common,” and the Internet, due to its technical architecture is seen as the ultimate example of this. In another version of the commons philosophy, Graham Meikle (2002, 31) makes a clear distinction between types of interactivity that allow for a degree of choice in content (such as video game interactivity) and that which enables people to “influence and contribute to the content of the exchange.” In making tiered distinctions between types of interactivity, Meikle demonstrates how the issue is more complex than simply that of the conventional binary of participation and broadcasting. For Meikle conversational forms of interactivity are “unfinished.” The unfinished nature of this interactivity means that it allows others to add to existing works and so continue the creative process. As a result, it is a type of interactivity that leads to the new, bringing about “possibilities of a future that, in this case, we don’t back into; one that may not look like what’s gone before” (Meikle 2002, 33). Such “intercreative” designs are therefore a catalyst for innovation. As with Lessig, Meikle sees the possibility of a future rich with new ideas and democratic potential as residing in the existence of open, rather than closed systems, in the particular end-to-end technology and in open source software.

Although the commons debate has become popular through discussions of the Internet, the revival of the commons as a political concept is much broader. David Bollier (2001, 2) writes: “The American commons include tangible assets such as public forests and minerals, intangible wealth such as copyrights and patents, critical infrastructure such as the Internet and government research, and cultural resources such as the broadcast airwaves and public spaces.” Within all of these spaces there is a fear that too much private control leading to the restriction of access will be against the public interest. The narrowband Internet, with its open and accessible

architecture represents *a moment* in which the access was taken to a new level, even if that structure does not last. The debate over media access has flipped from one where an existing regime of ownership and control is presupposed, to one where openness and freedom are the “natural,” or primary, foundation. The argument, therefore, becomes one of protecting the spaces where freedom exists and creating new spaces for that to occur. Access is not subservient to wider structures, but the starting point from which other concerns (economic and political) can then be addressed. The impact of this upon the ideas-world of policy has been substantial. The threat of losing that narrowband moment has sparked a new policy push, away from a concern about how to regulate the Internet, to concerns for how to make sure that it remains free and accessible.

This shift is beginning to be discussed as part of a “new public interest” (Aufderheide 2002). As Anthony Smith writes, when we invoke the public interest, “we are, half-consciously, groping for a way of referring to something highly valued, a telos or collective good normally standing in opposition to, or above, other legitimate demands and interests” (Smith 1989, 11). The prevailing understanding of the public interest – the “old,” familiar, public interest – has negated selfishness and personal gain in favour of a common good that may require compromise from individuals. McQuail sees it as a “matter which might affect the public life of society” – the general welfare – stemming from first principles, or “basic social and political values” (McQuail 1996, 69). As the thinking behind public service broadcasting (and content requirements) in broadcasting policy, the public interest has, through its insistence on what is “best for all” come to represent the collective.

The new public interest is something all together different. It involves embracing a range of possible publics that may conflict or contradict each other. There is no claim to what the “good” is, only a striving for it: more players and more ideas means a greater chance that some kind of progress will emerge, either in the form of economic advancement or the advancement of democracy. When partnered with access, the communitarian ideal is transformed into a more dispersed, random and inconclusive idea of the good life. This is demonstrated by Meikle in his discussion of the One Nation Party’s⁴ somewhat surprisingly participative website:

An open, Version 1.0 media space is one in which everyone can participate, and that means having to deal with everyone’s ideas, even when they turn out to be ugly, divisive and cruel. So one thing that the One Nation media experience shows is that an open media environment might turn out to be a confronting one for many of us. But that is still, I think, preferable to a closed Version 2.0 system built around choices which all support the same entrenched positions and interests (Meikle 2002, 57).

The difference between this idea of media democracy and the more cautious, regulated idea of the (old) public interest in broadcasting policy is clear. Policy approaches that seek to uphold the new public interest are important for community broadcasting as they admit the existence of multiple publics – something that has always been a feature of the community broadcasting rationale.

The new public interest is an insurance against control, a wager on democracy. But without the participation of civil society within that commons (the community ideal expressed by Kuiper and Meikle) the new public interest would be in danger of becoming just another argument for free markets – a revival of liberal econom-

ics and competition policy. The new public interest has been promoted by US communications advocacy organisations such as Media Access Project and the Centre for Media Education, as well as by the computer science and legal academic communities. At times, commercial players such as ISPs have joined the campaign when it has advanced their interests. Although it has found most force in the US due to the controversy over the AOL/Time Warner merger and the consequences for broadband, similar philosophical arguments have made their way into Australian and European communications policy discussions. Damien Tambini has spoken of the new public interest behind the UK's new communications bill which brings more players to the market. Furthermore, he sees it as influencing the role of the public service broadcaster – citing the BBC's intention to add the objective to “connect” to the existing trinity “inform, educate and entertain” (Tambini 2002, 13). Most notably in Australia, the Productivity Commission (an agency charged with examining competition and productivity performance) argued in their Report on Broadcasting that innovation in the digital television environment could only be achieved through competition, transparency and a leaner and smarter approach to spectrum management (Productivity Commission 2000).

Aufderheide (2002), picking up on the strange alliances formed within the commons debate, asserts how “it confirmed ... the insight of public interest advocates that commons strategies have benefits that are not organised neatly along commercial/non-commercial, public/private, consumer/citizen lines.” The competition aspects of the argument are clear from the AOLTW story – that smaller, ISPs who do not have stakes in the network infrastructure should still be able to provide services without additional cost to consumers. The issue involves the implementation of old, anti-competitive business structures within a domain characterised by access. But those who advocate the new public interest are concerned not only with competition but also make a strong claim for the maintenance of the *pre-commercial* structure and character of the Internet. The differences between the commons and open access need to be more clearly defined within the media policy debate. The inclusion of civil society – in terms of free access for all – as opposed to market-based systems (such as competitive price-based spectrum auctions), is an integral factor in the implementation of a true commons. But although the new public interest can be cynically viewed as a straightforward endorsement of competition policy, community-based media fits better within this design than with notions of the public interest being only met through monopoly or oligopoly public service broadcasters.

The New Politics of Access

There is a moment in Meikle's *Future Active* where boundaries of community media on the Internet are thrown into doubt. Mathew Arnison, co-founder of Catalyst, is quoted by Meikle:

I like to think the free software movement is a very strong activist movement, but somewhat hidden. This is because the people involved don't really think they are activists, and other activists don't realize what is going on. ... For once they can write software to do what they want, rather than what they can get paid to write, and they get to join a huge family of other people sharing the process of writing software (Arnison in Meikle 2002, 107).

Arnison defines *participation* as activism, even though the people involved are not aware of it as such. This raises an interesting question about the future of community media. In the free software movement, media production is not identified as media activism by many that create it, as the idea of resistance is less obvious when the technology is open to begin with. The words “community media” could be substituted for that of “activism” and the point would still be the same – that participation has become so commonplace on the Internet that people are not aware that they are changing the traditional structures of the media. The concerns over property only become an obvious feature of the free software movement when enclosure becomes an issue (which is why Meikle and Lessig seek to make people aware that free software as an important democratic movement). So far I have discussed access as having changed from “access to” towards access as openness. The logical extension of this (on a purely intellectual level) is that access is no longer “access” at all as it has lost its notion of change, resistance and opposition. We might just as easily say that rather than all participation being community media (as Arnison hints at) that in fact community media itself would no longer be defined as community media as its other would cease to exist.

In some respects defining community media on the Internet has been a matter of self-definition – an identity group in itself rather than an institutionally designated sector – as the boundaries between types of participation are not enshrined or delineated by the governmental categorising that occurs in the field of broadcast regulation. As the Internet is increasingly threatened by the enclosure strategies of private companies seeking to control the technology, the nature of community involvement and activism may become more clearly defined, particularly if commons-style spaces are created in order to ensure that access remains. In the realm of television and radio, community media requires adequate definitions in order to make it distinct from commercial and government broadcasters and to uphold its status as a legitimate sphere of media activity. As long as the media is not an open resource, community media is an important category by which to ensure that participation exists. However, there is also the possibility that if access remains a subservient concept within that framework that community participation will remain a marginal concern of broadcasting policy.

There is also a larger question at stake here and that has to do with the position and relevance of notions of community access and participation in the politics of the network society in general. Writes Rifkin:

Inclusion and access, rather than autonomy and ownership, become the more important tests of one's personal freedom. Freedom is a measure of one's opportunities to enter into relationships, forge alliances, and engage in networks of shared interest. Being connected makes one free. Autonomy, once regarded as tautological with personal freedom, becomes its opposite. To be autonomous in a network world is to be isolated and disconnected. The right not to be excluded, the right of access, on the other hand becomes the baseline for measuring personal freedom. Government's role in the new scheme of things is to secure every individual's right of access to the many networks - both in geographic space and cyberspace - through which human beings communicate, interact, conduct business, and constitute change (Rifkin 2000, 240).

Although the way in which we view community media may change as technologies become more participative, the notion of community itself becomes more relevant. In fact, the new economy has co-opted community within its project of network relations. Community is both a means to the development of fruitful relationships that may extend and enhance networks and information flows, but it is also that which contributes value to this new social configuration. As Castells (1999, 59) has written this is a politics where “a structural logic dominated by largely uncontrollable flows within and between networks creates the conditions for the unpredictability of the consequences of human action through the reflection of such action in an unseen, unchartered space of flows.” Community furnishes this otherwise bleak social vision with some kind of meaning, albeit a meaning that is made up of a myriad of different concerns, efforts and tastes. Reaction against the deconstruction of society takes the form of

affirming basic cultural, historical, or biological identities (real or reconstructed) as fundamental principles of existence. The society of flows is a society of primary ascription communities, in which affirmation of the being (ethnic identity, territorial identity, national identity) becomes the organizing principle for a system that in itself becomes a system for itself (Castells 1999, 59).

Where Castell’s work is descriptive (to some deterministic (Callinicos 2001)), the role of community within the “society of flows” is for others something that must be prescribed and promoted. Rifkin (2000, 243) speaks of two types of access – community and commercial. He wants us to ask what type of access it is that we seek to institute, asserting that it is the networks of community that are more valuable, and more lasting, they are “the wellspring of social trust” and a means to self-fulfilment. Community plays a vital role in the maintenance of networks and social relations within the new economy, but, more importantly, it makes it worthwhile. As the case of community television in Australia demonstrates, the issue of access, as well as the role of community within the new media environment remains far from determined.

Conclusion

There are obvious limits to the comparisons that can be drawn between community broadcasting and the Internet. The restrictions upon television broadcasting in terms of the limited number of channels, content and classification requirements as well as technical factors mean that systems whereby anyone can “upload” content into a commons style arrangement are not (at this point in time) comprehensible. Opportunities do exist, however, to provide community broadcasters with a space in the digital television environment that would allow for a greater degree of experimentation and technical flexibility than has been possible with analogue technology. The set-aside of a significant amount of digital spectrum for use by community broadcasters would be one step towards a more open communications platform.

The point of this paper is not to speculate on what such an arrangement might look like, but the principle upon which access is granted. The current television environment does not provide sufficient justification for the development of community broadcasting. Proposals for the digital transmission of community televi-

sion have so far presumed that content will remain similar to that of the current trial stations. These suggestions, which have mostly centred around the carriage of a single standard-definition community television channel by another broadcaster (either a public service broadcaster or a commercial broadcaster), do not allow for community innovation beyond the current achievements of the sector. If anything, suggestions for the digital transmission of community television presume the static nature of community broadcasting, restricting and containing it, rather than seeking a means for its advancement in the new digital environment.

The central argument of public interest advocates in the commons debate, including the AOL merger, was that the government should be regulating to restrict anti-competitive practices likely to stifle innovation through the provision of access. Not simply the carriage of other commercial enterprises who can compete at auction for access, but free access for anyone – a true commons. The new public interest is not far removed from that which has been called upon in the past to support the establishment of community media. Community media has relied upon diversity, difference, access and participation as the primary justifications for its existence. Such values have never fully conformed to a public interest that has sought top-down solutions in defence of the majority good. As John Keane (1998, 189) writes, a “theory of civil society and public life that clings dogmatically to the vision of a unified public sphere in which ‘public opinion’ and ‘the public interest’ are defined is a chimera.” For the sake of democracy, “it ought to be jettisoned” (Keane 1998, 189). Philosophically, the new public interest is not incompatible with community broadcasting. In some respects it is hardly new at all.

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Notes:

1. See Stein 2001 for a thorough account of access television and property law.
2. A point made at the 2002 conference of the Community Broadcasting Association of Australia by the General Manager, Mr. Barry Melville.
3. GNU stands self-referentially for GNU's Not Linux.
4. The One Nation Party is a xenophobic Australian political party (which Meikle makes it clear he is “horrified” by despite his endorsement of their web-based discussion forum).

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