

## ISSUES IN RELIGIOUS BROADCASTING IN AUSTRALIA

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*Australian Journal of Communication* (14), 1988, 48-56.

Religion on Australian radio and television would seem to be in a situation of unique privilege. It is one of the few specific areas of program content whose presence has been consistently guaranteed by major parliamentary legislation since 1948: by Section 6K of the Act of 1948, and Section 103 of the Broadcast and Television Act of 1956. Section 103 states: A licensee shall broadcast from his station divine worship or either matter of a religious nature during such periods as the Board determines and, if the Board so determines, shall do so without charge.

While this continuous legislative guarantee would appear to lay the foundation for a significant religious presence on Australian commercial radio and television, in its practical implementation it has realised little of this apparent potential. Administration of the legislation has been characterised by tension and conflicts between government authorities, the broadcast industry, and community bodies. While station licensees have more or less met the minimum time requirements of one percent of air-time (generally less than more), religious programming has remained one of the most under-resourced, marginalised and dull forms of programming in Australian broadcasting, particularly on commercial television. Problems have consistently been experienced by production bodies with pre-emption of programs, making development of a regular audience and publicity of programs virtually impossible, particularly on those occasions when material is specifically produced for a special day on occasions such as religious festivals or holy days.

The marginal times provided for religious programs also creates similar problems. This marginal scheduling of religious programs, while always being a problem, has deteriorated significantly over the past few years. Figures as presented in the following table indicate that in the specified week in November 1987 at least 85.5% of religious programs were shown in the "ghetto" hours before 8.00 a.m. or after 11.00 p.m. On a number of occasions stations claim to have met the legislative provision by putting on religious programs at 1.30 a.m.

TABLE 1 Total amount of Australian and non-Australian religious programs in different time periods on all Australian Commercial TV Stations  
Week of 8/11/87 - 14/11/87

	Sunday		Weekday	
	Aus hrs.mts	Non-Aus hrs.mts	Aus hrs.mts	Non-Aus hrs.mts
6.00-7.00am	9.20	14.00	5.25	1.30
7.00-8.00am	6.30	17.00	.0	2.00
8.00-9.00am	1.00	1.30	.0	.0
9.00-12.00md	.30	2.00	1.30	.30
12.00-4.00pm	.30	1.00	1.00	.0

4.00-7.00pm	.0	.0	1.00	.0
7.00-11.00pm	.0	.0	.0	.0
11.00-12.00mn	1.30	1.10	4.05	.0

Source: Station weekly returns on Australian content to ABT, 8/11/87 - 14/11/87.

Note: The figures include programs greater than 2 minutes duration. They do not include one minute "spot" material.

Note: It should be recognised that these figures do not cover the total amount of religious programming on commercial television stations. They do not indicate those religious programs which are broadcast in the midnight to 6.00am time slot.

This may not pose a problem for many people - there's probably enough religion on television in your opinion. But when viewed within the context of the social responsibility obligations of broadcast licences, the issue of religious programming poses an interesting case study of regulation in Australian broadcasting. Given also that roughly three million Australians are regular church or synagogue attenders, many more that are involved in any week in say sporting activities or theatre attendance, the matter of religious programming on television has broader critical and communication interest. The major reasons for this lack of development of religious programming on radio and television can be seen to lie in what I would call an interaction of ambiguities and ambivalences: some within the churches, some within the broadcasting system, and some within the broader society as a whole.

My thesis is that it is unlikely that any resolution of the issues associated with religious programming will be reached until these underlying ambiguities and ambivalences are resolved. In this paper I want to survey briefly some of those issues.

Some of the major ambiguities are those arising from the dual nature of broadcast licences as both commercial enterprises with social responsibilities. The Australian broadcasting system has, of course, been organised with a dominant commercial sector, offering entrepreneurs the opportunity to enter an industry in which competition would be limited by government regulation. In return for the maintenance of this oligopoly, the commercial opportunities of the licence were expected to be exercised with a degree of social responsibility and accountability. This dual nature of broadcast licences has brought with it significant tensions, particularly where the social responsibilities of the licence conflicted with its economic profitability. Once a licence has been allocated, owners of licences have consistently opposed mandatory regulations and have consistently pushed for content deregulation, particularly in the areas where governments have felt it wise to impose mandatory requirements, namely children's programming, Australian content, advertising limits, and religious programming. Successive enquiries, namely the Parliamentary Standing Committee on broadcasting of 1942, the Royal Commission on Television in 1953, and the Tribunal's Self-Regulation Enquiry in 1977 have all affirmed the value of religious programming as an important element in a licensee meeting the social responsibility of their licence. However the range of ambiguities inherent in the legislation, the ambivalence and incapacity of the churches, and the weakness of the legal and administrative power of the Control Board and the Tribunal has fed the resistance of the station licensees to imposed obligations on their licence.

One of the major unresolved issues in religious programming has been: who finally is responsible for producing the programs to meet the statutory requirement: the station licensees or the church media bodies? Both Acts, in 1942 and 1956, have left the question open, requiring

stations only to ensure that religious matter is broadcast. In elaborating its guidelines, the Control Board and the Tribunal have continued to make the churches partners in the process. For example, the Board's Advisory Committee on Religious Programs in 1961 considered that the church was the expert in religious content, and therefore should be the reference point, the initiator, and in many ways the beneficiary of the statutory requirement. In their first report in 1961 they said: The licensee of a station must accept ultimate responsibility for all programs televised by his station, but in the Committee's view this does not mean that he should dictate to the Churches what they are to say.....the selection of subject matter is the function of the Church.<sup>1</sup> This lack of adequate definition of responsibility has created significant problems in the development of religious programming, The one body which could resolve the issue has continually avoided doing so. Douglas Tasker notes that the dominant attitude of the Board has been that reflected by the Royal Commission in 1953: They hoped that with time, good will and good intentions the practical details of facilities, allocation of time, appropriate formats and production techniques could be worked out amicably. They put their faith in consultation between the parties.....(but) did not define the precise nature of the relationship between the licensees and the churches and it did little to clarify whose responsibility it should be to produce religious programs.<sup>2</sup>

Failure to do this precise work of definition resulted in a range of unresolved and consequential issues. One of these was: who was responsible for deciding what was acceptable material? The question arose with the very first letter sent by the Control Board to stations in 1949. It rose again later in that same year when a station complained to the Board because a Catholic priest had made some controversial political comments during a religious radio program. The Board declared that such comments weren't religious and should be stopped, and the Catholic Church told them in effect that they didn't know what they were talking about, and that the church was the best body to decide what was religious and what wasn't. It arose again in 1973 when the Australian Humanist Society requested free time on the basis that the provision of time for religious programming should also be made available for non-supernatural moral movements, and again a couple of years ago when Fred Nile made derogatory statements against homosexuals on his radio talk back program. The question of who determines acceptability of religious material arises also not only in relation to a program's religious character, but also in relation to a religious program's commercial competitiveness: who should be responsible for determining whether a religious program is not acceptable because it's not sufficiently commercially competitive?

In practice what has happened is that the churches have tended to say "We will keep control over the content and produce the programs" and licensees have said, "Therefore we will control where they are scheduled, i.e. in the early hours of the morning." Another issue arising from this unresolved ambiguity has been who is responsible for providing the resources for program production? and what facilities and resources are acceptable? In its direction to television stations in 1985, the A.B.T. specified that: reasonable changes may be made to cover the costs other than those presented in, and using the normal facilities of, a studio under the control of the licensee. This direction inherently assumes that churches will be largely responsible for the production of the programs, and that stations will provide "normal studio facilities." What frequently occurs in practice is that "normal studio facilities" is interpreted as the use of a studio and one camera person for a couple of hours a week. Often the studio is made available at totally unsuitable times, such as late at night or, worse, on Sunday mornings for programs involving clergy.

A further question has been: who is to be responsible for when programs are to be scheduled? The time of broadcast of religious programs has never been addressed in a Board or Tribunal directive or standard. In the early years, the Committee advising the Control Board on Religious Programs was so optimistic that it recommended producing religious programs for different groups that stations would broadcast at different times during the day. The stations were not at all enthusiastic, so that programs are generally shunted to convenient times of minimal audience, with established agreements between stations and church bodies often changed without prior advice. Given the poor times available, and the lack of control over when programs might be scheduled, church media agencies have become increasingly reluctant to commit substantial resources to media production.

A final ambiguity arising from the legislation is: what is the purpose of mandatory religious programs? Are they primarily a public community service to be provided by the licensee in whatever way he or she deems fit, or are they a concession for the private use of churches? Responses to that question have changed over the years. Two of the main reasons why mandatory religious programs were legislated in the first place were because of the social anxiety created by Australia's participation in World War II, and the particular interest and drive of Arthur Calwell, Chairperson of the Standing Committee on Broadcasting and himself a devout Catholic. The Parliamentary Committee in 1941 expressed its opinion that Australia is a Christian nation and Christian teaching, both in its spiritual and moral aspects, is of great importance to national morale and national development.<sup>3</sup> Since then the churches have played a significant role in implementation of the requirement.

The Advisory Committee to the Board in 1961 considered that the main aim of religious programming was to bring fundamental religious truths to viewers. While they felt that programs should be addressed as much to non-church goers as to church-goers, they still saw the aim of programming as expressive of the truths of the Christian faith as determined by the churches. There have been other community groups which have opposed this interpretation. The Australian Humanist Society, for example, has resented the monopoly held by the churches and several times has petitioned the Tribunal to be given access to some of the free time for presentation and discussion of non-theistic moral issues and movements.

Most of these areas of ambiguity have continued for one of two reasons. One because there was no one body which could or would provide clear, unequivocal resolution of the matters under contention. Two, because the Board lacked the power or authority to force the licensees to measure up to their obligations and agreements reached under the Act.

The Board in the first three decades of broadcasting in Australia did provide some very useful elaboration of standards and principles for religious programming, goals of religious programming and models for religious programming. The Advisory Committee's first report in 1961, for example, is a very thorough analysis and statement of the state of religious broadcasting at that time. Some of what the Board and Tribunal have elaborated has also worked, mainly in those areas where what is required is clear and unambiguous, for e.g. the minimum time requirement, allocation of time to churches according to census representation, and "normal" studio facilities have generally been followed: minimally in most cases, but still followed. Where the system has broken down is when licensees refused to co-operate. The Board and Tribunal had had little real power or authority to enforce its decisions and its Standards in relation to religious programming. Douglas Tasker, in his survey of religious broadcasting suggests that this lack of resolve and authority in the agency authorised to administer the Act has been one of the major factors in impeding the development of religious broadcasting in

Australia. He considers that the Control Board and the Tribunal have never been given adequate authority or power to implement the provisions of the Act; the authority of their Standards have been constantly in doubt; they have been constantly understaffed for the work they have had to do; and they have been hindered by the maze of legal and administrative procedures that are necessary if they were to take their disciplinary role seriously. The result was that their power in relation to religious programming has been limited largely to that of persuasion. They assumed a willing spirit of co-operation between the licensees and churches -- in the words of the first Board chairperson, a spirit of 'sweet reasonableness' -- but where that co-operation was not present they lacked alternatives for enforcing its decisions.<sup>4</sup>

Because the interpretation and implementation of the statute was significantly muddled in its early stages, it created a precedent of uncertainty for the future. There were several other ambiguities in the broader social context that further clouded the waters of clear decision and action. One of these has been the constitutional issue. The Board and Tribunal have been challenged on a number of occasions since 1956 about whether the compulsory requirement of religious programs violates S. 116 of the constitution. A number of legal opinions have been presented since then; the licensees presenting opinions to support their case that S. 103 is unconstitutional and the Board and Tribunal presenting opinions to support their case that S. 103 does not violate the constitution. The case has never been tested in court, further perpetuating the air of ambiguity and uncertainty over attempts to define and implement the statute.

A further wild card in the pack has been the presence and influx of overseas religious programs which not only have more superior technical and production sophistication than the locally produced religious programs, but also are prepared to pay for their air-time. The presence of these overseas programs has tended to destabilise the situation further by capturing the attention (and in some cases finances) of church members who were disaffected with their own churches' apparent meagre program efforts, and by offering a more attractive and financially rewarding alternative for station licensees. It has mainly been the opposition of local church media bodies and their lobbying to keep alive local Australian religious programming that has stopped licensees opting for the more lucrative overseas programming. Further confusion has been caused by the churches themselves.

The churches have been confused within themselves over how they should respond to the challenges posed by the offering of free time on radio and television; different opinions have frequently been expressed within the churches over whether they were justified in accepting an apparent position of privilege or not; different opinions also exist within the churches over how such an opportunity should be used: in serving their own interests or the broader interests of the community; in presenting personal pietistic or evangelical material or addressing broader social and moral issues. The larger issue has been the division among the churches in working with the media. Because resources for media work tend to come from local and state denominational bodies, church media agencies have tended to be organised on a denominational basis. Efforts to get churches working together, sharing resources and combining on nationally co-ordinated production projects have been largely unsuccessful. With the increases in networking and aggregation arrangements, that may be one of the big challenges facing the churches - if they want to continue to support compulsory programming.

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<sup>1</sup> Twelfth Annual Report 1960-61, pp.64-66.

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<sup>2</sup> Douglas Tasker, "The Place of Religion in Commercial Television in Australia from 1956 to 1978," Ph.D. thesis, University of Melbourne, 1980, p.35.

<sup>3</sup> The Gibson Report, para 141. Quoted in Self-Regulation for Broadcasters, p.107.

<sup>4</sup> Tasker, pp.53ff.