

1948.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

---

# SEVENTEENTH REPORT

OF THE

## PARLIAMENTARY STANDING COMMITTEE ON BROADCASTING

RELATING TO

- (1) AN AUSTRALIAN MUSIC COMPOSERS' FUND.
- (2) THE USE OF AUSTRALIAN MUSIC.
- (3) THE USE OF OTHER AUSTRALIAN PROGRAMME MATERIAL.

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CANBERRA, 13<sup>TH</sup> SEPTEMBER, 1948.

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(a) Appointed 13th November, 1946. (b) Appointed 6th December, 1946. (c) Appointed 17th October, 1947, to succeed Senator the Honorable Herbert Hays, who ceased to be a member of the Committee when his term of office as Senator expired on 30th June, 1947.

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# SEVENTEENTH REPORT OF THE PARLIAMENTARY STANDING COMMITTEE ON BROADCASTING.

Having received terms of reference from the Postmaster-General under section 85 of the Broadcasting Act, we submit this report to Parliament on—

- (1) Establishing an Australian Music Composers' Fund.
- (2) Increasing the minimum of  $2\frac{1}{2}$  per cent. of music time which section 88 of the Act requires to be devoted to the works of Australian composers.
- (3) Prescribing minimum percentages of use of other Australian programme material.

## THE INTERESTED PARTIES.

### 2. Those whom we consulted were—

Actors' Equity  
Australasian Performing Right Association  
Australian Broadcasting Commission  
Australian Natives' Association  
Federation of Commercial Stations  
Fellowship of Australian Writers  
Music Composers  
Music Publishers  
Musical Societies  
Musicians' Union  
Professional Radio Employees' Institute of Australasia  
Record Makers  
Script Writers  
Universities  
Miscellaneous Witnesses.

## AN AUSTRALIAN MUSIC COMPOSERS' FUND.

3. The proposal to establish an Australian Music Composers' Fund, on similar lines to the Commonwealth Literary Fund, to provide for the publication, recording and performance of outstanding local productions, and for other purposes, has received almost general assent and has the enthusiastic support of the Australian Broadcasting Commission and the Federation of Commercial Stations. It has been well said that no country is deemed musical or cultural that lives on the music of other people. Musical composition appears to be the only creative art in Australia without some organized recognition. In the musical colleges and universities nearly all the music scholarships are for executive artists—singers, pianists and others. The composer, the most important of all, is overlooked. In recent years at least, it has been demonstrated that the necessary talent does exist in Australia.

4. Very few contemporary musical works are published within a short time of completion. Usually a single manuscript is for many years the only concrete evidence of the composer's work, because he cannot afford the cost of publication; music publishers are reluctant to incur expenditure on a production which does not offer immediate opportunities of sales as a commercial proposition, while the record-makers, requiring publication to precede their entry into the business, are not disposed, even then, to incur heavy expenditure on orchestras.

5. There are differences of opinion as to the scope of the Fund and the amount to be provided for the first year. Some think that it should be confined to music of serious intent, others consider that it should extend to light music, which may vary from the tuneful but ephemeral song of the ballad type to the weird jingle of the crooner or the "hot" music of the vaudeville stage.

6. As to the amount of the Fund, the sums suggested have varied from £500 to £50,000 per annum. The following is a summary of the views expressed.

## SUMMARY OF WITNESSES' SUBMISSIONS.

### 7. *On behalf of Music Publishers—*

- (1) An Australian Music Composers' Fund will encourage and assist composers of proved talent to secure publication and recording of approved works.
- (2) Where a composer, who has had a musical education, shows talent in the writing of light music, he should be helped to as great an extent as the Fund will permit.

- (3) A great deal is said of the superiority of overseas musical items over Australian ones, but the alleged superiority is due either to the high quality of the overseas artists or to the popularity associated with items recorded.
- (4) Some manuscripts submitted are of a high order, but with Australia's limited population it is not commercially possible to incur the considerable expense involved in publishing this music in this country. The proposal to establish the Fund is welcomed.
- (5) About £5,000 a year would be ample. The amount could be increased if it were discovered that more talent should be encouraged.
- (6) A yearly Australian popular song competition should be arranged. The so-called popular song is beneficial, unless it is pernicious. It teaches, as a rule, affection for the home, the family and the nation. It may be crude, but the fact that it contains those lessons makes it worthwhile to the community.
- (7) Broadcasting and sound film adversely affected the Australian composer. Prior to the introduction of broadcasting, all music was made popular by performance in the silent picture houses, theatres, dance halls, &c., and the local tune had an equal chance with the overseas one. To-day, with almost all films manufactured abroad, that avenue is closed to the Australian composer, and, in broadcasting, 95 per cent. of the commercial stations' music items are made up of records of overseas artists.
- (8) Mere publication of works is of little advantage. Performance is necessary to achieve commercial success, and effective performance can only be accomplished by means of recordings of the popular types of compositions. If such means of exploitation were available a great many more Australian compositions would be published each year. A single performance is not sufficient to create sales for a work; eight or ten performances are necessary before worthwhile sales results can be obtained.
- (9) The A.B.C. could make recordings of its performances and sell the records to the commercial stations.
- (10) Many musicians are able to write worthwhile music for songs, but they have lacked good lyrics. Verses would not necessarily have to be strictly Australian in sentiment; they could cover the whole range of human emotion. Competitions could be held under Government auspices for lyrics suitable for song writing. This would be a boon to Australian composers and open up a new field for Australian poets.
- (11) Australian compositions should be given a fair proportion of the best listening hours.
- (12) For the first year £1,000 would be sufficient.
- (13) The Fund should be so administered as to permit of publication and recording of compositions which would not be acceptable as a commercial undertaking, for the reason that the form of the composition would be in advance of the musical thought of the day and the sales and other revenue obtainable in Australia would not be sufficient to make such a project financial. Composers should be paid the normal royalties obtaining in the trade and any profit or loss from the publication and recording should go to the Fund.
- (14) The Fund should be administered by a Parliamentary Committee, which should be assisted by an Advisory Board consisting of members of the music sections of the Universities of Sydney, Melbourne, Adelaide and Brisbane.
- (15) The music for all films produced in Australia should be written, arranged, recorded and performed in Australia.
- (16) There should be a grant of £5,000 to cover publicity for Australian music and artists.
- (17) There should be a trust fund of £10,000 to cover subsidies to writers of serious music and to assist record-makers in the better production of Australian popular music.
- (18) The Fund should be used for the establishment of scholarships, whereby a composer who has been showing unusual talent may obtain advance tuition in composition overseas.
- (19) If the Fund were confined to classical music no State committees would be required, but if the Fund is to cover serious and light music as well, then State committees would be necessary.
- (20) To produce one worthwhile work might require an expenditure of £1,000 or £1,500.

8. *On behalf of Composers—*

- (1) Five hundred new musical numbers could be commenced immediately the Fund was established. Others would follow as the demand for them was created.
- (2) National characteristics in Australia are fast disappearing. Australia is becoming completely Americanized, due largely to commercial radio. Australian composition is confronted with the inertia of established financial weight of overseas interests.
- (3) The only recording company in Australia is the English Company, Columbia, which represents Parlaphone, Decca, His Master's Voice and Regal Zonophone. It has a complete monopoly. Before the war these companies operated independently and there was competition.
- (4) Australian composers who have done big works have left Australia. The reason is that Columbia will not record them here. They import overseas matrices. An original record might have cost £1,000 to make, and it is just re-pressed here.
- (5) The Fund might enable some talented musician to become world-famous and give Australia the best advertisement that it could receive. £10,000 should be provided.
- (6) It would be unfair to select individual composers to the exclusion of others who may be possessed of equal or superior ability. Vigilance should be exercised to see that public moneys are not made available to enable people to ride to financial success by the production of anything that is styled "Music", unless it is considered to be of lasting benefit and has no chance of being exploited by the ordinary commercial channels.
- (7) The works of Australian composers should not be segregated in the broadcasts and there should be no prior announcements that they are Australian works, because under present conditions the mere fact that a work is labelled "Australian" militates against its reception by the public.
- (8) The whole matter of royalties and copyright fees should be looked into; a much greater proportion of the fees should be given to the composer than at present.
- (9) One thousand pounds should be made available for Chamber Music for the first year.
- (10) There should be a popular song section of the Fund and a classical one. Five thousand pounds should be authorized as a commencement.
- (11) A national publishing and recording house and a Department of Fine Arts should be established.

9. *On behalf of Universities—*

- (1) It is believed that there will be thousands of applications for assistance from the Fund; the Federal Board should be assisted by State committees, whose main work should be to sort these out and forward their recommendations.
- (2) No composer should be appointed who is likely to benefit from the recommendation.
- (3) Only music of a serious nature, of merit and of permanence should be considered as eligible for publication. So-called popular music should receive no benefit from the Fund, portion of which should be set aside for recordings; and no composition should be published unless it measures up to European standards.
- (4) Estimates of publishing costs are—
 

Songs and instrumental pieces (4 pages) . . . . .	£15 to £20
A symphony, taking 32 minutes and entailing 136 pages of orchestral score and parts extra to the score . . . . .	about £600
- (5) Five thousand pounds should be appropriated for the first year's activities, comprising 2 symphonies, or like major works; 4 chamber music works; 6 songs; 6 instrumental pieces, and a similar number of miscellaneous works. The published costs should be in the vicinity of £3,000 to £3,500; recording £1,000; and concert purposes £500; making £5,000 in all. At the end of the first year of its work the Federal Board should be in a position to advise on a long-range policy for the administration of the Fund, including the question of extending it to meet popular music.
- (6) A musical division of the National Library should be established at Canberra to record particulars and file records of all Australian worthwhile compositions, past, present and future, together with a chronological register of all Australian composers.

10. *On behalf of Record Makers—*

- (1) The Columbia Company is anxious to further the interests of Australian composers if it can be provided with suitable compositions which have commercial possibilities. The establishment of the Fund would be of assistance in that direction.
- (2) Five thousand pounds would put the scheme on a solid foundation ; further sums could be added from experience.
- (3) At the same time no restrictions should be placed on the company importing matrices from the various recording companies in America or elsewhere, so that it can process and issue the greatest variety of music and recordings by artists of world reputation, not only for the broadcasters but for the cultural development of the country.

11. *On behalf of the Australian Broadcasting Commission—*

- (1) The establishment of the Fund is strongly favoured, to enable Australian musical compositions of merit to be published and recorded.
- (2) It was formerly suggested that the creation of such a Fund might be a responsibility of the A.B.C., but as the Commission's function is primarily that of a broadcasting organization, the matter of direct financial assistance to Australian composers should be one of national responsibility in a manner similar to the Commonwealth Literary Fund.
- (3) The range of compositions to benefit by the scheme should be determined. A case of sorts can be made in respect of all classes of music. There is an area in light music in which it would seem to be impossible to adjudicate as to merit—types of popular music which for no apparent reason happen to hit popular fancy and become, at least for a time, a success.
- (4) In the case of more serious works, even of the ballad type, musical merit can be assessed within reasonable limits.
- (5) The purposes of the Fund should be confined to the assistance of those compositions which have intrinsic musical merit and should exclude the ephemeral type.
- (6) The gramophone recording of a performance, and more importantly the performance over the air, not once but several times, are the media through which compositions become a nation's cultural currency. The Commission recommends direct monetary assistance to record-makers for the recording of Australian compositions.
- (7) Ten thousand pounds should be provided for the first year.

12. *On behalf of the Federation of Commercial Stations—*

- (1) There is a considerable amount of creative talent in Australia which in the national interest should be encouraged, and the idea of a Fund for the purpose is well worthy of consideration.
- (2) The charter of the body appointed to administer the Fund should make it clear that one of its functions is to encourage music with mass appeal as well as the more serious contributions.
- (3) The Fund Committee should include representatives of a cross-section of the entertainments industry—the practical entrepreneurs—in addition to the professional representatives.
- (4) Apart from any financial assistance to working composers, consideration should be given to the advisability of establishing travelling scholarships for young Australian composers.

13. *On behalf of the Australian Natives' Association—*

One thousand five hundred pounds should be provided. The guiding principle should be the cultivation of a high national sentiment and encouragement of the healthy growth of a national musical outlook. The Fund Committee should encourage the writing of music of a serious character and discourage any attempt to copy the American negroid noise type ; it should spend any available moneys in securing the public performance of worthwhile works.

14. *On behalf of the Musicians' Union—*

The proposal is supported, but the instrumental musician should be protected in the same way as the composer.

15. *On behalf of the Australasian Performing Right Association—*

The Board should comprise representatives of Music Publishing Houses, Composers' Association, broadcasting field, record makers and each State Conservatorium; with a supporting committee in each State. A central controlling authority would presumably be set up, similar to the Commonwealth Literary Fund, to act as a final arbiter on finance and policy.

16. *On behalf of Actors' Equity—*

The proposal is supported.

17. *On behalf of Various Societies and Miscellaneous Witnesses—*

- (1) Australian compositions could not possibly be worse than most of the imported items. Some of the records are terrible; they are just noise.
- (2) Syndicates in America have "plugged" these recordings. They say "If you don't take so many of these cheaper things, we will not let you have any of those you want".
- (3) People who want to raise the standard of thinking and outlook have just as much right to force their opinions as have those who lack such ambition.
- (4) It would be generally appreciated if more Australian and British music were presented. Some of the overseas music broadcast is very unpleasant and should be eliminated.
- (5) One excellent result would be a decrease in the mournful crooning material that emanates from America, a lot of which should be replaced with light-hearted Australian music—typical of the spirit of the country.
- (6) Fifty thousand pounds should be authorized, and the administration of the Fund should be confined to serious music.
- (7) One thousand pounds would be rather niggardly in such a field; not less than £5,000 would be required and no portion of it should be spent on jazz or rhumba.
- (8) It is believed that there is a lot of really good Australian music still in the manuscript stage.
- (9) Many popular Australian hits are "1,000 per cent. better than the wailing junk we get from overseas".
- (10) The Fund should be adequate. It could be £10,000 or £25,000.
- (11) A national publishing house would not create a demand for copies of a composition. Public reaction could best be tested by broadcasting it first.

STANDING COMMITTEE'S CONCLUSIONS ON AN AUSTRALIAN MUSIC COMPOSERS' FUND.

18. The Australian Broadcasting Commission considers that the best assistance in the task of selecting suitable works could be given by a responsible body, and suggests, on the advice of its Music Advisory Committee, that that Committee would probably be best equipped for the purpose. The members of that Committee are—

Mr. W. G. James (Chairman)	..	Director of Music, Australian Broadcasting Commission.
Professor B. Heinze	..	.. Director of the Melbourne University Conservatorium of Music.
Mr. E. Goossens	..	.. Director of the N.S.W. State Conservatorium and Conductor of the Sydney Symphony Orchestra.
Dr. A. E. Floyd	..	.. Until recently Organist and Choirmaster of St. Paul's Cathedral, Melbourne.
Mr. A. Hill	..	.. Well-known Australian composer.
Mr. H. Wylde	..	.. Of the Elder Conservatorium of Music, Adelaide.
Mr. L. Kennedy	..	.. An Australian 'cellist.

The Commission also suggests that representatives of publishing and recording interests be included.

19. In our view, however, such a panel would not only be unable to claim that it is impartial, seeing that it includes the names of Australian composers, but it would also be weighted in favour of classical music, and as we are of opinion that the Fund should not be so restricted, we consider that a more balanced panel would be more fitting and would be more likely to inspire confidence among the composers who have sought aid. We favour application of the Fund not only to serious music, but to the form of music of widest influence on the people—what has been called the "middle" variety, about which there has been so much complaint from deserving composers. It will therefore be necessary to form State committees to sift the thousands of applications which, judging from the evidence of Professor Heinze, are likely to be made when the scheme is launched.



## 20. Our recommendations are—

- (1) A Federal Parliamentary Committee, comprising the Leaders of the three political parties (or a deputy of each of them) to control the Fund, which should be known as the Australian Music Composers' Fund.
- (2) A body of five experts to assist that Committee, to be known as the Australian Music Advisory Board.
- (3) A Committee of three in each State to assist the Board, but none of the members to be eligible for membership of the Board as this would give a particular State preponderance of representation.
- (4) The amount of the Fund for the first year to be £15,000, preferably in the form of a Trust Fund, to be used in respect of music of serious intent and of the "middle" variety. (NOTE.—We consider the aim should be to provide £50,000 per annum, but allowing time for the implementation of the scheme, £15,000 would probably be sufficient for the first year.)
- (5) The controllers of the Fund to be given a free choice in determining their policy. In this connexion it has been suggested that consideration be given to—
  - (a) Requiring that every manuscript should first be submitted to an approved publisher for his determination of the question of negotiating with the composer independently of the Fund and publishing the work on a normal commercial basis.
  - (b) Establishment of Fellowships, the purpose of which is to aid persons who have proved their capacity to do creative work in the field of music but who are prevented from using their abilities because of financial circumstances. Applicants should be required to produce at least one work of musical merit. Fellowships could be tenable for periods of from three months to one year; in special circumstances they could be renewed. An amount at the rate of up to £500 per annum, according to the circumstances, could be paid to each holder of a Fellowship. All applications should be submitted on a form to be prescribed, supported by three testimonials from persons well acquainted with the musical ability, character and recent career of the applicant. Payments to be made monthly and progress reports submitted.
  - (c) Arranging for publication on a basis to be agreed upon with the publishing firm, whereby the latter would be guaranteed against loss.
  - (d) Recording upon a basis to be agreed upon with the record maker.
  - (e) Sales promotion measures both in Australia and abroad, with a view to performance of the works.
  - (f) Arranging for the use of the A.B.C. Orchestra in the studios of the Columbia Company and the subsequent sale and performance of the records.
  - (g) Granting of pensions to assist composers, or families of deceased composers, who may be in straitened circumstances.
  - (h) Travelling Scholarships for young Australian composers of promise.
  - (i) Safeguarding the rights of Australian composers abroad, e.g., in theatres, motion pictures, bands and all other subsidiary avenues.

## USE OF AUSTRALIAN MUSIC.

21. The following opinions have been expressed on the proposal to increase the minimum of  $2\frac{1}{2}$  per cent. of music time which Section 88 of the Broadcasting Act requires to be devoted to the works of Australian composers, produced on either sound records made in Australia or by artists actually present in the studio of the station.

22. *On behalf of the Universities—*

- (1) An increase in the percentage of popular music is supported.
- (2) The lumping together of all types of Australian music in the  $2\frac{1}{2}$  per cent. minimum is unsatisfactory, particularly to the composers of serious music. The minimum should be advanced to  $3\frac{1}{2}$  per cent., provided the additional 1 per cent. be allotted to works of major importance.
- (3) If the present minimum percentage of serious music in the A.B.C. programmes represents the  $2\frac{1}{2}$  per cent., that  $2\frac{1}{2}$  per cent. should be increased only by the addition of more and better Australian works of the serious type, if they are available.

23. *On behalf of the A.B.C.—*

- (1) It would be a mistake to make a steep upgrading of the figure, at least at the present time. Not more than 3 per cent. should be prescribed.
- (2) There is a restricted amount of material and Australians cannot be expected to produce more than a small part of the musical wealth available. The figure could probably be substantially increased in the future when the supply of Australian music material is greater than at present. At the moment the proportion of Australian recorded compositions is very small.
- (3) Future development depends on the use of the Composers' Fund, which may make it practicable to prescribe 5 per cent. as the minimum.
- (4) The foregoing is radically affected by advice from the Department of Trade and Customs, which was received after the submissions were made, and which is referred to later in this report.

24. *On behalf of the Federation of Commercial Stations—*

- (1) The establishment of a quota has done little to encourage the use of Australian music, although there is a considerable amount of creative talent in Australia that should be encouraged. Any proposal to increase the quota should be dependent upon arrangements with the record makers to increase the recordings of Australian compositions.
- (2) The Federation has no doubt at all as to the quality of much of the music produced in Australia, but overseas composers enjoy the advantage of skilled arrangers and movie presentation.
- (3) In the absence of a world market there is no expectation of composers in this country getting very much, whether or not the quota is increased. However, apart from the aspect of a fund to assist them, any real benefit must come from increased recordings.
- (4) The Musicians' Union demands higher fees for recording shows and will not allow use of the records more than once. Their aim is believed to be to stop recording. In addition it has not been possible to arrange for a national broadcast of a live show for the whole of Australia. It could be arranged for Melbourne, Sydney, Adelaide and Brisbane, but the lines to Tasmania and Western Australia are not good enough. There is only one line to Western Australia and it is pre-empted by the A.B.C. Furthermore, there is a two hours' time lag between Eastern and Western Australia. The physical land line difficulties make a national hook-up impossible except for the four Eastern States.
- (5) If the Columbia Company feels that the public demand for recordings warrants it, it is in a position to increase its output of recordings of Australian compositions.
- (6) If Australian items were broadcast more often the amount of money paid to Australian composers would be correspondingly increased.

25. *On behalf of Composers—*

- (1) For years past, through the use of too much American music, Australia has been deprived of a great deal of beautiful and interesting music from other countries, such as Britain, Norway, Sweden, Belgium, Holland, France and Italy.
- (2) New generations are being brought up to think that the only musical contributions the world makes to our radio are from the United States. The minimum should be increased to  $5\frac{1}{2}$  per cent., the extra 3 per cent. to be devoted to works of serious intent.
- (3) The quota should be increased to  $7\frac{1}{2}$  per cent.—half between 6 p.m. and 9.30 p.m.
- (4) There are sufficient compositions to warrant the raising of the quota to  $7\frac{1}{2}$  per cent. It all depends on the recordings made available.
- (5) The minimum should be increased to 20 per cent.
- (6) The Government should set up a collection and distribution bureau to safeguard the performing rights of cultural Australian composers. At present, A.P.R.A., in contrast with the practice in England, reimburses all composers at a flat rate, e.g., an orchestral work receives the same performing fee per minute as a song or piano solo.
- (7) A 10 per cent. minimum should be prescribed.

26. *On behalf of the Railways Institute Eisteddfod Association—*

Less attention should be devoted to arguments regarding the percentage of "canned" and "live" presentations, imported or local. An Australian Musical Test Team should be sent to tour the British Isles.

27. *On behalf of the Musicians' Union—*

The  $2\frac{1}{2}$  per cent. minimum is inadequate ; it should be increased to 10 per cent.

28. *On behalf of the Singers of Australia Society—*

- (1) The minimum should be increased to 5 per cent. and the times selected should be more advantageous listening hours.
- (2) As a large section of the population enjoys the popular and "hot" music, a proportion of it should be broadcast, but the proportion is overweighted by 100 per cent.
- (3) Promising singers should be sent abroad, but on the understanding that they will return to Australia.

29. *On behalf of the Professional Radio Employees' Institute of Australasia.*

The percentage should be increased to at least 10 per cent.

30. *On behalf of Music Publishers—*

- (1) The broadcasting of so-called hit parades is a misleading practice for which the broadcasting stations are wholly responsible. The method of choosing the music gives a result which often is contrary to the facts.
- (2) It would help the Australian composer if section 19 of the Copyright Act were amended to give him a royalty on the reproduction of his work on gramophone records of  $6\frac{1}{4}$  per cent. of the retail selling price, instead of 5 per cent.
- (3) One reason for the failure to create a sale for many new Australian compositions is that the stations, with certain exceptions, have performed the music at times when there is only a minority audience.
- (4) The quota should be increased to  $3\frac{1}{2}$  per cent., but it would not be a hardship if it were raised to 5 per cent. and if 3 per cent. of that time were broadcast between 8 p.m. and 10 p.m. when it would only mean using one Australian item in a two hours' performance. Australian compositions should be given a fair proportion of the best listening hours.
- (5) The minimum should be increased to at least 4 per cent. or possibly 5 per cent.
- (6) The minimum percentage should be increased ; there is enough Australian music to supply more than the percentage already prescribed.
- (7) The  $2\frac{1}{2}$  per cent. has encouraged the use of Australian compositions and thereby assisted in the cultural growth of Australia. In view of this it is suggested that the minimum should be increased to 5 per cent. Five per cent. or 6 per cent. would be a figure that could be maintained in the performance of reasonably good music.

31. *On behalf of Actors' Equity—*

The minimum should be increased to 10 per cent.

32. *On behalf of Various Societies and Miscellaneous Witnesses—*

- (1) The most important factor in popularizing a tune is the artist who performs it.
- (2) A  $2\frac{1}{2}$  per cent. minimum is very low. Australian compositions featured in radio programmes are of high standard generally and leave no doubt as to the wealth of talent in the country.
- (3) The minimum percentage should be 10 per cent.
- (4) Because the period for Australian music is only a minimum of  $2\frac{1}{2}$  per cent., listeners are forced to hear a lot of cheap crooning and a negative type of music which they cannot tolerate.
- (5) The minimum should be increased gradually to 25 per cent. and the additional time taken from the class of music styled Jazz or Swing.
- (6) The  $2\frac{1}{2}$  per cent. could be justifiably increased, but not until greater care is exercised in choosing the music, which is haphazardly selected.
- (7) Some of the music being broadcast is an insult to the intelligence and the outlook of Australians ; much of Australian music would be considerably better.
- (8) No good purpose would be served by an immediate increase in the minimum. It would be preferable to create the incentive and the opportunity for the Australian composer by means of the Australian Music Composers' Fund.

33. *On behalf of Record Makers—*

- (1) The following table indicates the recordings made in Australia during the past six years :—

—	Total number of recordings carried out in Australia.	Total number of Australian compositions recorded.	Percentage of Australian compositions to total.
			Per cent.
1942 .. .. .	114	80	70.175
1943 .. .. .	111	85	76.576
1944 .. .. .	76	55	72.368
1945 .. .. .	78	65	83.333
1946 .. .. .	108	97	89.815
1947 .. .. .	114	104	91.228

The total sales, however, during 1947 amounted to 2,341,965, of which 91,218 represented sales of recordings of Australian compositions.

- (2) The percentage could be increased to 3 per cent. or 4 per cent. There has been an improvement in the quality and quantity of material coming forward.

34. *On behalf of the Australasian Performing Right Association—*

No opinion is expressed. The Association has registered with it nearly 700 Australian composers and through its affiliation with the British Performing Right Association it has some 2,000 British composers. Through its association with publisher members in America it has many thousands of American composers.

35. *On behalf of the Australian Natives' Association—*

- (1) The minimum should be increased to 5 per cent. in the opinion of some branches. Others consider there should be no change.
- (2) From experience in the studios of several commercial stations, the Association is seriously concerned at the seemingly haphazard way in which cheap records are selected by youths of both sexes, without any sense of responsibility, to fill in time between items; the obscure position of Australian compositions on many programmes; and the amount of low-quality negroid noises which are included as Australian items. The effect of this degenerate type of entertainment is harmful to the mental, moral and physical well-being of Australian youth.
- (3) "In these days of dollar shortages it seems almost a crime to be paying out good Australian money for trashy American music—if one must flatter such junk with this title."
- (4) "So much of the poor stuff is so crude, banal and illiterate that it is difficult to discard the story that there is a racket in records. It seems impossible that any responsible station would willingly pay for some of the atrocities that come to us over the air."
- (5) "The wireless stations should cater for the average listener and not spend so much time on the half-wits, in other words, the vapid types that fill the bobby-sox brigade. These constitute in reality but a small minority of the listening public. The duty of the broadcasting stations is to frame their programmes in an effort to improve the public taste, not to deprave it."
- (6) "The so-called popularity polls are largely eyewash. The average citizen never writes to a radio station either to answer or to request . . . you can thus appreciate what a farce these station plebiscites really are. The only real effect of them is to depreciate the worth of good programmes and induce the stations to use opinions of cranks . . . as a guide to programme building."
- (7) In speaking of Australian compositions the Australian Natives' Association is not looking for symphonies or chamber music, but for tuneful productions which meet a reasonable standard of quality.
- (8) Twenty-five per cent. of all music played between noon and 2 p.m. should be of Australian origin. Most Australian music is pushed into periods when the listening public is fewest, while between noon and 2 p.m.—the luncheon hour—the number of listeners, especially of young people, is particularly high.
- (9) "If the younger generation could frequently hear Australian compositions of a worthwhile character they would acquire a liking for real Australian music; their outlook would become more truly national; and they would throw off the corrupting influence of decadent foreign rubbish and so acquire a higher cultural standard and a better foundation for Australian citizenship."

## STANDING COMMITTEE'S CONCLUSIONS ON THE USE OF AUSTRALIAN MUSIC.

36. The time devoted to music generally in the national service during 1946-47 was 52 per cent. and in the commercial service 55 per cent. of the total programme time. The proportion of that time devoted to Australian music was 3.59 per cent. in the national service and averaged 3.47 per cent. in the commercial service.

37. It is noteworthy that out of a total revenue of £109,363 for 1946-47, A.P.R.A. paid £4,652 (about 4 per cent.) direct to Australian composers, although, of the amount paid by A.P.R.A. to Australian publishers (£54,000), a proportion was paid by the publishers to Australian composers who had contracted with them to share the proceeds.

38. According to the evidence of the recording company, there is an improvement in the quality and quantity of Australian compositions now coming forward. However, it is not enough for a music composer to get his work published in printed form or even to get it recorded. He must also get it performed, and although a good deal may be done through the medium of public concerts, broadcasting is the most important channel of publicity to ensure success, as it provides a means of securing an incomparably larger audience.

39. We are impressed with the sincerity of the Australian composers whom we interviewed, and as a partial remedy for their complaints we were inclined to the opinion that the minimum should be increased from  $2\frac{1}{2}$  per cent. to 5 per cent. for the first year and to  $7\frac{1}{2}$  per cent. thereafter. In arriving at that conclusion we were not unmindful of the fact that when the  $2\frac{1}{2}$  per cent. was decided upon, the A.B.C. advised that it was a physical impossibility to find enough Australian compositions to supply more than a small fraction of 1 per cent. of music time. That was in 1942—more than six years ago. Since then the Commission has decided upon light forms of entertainment on its interstate programmes, and it did not seem to be a hardship to devote 5 per cent. of the 52 per cent. of music time to Australian compositions for next year and  $7\frac{1}{2}$  per cent. after that, especially having regard to the assistance which might be anticipated from the music fund proposal. To facilitate the change we contemplated suggesting that the Act might be amended to indicate that the minimum percentages shall be as prescribed.

40. The whole situation, however, may have been altered by advice we have received from the Department of Trade and Customs, a copy of which is attached to this report as an appendix. When the subject was considered by the Standing Committee of the previous Parliament in 1945, a senior official of that Department advised that the question of prescribing use of Australian material would be merely a domestic one and would not be in conflict with any measures with which that Department had been dealing or which were contemplated. But it now appears that our proposals may run counter to the General Agreement on Tariffs and Trade signed at Geneva on 30th October, 1947. If this is confirmed by the Attorney-General, then it is impracticable to increase the minimum of  $2\frac{1}{2}$  per cent. in Section 88, and reliance must be placed on the music fund proposal to achieve the object in view. We suggest that the Attorney-General be invited to advise Parliament as to the exact position in this respect.

41. Notwithstanding the fact that 91 per cent. of Columbia's recordings during 1947 were Australian compositions, it is significant that the total sales of records by the Company during 1947 were 2,341,965, of which only 91,218, or 3.89 per cent., represented sales of recordings of Australian compositions. However, the Company is prepared to further develop its recording activities; the broadcasting stations are ready to co-operate by taking new records; and there is evidence that when it becomes known that Australian compositions are in demand there will be no lack of suitable material.

42. We are also of opinion that consideration should be given to an arrangement under which the A.B.C. would make recordings of its works and sell them to the commercial stations.

43. There is complaint from several quarters that in broadcasting Australian music the Commission has specifically described it as such. The suggestion has been made that this is derogatory to Australian music, which, it is claimed, should be interspersed with other musical items without indication as to its national origin. The Commission points out that this is inconsistent with the claim that listeners are anxious to hear Australian material and militates against a sense of pride in Australian achievements.

44. There is substantial evidence, however, that Australian compositions should not be labelled as such. It is stated that in some instances antipathy is shown to the Australian product not only in songs but in other spheres; in the case of songs the label may have the effect of a listener turning the radio off because of prejudice, whereas if the listener did not know their origin they would be listened to without bias and be judged on their merits.

45. We suggest that a trial be made of an arrangement under which Australian compositions are intermingled with others without pre-announcement, leaving it to the end of the item or session to announce the origin: also that some of the Australian works should be featured between noon and 2 p.m. and in the more important listening hours, from 8 p.m. to 10 p.m., which a prominent music publisher points out would mean about one Australian item in about two hours' performance.

46. The system which is followed in determining "hits of the week" to be broadcast leaves something to be desired. It operates against the publicizing of Australian works, and we have it on the authority of music publishers that the method of choosing the music gives a result which often is contrary to the facts. Five years ago attention was drawn to the matter in paragraphs 73 to 77 of the Standing Committee's Second Report, and again, two years ago, in paragraph 65 of the Committee's Eleventh Report.

47. We note the wishes of the Columbia Company that no restriction should be placed on the importation of matrices from the various recording companies in America and elsewhere "so that we can process and issue the greatest variety of music and recordings by artists of world reputation . . . for the general cultural development of the country". We agree with that objective, but it would be going too far to say that all imported matrices are intended to improve the general cultural development of Australia. According to the evidence, there is a considerable amount of trash coming into this country.

48. The Commission says it would welcome any move which would increase the number of records of Australian compositions, and the Federation states that having regard to the limited number of records being made available at the present time, the stations would take practically every record issued.

49. The Columbia Company has explained that the comparatively small sale of Australian numbers has been due to several factors, one of which is that the Company "could have sold more if we could have made more". However, the Company is moving to remedy that position.

50. In addition to publicizing Australian works in Australia, it is desirable that they should be published abroad. We are advised that if the compositions have merit, recording companies will become interested and record them by their own artists, which is more to the benefit of the composer. A good example of this is in the title "Now is the Hour", which really is "The Maori Farewell" and was sung here by Gracie Fields. She sang it when she went to America, and now Bing Crosby has made a record of it, sales being of considerable proportions. It is largely the artist that sells the number to-day.

51. As previously mentioned, the recording of an Australian number is in itself not sufficient. The number must be exploited in every possible way, or the public does not hear of it. With that object in view, so far as ballads and songs are concerned, the Columbia Company has discussed the situation with the Australian Song Writers' Association. It is believed that something may be achieved in this direction, and the Company has promised to co-operate to the utmost extent.

#### USE OF AUSTRALIAN PROGRAMME MATERIAL OTHER THAN MUSIC.

52. In the Committee's Eleventh Report the conclusion was reached that the weight of evidence justified the provision of minimum percentages of use of Australian programme material other than music, and the suggestion was made that certain statistics be compiled for the purpose of estimating the percentage of time, &c., occupied by the stations on Australian in comparison with overseas productions. The following is a summary of witnesses' submissions.

#### SUMMARY OF WITNESSES' SUBMISSIONS.

##### 53. *On behalf of Actors' Equity—*

- (1) A total ban on the importation of transcribed matter and scripts is not favoured
- (2) A limit should be placed on the use of imported material for the following reasons :—
  - (a) To protect the economic interest of employees engaged in the occupation of radio broadcasting.
  - (b) To protect the interests of the transcription recording industry as a whole, including employer and employee.
  - (c) To maintain and extend the improvements in present broadcasting standards, by protecting the industry from the "dumping" of large stocks of overseas material (on disc and script) at merely nominal prices, far below the cost of production in the country of origin.
  - (d) The establishment of a national Australian outlook and the encouragement and establishment of an Australian cultural and artistic tradition.
- (3) 1,200 employees are to-day engaged in the production of entertainment via radio broadcasting; their wages and salaries aggregate more than £500,000. A considerable amount of capital has been invested. Prior to 1939 the number of such employees would be approximately less than 500.

- (4) Unrestricted use of imported material would cause the Australian radio to be flooded with unintelligent and culturally useless programme material.
- (5) In relation to drama and/or variety, the percentage should be—
 

Australian origin	..	80 per cent.
Adaptations and re-writes done in Australia	..	10 per cent.
Imported scripts	..	10 per cent.
- (6) Imported transcriptions of not less than one hour's duration, having cultural, educational or artistic value, should be permitted, provided they be not broadcast for commercial profit or directly or indirectly used for any advertising sponsorship and are broadcast after 9.30 p.m.—each station to be allowed two such programmes per week.

54. *On behalf of Various Societies and Miscellaneous Witnesses—*

- (1) The minimum should be 75 per cent., as it is believed that too high a percentage of non-Australian inspired programmes is educationally harmful and tends to exalt the country of origin at the expense of Australian sentiment.
- (2) At least 85 per cent. of the material (other than music) being used in broadcast programmes is of pure Australian origin. There is no need to prescribe minimum percentages.

55. *On behalf of the Australian Natives' Association—*

- (1) There are many young people in Sydney and other Australian cities who devote much of their leisure to intensive study of dramatic art but who find it extremely difficult to obtain an opportunity of developing any talent they may possess for radio acting. Two such amateur dramatic clubs are the Kuring-gai Theatre Guild and the Old Drury Players attached to the Nellie Stewart Memorial Club.
- (2) "Jokes that play on abnormality and perversion should be rigorously exorcised and some of the homo-sexual by-play put over on certain shows should never be permitted on the air."

56. *On behalf of the Radio Recording and Production Association of Australia—*

Although invited to do so the Association did not wish to tender evidence, on the ground that it comprises members who are continually using both Australian and overseas material in their productions.

57. *On behalf of the A.B.C.—*

- (1) A quota could be applied on the following basis :—
 

Productions of all types, including plays, features and documentary programmes	..	45 per cent.
Spoken word broadcasts	..	70 per cent.
- (2) In 1946-47 the Variety Department filled some 38 per cent. of its programme time with transcription material from the B.B.C., and so far as the A.B.C. is concerned, the use of such material has not affected the employment of Australian artists. During 1946-47 the expenditure incurred on overseas material was £7,129, of which £4,005 represented the cost of British Broadcasting Corporation's transcriptions.
- (3) Australian writers provide over 50 per cent. of all plays broadcast by the Commission. In addition, short serials such as the Lawsons are entirely written by Australians.
- (4) The A.B.C. is considering the setting up of a special department to develop features somewhat in the manner successfully achieved by the B.B.C. The Commission has in mind the broadcasting of high quality material illustrative of all the interesting facets of Australian life and opinion, produced from local scripts.
- (5) The suggested quota as to use of Australian-initiated material is fully adequate without specifying restrictions in respect of either transcriptions, records or scripts as such. To attempt to do so would involve extraordinary difficulties in establishing differential quota rates for each particular type of material.
- (6) The whole subject, however, is radically affected by advice from the Department of Trade and Customs, which was received after the submissions were made, and which is referred to later in this report.



58. *On behalf of the Federation of Commercial Stations—*

- (1) During 1946 the amount spent on overseas production was about £1,250. At least 90 per cent. of all current productions are written by Australian script writers.
- (2) The Federation does not consider the specification of quotas to be either desirable or necessary. It considers that Australian material has no reason to fear competition from imported material, as listeners have a decided preference for the Australian production.
- (3) The imposition of a quota would import an undesirable element into the acceptance or rejection of material, carrying an implication that Australian material is being used to satisfy quota obligations, whereas in actual practice Australian material is used because it is more suitable for Australian audiences.
- (4) If the Committee decided to recommend the classifications and quotas suggested by the A.B.C., the Federation would have no difficulty in satisfying such requirements.

59. *On behalf of the Fellowship of Australian Writers and Script Writers—*

- (1) Most overseas material is available to Australian stations in terms which amount to wholesale dumping, with the result that neither the Customs revenue nor the personal taxation figures of Australian writers receive any stimulus.
- (2) In Australia to-day there are literally hundreds of first-class writers who are obliged to work in offices, warehouses, wharfs, &c., in order to earn a living. A sufficient number of capable writers could be produced to provide, if necessary, 90 per cent. of the dramatic material required by Australian radio.
- (3) The Australian listener should be protected against imported material which is too frequently shallow, sentimental trash. Many imported dramas and serials are trivial and witless.
- (4) A minimum of 75 per cent. usage of Australian material in scripts should be prescribed. Continuities should be 100 per cent. Australian.
- (5) Script material for broadcasting should be imported only if it can be proved that the writer is a person of world renown and that the material is of a kind which would be beyond the powers of any local writer.
- (6) Except under the general conditions of war the radio production industry in Australia, unlike other industries, has not been afforded that protection necessary to thrive to a state of growth where it can stand on its own feet in fair competition with the imported article. It should be given that protection now.
- (7) In Australian programmes there is a considerable amount of "drip" which contributes to the cultural degradation of this country. An emphatic protest is made against treating the listener as a moron.
- (8) The generally poor state of Australian radio writing, drama and presentation is due to a gratuitous assumption that the listener's intelligence is inferior to that of advertisers.
- (9) Sponsors exercise a control over commercial radio that is unhealthy. The station that holds a licence should be responsible for the material in its programmes. Behind the scenes sits the sponsor, who dictates what shall go on the air. With the sponsors having such power, the stations cannot answer for standards.
- (10) In order to reach and hold as wide an audience as possible, many stations pander to the lowest sensibilities of the people, and they have been doing so consistently for twenty years.
- (11) If such things as sad matrimonial misadventures, which are regarded as diversion, are to be classified as trash, the classification is misleading. Seventy-five per cent. of radio programmes consist of light variety items which could not be so regarded.
- (12) There are short story writers in Australia as good as any in the world but they receive little encouragement in this country.
- (13) Plays with an Australian background such as Australian life, the way an Australian lives, industries, a history of the economic struggles in Australia, and bird and animal life, should be used to a greater extent.



- (14) The Australian radio industry is now firmly established, due to war-time controls which dried up the flood of "dumped" programmes from the United States of America. Considerable capital is invested, and it provides steady employment for actors, musicians, writers, technicians, producers, sales representatives, factory employees engaged in manufacture of discs and equipment, and office staffs, all of whom are entitled to the maximum protection that legislation can provide.
- (15) The type of American serial being imported is the most powerful agency of social destruction in this country. It is culturally decadent and intellectually degrading.
- (16) Immeasurable harm is being done by the false emphasis which is placed on certain aspects of life as portrayed in certain American serials, in which there is a deplorable tendency to emphasize the subversive elements of crime and violence.
- (17) The Australian writer works on his own and generally is animated by sound literary principles. There is much less evidence in Australian works of the unhealthy instincts manifested by most of the American writers.
- (18) When the Big Sister in the serial of that name attained her fictional 21st birthday, she received  $5\frac{1}{2}$  tons of presents from the American public. That could not happen in Australia.
- (19) Only a very small part of the written material used by stations in Australia is Australian in origin. There should be a minimum of 20 per cent. of Australian writing for evening sessions.
- (20) A percentage of use of Australian material would raise the tone of programmes by giving them a stronger flavour of Australian life.
- (21) There is a large body of intelligent listeners who would welcome stories and serials of literary merit written by Australian authors and concerned with the life of the nation. The origin of each script should be broadcast.
- (22) The A.B.C.'s paramount objective should be to raise, through the entertainment it offers, the cultural and intellectual quality of the people; it should not copy the commercial stations.
- (23) Exception is taken to the attitude of the A.B.C. in requiring the writer of a short story to cede the copyright of the script. (Standing Committee's Note.—The A.B.C. has since contemplated altering this practice.)
- (24) There can be no real objection to importing a percentage of overseas material which is of accepted educational and cultural value.
- (25) The A.B.C. should reverse its policy of discouraging inexperienced writers of radio plays.
- (26) There is a moral obligation in the A.B.C.'s charter to offer Australian authors a fair reward for their creative work. The rates paid by the A.B.C. compare very unfavorably with those paid in Britain.
- (27) *The Lawsons* is true to the Australian philosophy—it is clean, healthy and free of the subversive social elements of gunplay, violence, trickery, intrigue and all the false social values that are so prevalent in some American serials.
- (28) A minimum of 80 per cent. of the time devoted to such material should be prescribed as Australian.
- (29) Script writing should be a matter for the technical colleges rather than the universities.
- (30) All major stations should present one live-artist show (as against relayed programmes), using Australian material, of not less than 30 minutes' duration, at least once per week.
- (31) An Australian radio organization should be established similar to the radio "Workshop" founded in the United States of America by the Columbia broadcasting system.

# STANDING COMMITTEE'S CONCLUSIONS ON THE USE OF AUSTRALIAN MATERIAL OTHER THAN MUSIC.

60. In the national and commercial services the percentages during 1946-47 were—

	Percentage of total time.	
	National.	Commercial.
Music .. .. .	52.40	55.59
Drama, Comedy, Variety, Serials .. .. .	5.51	13.84
Talks .. .. .	9.72	1.51
News .. .. .	10.46	4.74
Religious Broadcasts .. .. .	2.98	2.50
Children's Sessions .. .. .	2.82	2.97
Women's Sessions .. .. .	1.41	5.82
Sport .. .. .	4.44	4.01
Advertising .. .. .	..	8.08
Items not included above .. .. .	10.26	0.94
	100.00	100.00

61. It will be noted that under "Drama, Comedy, Variety, Serials" the time allocated in the national service was 5.51 per cent. and in the commercial service 13.84 per cent. Analysed, these percentages show the following variations :—

## DRAMA, COMEDY, VARIETY, SERIALS.

	Percentage of Drama, &c., Time.	
	National.	Commercial.
Performances by "live" artists .. .. .	73.60	31.81
Recorded programmes produced in Australia specially for broadcasting .. .. .	1.87	64.13
Recorded programmes produced in the United Kingdom specially for broadcasting .. .. .	15.88	1.35
Recorded programmes produced in the United States of America specially for broadcasting .. .. .	2.55	2.71
Gramophone records processed in Australia .. .. .	6.10	..
	100.00	100.00

62. The weight of evidence confirmed the view previously expressed that minimum percentages of use of Australian material should be prescribed, but that it would be undesirable and difficult to specify what these percentages should be in the various categories. The A.B.C. considered that they should be broadly classified as—

(a) spoken word broadcasts, and

(b) productions of all types, including plays, features and documentary programmes, and that the percentages should be 70 per cent. and 45 per cent. respectively. The Federation of Commercial Stations does not think that minimum percentages are necessary, but would have no difficulty in fulfilling the requirements suggested by the A.B.C.

63. The whole situation, however, may have been altered by advice we have received from the Department of Trade and Customs (*see* Appendix). When the subject was considered by the Standing Committee of the previous Parliament in 1945, a senior official of that Department advised that the question of prescribing use of Australian material would be merely a domestic matter and would not be in conflict with any measures with which that Department had been dealing or which were contemplated. But it now appears that any such prescription may run counter to the General Agreement on Tariffs and Trade signed at Geneva on 30th October, 1947. If this is confirmed by the Attorney-General, then it is impracticable to prescribe minimum percentages of use of Australian drama, &c., and it would appear to be a matter for the Tariff Board to consider whether aid to the Australian radio industry should be given in some other form, such as by increases in the tariff. In this connexion attention is drawn to the evidence of Actors' Equity that the industry should be protected from "the dumping of large stocks of overseas material, on discs and script, at merely nominal prices, far below the cost of production in the countries of origin". The Department of Trade and Customs has advised that the General Agreement and the Draft Charter would permit the imposition of an anti-dumping duty up to an amount sufficient to cover the difference between the two prices. We suggest that the Attorney-General be invited to advise Parliament as to the precise effect of the Geneva Agreement.

64. Typical of the British Broadcasting Corporation's fees is its payment of fifteen guineas for each performance of a 15-minute story. In contrast with this, the A.B.C. pays two to five guineas for a 15-minute talk. The Commission's explanation is that it cannot be expected to reach the B.B.C. standards of payment, because that organization has a potential listening public at least seven times as large as Australia's and financial resources approximately ten times as much. Nevertheless, as the Commission points out, a broadcast talk is usually the quintessence of a great deal of reading, study and experience which cannot be measured in terms of its duration. The Commission admits that its scale is low and, if its funds permit, would gladly raise the level.

65. In no respect does the Commission fail to observe the principles affecting plays, &c., set out in the Motion Picture Code, but has not felt the need of codifying its ethical standards. On the other hand, the Federation of Commercial Stations has published a code of standards, and although it has decided to set up programme control committees, the Federation is disinclined to amplify its code. Such amplification would provide for the prohibition of plays in which sympathy is expressed for offences or offenders against the moral law—in which reprehensible conduct is presented as tolerable or even praiseworthy—as instanced in the evidence of a responsible witness who drew attention to a play broadcast from an influential city commercial station in which murder and adultery were "justified" on the plea of "Art". We agree with the Postmaster-General that—

"It would be in the best interests of all concerned if the Federation were to amplify its code on the lines suggested by the Standing Committee in its Eleventh Report, especially as the programme control committees would have acceptable standards on which to base their decisions and enforce the will of the Federation."

66. With regard to other objectionable items to which witnesses have referred in a general way, there is ample machinery in the Act to provide for satisfactory attention to these complaints and we suggest that particulars be made available to the Postmaster-General for investigation.

S. K. AMOUR, Chairman.

D. O. WATKINS, Vice-Chairman.

A. FINLAY.

A. J. RANKIN.(a)

T. P. BURKE.

C. W. J. FALKINDER.(a)

J. W. HADLEY.

W. J. HUTCHINSON.(a)

(a) Subject to the appended reservation concerning paragraph 39.

#### RESERVATION BY SENATOR RANKIN, MR. FALKINDER AND MR. HUTCHINSON CONCERNING PARAGRAPH 39.

We agree that the minimum should be increased to 5 per cent. if the Attorney-General advises that this can be done. In the absence of conclusive evidence that works of satisfactory quality will be available, we feel that it would prejudice Australian compositions to stipulate a higher minimum at present. Neither the A.B.C. nor the Federation has failed to exhibit goodwill towards Australian composers, as evidenced by the fact that the  $2\frac{1}{2}$  per cent. minimum has been voluntarily exceeded, the relative figures being 3.59 per cent. in the national service and an average of 3.47 per cent. in the commercial service.

A. J. RANKIN.

C. W. J. FALKINDER.

W. J. HUTCHINSON.

Canberra, 13th September, 1948.

## APPENDIX.

## THE IMPORTATION OF OVERSEAS MATERIAL FOR AUSTRALIAN RADIO PROGRAMMES.

## COPY OF ADVICE FROM THE DEPARTMENT OF TRADE AND CUSTOMS.

Since the presentation of Mr. Clark's evidence before the Parliamentary Standing Committee on Broadcasting on 10th September, 1945, there have been a number of developments which affect, or are likely to affect, the conditions governing the importation of overseas material for Australian radio programmes.

In his evidence, Mr. Clark pointed out, that, although Australia was committed to the principle of the reduction of tariffs and other trade barriers, the obligations consequent upon the acceptance of this principle had not been specifically defined. Definition of these obligations has been undertaken at a series of international conferences and provisional agreement as to terms has been reached.

These terms have been embodied in two documents—the General Agreement on Tariffs and Trade signed at Geneva on the 30th October, 1947, and the Draft Charter for an International Trade Organization prepared at Geneva and now being discussed at the United Nations Conference on Trade and Employment at Havana.

The General Agreement on Tariffs and Trade entered into force provisionally on the 1st January, 1948, Australia being a signatory. Since it is considered that the provisions of the Agreement should, if possible, be in accord with the corresponding provisions of the Draft Charter, the Agreement will not enter into force definitively until such time as it has been decided whether any amendments to the Draft Charter are to be incorporated into the final version of the Agreement. In the meantime, the Agreement, as it now stands, will remain in force.

As the majority of the eighteen nations which negotiated the Agreement and took part in the preparation of the provisions of the Draft Charter have accepted the principles upon which these documents are based, it is unlikely that these principles will be abandoned at the Havana discussions. It is, therefore, considered that there will be no great variation between the provisions of the General Agreement on Tariffs and Trade and the corresponding provisions of the Draft Charter.

In its Eleventh Report, the Parliamentary Standing Committee on Broadcasting addressed itself principally to three methods of controlling either the importation of overseas programme material or its use subsequent to importation. These three methods were—

- (a) the imposition of tariff barriers.
- (b) the establishment of quotas, and
- (c) the regulation of the use of overseas material to ensure the use of a minimum percentage of domestic material.

In each case the objective would be to afford a certain protection to local industry.

The General Agreement on Tariffs and Trade and the Draft Charter contain provisions relating to each of the above methods and limit the extent to which methods (b) and (c) may be applied.

Although one of the principle objectives of the discussion at Geneva and Havana has been the reduction of tariffs and other barriers to trade, neither the Agreement nor the Draft Charter precludes the imposition of new tariff barriers. Under the Agreement Australia agreed to limit the tariff levels on specified commodities, but on commodities not listed in the Schedules to the Agreement the Government has made no commitments in this respect. Thus, if it were decided that Australian industries supplying radio broadcasting material should be fostered and that aid should be given in the form of increases in the tariff on these items, there is nothing either in the General Agreement or in the Draft Charter to prevent this being done.

Evidence submitted to the Standing Committee suggested that the scale of broadcasting material in the country of origin is based on recouping cost and making a profit in that country, and that, in consequence, the owners are in a position to offer the material to Australia at reduced prices with which Australian producers cannot profitably compete. Insofar as this involves sale to Australia at a price less than the comparable price in the country of origin, Article VI. of the General Agreement and Article 33 of the Draft Charter would permit the imposition of an anti-dumping duty up to an amount sufficient to cover the difference between the two prices. Moreover, such a duty could be imposed under existing Australian legislation. Thus, if the evidence submitted were proved correct, there would be no impediment to any tariff action taken as a counter to the dumping.

Quantitative restrictions were also suggested as a means of protecting local producers of radio programme material. Although quotas are, in general, contrary to the general provisions of both the Agreement and the Draft Charter, quotas required for the establishment or development of particular industries may be imposed under the terms of Article XVIII. of the Agreement (Draft Charter Article 13.). There are, however, certain formalities which must be complied with and the approval of the contracting parties must be obtained before restrictions of this nature may be imposed. These limitations have been introduced in recognition of the fact that unless quotas are used carefully, they might impose undue burdens on the economies of the countries applying them, unwarranted restrictions on international trade and might increase unnecessarily the difficulties of adjustment for the economies of other countries.

It may be concluded, therefore, that, subject to the concurrence of the other parties to the Agreement, quota restrictions could be applied for the development of the production in Australia of radio programme material.

It will be recalled, however, that in its Eleventh Report, the Standing Committee expressed the opinion that, in view of the difficulties of administering both qualitative and quantitative restrictions on the importation of overseas broadcasting material, "the desired measure of protection for the Australian radio industry and the interests associated with it could be probably secured to better advantage in the public interest by control of the use of imported material than by the control of its importation." It was considered that, the "principle of control having been accepted as regards music (in section 88 (2.) of the Australian Broadcasting Act), it would be logical to impose similar control over the use of imported material other than music if there be evidence to justify it." It was further considered that "the weight of evidence is in favour of imposing some such specific control by amendment of section 88 (2.), but in the absence of adequate information it would be unwise arbitrarily to amend the section to provide for minimum percentages of use of Australian material in the various categories at present."

Now section 88 (2.) of the Australian Broadcasting Act provides that not less than two and one-half per cent. of the total radio time spent in the broadcasting of music shall be devoted to the broadcasting of works of Australian composers, produced either on sound records made in Australia or by artists actually present in the studio of the broadcasting station concerned. The relevance of this provision to the General Agreement is complicated by the fact that it covers not only goods (in the form of sound records) but services as well, whereas the provisions of the Agreement relate to goods only. Insofar as this provision in effect does limit the importation of sound records from overseas, Article III. of the General Agreement is relevant. Similarly any extension of the specified percentage beyond two and one-half or of the scope of the section of the Act to cover not only music but other radio programme material as well would be subject to the provisions of the Agreement.

In brief, Article III. of the General Agreement provides that imported products shall not be discriminated against in respect of internal rules and regulations affecting their internal sale or use. In particular, there must be no protection of domestic production by restriction of the proportion of imported products which may be used or by specification of a minimum proportion which must be supplied from domestic sources. Exception from the provisions of the Article is made in the case of mixing regulations in force on either 1st July, 1939, or 10th April, 1947, the date being at the option of the contracting party.

It would seem, therefore, that while the present section 88 (2.) of the Australian Broadcasting Act remains unaffected, any proposal to increase the percentage beyond two and one-half or to extend the section to include not only music but other radio programme material would run counter to Article III. of the Agreement (Article 18 of the Draft Charter).

It will be apparent, therefore, that, of the three methods of control considered in detail by the Standing Committee, only the first may be freely applied. The second is capable of application, subject to the concurrence of the contracting parties to the General Agreement, while the third may not be applied at all.

Another method of protection not considered in the Eleventh Report, would be subsidization of local production. There is nothing in the Agreement which would prohibit the use of subsidies, but, under Article XVI. cases of subsidization must be reported to the other contracting parties. The provisions of the Draft Charter do however contain restrictions on the use of subsidies but the terms of the Charter are still in draft form and Australia is, at present, bound only by the provisions of the General Agreement on Tariffs and Trade.