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I.N.A. SEMINAR
DEVELOPMENT AND
THE MEDIA

Editor:
John Millett

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INSTITUTE OF NATIONAL AFFAIRS

DISCUSSION PAPER NO. 32

DEVELOPMENT AND THE MEDIA

**(Papers presented for a seminar
held in Port Moresby on
18 February 1988)**

Editor: John Millett

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INTRODUCTION

This seminar was planned and executed over a short period. The situation demanded that response. In late November last, the community became aware that government intended to introduce a bill in the first sitting of parliament in 1988 with profound implications for Papua New Guinean society.

If public seminars can be talked about in terms of success or failure, this one succeeded, despite the tight scheduling, because authors from a cross-section of the community responded quickly to our invitation. In itself that says a lot about the public's concern about the proposed legislation.

On the other hand, the seminar was hampered in not having the bill in its entirety to consider. Nevertheless it demolished some myths about government's willingness to consider the views of the community on important issues. Minister Gabriel Ramoi's active participation in the whole of the proceedings was very much appreciated. It also cleared away a lot of rubble from what we first of all saw as no-man's land but in the course of the day came to recognise as the common ground of Melanesian consensus. But, until the full text of the legislation is known we cannot be sure that what we saw was not a mirage. As Sir John Guise put it : "I'll talk about it when I see what's in it."

If I might be so editorially bold as to venture to suggest the message the seminar had for government it is this : April is too soon - once the bill is complete it should lay on the table for public comment for several sessions of parliament; and it should be narrowly rather than broadly drafted, making full use of autonomous existing institutions such as Post and Telecommunications Corporation, National Investment and Development Authority, Censorship Board, the laws of defamation and libel, and the Press Council. The only area of concern not covered by these existing institutions is that of concentration of local ownership; although the dormant Press Council would need to invigorate itself in order to play its guardian role. Institutional plurality is the best safeguard against the dangers of concentrated power. But first, a policy white paper is needed; this bill, as conceived, appears to fly in the face of the philosophy of devolution of power enshrined in the Constitution and which has characterised development policy since Independence.

Acknowledgments

Not all of the papers in this volume were presented at the seminar. Time did not permit it. The Institute of National Affairs thanks all authors. As well, the publication includes, by kind permission of the publisher, an article by Lucien Pagni appearing in the Africa-Caribbean-Pacific - European Community "The Courier". To those out-of-town participants, notably Planters' Association of Papua New Guinea and Mike Manning, we say a special thank you. We were pleased to be able to collaborate with the Churches' Council for Media. Their seminar in Rabaul the previous week formed the basis of the paper presented by David Gela. We were delighted to welcome to the seminar Neville Jayaweera, Director of Studies and Planning, World Association for Christian Communication and thank the Churches' Council for Media for making his presence possible. In summing up, and through wider participation as well, he brought an international and historical dimension to our seminar which was of the utmost value.

The Institute of National Affairs appreciates the assistance given by panelists and chairmen - Peter Donigi, Roger Hau'ofa, Simon Kenehe, Pokwari Kale, Maureen Mopio, Ray Anere, Jim Griffin, Peter Henshall and Father Kevin Walcott.

John Millett
Port Moresby

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Summary of the proceedings of the Seminar

Neville Jayaweera
Director of Studies and Planning
World Association for Christian Communication, London

I have been asked by the organisers of this seminar to sum up the day's proceedings.

The task of summing up within 15-20 minutes the proceedings of some nine hours is by any consideration a daunting one. It is further complicated by the fact that most of the individual contributions were of high quality and deserve to be mentioned in the summary. But, for reasons of time, this obviously cannot be done. The task is also a very delicate one because I was myself not a passive spectator in these proceedings. I had a point of view myself. Therefore bias is inevitable, and I shall indeed comment and extrapolate. This summary is offered subject to these limitations.

I will start with a comment. This seminar is one of considerable importance, because it is the first occasion that the Minister of Communications Gabriel Ramoi confronted his critics and made categorical pronouncements about his intentions concerning the scope and content of the proposed Mass Media Tribunal Bill. The occasion is also significant for the reason that the minister has gone on record, in public, as saying categorically that it is not, (repeat not) his intention to suppress criticism or to control or direct the media for protecting the government against public scrutiny. I consider both these facts to be enormous gains for the public. What the minister will do eventually is another matter, but we owe it to him to take him at his word. To do otherwise is churlish and boorish on our part.

Broadly the seminar proceedings may be classified under three headings. There was the case for the bill which we may call the thesis. There was the case against the bill which we may call the anti-thesis and the case for the middle ground, which we may call the synthesis.

The thesis

The case for the bill was argued on five grounds.

1. There were arguments adduced primarily by the minister, on economic grounds. He argued that in order for Papua New Guinea to acquire its own economy, it was necessary to limit the percentage of foreign investments in local media entities and to restrain monopoly, both by foreign and by local agencies. Stated in this way the case for the media bill is not an argument from, or about, media content but an argument about freedom for Papua New Guinea from foreign dominance.

2. The second argument said that this aspiration is not a whim of Minister Ramoi or an idiosyncrasy of the Wingti Government, but is a universal ambition of all Third World countries. Almost everywhere in the Third World the local media have been liberated from foreign control, at least in respect of economic and political domination. In a sense therefore the Mass Media Tribunal Bill had to come. It was inevitable. If Ramoi did not introduce it, someone else would have. Generally, in many Third World countries, the liberation of the local media from foreign economic control comes overnight, without publicity. In Papua New Guinea, at least there has been an opportunity for public debate.

3. The third argument for the bill was based on culture. It was argued that Papua New Guinea needed to ensure that the media were not used as channels for cultural imperialism. The minister spoke of the need for cultural renewal and for protecting Papua New Guinea culture. This argument was also not a whim of Minister Ramoi. It was merely the local expression of a movement that is sweeping across all Third World countries, whereby they are seeking to protect themselves against the flood of alien and corrupting programme material that is flooding into their societies.

4. The fourth argument for the bill, articulated by Papua New Guinea's first Governor General, Sir John Guise, was based on a strong emotional reaction against memories of the colonial experience. He recalled with great bitterness and intense feeling how he was caricatured by the Papua New Guinean "free press", how he was maligned and "crucified" by them, when the only offence he had committed was to agitate for independence for Papua New Guinea.

I do not myself accept the intensity of emotions as validity for an argument, preferring rational discourse instead. On the other hand, Sir John Guise's testament is evidence of the hidden springs that seem to motivate this legislation. Against such motivations no rational argument is possible. But it does give one an inkling of the quality and values of Papua New Guinea's "free press" which now champions democratic liberties.

5. The fifth argument was based on the failure of the press to be relevant or address the real needs of Papua New Guinean society. Several instances were given of columns, features and advertisements which were trivial or irrelevant to Papua New Guinea's needs. It was also argued that just as politicians were susceptible to the temptations of power and corruption so were press barons and journalists. They were both susceptible to megalomania. The politicians at least had to render account to the people once in five years and renew their mandate. But to whom were press barons and journalists accountable? How often did they have to go to the people and renew their mandate?

Overall, the five arguments that sought to justify or explain the bill never dealt with the individual provisions of the legislation. They were generalisations of an ideological nature, dealing more with concepts, values, goals and objectives. But they never addressed concretely the specific questions of whether or not the bill actually sought to curtail democracy, or suppress freedoms. To counter that argument, we had the categorical statement from the minister that the individual provisions of the bill had yet to be drafted. That was an encouraging sign and a reason for hope.

The anti-thesis

The case against the bill was argued on four grounds. Unlike with the case for the bill which was set out in broad generalisation or in ideological terms, the case against the bill was sometimes argued on more specific and concrete terms.

1. The strongest argument came from the churches. They pointed to specific clauses in the bill which seemed to infringe the rights and freedoms guaranteed under the Constitution of Papua New Guinea. They argued that the media bill specifically sought to regulate and restrict these freedoms under the guise of "public interest". They also pointed to other sections of the bill under which it was possible for the minister to exercise power arbitrarily and effectively direct and control the content of the media.

2. The second argument against the bill was based on the claim that the economics of media production rendered it impossible for media entities to be owned by Papua New Guinean citizens, or to exclude foreign investments in them. This argument had great merit in it, except that if we accepted its validity, we could extend it to cover most of Papua New Guinea's development enterprises and that would mean the perpetuation of Papua New Guinea's economic dependency. But this was not acceptable ideologically. Also, unfortunately, this argument was developed as a somewhat coarse expression of old-style imperialism. One could not help thinking, when listening to this particular articulation, that it was precisely this kind of belligerent posturing and lack of sensitivity and historical or political understanding that pushed governments and ministers to resort to extremist legislative measures.

3. The third argument against the bill was almost as emotional and as irrational as some arguments that sought to support the bill. It was argued that the Minister had some sinister motive, that he was unable to accept criticism, that he was reacting against some rebuff administered to him by the press, and so on. Not knowing the Minister myself, and having been in the country only for 14 days, I am unable to comment on the accuracy of these observations. The point however is that, even if they were true, they were hardly the kind of argument that one would expect to encounter at a public seminar at which intelligent adults came to exchange views. One cannot help making the observation, that in contrast to this extremely coarse articulation, the minister, for all his youth, reacted with a remarkable composure and decorum.

4. The fourth argument against the bill was an extension of the argument from historical inevitability. Earlier on, "historical inevitability" had been used to support the bill. Now it was turned round to criticise the bill.

The argument ran like this. It was true that in almost all Third World countries, closely following on political and economic decolonisation, governments sought to decolonise their information and communication systems. But thereafter, they invariably foisted upon themselves systems that were often much more oppressive than the colonial systems they displaced. This happened because governments could not resist the temptation to actually take over the media and run it themselves, and under the guise of liberating media from foreign domination, protect themselves from criticism and public scrutiny. So foreign domination gave way to domination by the government or the party, and citizens soon found that the latter oppression was often more sinister and more dangerous than the former. In most Third World countries, citizens have to listen to the BBC World Service in order for them to obtain information about their own country. There is no guarantee that Papua New Guinea will not fall into the same trap.

It was also argued that even though Minister Ramoi may not have evil intentions and may not himself want to control the media, there is no guarantee that his successors in office, from another party perhaps, will not subvert his own legislation. Perhaps Mr. Ramoi may then be in the opposition and find that his handiwork is being used to oppress him.

The synthesis

This argument was essentially the search for the middle ground.

Firstly, it pointed on the one hand to the historical process which rendered this legislation inevitable and on the other hand to the many instances of failure on the part of the "free press". Secondly, it also pointed out that there were many aspects of the intended legislation which were fraught with risks for Papua New Guinean society as a whole. Thirdly, it suggested that there was a middle ground somewhere between the two extreme positions which we need to identify and consolidate. That middle ground must include the right of the Papua New Guinean people to have an autonomous media system, a system with a minimum of foreign control. The middle ground must include the right of Papua New Guinean people to protect and renew their culture. But the middle ground must also include the guarantee of the basic rights to freedom of expression and freedom of information. It must include the assurance that the government or a party, or a monopoly, or an individual will not direct or control the media.

The task was to construct the mechanisms for achieving these complex goals. Given that the various contenders in this debate will not take hard positions, or resort to simplistic solutions, given that people are prepared to engage in rational discourse and above all given that they are prepared to show sensitivity and empathy for the aspirations of a new nation, it should be possible to construct a model of a democratic communication system that is free from all types of domination - whether foreign or local, private or governmental.

A tentative model was offered by Bishop Hand, the Chairman of the Censorship Board, in the form of a separation of powers between the Mass Media Tribunal Bill and the Censorship Board - the media tribunal to define communication policy, goals, objectives and criteria and the Censorship Board to adjudicate on violations. This model deserves serious scrutiny. It is based on a principle that is central to the concept of democracy - viz. the principle of the separation of powers.

Conclusion

The whole seminar was a thoroughly worthwhile experience and the Institute of National Affairs and John and Jocelyn Millett must be congratulated for arranging it. It obtained from the minister the assurance that the content and the individual provisions of the media bill are not finalised, that the matter is not foreclosed and that the debate is yet open.

**Report of the Board of Inquiry into Broadcasting
(including Television) in Papua New Guinea**

**Statement by Sir Kwamala Kalo, MBE,
Chairman of the Board of Inquiry**

1. The Board of Inquiry was set up by the government on 9 July 1986. The primary purpose -

"To find out from the broadest possible spectrum of Papua New Guinean society the views, the needs and aspirations of our people in relation to the whole question of broadcasting policy in Papua New Guinea.
2. Within 14 days of the National Executive Council decision the Board called for written submissions from the public. On 22 September 1986, three weeks of public hearings commenced in Port Moresby, followed by another three week series of hearings in the provinces.
3. A charter of 17 questions was charged to the Board of Inquiry as Terms of Reference for the Board to find answers.
4. During the course of inquiry a great volume of submissions, transcripts of evidence and research material was produced in an attempt to provide the best possible information and recommendations to the government for its consideration.
5. Some of the major and relevant unwritten background to the report -
 - (1) The report of the Board is by the people for the people.
 - (2) The Board recommended a broadcasting structure which is unique in character and content to Papua New Guinea.
 - (3) The report should also be appropriate and acceptable to any Pacific states as well as any Third World country.
6. Basis for the major recommendations and answers to the Terms of Reference -
 - (1) If broadcast television is introduced in Papua New Guinea it must be a nationwide service.
 - (2) A powerful broadcasting tribunal must be set up.
 - (3) No more than two commercial television stations followed by a public television station in two or three years time.
 - (4) Papua New Guinea is in great need of a community radio system - small one - language group scheme.
 - (5) Enforce proper and improved control measures.

- (6) Current Kalang, Karai and Kundu services are inadequate, therefore review the structure and functions of the National Broadcasting Commission.
 - (7) Strengthen technical and management services in Post and Telecommunications Corporation.
 - (8) Proper complaint mechanism must be set up to hear complaints from the public.
7. The Board of Inquiry was not commissioned by the government to investigate the functions and activities of the news media.

**Terms of Reference
Public Inquiry into Broadcasting (including Television)
in Papua New Guinea**

1. The adequacy of the Radiocommunications Act and Radiocommunication Regulation as a vehicle for the control and licensing of television in Papua New Guinea.
2. The establishment of criteria for acceptable television operators in Papua New Guinea.
3. The financial and technical prerequisites for television operators.
4. The number of channels which should operate. The type of television network and cover best suited for Papua New Guinea.
5. What body should be empowered to issue warrants for broadcasting (including television) operators, and the terms and conditions upon which such warrants should be issued, i.e. tribunal, Post and Telecommunications Corporation Board or whatever.
6. Develop the distinction between licences (technical) and warrants (socio-economic and administrative).
7. What body should be empowered to issue warrants and control television operators in Papua New Guinea; the preservation of the independence of such body; the terms and conditions upon which such warrants should be issued; the resources and functions of such a body.
8. Consider Television Receive Only and cable network operations.
9. Revenue aspects of broadcast (including television) licences.
10. Consider the percentage of television company ownership which may be held by non-Papua New Guinean interests.
11. The necessity to ensure that the Post and Telecommunications Corporation still controls and monitors technical aspects of all broadcasting (including television) transmission to ensure overall harmony of domestic and international radio and telecommunications.

12. The preservation of the independence of the controlling authority and its technical advisers.
13. The reflection of broadcasting and television of the multi-cultural nature of Papua New Guinean society; the recognition of regional, sectional and minority interests in the structure of broadcasting and television and in programme design, including provision of opportunities for access to broadcasting and television, and further including the recruitment and training of staff of television operators.
14. The desirability and means of developing an association between television as a medium and education as a life-long process.
15. The development of a wide range of programmes for regional, sectional, minority and specialised interests including the treatment of news, education, religions and sports.
16. The desirable limits on radio and television advertising; the adequacy of standards and rules; the desirability of censorship; procedures for monitoring and complaints; question of television and violence; the mix of overseas and local programme content.
17. Any associated matters considered to be relevant to the general objects and issues of this Inquiry.

Concepts of the Mass Media Tribunal

The Hon. Gabriel Ramoi, M.P.,
Minister of Communications

I thank you for inviting me to speak on the proposed Mass Media Tribunal Bill. This morning I wish to share with you some of my experiences as a young man among a new generation of leaders making decisions affecting this nation and of the value judgements confronting us in our search for a developmental strategy that can link the two economic systems that exist in our country today : on the one hand the formal economic sector of which you and your organisation are active participants, holding tremendous power in influencing public opinion, and on the other hand the informal subsistence sector in which the majority of our people are involved - whose ability to be heard is only expressed through the ballot box every five years.

In addressing you today, I am also mindful of the important role played by your 100 or so contributors as taxpayers, who, while controlling 80 percent of the formal economy, also pay 80 percent of the national bill which includes my salary and those of all other politicians.

The political framework (1985 - 1987)

Before I touch on the Mass Media Tribunal Bill let me point out some objectives that we all should support in our common struggle to build a stronger nation and a viable democracy.

In the first two years of the Wingti Government the political agenda has been clearly established. "The goal of improving the quality of life of our people" remains firm in our mind and most central to all government initiatives.

As a political party our view of the future society we wish to create is also very clear.

- . We envisage a society where the family would remain the central unit.
- . We envisage a family that is strong and healthy.
- . We envisage a family that would be economically self-sustaining and one that would have a constant source of income.

The objective of government is therefore to assist the family to reduce manual labour, thus allowing them the luxury of "time". Time saved could thus be productively used to broaden knowledge, knowledge that could subsequently be used to improve their lifestyle. This could be done through -

- . The introduction of new appropriate technology in harnessing nature and constructing durable shelters, etc. and
- . By providing a means of sustenance through the scissors theory of growth which allows for the flow of industrial goods into our villages and an inverse flow of agricultural goods into our cities.

We also envisage the creation of Papua New Guinean "Zaibatsus" which would assist in providing the infrastructure necessary to attain our dreams of a future society and at the same time contribute towards an ambitious programme of agricultural development that would ultimately sustain our democracy.

While these objectives are noble and fair their translation into concrete programs deserves the understanding and support of all.

It is within this political context that the Mass Communication Tribunal Bill must be read.

In summary, the concept of a mass media regulatory body must be seen as a manifestation of our political will, in the face of failed expectations, to determine the destiny of our nation by moulding a national character that can be described as Papua New Guinean as envisaged in the preamble to our Constitution; and not to allow the media to foster false hope and expectation among our people as a result of their pursuit of profits. Secondly, it must be seen as the continuation of a process of distributing "modern wealth" in a more equitable manner - from the control of foreigners and foreign managers to a new class of Papua New Guinean managers and entrepreneurs.

Let me now turn to the Mass Communication Tribunal.

The Mass Communication Tribunal Bill

Let me state at the outset that the Mass Communications Tribunal Bill at this stage of debate is merely a CONCEPT. To describe it as a bill is a gross exaggeration. The concept of the bill has received a lot of publicity since the announcement by me in parliament in November 1987.

Submissions on the subject have been received from a cross-section of the community, some in support of the concept, some against it and the majority accepting it as something in the realm of governments to legislate for and to regulate. For the benefit of a healthy debate let me now run through some of these views to give you a synopsis of what to expect when the bill is finally distributed to the people that really count - the members of parliament.

Ever since the announcement by me of the proposed media bill in the November 1987 session of parliament, there has been an influx of variable views on the issue. Let me summarise these views as follows -

1. Newspapers

On the whole, the attitude of newspaper operators towards the proposed legislation has been negative, as expressed in editorials, various articles and invited submissions.

Post-Courier and Niugini Nius are firmly opposed to the legislation on constitutional grounds, while Word Publishing lends qualified support to the need for regulation of the printed media along the lines of a national communications policy, derived from further detailed consultation and national consensus. Word Publishing supports the recommendations of the Kalo Report Into Broadcasting (including Television), (January 1987), but does not believe that these should be extended to cover printed media.

2. Television

Media Niugini Pty. Ltd. (EM-TV) accepts the general terms of the proposed bill and the submission is addressed to specific areas of the proposal which are considered inadequate, overly stringent, or unclear. The submission includes suggestions relating to the establishment and performance of the mass media tribunal in the interests of "a service to Papua New Guinea that is both beneficial to the country and commercially viable in nature".

3. National Broadcasting Commission (NBC)

The National Broadcasting Commission sees the proposed legislation as being specifically aimed at newspapers and TV companies and future private radio operators, and considers that it has little bearing on the operations of the NBC. The Commission is opposed to the establishment of a tribunal "with the objective of dictating to media organisations what it feels should be printed or broadcast", and proposes instead an advisory board to monitor programmes and address public complaints.

4. Other

Peter Donigi, President of the Papua New Guinea Law Society. The Law Society warns against manipulation of the legislation by ministers and the government "at the expense of citizens at large". The bill is criticised as prohibitory rather than enabling, and Mr. Donigi envisages possible misuses of power and infringement of constitutional rights by political parties in government.

5. David Delaney and Associates Advertising

The Advertising Association of Papua New Guinea disagrees with the need for regulation of the media, but "reluctantly" accepts the concept of some guidelines under which media should operate. The Advertising Association sees any controls on advertising taking place only at the point of publication/transmission, and opposes the political appointment of mass media tribunal members.

6. Censorship Board of Papua New Guinea

The Board sees the proposed establishment of the tribunal as a vote of "no confidence" in the Censorship Board's achievements, and envisages that tribunal and censorship functions may overlap considerably. The Board fully accepts the need for regulation and prohibition of certain material, but requests clarification of the Censor's function within the tribunal. The Board supports the wider censorship powers recommended by the Kalo Report.

7. Papua New Guinea Islands churches

Requests that the debate on the bill be re-opened. The Papua New Guinea Island churches want the government to "delete the clause in the bill which says that matters of religion be treated as commercial". They want the government to consider the Kalo Report. The representative of World Association for Christian Communication, Mr. Neville Jayaweera fears that shares bought in the media would end up in the wrong hands such as "A local tycoon would be more likely to use the monopoly to help a party he favoured".

With the stated views in mind, let me make myself explicitly clear on the following points -

It is not the aim of the tribunal to control what goes into the final print. It is a misconception to misconstrue the functions of the tribunal as being empowered to order or censor publication or broadcasting of news items. I am sensitive to the requirements of Section 46 of the Constitution. The Constitution at Section 46 entrenched a right of free publication - but subject to lawful restriction. Subsection (2) (b) interpretes freedom of publication as including freedom of the mass media. In other words, the Constitution will not permit the absolute prohibition of the media - such being one aspect of the free speech protection that is a fundamental of the free society. However, it is for the same objective reason that no right to publish (or speak) freely is unqualified. The Defamation Act is an example of restriction on "free speech". The Act actually prohibits certain aspects of free speech - but its effect is only to restrict it, not to effect an absolute prohibition. By the same token, a law that restricts or regulates the right of free media is entirely lawful, and cannot successfully be challenged in the courts.

2. It is the intention of the present government to reduce foreign ownership of the service sector of the economy, which includes the news mediums as one of the service related industries, while we welcome foreign investment in the dynamic sector of the economy such as mining and fishing industries.

I am in total agreement with the view expressed by Neville Jayaweera that a local tycoon or millionaire who buys shares in the news mediums could very well monopolise the whole industry to his advantage or to his political party's advantage. World opinion based on revelations of cases in Third World countries in which local millionaires bought shares in news mediums suggests they tend to dictate to the masses their own primary concerns, goals, priorities and interests.

Let me quote from Renato Constantino to drive my point home. "Among the masses, apathy is the result of ignorance as well as of acute economic deprivation. Of course, mass ignorance and poverty are the bitter fruits of a colonial society. Among the middle classes, social apathy is the direct result of an individualistic philosophy which seeks not the common good but only individual advancement even at the expense of one's fellowmen. This condition has been abetted by the cultural influences and the agencies that work towards our miseducation. Only those who have devised the system stand to profit from this condition."

For these and other reasons, I strongly recommend to the tribunal if and when established to see to it that when buying shares in news mediums, that provincial governments, area authorities, town councils and local government councils be given the first option to buy shares. The second option can be given to the statutory bodies to purchase shares. This recommendation, if implemented, will answer to some extent the question I raised earlier on ensuring that 80 percent of our people must fully participate in nation-building through the communications industry.

Finally, I am more relieved when one of Papua New Guinea's own sons studying in England says to me in a letter. "If the media is a powerful means of influencing development, then what goes into it must be culturally as well as politically and economically relevant to the needs of nationals. How our development policies would affect expatriates should never be our concern at all. It must be the nationals' interests alone that should be of primary concern to us..... Do those who oppose you want Papua New Guinea to contract the same moral filth and cultural sickness that the foreign-owned papers and TV convey?..... You have done the right thing and I am tempted to say that those who oppose your moves do not have the interest of the silent majority at heart. They are victims of IDEOLOGICAL REPRESSION."

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Freedom and Responsibility of the Press

Peter Hensall

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Introduction:

The report to the Minister of Communications, Mr. Gabriel Ramoi, by Mr. Stuart Littlemore, who was employed at the end of 1987 as a consultant to the Papua New Guinea Government, has caused a stir since its recommendations became known at the end of last year. The relationship between the Press and the Government is a touchy subject, and opinion has tended to polarise. On the one side is the Press itself, proud to call itself a free Press - probably the only one in a developing country, apart from India. On the other side are the Government and its consultant, deeply concerned about the social role of a Press which is free of Government direction but dependent upon the goodwill of the business community for its continued profitability.

As opinion has polarised, so has the determination on all sides to fight for every inch of ground. We have the newspapers determined to defend their absolute right to do everything just as they do at the moment, and to label any attempt to change anything as an attack on the freedom of the Press. At the same time, we have the Government apparently so determined to enact one particular solution to the problems which it sees, that it labels any opposition to that solution as the vested interests of the foreign newspaper proprietors. It is rather like those restaurants which only have a table d'hote menu, where you have to order Meal A or Meal B. If you fancy the avocado and the roast pork from Meal A, but the cauliflower and the cheesecake from Meal B, then that is just your bad luck - you just have to take one complete meal or the other, the good with the bad.

The purpose of this paper will be to see whether it is possible to pick the tastiest items from the menu of the government's proposed media bill without losing the best items on the free Press menu.

The two extremes

1. The free market free Press

This is the style of Press which is predominant in Papua New Guinea today, with newspapers operating like any other business, and relying on competition in the marketplace to ensure high standards. This tradition of journalism began in Britain and flourished in the United States of America shortly before and in the years after they gained independence, in 1776. It is also the main style of journalism throughout Western Europe, in Australia, New Zealand, Canada, Japan and India.

Because this tradition of journalism has its roots in the American colonies' struggle with Britain for independence, the Press within this tradition has always been wary of the Government. It has always been considered the most vital function of the Press to be the public's watchdog, protecting the public against bad government. This tradition is by no means outdated, as repeated newspaper revelations of government corruption or scandal in many countries have shown. For example, one may think of the Watergate scandal in the U.S.A. and the Bihar Jail blindings in India. In Papua New Guinea, too, in recent years, the newspapers have highlighted several areas of genuine

concern in the performance of the nation's political leaders. Government control of the Press is therefore anathema to the Press within this tradition, since it undermines what the Press sees as its most important role.

The Press in this tradition considers itself to be responsible directly to the public through market forces, and not through the Government. If the public don't like the newspaper, the argument goes, they won't buy it; and if the public don't buy the paper, the advertisers won't advertise; and if the advertisers don't advertise, the newspaper will lose money and go out of business; therefore, the people who run the newspaper are obliged to give the public what they want. We shall return to consider this argument later in this background paper.

2. Capitalist press = Coca-colonialism

This is the view in many countries where the Press is considered to be a vital tool in shaping society, and therefore too powerful to be left to go its own way. The Press in this tradition becomes part of the centralised state structure, playing a team role in achieving the state's declared aims of nation-building, or whatever the state's aims may be. This view was most clearly expressed in the late 1950s by Tom Mboya, who was being groomed to succeed Kenyatta in Kenya before he was killed. Mboya's view was that, when the prime function of government is nation-building, there is no difference between opposition and treason. This is the view which underpins one-party states and government-controlled Press in the USSR, eastern Europe, China and most of Africa. (Incidentally, it should be pointed out that government-controlled Press is not the exclusive reserve of socialist nations. South Africa, Israel, Chile and Singapore are among states which have very different declared aims to those countries listed above, but which still see a Press free of government control as being a threat to those aims.)

Particularly in developing countries, and most notably in Africa, a Press free of government control is frequently seen as opening the door to foreign-owned big business and the foreign cultural standards which they bring with them. This is what is referred to as "Coca-colonialism", by which the powerful industrial nations (U.S.A., Canada, Japan, western Europe, Australia) draw developing nations into a trade dependency to replace a pre-independence political dependency. Foreign-owned newspapers, according to proponents of this view, are obliged to satisfy their advertisers (which also tend to be foreign-owned businesses) in order to make a profit. They are responsible only to their shareholders and not to the people of the country in which they operate, and cannot therefore be expected to serve the interests of the country in which they operate, so the argument goes.

Either of these positions is tenable, although they are not compatible. Both have sound arguments to support them. To isolate those sound arguments, it is necessary first to deal with the most common fallacious arguments which are thrown up as a smokescreen whenever this topic is discussed.

Common fallacies

1. "The Government does not wish to censor the Press, only to license it"

This is clearly a nonsense. A licence which can be granted is a licence which can be revoked, and is therefore a weapon hanging over the head of the operator to influence his actions. If it did not influence the operator's actions, there would be no point in the Government having the system.

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Let us take a parallel example. Let us suppose the government of some country decided to license vegetable growers. As it introduces the necessary legislation, the government announces that it is not going to interfere in any way with the day-to-day farming decisions, nor dictate the farmers' decisions as to what they will grow. At the end of the year, any vegetable grower who has been producing vegetables other than those on the government's approved list has his growing licence revoked. Now, the question is: has the government controlled the farmer's decisions, or has the farmer been free to make his own decisions? In a sense, he has been free to make his own decisions - he could grow whatever he liked, while his first licence lasted; but he has not been free both to make his own decisions and to remain in business. Such a situation is not what is normally meant by freedom of action. Am I free to massacre my students? I can do so if I wish, but the inevitable consequence will be a very long jail sentence. In the usually accepted meaning of the word "free", therefore, I am not free to massacre my students.

In the same way, newspapers would not be free to exercise editorial judgment under a licensing system. Their day-to-day editorial judgments would be dictated by the conditions of their licence. If the Government wishes to control and take responsibility for the editorial content of the newspapers, then a licensing authority is the most effective way to achieve it. If the Government does not want that power and responsibility (and it says that it does not), then it should not introduce such a licensing authority.

2. "Papua New Guinea has a free Press"

As we saw above, the expression "free Press" is an expression which is generally used to mean a Press which is free of direct Government control. However, those who use the expression sometimes seem to forget that its meaning is really that limited, and speak as though the Press was actually completely free of all influences, an absolute freedom which must be defended at all costs against all threats. This is obviously a nonsense. We are none of us completely free. We are bound by moral, legal, financial, family and other social obligations which limit our freedom of choice. That is as true of newspapers, radio stations and television stations as it is of individuals.

The law restricts the freedom of newspapers in many ways, especially through the laws covering defamation, contempt, blasphemy, sedition and obscenity. Are all of these restrictions fair? For instance, the rules governing contempt of court in Papua New Guinea were drawn up in countries which have a jury system - Australia and Britain. Are these rules appropriate here, where there is no jury system? Is the limitation on the freedom of the Press which these rules contain justified? If the newspapers were as concerned about the freedom of the Press as they say they are, would we not expect to see them lobbying for such laws to be changed? Financial constraints also restrict the freedom of the newspapers - they might be legally free to report everything which happens in the country, but that is not much use if they cannot afford the network of reporters needed to do the job. They are also bound not to offend their proprietors and are obligated to their advertisers, as much as they like to insist otherwise.

In this climate of opinion, in which the newspapers appear to accept as right and proper a degree of legal control, proprietorial control and customer control (taking both advertisers and readers to be the customers), it seems inconsistent to many that the newspapers insist on no direct Government control. The onus really is upon the newspapers to explain why this should be so, rather than hiding behind the emotive term "free Press".

3. "If radio and television are to be controlled by a Government-appointed tribunal, why should newspapers be treated differently?"

The Board of Inquiry into Broadcasting (including Television) in Papua New Guinea, under the chairmanship of Sir Kwamala Kalo, M.B.E., delivered its report to the Government in January 1987. Among its recommendations was that a Broadcasting Tribunal should be established, with the authority to issue licences and warrants to anyone who wished to broadcast in Papua New Guinea. Licences would be issued or withheld on technical grounds - whether the applicant proposes to use suitable broadcasting equipment - and warrants would be issued or withheld on socio-cultural grounds - whether the applicant proposes to broadcast suitable material.

It is partly as a result of this recommendation that the present media bill has been introduced. However, newspapers have been included in the bill, although they were not part of Sir Kwamala's committee's terms of reference. The question has been raised why newspapers should be treated any differently to radio and television. It is a good question, and there is a good answer to it.

Broadcast radio and television can only operate by using the airwaves, which are a finite national resource. They cannot be left to operate unlicensed, or they may try to operate on the same wavelengths, interfering with each other's business and spoiling the public's reception. Licences such as envisaged by Sir Kwamala's committee are therefore essential. If a licence is issued to one operator to use a particular wavelength, then that decision logically precludes all other operators from using the same wavelength, so that it is necessary to issue wavelengths to those who will use them in the best interests of the society - hence the warrants. Newspapers are different. They do not operate on any finite national resource; the existence of one does not logically preclude the existence of another. The arguments rightly used by the Board of Inquiry into Broadcasting just do not apply to newspapers. The only finite resource at stake is newsprint, which uses trees; however, unless the Government is planning a similar licensing system for furniture manufacturers, it is unlikely that this is the reason for the proposed bill.

4. "If the public didn't like our newspaper, they wouldn't buy it".

This is an important claim for private enterprise newspapers, as we noted above. However, while it may well be true in other countries, it is far from clear that the argument is as strong in Papua New Guinea at the present time. People buy newspapers for many different reasons, and to read the news is only one of them. People buy newspapers to check grocery prices in the various supermarkets; to check the classified ads for items to buy and sell; to do the crossword; to read the cartoons; to get paper to roll into cigarettes. It is by no means obvious that everybody who buys a particular newspaper approves of everything in it. For example, the Post-Courier is in a commanding position in Port Moresby with classified advertisements, so that a great many people use the newspaper as an effective marketplace for buying and selling goods. They can do so without necessarily approving of all or any of the editorial content of the newspaper. They may approve of it, of course, but it does not seem to me that this can be assumed from the fact that they buy the newspaper.

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In some other countries, notably Britain, there are far more close substitutes to which a dissatisfied reader of a newspaper can turn. If they go off The Guardian they can turn to The Independent. If they decide that they don't like the Daily Express any more, they can take the Daily Mail instead. The same is true to a great extent in Australia and New Zealand, although most newspapers there tend to be regional rather than national. In Papua New Guinea the marketplace is smaller and less developed and the close substitutes do not yet exist. Under those conditions, there are limits to the validity of the argument that circulation figures are proof of public support for the editorial content of the paper.

What is the Government concerned about:

It appears from the Government's reported statements, rather than from the content of the proposed media bill, that there are two main areas of concern.

1. Foreign ownership

The main Port Moresby-based news media have a varied ownership pattern, but foreign interests figure significantly. The owners of the main media in Port Moresby are as follows:

PNG Post-Courier:	Herald & Weekly Times (Australia) - 62.5% Papua New Guinean private shareholders - 27.5% Australian private shareholders - 10%
Niugini Nius:	Wholly owned by Mr. D. Buchanan (Australian)
Word Publishing:	Wholly owned by Media Holdings Pty. Ltd. which is owned by the following churches in Papua New Guinea - Roman Catholic Church - 60% Evangelical Lutheran Church - 20% United Church - 10% Anglican Church - 10%
National Broadcasting Commission:	Wholly owned by Papua New Guinea Government
NTN:	Parry Corporation (Australia) - 90% Sir Ebia Olewale (Papua New Guinea) - 10%
EM-TV:	Bond Media (Australia) - 50% Mr. A. Beck (New Zealander) - 25% Mr. P. Sam (Papua New Guinea) - 25%.

The Government has expressed concern at the high level of foreign ownership of Papua New Guinean newspapers and television, in view of the special role which they play in informing people and moulding public opinion and aspirations. The Government has drawn attention to limitations in other countries with a free Press tradition on the proportion of media which may be owned by foreigners, and has indicated its wish to introduce similar restrictions in Papua New Guinea. In particular, the Minister of Communications has suggested, the newspapers and television stations are likely to be given a period of ten years to reduce their foreign holding to not more than 17 percent.

The other, related, concern is that a foreigner could buy a monopoly or near-monopoly holding in Papua New Guinea's commercial media, which could prove to be detrimental to the service available to the citizens of this land. The wholesale changes in media ownership in Australia over the last year have indicated how quickly and radically the situation can alter.

One can understand the Government's concern in this respect. One can also foresee practical difficulties. What if, at the end of the ten years, Papua New Guineans have been unwilling or unable to buy as much as 83 percent of the company at the prevailing market value? What then? Is the company to be obliged to dispose of the remainder at any price, even if that means giving it away? And would that be fair to other shareholders, in particular the many other Papua New Guineans who had so recently paid the market value for their shares? Alternatively, would it be sufficient for a minimum of 83 percent of the shares to be available for purchase by Papua New Guineans, whether or not the option was actually taken up? Such practicalities would clearly need to be considered carefully before any legislation was drawn up to deal with this problem.

2. Cultural imperialism

Because of the power of newspapers and television to mould public opinion and aspirations, it is natural that society should be concerned about the way in which that power is wielded. As mentioned earlier, it is a legitimate part of the role of a broadcasting tribunal, when issuing warrants, to consider the way in which television and radio use this power. The question is whether it is also a legitimate role for a media tribunal, dealing with newspapers. For this reason, I shall confine the following remarks to newspapers.

The editorial and advertising content of newspapers reflect the view of the newspaper managements' perceptions of their readers - in other words, to stay in business, they try to give what they think their readers want. The readers are changing, of course, with the passage of time. With every year that passes, there are more literate Papua New Guineans, more highly educated Papua New Guineans, more Papua New Guineans with spending power, and fewer expatriates. If the commercial newspapers wish to be profitable, they need to change their content with the changing readership.

However, it is possible that the opposite actually happens, and that new readers are moulded to fit the newspaper. This is a legitimate area of concern, if foreign-owned businesses are playing a major role in moulding the outlook of an emerging generation of Papua New Guineans.

There are three areas which it would be useful to look at in this respect. One is the Drum column in the Post-Courier; the second is features in the newspapers generally; and the third is advertising.

Drum - The Drum column is a daily diary, such as appears in most Australian and British newspapers. The idea is for it to contain a mixture of interesting and amusing incidents from the previous day which do not quite qualify as news but are worth telling. One classic category is the ironic occurrence, such as the Steamships executive who is seen eating his lunch from a Burns Philp carrier bag, or the Elcom executive who is seen buying candles. However, a high proportion of items in the Drum column centre upon subjects which seem to me to be less wholesomely amusing

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However, it is possible that the opposite actually happens, and that new readers are moulded to fit the newspaper. This is a legitimate area of concern, if foreign-owned businesses are playing a major role in moulding the outlook of an emerging generation of Papua New Guineans.

There are three areas which it would be useful to look at in this respect. One is the Drum column in the Post-Courier; the second is features in the newspapers generally; and the third is advertising.

Drum - The Drum column is a daily diary, such as appears in most Australian and British newspapers. The idea is for it to contain a mixture of interesting and amusing incidents from the previous day which do not quite qualify as news but are worth telling. One classic category is the ironic occurrence, such as the Steamships executive who is seen eating his lunch from a Burns Philp carrier bag, or the Elcom executive who is seen buying candles. However, a high proportion of items in the Drum column centre upon subjects which seem to me to be less wholesomely amusing

than these examples, and to be open to question as to their suitability within this society. The subjects I have in mind are

- (1) drinking to excess - typically, unnamed person drinks so much that he can't remember where he parked his car in order to drive home again;
- (2) gambling - typically, unnamed person backs several losers, is prevented by something from placing the next bet, and the horse he would have backed comes in at 15-1;
- (3) sexual promiscuity - typically, unnamed person is caught having an affair when his wife returns unexpectedly early from trip Down South;
- (4) anything involving unnamed "media man" or "man in the printing trade" or "bank johnny" or "man about town".

An example of a Drum column is shown as Appendix A to this paper. Perhaps I am being unduly prudish in considering these subjects to be very unfunny - I am sure that the Post-Courier would consider me to be so - but I know a number of Papua New Guineans who share my view. This is a deeply Christian country, and sensibilities are therefore likely to be different from those in Australia, for instance. In any case, it is not for a foreigner like me to say what is acceptable or unacceptable in the Drum. All I am suggesting is that there seems to be a need for some mechanism whereby Papua New Guineans could comment on what is acceptable and unacceptable to them. That is one role which the Government envisages for the media tribunal.

Features - A substantial proportion of the feature articles which are published in the newspapers here - especially the daily newspapers, but not exclusively so - originates abroad and are concerned with foreign cultural matters. The Post-Courier Weekend Magazine on a Friday is typically dominated by articles about American and European rock singers and film stars, or Australian politicians and businessmen. A breakdown of the contents of a Weekend Magazine is shown as Appendix B to this paper. The Niugini Nius also uses mostly foreign feature articles, many of them supplied by the Philippines-based Depthnews Asia. They are worthy and interesting features about happenings in other developing countries, but tend to supplant rather than to complement features about life in Papua New Guinea. Occasionally, too, the Niugini Nius uses a foreign feature which is monumentally inappropriate to Papua New Guinea. On November 23, 1985, for example, the motoring column was devoted to advice on winter driving - don't leave the rear window heater on all the time, check the anti-freeze in the cooling system, brake lightly and repeatedly when there is ice on the road, and so on. That page is shown as Appendix C to this paper.

Advertisements - The Minister of Communications has accused the commercial newspapers of being propagandists for their advertisers (Talkback, Karai, January 19, 1988). They deny this vehemently. Yet there are disturbing examples of the intrusion of advertising interests into editorial. On Thursday January 21, 1988, the Post-Courier published an eight-page supplement entitled Back to School. This was not labelled as an advertisement feature, and the front page of the supplement was devoted to an informative interview with the Secretary for Education, Mr. Jerry Tetaga. There was no reason for readers to suspect that the ethical standards of the editorial content would be any different from the rest of the newspaper. However, on the third page of the supplement (page 19 of the newspaper) there was an article headlined "Why was George better at maths?", with the second deck of headline "A lesson learnt". This article was written in the first person, although it carried no by-

line, and told the story of the writer's schooldays and the problems which he and his friends had with maths. There was one boy in the class called George who seemed to do no more work than the others yet always got top marks. Eventually, the article continued, George's secret was discovered: he had at home a set of mathematical instruments - protractor, set square and compasses. Eagerly, the writer and the other children persuaded their parents to buy them sets of mathematical instruments. A rosy future lay ahead, in which top marks miraculously lay in wait for the proud possessors of protractors, set squares and compasses. Directly underneath this article, inevitably, was a half-page advertisement for PNG Stationery and Office Supplies. The advertisement was headed "Start the year off right! With mathematical instrument sets." That page is shown as Appendix D to this paper.

What are the newspapers concerned about?

The newspapers appear to have two main areas of concern about the proposed media bill.

1. The loss of their watchdog role.

As outlined above, there are strong historical, emotional and practical reasons why the newspapers see this as their most vital function. It has been a very real function of the newspapers in Papua New Guinea over the years. It was largely revelations in the newspapers in 1985 which led to the setting up of the Commission of Inquiry into Pelair, under the chairmanship of Mr. Justice Bredmeyer. And more recently, it was largely the campaigning journalism of the newspapers which led to the current Forests Inquiry.

Without the work of a politically independent Press, shining a light into the dark corners of malpractice, it seems likely that less corruption would be made public, and that more corruption would therefore flourish. This spotlight is naturally uncomfortable for those at whom it is directed, and it can sometimes be destructive. Nevertheless, supporters of a free Press such as Papua New Guinea now has will insist that the advantages to the public far outweigh any harm which is done. If the free Press is no longer permitted to carry out this watchdog role, it is hard to see who will.

2. The loss of their independent informative role.

The desire of the Government in the proposed media bill to prevent a monopoly of media ownership is understandable. It stems from the recognition that the public cannot be well informed unless there is a variety of sources to inform them. That is precisely the reason why proponents of a free Press oppose a licensing authority. It would remove the very heterogeneity which the Government says it wants, and put its stamp upon all the media it licenses. This would be unhealthy for the public and unhealthy for the Government, which needs to be able to hear other points of view and robust constructive criticism. It is not just the electorate which needs informing, but the leaders, too. The Placer Pacific shares flotation showed that the leaders of this nation did not seem to know what the Leadership Code required of them when they bought shares in foreign companies. The ensuing publicity was valuable in that it drew these obligations to the attention of leaders, and reduced the possibility of a recurrence.

The best of both worlds:

Having examined the views and concerns of the two main protagonists in this debate, the question remains whether it is possible to find common ground which will satisfy both. Above all, is it possible to find common ground which will satisfy the public, whose interests are being so sincerely and vigorously defended by both sides?

I believe that it is quite simple to devise such a system - a system which can specify the degree of foreign ownership of the media permitted by the Government, deal with issues of socio-cultural suitability of published material, and still preserve the newspapers' editorial independence.

The answer is to deal with the question of ownership through simple legislation, either through existing National Investment and Development Authority legislation or a modification of it if necessary; to deal with socio-cultural issues through a Papua New Guinea Press Council on which there is vigorous public participation; and to preserve the newspapers' editorial independence by having no licensing authority.

The issue of ownership seems to me so simple that I shall not dwell on it. It is an issue which the Government can deal with simply and easily, and is nothing at all to do with the question of a media tribunal. A licensing authority, such as the proposed media tribunal would be, is an ideal structure for controlling the editorial content of newspapers, but is unnecessarily unwieldy for controlling foreign ownership.

The central issue, therefore, is whether a press council would be capable of effectively controlling the socio-cultural acceptability of the independent newspapers to the society in which they operate. If it could do so, then it would be hard to see why a licensing authority was needed; if it was unable to do so, then it may be that there would be no alternative to a licensing authority. In other words, unless Papua New Guinea's free Press can prove that it can make itself culturally acceptable, then it should not be surprised if the Government decided to come and do the job itself.

The Press Council of Papua New Guinea was founded in December 1985 (even though on Page 3, of its Aims, Principles and Constitution, which is reproduced as Appendix E to this paper, it claims through a misprint to have started ten years earlier!). It began with a noble constitution, laudable aims and a former National Court judge, Mr. William Kaputin, as its chairman. From that impressive start, it swiftly sank without trace. It has done nothing in the two years of its existence. It has six stated objects, and has not begun to achieve any of them. Its first object is to preserve the established freedom of the Papua New Guinea Press and its fifth object is to make representations to governments and public inquiries on the subject, yet it has not at any stage been involved in the present debate. Its second object is to consider, investigate and deal with complaints about the Press, but it has not yet done so. Its third object is to review the free flow of information, to and from the Press, but there is no evidence that it has done so. Its fourth object is to report publicly on developments in Press ownership and control and to publish statistical information about them, yet when I asked the secretary for the current figures on the ownership of the three newspapers, I was told that they did not know. Its sixth object is to publish reports recording the council's work; the fact that it has not done so is hardly surprising, since it does not yet appear to have done any work.

Nevertheless, even though the Press Council of Papua New Guinea does not really exist yet, except in theory, its inception is significant to the present debate. Its constitution was framed and accepted by the managements of the newspapers, of their own free will, and contains the following clause -

Statement of Principles, 7:

A newspaper has a wide discretion in matters of taste, but that does not justify lapses of taste so gross as to bring the freedom of the Press into disrepute.

That is precisely the issue being debated now - are the lapses of taste, particularly the choice of potentially socio-culturally unacceptable material, so gross as to bring the freedom of the Press into disrepute? To judge from the proposed media bill, the Government appears to think so. It is therefore important to note that the newspaper managements have already accepted the principle that they are open to criticism from their peers and from the public, through the Press Council, of their judgment in matters of taste.

I would suggest that this is a promising channel for persuading the newspapers to change, rather than attempting to force them to do so. The Government may well believe that much of the content of the newspapers does not reflect and serve this society. I would be inclined to this view, to a limited extent. The newspapers would presumably disagree. We cannot all be right; some of us, at least, must be wrong and it is possible that we are all wrong. By accepting the Statement of Principles of the Press Council of Papua New Guinea, the newspaper managements have publicly acknowledged their willingness to accept the possibility that they are wrong. A decision by the Government to look for checks and controls other than the kind of licensing authority recommended by Mr. Littlemore would indicate an equal openness on their part to the possibility that they may be wrong. Both sides must be open at all times to see what the public really want, rather than what they would like the public to want.

It seems to me that the Press Council of Papua New Guinea, as established, offers an excellent opportunity to deal with these matters. Its sluggish start is regrettable, but does not necessarily mean that it is incapable of action. It may be that some modifications to its constitution would be helpful, such as the number of public members (currently only two). But the biggest requirement is that it actually gets its act together and provides a real channel through which the public can say what they think about the content of the newspapers, and be genuinely listened to.

There would be plenty of incentive for the Press Council to succeed in this. If it failed, it would add considerably to the case for control by the Government through just such a licensing authority as is now being resisted.

Why should the newspapers want to change?

Is it naive to expect that the newspapers would change any part of a profitable formula, in order to meet other people's standards of taste, unless they are actually forced to do so? I believe that it is not naive, and that there are good reasons why they should want to change in line with guidance from an active Press Council.

The first reason is that it is in their commercial interests to do so. Much of the content of newspapers is there because it is what the journalists like to write; and in the absence of any information about what the readers like to read, it might as well stay that way. However, if the newspaper had a good reason to suppose that they

were not giving the readers what they want, the newspapers would want to change in order not to lose their existing readers and in order to attract new ones.

The second reason is that any foreign-owned business needs to stay on good terms with the country in which it operates, whether that business is mining, shipping, newspapers or anything else. Unless the newspapers develop a Papua New Guinean style of journalism and grow with the country, they will become socially isolated. It is sound common sense that, if you are a guest in another man's house, you modify your behaviour so as not to offend him. My personal view would be that that obligation is not reduced in any way just because you happen to be a paying guest.

Why should the Government accept this?

If the Press Council of Papua New Guinea could carry out the task of influencing the socio-cultural suitability of the newspapers in Papua New Guinea, then we have already seen that a licensing authority would no longer be necessary. However, if the Government has already decided that a licensing authority is what it wants, why should it change its mind and accept this Press Council proposal? I believe there are a number of reasons why the Government is likely to prefer the Press Council proposal to the licensing authority proposal.

First, it removes from the Government the practical problems of control which will inevitably accompany a body such as the proposed media tribunal. For example, how are "newspapers" to be defined? If they are to be defined simply as "regular publications", then will this mean that I will need a licence to write my weekly letter to my parents? That is a regular publication, and usually includes items of news and comment upon them. Perhaps the proposed tribunal will cover my weekly letter, and everybody else's too. If so, then it would come into conflict with freedoms of conscience, expression, privacy and information enshrined in Sections 45, 46, 49 and 51 respectively of the Constitution. If, on the other hand, people's weekly letters are to be excluded from such legislation, then how is the legal distinction to be made? A dividing line will have to be drawn somewhere between what is a newspaper and what is private correspondence. It is quite certain that wherever the lawyers who draft the bill choose to draw the dividing line between a newspaper (which is subject to the licensing authority) and a letter (which is not), there will from that time on be a flurry of activity just below that arbitrary dividing line. The law would simply create a new kind of newspaper, designed not particularly to meet the needs of the public but to escape the strictures of the law.

Second, it would save the Government from the kind of embarrassment which inevitably accompanies attempts to stop people exchanging information which they have. The Papua New Guinea Government has only to look at the British Government's attempts to prevent publication of Spycatcher, a book written by a former senior officer of Britain's counter-espionage service MI5, to see how silly a government can make itself look, in the eyes of its own people, and the world at large. Of course the truth can hurt, but permitting its free publication will always make the Government look like big men.

Third, it would preserve for the Government a valuable two-way channel of information and views, which can serve to keep the Government in touch with public opinion and provide a safety valve for public discontent, allowing it to be aired in a peaceful way. The Minister of Communication said on Talkback (Korai, January 19, 1988) that he liked to listen to the news on three stations on his shortwave radio -

Radio Moscow, the Voice of America and the BBC World Service. Having listened to all three, the minister said, he liked to make up his own mind about where the truth lay. This is a principle which is applauded by all who support a free Press, the principle of the freedom of the public to choose from a variety of news sources. It is a freedom which, under a licensing authority system, would be denied within Papua New Guinea to everybody except the members of the media tribunal. It is also interesting to note from the Talkback programme that the minister's opinion of Radio Moscow and the Voice of America was that they were equally propagandist, but that the BBC generally seemed to extract a balanced truth. Of course, I am British and therefore prejudiced in favour of the BBC, but I would fully agree with the minister. It is no coincidence that the relationship between the Government and those radio stations in the USSR and the USA is much closer than it is in the UK. It is also interesting to note that there is deep concern within the UK at the present time about what is seen as political motivation in the Government's appointment of the present Director-General of the BBC. A reputation for reliability depends upon a fiercely defended political independence. It seems to me that the desire to limit the free choice of Papua New Guineans is a negative response to the problems which the Government perceives. The positive response would be to provide more news of the kind which the Government feels is lacking, or to provide more news outlets to meet the need which the Government believes is not being met. The Government already owns a national network of radio stations, but it could also publish a national newspaper, if it chose, which would be free of obligations to foreign interests and business interests. This could offer increased variety, from which the public could make up their own minds as to where the truth lay. Another possibility is the establishment of a national news agency, but I am currently researching the implications of such a move and am not yet in any position to recommend it.

Finally, the Government would benefit by not losing its international credibility, which is a vital asset. Countries which do not enjoy international credibility crave it. The People's Republic of China provides its Xinhua news agency service to countries throughout the world, and finds that practically nobody is interested in using it. They have over the last few years called in the British-based Thomson Foundation to train Xinhua journalists in internationally-accepted standards of news, in an attempt to gain credibility. It will be an extraordinarily long process, and years of slow building work can be undone by the decreed publication of one patently propagandist story. This was clearly shown when Xinhua's accounts of last year's social unrest in Tibet was utterly at variance with eyewitness accounts.

The verdict of the world was that Xinhua was clearly no more credible than it ever had been. All the hard work of trying to build a reputation was undone in an instant.

Papua New Guinea's international credibility at the moment is excellent. The trouble with credibility, though, is that it is like virginity - you can only lose it once, and having lost it you can never get it back. The Government would do well to consider that carefully before introducing any legislation which would threaten it.

APPENDIX A

Drum column, *Post-Courier*, 9-11-87

Two of the six items extract their humour from drinking; one is a correction for an advertisement in which the newspaper had made a mistake; one is a personal message to the unknown person who left their sunglasses at Government House; one is a quote from a leading politician; and one is a story about a Port Moresby Yacht Club crew getting seasick.



FORMER MINIS-
TER without port-
folio, and Defence
Force commander,
Ted Diro, during his
resignation interview
yesterday, was very
philosophical: "There
were a number of
National Intelligence
Organisation meetings
last week about
coups," he said.

★
A MISPRINT in an
RFL Referees' Associa-
tion advert last week
is causing headaches.
The tender was called
for sole advertising
rights with regards to
referees, not the whole
rugby league in PNG.
We hope this puts us
back outside with the
refs.

★
A NEWLY-arrived
wife of a contract
worker in Port Mores-
by was overheard dis-
cussing how much she
enjoyed the lifestyle
here. "At home in the
UK, I was considered
a drunk. Out here, I'm
considered perfectly
normal," she said.

★
MISIMA is going
through a rather dry
time... and we mean
dry. No rain has fallen
for some time, and re-
sidents only get water
flowing through the
pipes at home for two
hours a day. Worse
yet, supplies of SP
beer ran out last
week.

★
ONE of our yachts
for the Southern Cross
series in Australia, In-
digo, is having a
rough time trying to
get to Sydney to par-
ticipate. Twice the
yacht has left Port
Moresby, and then had
to return. The second
time was because the
crew got seasick after
hitting the high seas.

★
A PAIR of sunglas-
ses was left behind at
Government House af-
ter the investiture
ceremony on October
29. If you were there,
and the daylight is
now hurting your
eyes, give the G-G's
house a call.

— P. ENGEE

APPENDIX B

Weekend Magazine, *Post-Courier*, 20-11-87

The subject categories and the number of column centimetres allocated to each are as follows:

Advertisements	3,328 (64% of total) [Includes 48 of house ads]
Foreign entertainment	763 (14% of total)
Foreign sport and fitness	169 (3% of total)
Foreign social and cultural	255 (5% of total)
Papua New Guinea features	459 (9% of total)
Papua New Guinea TV programmes	259 (5% of total)

N.B.

Two pages were devoted to an advertisement feature and are not included in this analysis.

APPENDIX C

Motoring column, *Niugini Nius*, 23-11-85

MOTOR ALONG

Compiled by

By JOYCELIN
KAUC LEAHY

WET WEATHER CHECKS

Electrical faults cause by far the greatest number of roadside breakdowns, especially during cold, wet weather. There is a good test you can do to reduce the risk of sudden failure.

THE battery: This might be the moment to fit a new one. The battery in a modern car is hard worked at the best of times and in wet weather, often overworked by such practices as leaving the rear window heater on permanently.

A new battery can last for five years, but it is sensible to check one every two years. If you are going to leave a car for a while, it is a good idea to put in an anti-freeze as the battery will freeze if it is left for a long time. The most common cause of battery failure is a weak electrolyte, which can be caused by a weak or broken cell. If you are going to leave a car for a long time, it is a good idea to put in an anti-freeze as the battery will freeze if it is left for a long time. The most common cause of battery failure is a weak electrolyte, which can be caused by a weak or broken cell. If you are going to leave a car for a long time, it is a good idea to put in an anti-freeze as the battery will freeze if it is left for a long time.

Good tyres are vital to safe wet weather motoring. At any speed, according to Tyretek, a modern tyre tread in good condition can disperse a remarkable 210 gallons of rainwater a gallon per car. Legally, cars must have a tread depth of one millimetre, but they can be far too thin for safety in heavy rain. Aquaplaning is the most dangerous of wet weather motoring equivalents.

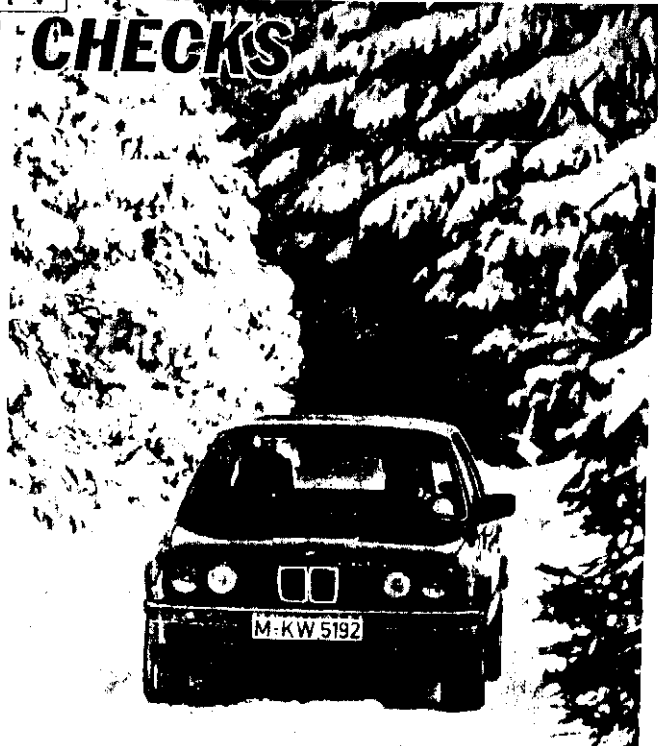
of waterskiing. It happens when a wedge of water builds up under the tyres and the car skids uncontrollably over the surface. Since all contact with the road is lost, so is all braking and steering, and on poor treads, aquaplaning can occur at less than 30 mph.

Tyres in winter should have a tread depth of at least 4 mm. Snow and ice drive confidently, positively and steadily. Don't let conditions get the better of you. No one under a sudden braking on a change of direction. The technique known as cadence braking is useful on slippery surfaces, where steady pressure on the brake pedal helps, repeatedly, and as rapidly as you can, putting the car off, but letting it off again as rapidly as you can, putting it off again before a skid can start. It is surprising how successfully this can pull you up when disaster looms.

Cadence braking is a useful antidote to a straight ahead, front wheel skid. A rear wheel skid, when the back of the car breaks away and slides, is more difficult to control. The old advice, to steer into the skid, is probably still the best, but with the self straightening properties of modern tyres,

you should "nudge" the steering into the skid rather than hold it. Above all, don't touch the pedals, and try to avoid a rear reaction skid, which leads to excessive correction. A secondary skid, thus provoked, is often worse than the first. It is almost impossible to learn skid control anywhere but on a skid pan. If there is one in your area, tution undoubtedly pays dividends. Use the highest

gear you can when driving on snow or ice. Start off in second, and move up to top as soon as possible. Low gears provoke wheelspin and skidding. Watch for clues that point to icy roads: frozen puddles, a sleep



APPENDIX D

From *Back to School* supplement, *Post-Courier*, 21-1-88

Post-Courier, Thursday, January 21, 1988

19

Back to school feature

Why was George better at maths?

IT was like a ritual at the end of the school year. The teacher would hand out our school reports and the person who did very well would be severely teased by the other students.

I remember maths whiz-kid George in the fourth grade getting more than his fair share from the guys in class.

Many of us were very skeptical about how he did so well. As far as we were concerned, George did not appear to be any more attentive than the rest.

For many, the maths lessons passed by with us doodling meaningless scribbles in our note pads, as we did not understand too much about what was going on.

The secret to George's success was discovered by Jimmy, when one day during the long vacation he was at George's house to find a mathematical set in his room.

Jimmy recalled to us how amazing the set was. It was full of various plastic triangles, a semi-circle protractor and some compasses.

George's maths note book was full of fantastic geometric shapes — all neatly prepared. It was obvious from Jimmy's observation that George did a lot of his school work at home with his equipment.

We felt like this when we

A lesson learnt

realised that in our efforts to avoid taking our homework seriously we did not realise the importance of a mathematical set.

I remember at the beginning of the third term the teacher told us to obtain mathematical sets, because she said that we were going to devote the term to learning geometry.

I would use the corner of my frayed exercise book to draw triangles. What was supposed to be geometrically perfect ended up looking like a drawing of a cell in a biology book.

We now understand why George avoided lending his set to us. His set gave him the edge over the rest of us and he did not want us to learn its tricks.

Jimmy told us how George's exercise book was full of golden stars awarded by the teacher for his neat and tidy work. With so many stars in his book, there was no way George

was going to do badly like the rest of us.

Our exercise books were full of comments like "Very untidy work, this is not a triangle" and "Two of out 10." The two was for being brave enough to hand in such poor work!

We all agreed that before the start of the new year at school, we would tell our parents to buy each of us a mathematical set.

On the first day back at school, the six of us pulled out our mathematical sets and started to talk among ourselves as George approached.

His mouth was totally agape in astonishment. For once the garrulous George was quiet, realising that our actions posed a threat to his superiority in maths.

We had learnt the lesson of the importance of coming to school well-prepared.

All too often children find themselves at a loss in class when they do not have the basic tools of learning.

These tools or "building bricks", are readily available in most towns in PNG, and I recommend that you check with your child and the teacher on these simple requirements and where to buy them.



Luk Boy Tai
TAILORING PTY LTD

**OFFICIAL
UNIFORM
STOCKISTS**

**PORT
MORESBY
INTERNATIONAL
HIGH SCHOOL**



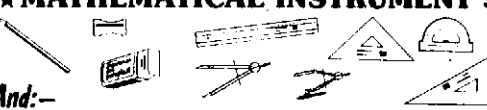
**HUBERT MURRAY TABARI PLACE,
H / WAY, KOKI BOROKO —**
— PH: 21 7846 PH: 25 3181

STUDENT OFFER '88

START THE YEAR OFF RIGHT!

With:—

★ **MATHEMATICAL INSTRUMENT SETS**



And:—

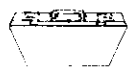
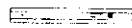
★ **A BIC STUDENT PACK**



K4.50

Includes: • Disposable Pencil & Hi-Liter • Roller Ball • Ball Pen — Red & Blue • Fine Point Ball Pen

★ **PLUS OUR HUGE RANGE OF STATIONERY GOODS** ★

★ Brief Cases 	★ Rulers 	★ Pencils 	★ Rubbers 	★ Pencil Cases 	★ Glue 
★ Lecture Pads 	★ Exercise Books 	★ Scribbling Pads 	★ Diaries 	★ Watches 	

PN stationery and office supplies

• BADELI PH: 21 7909	• HOBOLA PH: 25 1519	• GOROKA PH: 72 2497	• LAE PH: 42 2861
• GARDEN CITY PH: 25 1553	• MT HAGEN PH: 52 1760	• RABAU PH: 92 2141	

APPENDIX E

Aims, Principles and Constitution of The Press Council of Papua New Guinea

The Press Council of Papua New Guinea

Aims, Principles and Constitution

Complaints about published material
must be made within four months of publication.

Complaints and all other correspondence to
The Secretary,
P.O. Box 1982,
Boroko, PNG.
Telephone 25-2500

The Press Council of Papua New Guinea was founded in December, 1975. Mr William Kaputin, a former National Court Justice, was appointed chairman.

The Council's main purposes were stated as dealing with complaints against newspapers and periodicals published in Papua New Guinea, and resisting encroachment on the freedom of the Press.

The Press Council of Papua New Guinea can amend its Constitution, with the approval of the constituent bodies. Stress is laid on the importance of members acting as individuals, rather than as representatives of appointing organisations. Funds are provided solely by the constituent bodies, by procedures agreed with them. The Constitution gives the council wide powers of determining and varying its internal structure and procedures.

The council is in touch with similar councils around the world, and exchanges reports and information with them.

WHAT IS A PRESS COUNCIL?

A Press Council is a body consisting of representatives of the Press and the public, set up and paid for by the newspaper industry, to help achieve a better industry and to promote good relations between the industry and the public.

The Press Council of Papua New Guinea serves these purposes in two ways:

- (i) it is a guardian of the freedom of the Press, an essential element of democracy;
- (ii) it is a forum to which anyone may take complaints against the Press.

Under the first head, the council aids the Press to protect the basic right of the people to know — the liberty of publication won in centuries of struggle against governments and groups wishing to deny any such right. This includes the right of an editor to publish or not publish, to publish without fear or favour, to comment freely, and, if need be, strongly and with conviction, in editorial or leader columns.

Under the second head, the council seeks the maintenance of ethical standards by the Press, as set out in the Statement of Principles printed later in the booklet.

Liberty does not mean licence, and is limited by ethical standards, but the council monitors and resists attempts to go further; reasonable standards must not become denial of the right to know, to have opinions, and to publish.

The Press Council of Papua New Guinea's authority rests solely on the willingness of publishers and editors to respect the council's views, to adhere voluntarily to ethical standards, and to admit mistakes publicly. The council seeks no other authority.

WHERE IT BEGAN

Sweden was the first country to include a guarantee of Press freedom in its Constitution (1766); the United States Constitution First Amendment (1789) likewise prohibited "abridging freedom of speech or of the Press." Sweden also established (1916) the first Press Council. Britain developed a Press Council in stages between 1947 and 1977; its council now has equal industry and public representation with an independent chairman. The Australian Press Council was established in July 1976.

STATEMENT OF PRINCIPLES

To help both public and Press, the council decided shortly after its inception to outline the principles to which it would adhere:

- * The freedom of the Press to publish is the freedom of the people to be informed.
- * This is the justification for upholding Press freedom as an essential feature of a democratic society.
- * That freedom is more fundamentally important because of the obligations it entails towards the people, rather than because of the rights it gives to the Press.
- * Recognising that, the Press Council of Papua New Guinea, in dealing with complaints that newspapers have failed to observe proper standards of journalism, will treat the public interest as the first and dominant consideration.
- * With no wish to attempt the task of reducing to a precise and exhaustive formula the principles by which newspapers must govern themselves if they are faithfully to discharge their responsibilities to the people, the council states that its consideration of complaints will take into account the following general propositions:-
 1. Readers of a newspaper are entitled to have both news and comment presented to them with complete good faith, and therefore — *with scrupulous honesty and fairness in both statement and omission; and *with due respect for private rights and sensibilities.
 2. Accordingly, a newspaper is under a strong obligation to take all steps reasonably available to it to ensure the truth and exactness of its statements.
 3. Rumour and unconfirmed reports, if published at all, should be identified as such, and they should not be published if it is unfair to do so.
 4. News obtained by dishonest or unfair means, or the publication of which would involve a breach of confidence, should not be published.
 5. A newspaper is justified in strongly advocating its own views on controversial topics provided that in doing so it treats its readers fairly by ...
 - * making fact and opinion clearly distinguishable;
 - * not mis-stating or suppressing facts relevant to conclusions it encourages readers to accept;
 - * not distorting or unfairly colouring news, either in text or headlines; and

* making clear whose are any opinions expressed.

6. Billboards and posters advertising a newspaper must not mislead the public.

7. A newspaper has a wide discretion in matters of taste, but that does not justify lapses of taste so gross as to bring the freedom of the Press into disrepute.

8. The publication in a newspaper of matter disparaging or belittling persons or groups in the community by reference to their sex, race, nationality, religion, colour or country of origin is a serious breach of ethical standards.

9. A newspaper should not, in headlines or otherwise, state the race, nationality or religious or political views of a person suspected of a crime, or arrested, charged or convicted, unless the fact is relevant.

10. If matter detrimental to the reputation or interests of an individual, corporation, organisation or group or class of people is published, opportunity for prompt and appropriately prominent reply at reasonable length should be given by the newspaper concerned, wherever fairness so requires.

11. Published information which is found to be harmfully inaccurate should be made the subject of such prompt and appropriately prominent retraction, correction or explanation (and in proper cases apology) as will neutralise so far as possible the impression created by the inaccurate matter.

12. The council approves and draws special attention to the PNG Journalists' Code of Ethics (Page 7).

The council will try to ensure its adjudications reflect both the conscience of the Press and the legitimate expectations of the public. It relies on every newspaper to give prominence to the council's adjudications on complaints, whether for or against the paper itself or another paper. The candour and courage thus displayed should enhance public regard for the freedom of the Press.

Apart from freely published criticism there are no sanctions the council can impose, or that it considers it should have the power to impose. Its only authority is the moral authority which its pronouncements should carry by their intrinsic merits and because of the council's representative character. Its only resource is its appeal to the whole Press so to co-operate with it that the freedom of the Press will become highly prized by the public as the safeguard it is of Papua New Guinean democracy.

COMPLAINTS

A detailed account of the council's current complaints procedure is available on separate leaflet in this booklet.

The council may vary the procedure at any time, generally or in relation to the problems of a particular case; you will be advised from stage to stage about the next step to be taken.

Complainants are treated as being against publications, not against persons. Complainants should be in a position to explain and support the complaint, and answer questions about its background. It is not necessary to complain first to the publication, but this step is recommended since it often leads to early satisfaction.

Complaints should be lodged within four months of publication of the material on which the complaint is based, but the council may waive this requirement in special cases.

The council may decline to proceed with a complaint if its nature or the way in which it is presented are such that it should not be considered.

If it appears from the facts of a complaint that the complainant may have a legal remedy, the council may require the complainant to waive his legal rights in a form acceptable to council before proceeding further. This is because the council does not wish to compete with the courts, and because parties cannot be expected to provide the information and co-operation on which the council depends if this may prejudice their position in legal proceedings. A complainant unwilling to waive legal rights may arrange for council consideration after legal proceedings are completed.

Many complaints are dealt with in the early stages of investigation to the satisfaction of complainants. If a complaint is not so settled, an adjudication is made by council.

Adjudications are communicated to the parties and are usually distributed to the Press for general publication, unless the council considers that the circumstances require more limited distribution.

JOURNALISTS' CODE OF ETHICS

1. To report and interpret the news with scrupulous honesty.
2. Not to suppress essential fact, and not to distort the truth by omission or wrongful emphasis.
3. To respect confidences in all circumstances.
4. To observe at all times the fraternity of their profession, and never to take unfair advantage of fellow journalists.
5. Never to accept any form of bribe, nor to permit personal interest to influence their sense of justice.
6. To use only honest methods to obtain news, pictures and documents.
7. To reveal their identity as representatives of the Press, or of radio or television services before obtaining personal interview for publication.
8. Always to maintain, through their conduct, full public confidence in the integrity and dignity of their calling.

PRESS FREEDOM ACTIVITIES

The council scrutinises laws and government activities, and activities by other persons and groups which threaten the principles of Press freedom. In such circumstances the council may issue general Press releases discussing the matter in question, make representations to legislatures, legislative committees, government ministers and officials and arrange representation at conferences and inquiries relevant to its purposes, or take other appropriate steps.

The council welcomes complaints from the public raising general questions of Press conduct.

THE PRESS COUNCIL OF PAPUA NEW GUINEA

ARTICLES OF CONSTITUTION

1. Establishment

The Press Council of Papua New Guinea is a voluntary association of organisations and persons established in December, 1985, for the purpose connected with Press publication set out in Article 3 to be achieved by the methods and in accordance with the principles set out in this Constitution.

2. Definitions

In these Articles of Constitution, unless the context otherwise indicates or requires:-

"the council" means the Press Council of Papua New Guinea;

"the chairman" means the chairman of the council and includes the vice-chairman when acting as the chairman;

"Constituent bodies" means associations of journalists and publishers and corporations or individuals or individual publishers, which or who were empowered to nominate persons as members under the terms of this Constitution and are named accordingly in the schedule;

"Member" means member of the council, and includes the chairman or an alternate member when substituting for a non-alternate member.

"public member" means a member appointed pursuant to sub-section(6) of Article 4;

"secretary" includes acting secretary;

"State" means State of Papua New Guinea.

3. Objects

- (i) To maintain the character of the Papua New Guinea Press in accordance with the highest journalistic standards and to preserve its established freedom.
- (ii) To consider, investigate, and deal with complaints about the conduct of the Press and the conduct of persons and organisations towards the Press.
- (iii) To keep under review developments likely to restrict the supply by and to the Press of information of public interest and importance.
- (iv) To report publicly on developments in Press ownership and control and to publish statistical information about them.
- (v) To make representations concerning the freedom of the Press on appropriate occasions to governments, public inquiries, and other organisations in Papua New Guinea and abroad.
- (vi) To publish reports recording the council's work; to review from time to time developments in the Press and factors affecting them; and to exchange information with other similar bodies.

(2) The council is a non-profit organisation. Its incomes and assets shall be applied solely to carrying out the purposes mentioned in this Constitution and at no time shall there be any distribution, whether in money, property or otherwise from its income or assets to its members as such or to any relative, trustee or representative of or for a member, provided that this sub-clause shall not prevent the payment to a member of reasonable salary and expenses, or expenses only, as are approved by council in respect of specific services rendered to the council. In the event of dissolution of the council from any cause,

its net assets after payment of its just debts shall be distributed to such charitable or educational purposes as council specifies, or in default of such specification as is authorised by the Minister for Justice of Papua New Guinea

4. Membership

- (1) The council consists of the following members:
 - (a) persons appointed by council on the nomination of constituent bodies;
 - (b) persons appointed by council on the nomination of the chairman to represent the general public;
 - (c) a chairman
- (2) The council shall from time to time by resolution admit constituent bodies and determine the number of persons a constituent body may nominate for membership.
- (3) A constituent body being an association of journalists empowered to nominate a member, and an association of publishers empowered to nominate more than one member.
- (4) The persons nominated as members by associations of publishers or publishers shall at any time include at least three persons who, in the opinion of the council have had adequate experience in the newspaper industry, and the council may refuse to accept a nomination if its acceptance would result in this requirement ceasing to be satisfied, when the association or publisher affected may make further nomination satisfying the requirements.
- (5) The council shall from time to time determine the number of public members, so that the number of members appointed on the nomination of associations of journalists together with the number of persons appointed as public members shall equal to the number of members appointed on the nomination of association of publishers and publishers.
- (6) Public members shall be appointed on the nomination of the chairman, after public advertisement of vacancies, from persons otherwise unconnected with the Press.
- (7) The chairman is appointed by the council from persons who have not had any previous connection with the Press.
- (8) Resolutions of council pursuant to sub-section (2) of this Article shall be made in accordance with the procedure for amendment of this Constitution specified in Article 24.
- (9) The constituent bodies and their nominating authority, the number of public members, and the identity of the chairman, as they exist from time to time, shall be set out in the Schedule, which shall be reprinted on the occasion of changes in those particulars made in accordance with this Constitution.

5. Appointment of Members

- (1) The appointment or re-appointment of a member may be made so as to take effect from a future date.
- (2) The nomination of a person by a constituent body for membership of the council shall be by notice in writing to the chairman or executive secretary.

6. Casual Vacancies

- (1) A member shall cease to be a member of the council upon
 - (a) resignation by notice in writing to the chairman or secretary;
 - (b) absence from three consecutive meetings of the council without leave of absence of the council;
 - (c) becoming bankrupt or making any arrangement or composition with his creditors generally;
 - (d) becoming of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health.

11. Alternate Members

- (1) A member nominated by a constituent body may appoint one or more persons as alternate member of members and may terminate the appointment at discretion. The appointment and termination of such alternate members shall be notified in writing to the chairman or executive secretary.
- (2) The chairman may when nominating public members nominate an alternate member for each public member having the qualifications required for public membership, and the council shall appoint accordingly. An alternate member so appointed shall cease to be an alternate member when the public member in respect of whom the appointment is made ceases membership, and the membership of such alternate member may be terminated at any time by the chairman.
- (3) When a member is absent from a meeting of the council or a meeting of a committee of the council, other than a complaints committee appointed under Article 15 of this Constitution, an alternate member appointed in respect of the absent member may attend and vote at the meeting and exercise all the powers and functions of such member in relation to such meeting.
- (4)
 - (a) At a meeting of the aforesaid complaints committee, an alternate for an absent member of the committee appointed under paragraphs (1) or (2) of this Article may act in place of the absent member as provided in paragraph (3) of this Article if such alternate has been a member other than an alternate member of the council for a period of two or more consecutive years at any time prior to most recent appointment as an alternate member.
 - (b) If no alternate member for an absent member of the aforesaid complaints committee is available pursuant to sub-paragraph (a) of this paragraph, the chairman may appoint as alternate member to act for the absent member as provided in paragraph (3) of the Article a member (not being an alternate member) of the council who was nominated by the same category of constituent body as the absent member or by the chairman as a public member if the absent member was so nominated.
 - (c) If no alternate member for an absent member is available for a meeting of the aforesaid complaints committee pursuant to sub-paragraphs (a) and (b) of this paragraph, an alternate member appointed pursuant to paragraphs (1) or (2) of this Article shall be eligible to act for the absent member at such meeting of the complaints committee as provided in paragraph (3) of this Article as if the words "other than" to "Constitution" did not appear in that paragraph.
- (5) An alternate member shall be entitled to notices of meetings of the council and to the papers relevant to the business of council made available to members.
- (6) A person may be appointed to act as an alternate member for more than one member but shall be entitled to act as an alternate member for only one member at a meeting.
- (7) An alternate member present at a meeting in place of a member shall be counted for the purpose of a quorum.
- (8) In addition to any other provisions herein for the termination of appointments as alternate member, an alternate member may cease to be such by resigning by notice in writing to the chairman or secretary, and an appointment shall cease if the alternate member is subject to or suffers the circumstances specified in respect of members in sub-paragraphs (c) and (d) of paragraph 11 of Article 5 of the Constitution.

- (2) A vacancy arising by reason of the death of a member or one of the events described in sub-clause (1) is referred to in this Constitution as a casual vacancy.

- (3) As soon as practicable after a casual vacancy has occurred the council shall appoint to the vacancy a person nominated by the constituent body or person which or who nominated the person whose position is to be filled and satisfying the requirements of such a nomination in Article 4 of this Constitution.

7. Duration of Membership

- (1) In this Article, "retiring member" means a member other than the chairman when his or her membership will cease under this Article within two consecutive calendar months.
- (2) Unless membership is sooner terminated by casual vacancy, a member other than the chairman shall be a member for the following periods:
 - (a) a member nominated by a constituent body may be nominated for one, two or three consecutive years and shall cease to be a member at the expiry of the period provided in the nomination, but if no period is so provided then the period shall be three consecutive years;
 - (b) public members shall cease to be members at the expiry of three consecutive years from appointment;
 - (c) the chairman shall hold office for the period specified pursuant to Article 8.
- (3) A retiring member may be nominated for appointment or appointed if at that date such person satisfies the requirements of Article 4.
- (4) The constituent body or chairman which or who nominated a retiring member shall before the cessation of membership nominate a person for membership in accordance with Article 4, and the council shall appoint such person a member as from a date no earlier than the date on which the retiring member ceases membership.

8. The Chairman

- The Chairman is appointed by council for such period and on such terms as may be agreed upon between the chairman and the council.

9. The Vice-Chairman

- (1) The council shall elect from its public members a vice-chairman who shall hold office until ceasing to be a member or earlier replacement by fresh council election as follows. The council may make the fresh election of a vice-chairman so often as the vacancy occurs through cessation of membership, at such convenient time thereafter as council decides. The council may once in each calendar year after a member has been elected vice-chairman who continues membership, at such meeting as it considers convenient, elect another public member as vice-chairman.
- (2) Where the chairman is absent from Papua New Guinea or is incapacitated by illness for a period exceeding one week from acting as chairman or where the office of chairman is vacant, the vice-chairman shall perform all the functions of the chairman.

10. The Powers of the Council

- The council is empowered to do such things and to take such action for the furtherance and attainment of the objects of the council as the council may decide.

- (b) If an alternate member ceases to be such under any provision of this Constitution or by death and the replacement of such alternate member is not otherwise provided for in this Constitution, the chairman may make a suitable appointment for the appropriate period of time so that the person appointed is as nearly as possible of the same category of person as the member whose office he succeeds. The person so appointed shall be subject to the provisions and purposes of this Constitution, as the member for whom the alternate member may be called upon to act.

12. Meetings

- (1) Meeting of the council and its committees shall be held at such times as the council may decide or the chairman may direct. A special meeting of the council shall be convened by the secretary on the requisition in writing by not less than four (4) members.
- (2) The chairman when present, and in his absence the vice-chairman, shall preside at all meetings of the council; in the absence of both, the council shall elect a chairman from among those present. A committee may elect a chairman from among its members, and in the absence of such chairman shall elect a chairman from among those present.

13. Procedures of the Council

- (1) The council may meet for the discharge of business, adjourn and otherwise regulate its meetings as it thinks fit.
- (2) Subject to the provisions of these articles questions arising at any meeting of the council shall be decided by a majority of votes.
- (3) Members shall each be entitled to cast one vote.
- (4) In the case of an equality of votes, the chairman of the meeting shall have a second or casting vote.
- (5) The quorum at a council meeting shall be three (3) members.

14. Attendance of Officials at Meetings

Such persons as council approves shall be entitled to attend meetings of the council in a consultative capacity but shall not be entitled to vote.

15. Finance

All cheques issued in the name of the council shall be signed by any two of the following persons, namely the chairman, the vice-chairman, the secretary and any other person specially authorised by the council.

16. Audit

A statement of assets and liabilities and of receipts and expenditure shall be prepared annually by the council which shall be audited by a qualified auditor appointed by the council. A copy of the audited statement shall be given to each of the constituent bodies.

17. Travelling and Subsistence Expenses

A member attending a meeting of the council or any of its committees and the secretary and staff of the council shall be entitled to receive from the funds of the council reasonable travelling and subsistence expenses as determined by the council from time to time.

18. Trustees

The council may appoint upon such terms and conditions as the council may determine not less than two natural persons (who may be members of the council) or a company to act as trustee of any property of the council or to enter contracts for the benefit of the council.

19. Indemnity

A member of the council or a trustee appointed by the council shall be entitled to be indemnified out of the funds of the council against all loss or liability suffered or incurred by the member or trustee in the course of and by reason of his discharging his duties as a member or trustee.

20. Staff

The secretarial and administrative work of the council shall be carried out by an honorary secretary appointed by council from the publishing companies represented on the council.

21. Validation of Proceedings

- (1) All acts done at any meeting of the members of the council or of a committee of the members of the council, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such member of the council or of that they or any of them were disqualified, shall be valid as if every such member had been duly appointed and was qualified to be a member of the council.
- (2) The council may act notwithstanding a vacancy in its membership.

22. Dissolution

The council may at any time terminate its existence if it appears to the members that the council's voluntary nature and independence are threatened or that other circumstances have arisen which render the continued functioning of the council inappropriate. A resolution to dissolve the council must be passed by a two-thirds majority of its members present and voting at a meeting specially called for the purpose, which two-thirds majority shall not be less than a simple majority of the membership of the council. Not less than twenty-one days notice shall be given of any such meeting and this shall give particular notice of the purpose for which the meeting is called. The council shall notify the members of the constituent bodies of such meeting at the time it summons members.

The council may when carrying out a resolution to dissolve make resolutions for the disposal and distribution of property held by or on behalf of the council in accordance with article 3 (2), and notwithstanding the passing of a resolution to dissolve meetings of the council may be held for the purpose of supervising such disposal and distribution, where acting pursuant to this subparagraph, the council may proceed in accordance with article 13.

23. Alteration of Constitution

Alterations of these Articles of Constitution shall be made by resolution of council. Adoption of the resolution shall require the approval of a two-thirds majority of the members present and voting at a meeting, which two-thirds majority shall be not less than a simple majority of the membership of the council. No alteration shall be effective unless at least 28 days' notice of a proposed alteration shall have been given to council members and to the secretaries of the constituent bodies.

24. Notices

Notices of meetings shall be sent to members of the council at the address given by them to the secretary. Not less than seven (7) days' notice shall be given in writing of any meeting unless members agree to accept shorter notice. Notice may be given by post or telegram. Notice given by post shall be deemed to have been received 48 hours after posting and notice given by telegram shall be deemed to have been received 24 hours after despatch of the telegram. Accidental omission to notify persons entitled to receive notice of meetings or non-receipt by any of them of such notice shall not invalidate the proceedings of the meeting to which the notice relates.

Schedule

Constituent Bodies	Number of members authorised to nominate
PNG Journalists	1
PNG Publishers	3
Public members	2

The Mass Media Tribunal Bill

David Gela
Chairman, Churches Council for Media

- an opportunity for a speedier and more integrated development, or the first step towards the curtailment of democracy?

(A statement presented by the Melanesian Council of Churches and the Churches Council for Media.)

Today, within thirteen years of gaining independence, Papua New Guinea is standing on the threshold of legislation which might provide opportunities for a healthier and more integrated national development, or may well pave the way for the curtailment of democracy and a slide towards tyranny. We refer to the Mass Media Tribunal Bill.

Faced with such a prospect, the Melanesian Council of Churches (MCC) feels under a moral compulsion to alert not only the people of this country as a whole, but the Prime Minister and the individual legislators themselves. We can see that the proposed legislation has far greater consequences than might appear at first sight. It is therefore our duty to explain to the country what is at stake. The shape this legislation ultimately takes will depend crucially on the awareness we can generate among our people and the degree of pressure they can bring to bear on their representatives in parliament.

But we are deeply conscious of the need to act in a responsible manner, in a manner that will not expose us to the criticism that we are lacking in seriousness and objectivity, or that we are biased and partisan. We need to set about our task without prejudging the issues and with due regard to the evidence before us.

This statement is a formal public declaration made in that spirit.

MCC's philosophy of communication

It will be helpful to all concerned if, at the outset, we state our philosophy of communication and set out the values in the light of which we look at the proposed legislation.

We believe that communication is a gift from God and is therefore inalienable. Being a gift from God, it becomes a right, on a par with other human rights. We believe that for human beings to unfold their personalities and attain their highest potential, they need to communicate. They have a right to communicate, a right to inform, and a right to be informed. They have the right to free expression subject to the rights of all individuals. Because communication is so fundamental to human existence, we also hold that it should be free from domination, either by foreign or by local interests, by private interests, or by the state. We believe that people should have access to a plurality of communication opportunities and should not be limited by monopoly.

We also believe that communication should always be wedded to the truth and be sensitive to the culture and values of people. It must be free from ethno-centric prejudices and respect the interests of women, children and all minorities.

These values, we may add, are also the values clearly articulated by all the member nations of the UNESCO, including Papua New Guinea, at its Special Assembly held in Belgrade in October 1980, when the world's nations called unanimously for a New World Information and Communication Order.

It is also necessary to add that these values are already enshrined in Sections 45, 46, 49 and 51 of the Constitution of Papua New Guinea, as the right to the freedom of conscience, the right to the freedom of expression, the right to privacy, and the right to the freedom of information, respectively. The founding fathers of our Constitution seem to have been profoundly far-sighted in their vision, in as much as, several years before the international community raised these issues through the UNESCO, they had already entrenched them in our Constitution.

Against the background of this basic philosophy, we present our observations on the proposed Mass Media Tribunal legislation.

In formulating our observations, we have been hampered by the absence of what may be considered a definitive or final form of the bill. We have in hand only some bits and pieces. We have seen what purports to be Sections 1-34 of the bill, the First Schedule attached to it, and some supporting general statements attributed to the Minister, Gabriel Ramoi.

Observations on the general scope of the bill

1. According to the minister, the general objectives of the bill are said to be "divestment", "prevention of monopoly", and the "protection and enrichment of culture". We hasten to assure the minister that we endorse and share these objectives.

We consider "divestment" or the restriction of foreign investments in the local media to be a logical step in the progressive decolonisation of Papua New Guinea and in its emergence as a self-reliant national entity.

We consider the "prevention of monopoly" to be essential to the functioning of democracy. But it is important to prevent the emergence of local monopolies as well as the forming of foreign monopolies. The restraining of monopoly by foreign or by local agencies, whether those agencies be private or state owned, is essential to the distribution of power in a democracy.

And we consider the need to protect and enrich national culture and our traditional values, especially in the face of the onslaught of satellite and video delivered communication, to be paramount.

However, we note that these objectives are NOT set out in a preamble to the bill. They are referred to only in passing, in the schedule to the bill. If these objectives are non-negotiable, as the authorities claim them to be, we suggest that they be elevated to the status of the preamble and be also set out in a new section of the bill which may be called "Goals and objectives".

2. We observe that the whole tenor of the bill is more negative than positive, calculated more to regulate and constrain rather than to promote and expand communication. This is evident in its failure to refer to the needs of national development in a more positive way. For instance, the First Schedule refers to the obligations of media to maintain a balance of information, enlightenment and entertainment. But the obligations of media surely exceed that of merely maintaining a balance. What about the obligation to serve the needs of religion, education, health, agriculture and other obvious aspects of national development? What about the obligations of media to help build up a truly participatory democracy and a truly Christian society as envisaged in the Constitution?
3. We believe that the failure to include these considerations within the scope of the bill results from a failure of both philosophy and policy. The bill seems to be directed more at securing narrow ad hoc objectives. It does not seem to flow out of a philosophy of communication or express an integrated policy on the media. What this country needs urgently is not a piece of legislation on the media but a clear statement of policy on the media, based on a coherent philosophy of communication. The legislation should flow both from such a philosophy and a policy.
4. We believe that the Kalo Commission report provides a framework for such a policy. We recognise however, that the Kalo report addresses only the issues of broadcasting. But its recommendations on broadcasting are based on values that pertain to the whole field of communication and contain elements which bear directly on the objectives of the proposed bill. We would therefore urge that the Kalo Commission be reconvened with a new membership to represent media interests other than broadcasting, and be asked to address the issues referred to in the proposed legislation.

Observations on some of the specific clauses of the bill

1. Section (1). It seems to us that Section (1) of the proposed legislation seeks to provide for the regulation and restriction of the rights and freedoms (namely, freedoms of conscience, expression and information) guaranteed under the Constitution and is therefore in direct contravention of the constitution. It seeks to do so under the guise of "giving effect to the public interest and public welfare". We do not believe that rights guaranteed under the Constitution can be regulated or restricted by any statutory body. We must therefore ask the minister to amend Section (1) to do exactly the opposite of what it now seeks to do. We ask that Section (1) be amended so that it will guarantee that nothing in the bill will be deemed to modify or take away the rights guaranteed under the Constitution.
2. Sections (5) and (6) pertaining to membership of the tribunal. We acknowledge, with gratitude, the fact that the MCC will be represented on the tribunal. However, without in any way seeking to infringe on the Governor General's prerogative, we wish to point out that "acting with the advice of the minister" may not be sufficient to ensure that the person nominated to represent the MCC will be truly representative of our interests. We ask that provision be made to allow for consultation with the MCC also, before such a nomination is made.

3. Sections (1) and (11) pertaining to "function" and "power". We believe that prior to the definition of "function" and "power", it will be necessary to spell out the goals and objectives of the tribunal in specific terms. After all, "function" and "power" must flow out of goals and objectives. In the definition of the goals and objectives, we would ask that the goals that the minister considers non-negotiable and we ourselves share and support, viz. "disinvestment", "monopoly" and "culture", be set out clearly. Additionally, we would ask that the obligation of media to be at the service of the development needs of the country, to engage in fair reporting and, in fact, to do most of the things referred to in the First Schedule to the bill, be included in a new section called "Goals and objectives".
4. We note that the "interpretation" and "criteria and standards" to be followed by the tribunal have yet to be drafted. We would ask that the following matters be kept in mind when drafting these provisions:
 - . The need to define "media". Is a church newsletter to be considered "media" under the bill?
 - . The need to set out clearly the criteria that apply to the granting and revoking of licences.
5. Lastly, we note the absence of an appeal body from whom an aggrieved party may seek redress. This is a serious omission and needs to be remedied.

Conclusion

We would reiterate our support for the overall goals and objectives of the bill but have serious reservations about its provisions. We note serious defects in the bill that could not only defeat its claimed purposes, but might even contravene the Papua New Guinea Constitution itself.

We have therefore to request the minister to enter into serious negotiations with us about the proposed legislation and we pledge to cooperate with him in his attempt to realise shared objectives. Meanwhile, we also pledge to carry the issue to the people and to sponsor the widest possible discussion on its likely consequences. We consider it our moral obligation to alert the people of this country to the risk of losing rights and freedoms guaranteed them under their country's constitution.

Development and the Media

Michael Manning
Planters' Association of Papua New Guinea

In the Third (or developing) World today, Papua New Guinea has an enviable record. She has been able to change government five times without bloodshed and according to due constitutional processes. Major scandals involving senior people in the community have been uncovered and people have been punished. Different opinions are published in newspapers. People are free to criticise in public, in bars, in villages and in their homes without fear of oppression.

This is in stark contrast with most of the other countries in our region. In those countries freedom has been modified or curtailed. In those countries there is little open debate. In those countries there is already massive inefficiencies and massive corruption. There is also massive and growing poverty.

The Planters' Association of Papua New Guinea does not agree that there are special reasons for repressing freedom of the press in developing countries. On the contrary there is ample evidence that restriction of the press is the first step on the slippery slide to dictatorship. Dictatorship in developing countries invariably leads to corruption and growing inequalities between rich and poor. We see no reason why the same would not apply in Papua New Guinea.

Reasons for controlling the media

1. The most obvious reason why we might want to control the media is that it is **misleading people or moulding their thoughts in a way that we judge to be immoral or anti-social**. Does this apply to Papua New Guinea?

The most obvious criticism of the media in Papua New Guinea is that it does little to project an image of the good things that are happening in the country.

Modern journalism seems to rely on sensational headlines and stories of violence and horror to gain people's attention. There is less and less careful and balanced journalism. However it should be stressed that this form of journalism applies throughout the modern world and the introduction of press controls will not change journalistic practices.

Some people object to advertising of various products, some object to photos of bare-breasted women in traditional dress. Morals and what should or should not be put into newspapers is very subjective. The greater the control the government exercises on media, the more boring and uninteresting the media becomes. This is because governments like to talk about themselves and this quickly leads to propaganda. It is arguable that such propaganda is the most immoral form of news there is.

2. The second reason is that it is not telling the truth.

A good example is the recent court case concerning Mr. Diro. The Post-Courier has described the fact that a magistrate has ruled he has no jurisdiction in the case as a "victory" for Mr. Diro. The word was used in a number of sensational stories on Friday 23 January and repeated again in a story on Monday 26 January.

Fact No. 1 Mr. Diro has not been tried and therefore can not have won a victory.

Fact No. 2 The trial was to have been on whether or not Mr. Diro deliberately mislead a Commission of Inquiry. The substantive issue of whether Mr. Diro has erred in his dealings as Minister for Forests has not yet received attention. The newspaper at no stage addressed any of these points preferring to sensationalise it.*

3. The media gives a distorted picture of Papua New Guinea overseas

This is probably the biggest single reason why Papua New Guineans are upset with the press. And with due reason. There has been an enormous amount of sensational and very misleading reports about Papua New Guinea in the foreign press. There has hardly been a report on anything other than murder, rape, robbery and looting. These stories are picked up by all sections of the press (particularly Australian). There is no balance and after a period of continual exposure foreigners begin to believe the worst of Papua New Guinea. Those of us who travel overseas are continually asked how we can live in such an awful place. When we explain that Papua New Guinea is a great place to live the listener almost always makes some comment about the media in his or her own country.

It is important to remember that large sections of the world's press feed on sensationalism. The Australian press over Christmas 1987 would have you believe that nothing happened other than road accidents and mass murders. When they ran out of mass murders in Australia they went to some obscure hamlet in the U.S.A. where there had been one. So there are people scouring the world trying to find these stories of violence.

The syndicated wire services are coming into fewer and fewer hands. Much of the news gathered in Papua New Guinea is sent to Sydney, to London and then syndicated through one of the few sources back to Papua New Guinea and the rest of the world.

The most important factor we have to address is what would happen if Papua New Guinea were to prevent or control media reports leaving the country. The best way to answer that question is to ask what happened to the image of Indonesia when it expelled all Australian newsmen. It would appear that this has done nothing to improve Indonesia's image at all. The central problems of Timor and Irian Jaya and rampant corruption remain issues in the eyes of the Australian public. In addition it is well known that Indonesia has banned Australian journalists and therefore there is a great distrust of that country because journalists naturally talk badly of countries where they can't go and of which they are therefore ignorant.

* The point at issue here is the professionalism of journalists and the business strategy of the print media not the Forest Inquiry nor Mr. Diro's involvement in it.

It is arguable that most people are wary and nervous of countries that have tight controls over the press. For example the image of Russia in the Western media has vastly improved since the advent of Mr. Gorbachev and "glasnost".

4. A free press is somehow not appropriate to Melanesian or Papua New Guinean society

Culturally this is not a tenable argument in Papua New Guinea. Most societies in the country have a history of reaching agreement, policies or courses of action over prolonged and vigorous debate. Thus was the famous "consensus" arrived at and a clan or tribe then followed that consensus.

Modern Papua New Guinean politics have sadly moved away from this tradition of consensus. To many people it would appear that the role of government is to fiercely cling to power. Divisions between those in power and those in opposition are becoming increasingly bitter and this seems to be reducing the possibility of honest debate reaching a consensus.

It is argued that many of the decisions and policies for a modern Papua New Guinea are too complex and too difficult for many people to understand. We are in a hurry and decisions have to be taken all the time. Therefore we can't afford the luxury of debate and reaching consensus.

These arguments are largely nonsense. The proof of the pudding is that all political speeches are liberally laced with references to the fabled "grass roots", "villagers", "man bilong peles" and "papa bilong giraun". All politicians give lip service to the concept of consensus whilst many of them are actively working to destroy such consensus.

Control and direction of the media could act to improve consensus. If debate was stimulated and arguments for and against issues were faithfully presented the media could help create consensus. Of course this is idealistic and very unlikely to happen in Papua New Guinea or any other country.

5. Ownership and control of the media should be held by Papua New Guinean citizens, so as to safeguard, enrich and strengthen cultural, political and economic fabric of Papua New Guinea

This argument has been put forward by the consultant to the Papua New Guinean Government as reason for control.

The problem is that any media outlet is expensive to set up and very expensive to maintain effectively. The demise of the Office of Information and the many government papers and newsletters attests to the fact that the government has opted out of the field because it is not cost effective.

The experience of most new media ventures in Papua New Guinea has been that they do not make any money. The experience of the Niugini Nius and its antecedents is well-known. The Kalang service of the National Broadcasting Commission has never truly paid its own way if we consider the cost of equipment, studios, etc. It is widely rumoured that neither TV station is making money.

If this is the case it is unlikely that any Papua New Guinean investors are going to invest substantial sums in the press because it is not profitable. Like all rational people investors will not invest unless they can see a return.

The only way left for Papua New Guineans to become effective owners of the media is by government intervention. It is arguable whether a government committed to economic and agricultural development should or would invest large sums of money in the media.

6. Why does the Planters' Association favour a free press?

The Planters' Association of Papua New Guinea primarily represents growers in the cocoa and coconut industries. It is open to growers of any products in the coastal provinces. It has branches in New Britain, North Solomons, New Ireland and Madang provinces. It is trying to start a branch in Oro and East Sepik and used to have members in the Central Province.

The Association has a large number of paid up members of whom 90 percent are Papua New Guinean citizens or companies and more than 50 percent are small farmers.

It has recently, through its Madang Branch, organised a highly successful demonstration of farmers about the government's use of the EEC's Stabex Funds. More than 1,000 farmers turned out and many more were blocked by flooded rivers from getting to Madang.

The Association represents farmers on all sorts of issues from narrow sectional problems to broad questions affecting society at large such as the one we are discussing today. In doing so it works with government where it can but sometimes it criticises provincial or national governments. At all times it is seeking to mould opinion and make people aware of the views of the farmers it represents.

In order to be effective such an organisation must be able to present its views to the rest of society. Society must be able to judge whether it supports these views or rejects them. The only way that such an Association can put its views is through the media. If the media is controlled by government and if freedom of the press is not jealously protected, it will be natural that governments will try to suppress news that is not favourable to it.

It is axiomatic that a government thinks a free press is against it. All oppositions love a free press because without it they can not be an effective opposition. However, when parties move from government to opposition and vice versa their views of the press often change. Thus we have had the Rt. Hon. Michael Somare as Prime Minister lambasting the media and as Opposition Leader he is the champion of free press. Other leaders have taken different views depending on whether they are in government or opposition.

From the viewpoint of the Planters' Association we are not party political which means we support no party. But we are political because we have a mandate from our members to represent them and to put forward their views. These will often be unpopular with government because they do not always agree with government. However, we feel that we, and other organisations representing important sectors of the community, must have the opportunity to put our case.

7. The media tribunal

We have a number of reservations about the establishment of a tribunal with powers to regulate the media.

The most important one is the move toward politicisation of boards and statutory authorities in Papua New Guinea. In some cases the government has quickly and with very little debate altered legislation requiring that various groups be represented on boards and statutory authorities. It has removed statutory safeguards to membership, replacing these with appointment and dismissal at minister's discretion. In other cases it has flagrantly ignored the letter and the intent of the law regarding appointment of members of boards.

In this climate we can not be happy with the establishment of a tribunal with wide-ranging powers to interfere with the media. We can not believe that the government will not appoint political hacks and cronies to such a board.

We can not believe that a government that begins to interfere with the press will not continue to do so in greater and greater detail and more and more to ensure that its own views are the only ones that are put forward.

One of the problems of contemporary Papua New Guinean politics is the lack of debate about issues. Decisions are often made that seem to be ill-researched and against the interests of the people, e.g. Dash 7 purchase, Barnes Meat Cannery, Ramu Sugar, timber leases, use of Stabex funds, etc.

It was remarkable the number of candidates for the 1987 elections who stood with no platform other than "votim me". It is remarkable how little debate there is on vital public issues today.

What debate there is is stimulated by a free and vigorous press. There is enough competition for various views and editorial opinions to be put. We are extremely lucky to have a weekly newspaper that is devoted to serious analysis of issues. We have a Pidgin-language newspaper. We have a free and largely independent National Broadcasting Commission. All of these are very important to the shaping of our young country.

We should not restrict them other than through the laws of libel and slander.

8. Conclusion

The Planters Association supports a free and vigorous Papua New Guinean society. It maintains that such a society can only be kept in existence with a free and unshackled press.

We are extremely wary of the creation of a tribunal. We don't believe the government would either appoint or continue to support a tribunal that did not follow its wishes. We think the government's record speaks for itself in this regard.

We think that the risks of appointing the tribunal far outweigh any of the benefits that are likely to accrue from it.

Overseas Images

Sean Dorney
Australian Broadcasting Commission Correspondent
Papua New Guinea

Preface

When John Millett wrote to me asking me to deliver a paper to the seminar, I was somewhat reluctant to speak because of my position as a foreign correspondent. However, after tossing it around for a few weeks and having found out who a number of the other invitees were, I agreed. I talked it over with John and I decided to limit my paper to how the proposed Mass Media Tribunal Bill would be perceived by, and reported in, the overseas media. As matters turned out, I was the only "working journalist" to address the seminar. Others were invited, I believe, but declined. I make mention of this because of the impression that may have been created in the minds of some that I was attempting to speak on behalf of the journalists of Papua New Guinea. This was not the case and certainly not the intention. A large committee of Papua New Guinean journalists met in January in Port Moresby and drafted a submission on the bill which they presented to the government. That document was printed in the newspapers. A copy is attached at the end of my paper.

I have the dubious distinction of being the only resident foreign correspondent to have been, effectively, expelled from Papua New Guinea. That happened back in 1984 and putting aside the question of whether that expulsion was justified or not, Papua New Guinea could be in for as damaging a series of headlines in the Australian, New Zealand and other regional media, if Mr. Ramoi's draft media bill goes through, as the country suffered back then. For, like it or not, the media has an intense interest in its own health wherever that health may appear to be threatened.

My expulsion in 1984 created an impression in the minds of some influential sections of the foreign media that Papua New Guinea had embarked on some repressive campaign to cover up the truth. Now those of us who understand the dynamics of what went on realise that was not the case, but as we are constantly reminded in life, it is the impression of what happens not the reality that so often determines future action. Having spent some time working as Press Secretary to a Chief Minister of Australia's Northern Territory, who resigned partly as a result of an extraordinarily effective media campaign by one newspaper against him, I claim some minor knowledge on this point.

Talking about impressions versus reality, one upshot of my well publicised departure from Papua New Guinea in 1984 was that I was approached by the American Biographical Institute based in Cambridge, Massachusetts, to be included in their 1985 edition of "Men of Achievement". Thinking this a great giggle, I filled in the biographical data form including such details as being a founding Member of the Knights of St. Victor - that is the name we gave our informal Friday night journalists' drinks session here in Port Moresby - and I sent it back to the United States. Sure enough, my profile appeared, complete, I might add, with the impressive Knights of St. Victor appellation. The American Biographical Institute has never let me alone since. Every few months I receive another letter from them inviting me to become a

member of this organisation or that, to send away for an inscribed wall plaque or medal or to attend an international conference. It finally reached the ludicrous heights - and this is where I emphasise the chasm that can exist between impression and reality - the absolutely ludicrous heights of an invitation to submit my biography to, wait for it, the "International Who's Who of Intellectuals"!

The impression as against the reality is a constant problem that Papua New Guinea has to deal with in the image this country presents abroad. For instance, the Sydney Morning Herald three weeks ago, led off its Saturday edition's magazine section, Spectrum, with a two page feature spread headlined "PNG - Ripe for Revolt". The second page headline went even further saying "Ripe for Rebellion". Now I don't know how many here would subscribe to that analysis but the source quoted by the writer, John O'Neill, that prompted these sensational headlines was none other than the Communications Minister, Mr. Gabriel Ramoi. O'Neill spent about three weeks here and one weekend he interviewed Mr. Ramoi at his home. Let me quote a few sentences:

"Gabriel Ramoi, a tuft of hair jutting out from his open-necked shirt, spins on his heel and points towards the valley below his Port Moresby home. 'Ten years ago there was nothing like that'. Below a collection of weathered tin roofs straggles along the valley floor and up its sides for several hundred metres. It is a squatter settlement ... For Ramoi, the 26 year old Minister for Communications, the settlement is a sign that the governments of the past 12 years of the country's independence have not redressed the imbalances in development. He says it is an imbalance the people will soon no longer tolerate. He foresees a revolt. He is quite serious. Indeed he gives the impression that if he weren't in Government, he would probably lead it."

And so the article goes on. Indeed, it is an extremely well written piece in which I presume O'Neill reports the rhetoric he has listened to accurately. The point I would like to make is that nobody in the government can complain about this article giving a false image of Papua New Guinea, or scaring away foreign investment or frightening off tourists, if ministers are prepared to say such sensationally reportable things to visiting journalists. John O'Neill in an earlier article quoted Mr. Ramoi as saying the proposed "new laws to regulate the media would be the first step in a program that would curtail traditional civil liberties in the interest of peaceful national development". He quotes the Media Minister as saying the government was considering wide-ranging reforms including "the establishment of a national ID card system which would be used to limit citizens' freedom of movement in a bid to arrest rural-urban migration". And in a direct quote attributed to Mr. Ramoi he says "the proprietors of the press in Papua New Guinea fail to realise that liberty means more to the European than to the people of Papua New Guinea."

I have quoted the Sydney Morning Herald in detail because Papua New Guinea can expect to come in for a great deal more of that type of scrutiny in the southern media as this media bill comes closer. Let me add that I think the government's professed aim of increasing local ownership of the media in Papua New Guinea may fall on sympathetic ears amongst Australian journalists who are becoming increasingly concerned at the concentration of media ownership in Australia. But that aim is being overshadowed by what, I have to say, is the ominous and sinister sounding intention to have the media conform to what has been amorphously described as "the national mood".

In his preface to his double page spread advertisement in the newspapers in late December, Mr. Ramoi stated that the country "must be assured of complete control of the media free from foreign interference or influence. Without such control," he said, "radio and television broadcasting and the print media can never become a great agency for communication of matters of national concern and for the diffusion of national thought and ideals". He went on that "without such control it can never be the agency by which national consciousness may be fostered and sustained and national unity still further strengthened".

The government already owns the most penetrating of all the media in Papua New Guinea - the National Broadcasting Commission (NBC). I wonder how many disk jockeys, or for that matter journalists, on the Kalang Service at the National Broadcasting Commission (NBC) have been actively involved in the "diffusion of national thought and ideals" and how successful they feel they may have been? Is the recent alleged "privatisation" of the NBC's FM service going to lead to a greater national consciousness? But the topic of my paper is to do with the foreign interpretation of this proposed bill. To report to an Australian audience that the purpose of new media legislation in Papua New Guinea is to "diffuse national thought" is to summon up images of George Orwell and his novel "1984". Ah Ha! I have just realised why that year, 1984, was the year I was thrown out - Orwell knew what was coming! But seriously, if the government has more limited ambitions for the Mass Media Tribunal Bill, then it should not keep couching it in terms that echo what might have come from Dr. Goebbels' Propaganda Ministry in Nazi Germany. Because that is how it will be reported.

The Papua New Guinea media today, in February 1988, is the liveliest and most dynamic it has ever been. I believe it is one of the proud boasts of Independent Papua New Guinea that its media scene thirteen years after independence is more virile than it was at the close of the days of the Australian Administration. Long may it remain so. Back then there was the Post-Courier and the NBC and, in a limited way, coming out of Wewak, Wantok. Now there are not only two fiercely competitive national dailies, but a quality weekly, a stronger Wantok, medium wave, short wave and FM radio services from the NBC and two television stations. Hopefully the field won't thin out although the economics are becoming increasingly marginal as I am sure Roman Grynberg will point out later.

The liveliness of the local media has helped create the position where Papua New Guinean journalists are now writing regularly, for the first time, for foreign newspapers and magazines. It has in the past been difficult for these media outlets to find Papua New Guinean journalists prepared to file to them constantly. But now Frank Senge's articles are appearing in each edition of Pacific Islands Monthly and Lily Balagentuna Tabua is a contributor to Compass in Jakarta, to name two.

Mr. Ramoi has said that the Mass Media Tribunal Bill will also include provisions for the licensing of foreign correspondents. There are only two full-time foreign correspondents left in Papua New Guinea. A few years ago there were four. But the Sydney Morning Herald and the Herald and Weekly Times closed down their Port Moresby bureaus in the early 1980s and much of what appears in splash stories and features in the Australian media these days is written by desk-bound people in Sydney, Melbourne or Brisbane or by people who have made a fleeting visit. I have no philosophical objection to being licensed as long as it is a purely mechanical procedure and can be facilitated along with my National Investment and Development Authority registration under the Department of Trade and Industry and my Work Permit approval under the Department of Labour and Employment - and as long as it does not require a specially approved "diffusion of national thought" certificate from the Department of Communications.

Few would deny that Papua New Guinea has an image problem overseas. I would submit that this image problem has worsened as the number of Papua New Guinea-based foreign correspondents has fallen. This is a confusing and complex - and expensive - country for the foreign media to cover. The fewer journalists there are that understand it, the less the image presented overseas will conform to what the people here know to be the reality.

At the same time Papua New Guinea is an incredibly open society. You would never get, in the Australian media for instance, that most startling openness we witnessed just a few weeks ago when the former Defence Force Commander, Brigadier General Tony Huai, and the Defence Minister, Mr. James Pokasui, went totally public to explain their positions over the recent Defence Force changes. While sections of the Australian media were darkly speculating on the likelihood of a coup, one of the men they had leading it was not plotting overthrow but writing exclusive articles for a Papua New Guinean newspaper!

That is a reality of Papua New Guinea. And I believe it illustrated well that despite claims that it may be fragmented and un-coordinated, the media is not serving Papua New Guinea too badly. Far, far better, I would argue, than the recently regulated and coordinated media in Fiji has been able to serve that poor country.

Appendix 1

JOURNALISTS VIEW PROPOSED BILL

**Released for publication by Papua New Guinea
Journalist-Chairman Neville V. Togarewa**

Here below is a submission on the proposed media legislation. The submission was drafted by a committee representing journalists from both the print and electronic media. As a group of Papua New Guinean professionals, we are concerned that our views on the proposed legislation have not been sought earlier. All the submissions so far have come either from the management or owners of news media organisations or interested groups like the Censorship Board and the Melanesian Council of Churches. A group of journalists met on January 8, 1988 and after an address by Mr. Peter Donigi and lengthy discussion, decided to present an independent submission representing the views of working journalists.

Introduction

The Government of Papua New Guinea, through its Communication Minister, Gabriel Ramoi, on November 26, 1987 announced to Parliament that it intended to introduce a Mass Media Bill to unify regulation of the mass media.

That announcement was made without any warning to the public or the industry. The Prime Minister very briefly mentioned the bill in passing to a meeting of heads of churches in Port Moresby two weeks prior to the announcement in Parliament. The media industry was let in on the government's intentions a week earlier by Australian consultant Stuart Littlemore.

The bulk of the public does not know the full contents and the implications of the bill. Most importantly, they were not consulted. Neither does the media industry know the full extent and purpose of the government's intentions nor has it been consulted.

Recognising the important implications of the proposed bill from the little information that is clear, and taking into account the fact that those companies that did respond failed to consult the worker, interested journalists of four news organisations resolved at a meeting on Friday, January 8 to make a separate joint submission to the Communication Minister.

We make this submission to register our support for the basic idea proposed, but more importantly to convey our very great disappointment in the government for treating such an important issue with apparent disregard for the livelihood and opinions of the people the bill will affect, and the seemingly haphazard way it was packaged and presented.

We vehemently oppose any government censorship of the media, but strongly commend the government initiative to localise the media and workforce in Papua New Guinea. In the event of the government going ahead with the proposed bill we agreed that -

- (a) The mass media should come under one law, BUT that such a law should not impinge upon the people's freedom of expression as spelled out in Section 46 of the Constitution.
- (b) There should be an independent tribunal established under that law, BUT that this mass media tribunal should be concerned about standards, code of ethics, performance, ownership and working conditions only.
- (c) Ownership of the media organisation, particularly the news media, should be localised, BUT at a realistic pace and after determining that there exists resources and interested groups and individuals in the country.

We are very strongly opposed to -

- (a) Licencing of media organisations. Newspapers need no licences. They are adequately covered by existing acts and regulatory bodies such as the National Investment and Development Authority (NIDA), the Companies Act, the Advertising Act and other relevant acts of Parliament.

The electronic media are already licenced solely for technical purposes of allocation of limited frequencies. They are also covered under NIDA and relevant acts.

That provision to have public hearings before the granting or renewal of any licence could be exploited by less well meaning people with grudges against media organisations. It would be a waste of public money and a vote of no confidence in existing laws that govern the area.

While the idea to have inquiries might be good, it would be impossible to do a good job of it when two or three licences are in for renewal.

- (b) That provision which seeks to give the minister or the tribunal power to (i) direct the publication or broadcast of matters he or the tribunal considers of national importance; (ii) direct the withdrawal from publication or broadcast of matters prohibited by the censor or the tribunal.

We do not need to qualify our opposition to this particular provision. The idea is dictatorial and there already exists means where such matters can be sorted out through dialogue without a law governing it.

- (c) The procedure and manner in which the bill was drafted and announced to the nation. As a firm believer of the Melanesian way of consensus we find the minister did not consult the public or those in the industry.

We believe it is hypocrisy to hire a foreign consultant to dictate how Papua New Guinea's media should be run. In the face of the minister's arguments against foreign ownership and foreign influences, we find this to be highly contradictory.

Much of what Mr. Stuart Littlemore suggested is contained in the Sir Kwamala Kalo commission of inquiry report so it was a futile exercise that cost taxpayers' money.

Our proposals

- (a) We suggest that the government goes ahead with a bill that will set up an independent mass media tribunal. This tribunal should be a policy making body, concerned with setting standards, code of ethics, performance, monitoring ownership and workers' conditions and nothing else.

The Chairman of the tribunal should be a Papua New Guinean national court judge. Membership of the tribunal should consist of persons selected by a judicial committee as opposed to an executive government or a parliamentary committee. The members should be Papua New Guineans including at least the chief censor, an MCC representative, media industry representatives to include both the electronic and print and management and workers and other persons from the community.

- (b) We suggest that the bill also sets up a Mass Media Council as an arm of the tribunal, replacing the Papua New Guinea Press Council set up by newspaper companies. This council should be solely responsible for adjudicating complaints from the public regarding the news media. The council should adopt the aims, principles and constitution of the Papua New Guinea Press Council, with necessary amendments.

Membership of the council should comprise individuals selected by the tribunal. The normal practice is for the media organisations to fund the operations of media council, but as this will be set up by an act of parliament, funding should come from the government.

- (c) We propose that ownership of the mass media, where the companies are controlled by foreigners, should be localised.

In the process of localising the companies it should be ensured that it does not fall into the hands of a few rich and powerful nationals who could use the media to influence public opinion.

- (d) We propose that the bill also makes a provision for protecting Papua New Guinea workers' interests. For example, foreign expertise should only be engaged in areas where there are no qualified and experienced Papua New Guinea personnel available.
- (e) We propose that the law makes it compulsory for all foreign journalists to obtain a permit from the tribunal to either enter the country on assignments or be based here.
- (f) Formal training and preparation of Papua New Guinean personnel should be made compulsory for all media organisations. For example, all intending journalists must satisfy the tribunal in order to be recognised and be issued with certificates.
- (g) That in the spirit of the proposed bill the government should first re-establish its own information services. That way, the government may disseminate information about its policies and programmes to the public instead of remaining dependent on the mass media as at present.

Conclusion

In conclusion we would like to state that the submission we make is on the basis of information we have. The minister's answer to our request for clarification could change or highlight certain other matters. Should that happen we shall let you know.

Most importantly, the entire weight of this submission and our agreeing to the proposed bill lies on how the government treats the matters we oppose - licencing and empowering the minister or tribunal to order or censor publication or broadcasting of material.

If these two provisions are agreed to be deleted we see no problem and give the government full support. If, on the other hand, it does not agree to delete those provisions, we will reconsider our stand.

The Economics of the Papua New Guinea Media

Roman Grynberg
Senior Lecturer in Economics,
University of Papua New Guinea

For a while now the government has made a number of claims about the media in this country. Their claims are often based on misconceptions and misunderstanding about the nature of the media. What I intend to address are a number of economic issues that relate to the media and what the effects are likely to be of Mr. Ramoi's proposed media bill which will soon be coming before parliament.

Let me begin by saying that as a human being concerned with human rights, irrespective of nationality or colour, I can see nothing to commend in this bill which intends to instil enormous power in the hands of a state tribunal which will be empowered to force newspapers to publish or not publish what the state deems to be in the "national interest". While there are numerous aspects of this abomination of an Act, this particular aspect is without doubt the most repugnant to men or women of conscience and the one that I wish to address. There are also issues of national ownership, which Mr. Ramoi and his supporters have used as a smoke-screen to defend the repression of human rights in Papua New Guinea and, make no mistake, this is precisely the intent of this proposed bill.

The media in Papua New Guinea is, to say the least, economically fragile. We must differentiate between the print media and the electronic media because the economics of the two are quite different. The press is an extremely heterogeneous collection of papers which deal with various segments of the market. The largest circulating daily, the Post-Courier has long been making a profit, unlike its principal competitor, the Niugini Nius which has yet to turn a profit for its owners, old or new. The Times is breaking even and Wantok is definitely profit-making, so too is the monthly New Nation.

What is most peculiar about the press in Papua New Guinea is that, operating in an environment where the vast majority of the population is illiterate and demonetised, they are still able to survive with extremely low circulation. The Post-Courier sells approximately 32,000 copies daily with Niugini Nius selling 14,000. The Times sells 9,000 and Wantok 15,000. It is quite amazing that such small circulation is able to sustain such a large number of outlets. There are a number of reasons for this. The first and most important is that the cost structure in Papua New Guinea is so low in comparison to other countries that these outlets are able to survive. There is keen competition among the print media outlets for a very small national advertising budget which is estimated to be no greater than K7.5 million per annum.

The second reason that these newspapers are able to survive is market differentiation. Each of the papers has attempted, some more successfully than others, to find an appropriate market niche. Because Papua New Guinean consumers are so different, one from the other, it is possible to segment the market in a manner that would be unsuccessful not only in Western countries but also in other more culturally and economically homogeneous developing countries. Most Western cities, which are much larger than Port Moresby, are rarely able to support more than one

newspaper. The cost of running a newspaper is high in the West because it is such a labour intensive venture and the labour is highly skilled. In Papua New Guinea, because of the localisation of positions at the level of reporter, costs are extremely low in comparison to more developed countries. (Though costs are rising, with the top reporters receiving salaries above K16,000, along with high covenant housing and a car. This is not the modal salary certainly but there is a great deal of very active competition among the print media outlets to grab qualified staff from competitors, and this normally means bidding up wages.)

The low costs along with market diversity allow newspapers to find different market niches such as grass roots (Wantok and Nius), middle-market Post-Courier and at the top end The Times. The reading public in North America, at least, is far more homogeneous precluding the sort of market segmentation observed in countries like Papua New Guinea or in more class stratified societies like the United Kingdom.

What effect is the introduction of state control of the media going to have on the print media. It will make it extremely difficult to differentiate the product if the Minister of Truth has decided that his press release is a matter of national urgency and must be printed by all the media outlets. This will simply mean that it will be much more difficult for the media outlets to differentiate their products and hence it will make it far more difficult for them to survive.

However, the greatest danger to the press of censorship is not so much that the state will dictate what is written but rather what is not written. While Mr. Ramoi may have the most honorable of intentions, there is no reason to suspect that those who will inherit his bill will be as moral as he is. In the hands of politicians who wish to stop the news of the Placer controversy or the massive fraud in the forest industry, Mr. Ramoi's bill would in effect be a licence to abuse power. Whether Mr. Ramoi likes it or not the free press is one of the pillars of democracy. The journalists in this country are some of the most decent men I have had the pleasure to meet. They are at times slightly suicidal, a quality that I see as a precondition to effective journalism. It is this willingness to combat greed and evil, no matter what the personal risk, that has made them good journalists. It is also, I am sure, the motivating factor behind this pernicious piece of legislation. To pass this bill will be to allow the white collar thieves "carte blanche" to steal and misappropriate without any possible check by the public. This is the real danger to the Papua New Guinean economy. Once the freedom of the press is gone so too will any sense of inhibition by those who are in a position to abuse power.

Let me turn now to the question of the electric media. The two radio stations in the country are already under state ownership. These are the most important media in terms of the vast majority of the population. It is from the radio that the vast majority of Papua New Guineans get whatever news they do get. Karai and Kalang are two quite different products and this is to be expected given that they perform two quite different functions. Karai, with its educational function and lack of advertising depends entirely upon the state for all revenue. The result is a product, while imperfect, that serves the state's communication function. The media bill is not aimed at this radio as it is already fairly docile. Kalang on the other hand is quite another product, supposedly relying on advertising for its income. It has a wide audience in the vicinity of the major urban configurations but produces emissions that are very similar to anything one would expect to hear in developed Western countries, thirty years ago. This is especially true of one of the station's most popular and

revolting programs Art Linkletter's "Kid's say the darndest things", which gratefully departed the American airwaves soon after the Vietnam war began. Unfortunately it has been resurrected to torment those of us who had not grieved its very timely death.

Kalang however produces a product that is not Papua New Guinean even though it is Papua New Guinean-owned and controlled. This is what Mr. Ramoi has forgotten, that the product is produced for a market. He will not make the press in Papua New Guinea more Papua New Guinean by changing the owners. The outside world is here to stay, no matter how uncomfortable some people may be with it. Nevertheless Papua New Guineans who listen to Kalang seem to want that outside world or else they would not be listening to American top 40 in droves every Sunday morning.

It is too late to get rid of the outside world and localisation of ownership will not solve the problem. The question that Mr. Ramoi has failed to ask is whether he can combat the market; for he knows he cannot.

I have little to say about the television stations because it is very doubtful that Papua New Guinea will be able to support more than one television station and it is even doubtful that one will survive for very long. No doubt the temporary survivor will be the station that goes national first. Television, despite the noise made by the government, will not pose any threat to the state because it does not have the financial resources at its disposal to undertake the sort of investigative journalism that can possibly be damaging. However, it is these financial constraints combined with the lack of need for literacy that will make television the most effective tool in destroying Papua New Guinean culture when it goes to the provinces. But it has to go to the provinces to convince advertisers of its viability. In theory, of course, the television could act as a medium of cultural development; but in theory there is cheese on the moon. The economic facts are that it costs a great deal of money to develop television which is genuinely Papua New Guinean and for the foreseeable future I have very serious doubts that given the size of the nation's advertising budget there will be the financial resources available to develop this sort of Papua New Guinean television. Until then Papua New Guineans will watch American series that were reruns when I was a very young child. The economics dictate that that is all that is possible.

I cannot remember who was the wise man who said that nationalism was the last refuge of scoundrels. The government is attempting to coat this very bitter pill of political repression of human rights with the sweet-coating of localisation of capital. Localising the ownership of the press will not change the economic realities one bit. We get the media we can afford and nationals will not be able to afford any more, as the owners of media outlets, than the foreign devils that Mr. Ramoi wants to throw out. I do not oppose localisation of capital - I feel obliged to say this just as the dissident priest must say that he believes in the Holy Trinity or be excommunicated from the church, but I feel obliged to say also that the issue of localisation is absolutely irrelevant.

What we have is an indigenous elite besieged by the brutal reality that since independence they have pursued localisation of everything, that almost everything is already localised, there is getting less to localise every year and there are more people to share it among. Instead of dealing with the fact the economy has not grown but shrunk, they look for scapegoats to blame - the foreign press.

With the muzzling of the press the rascals, the poverty, the injustice and the abuse of political power will not go away but the elite will not be reminded of the facts.

In the end Mr. Ramoi's bill will do nothing but destroy the press both economically and creatively. Localisation of ownership will enrich those Papua New Guineans who are already rich but will do nothing for most people in Papua New Guinea, those who smoke the newspaper but cannot read it because we are wasting our time debating this evil bill rather than devoting our precious time to giving all the people the education and life they so rightly deserve.

Censor or Tribune?

Bishop David Hand
Chairman, Papua New Guinea Censorship Board

The Chief Censor of Papua New Guinea and his Function are set up under the provisions of the "Customs (Prohibited Imports) Regulations" made in the Customs Act.

The National Censorship Board - long semi-dormant - was re-awakened to life by Prime Minister Wingti in June 1986, the National Executive Council naming nine members and a chairman.

Members of this revived Function (especially its executive officer) spent some considerable time in 1987 putting together - with advice from lawyers and legal draughtsmen - proposed comprehensive legislation to govern the Function's activities, in an endeavour to up-date the previous limited legislation which had been inherited from the pre-independence and pre-video days of the colonial era. It is entitled the Bill for a Classification of Publications Act 1987". It covers many of the eventualities which the draft (dated 15 January 1988) for the proposed Mass Media Tribunal Bill now appears - quite independently - to cover.

(I might, in passing, point out that even this first draft of the Mass Media Tribunal Bill does not appear to cover audio-cassettes, but only video-cassettes.)

One of the interesting things about all this is that, in the originally proposed Mass Media Tribunal Bill introduced (and then withdrawn) at the last 1987 session of the National Parliament there was virtually no reference whatsoever to the National Censorship Function.

I was invited to a meeting on 19 November 1987 of the Melanesian Council of Churches Heads of Churches, to speak about the Censorship Function. It happened that the Prime Minister also spoke to the meeting. At his question-time, I raised the question of the relationship between our Censorship Board and the proposed Mass Media Tribunal. The Prime Minister asked his chief-of-staff to arrange for me to meet with Mr. Ramoi to discuss this.

Nothing eventuated; but I was invited to a meeting on 25 November 1987 of representatives of all mass media with Mr. Ramoi's Australian consultant, Mr. Stuart Littlemore. Mr. Ramoi himself was not present. At that question-time, I asked "What do you see as the National Censorship Function's part in all this?" To this, Mr. Littlemore replied simply "That's what you must tell me".

As a result of this, the Censorship Board drew up "submissions" to Mr. Littlemore. We sent them in on 8 December 1987. There has been no reply. We offered the suggestion that - with certain necessary additions and modifications, expansion of terms of reference, variations of membership e.g. signing-off present members who don't attend, having specific representation by women's groups, the Melanesian Council of Churches, mass media management, employees and consumers (as recommended by Mr. Littlemore's first draft of his bill dated 15 January 1988) - the Censorship Board could become the Tribunal.

This would make even more sense if the thrust of the Mass Media Tribunal Bill were to be modified in such a way as the Prime Minister and (even more fully and specifically) the Deputy Prime Minister have gone on record as recommending (see Chan in the Times of Papua New Guinea, 4 February 1988 - "Tribunal must be independent").

I think I should make it clear that this proposal was a first and provisional reaction. One or two of the media have made it look as if it were a final and definitive proposal which the Censorship Board would fight for by way of increasing its own importance!

I now state, on maturer consideration, that we have become convinced that the Censorship Board and such tribunal as seems to be envisaged cannot be "married"; and we believe that the two functions should be kept clearly separate.

For in all democratic and civilized society, there is a strict separation between the legislative function and adjudicative function.

We would now want to propose quite clearly that -

1. On the one hand, the mass media tribunal should be under one ministry; the scope of it, and the act governing it, should deal with STRUCTURES - e.g. ownership, divestment, monopoly - and philosophy and principles of mass communications - e.g. culture, development, information, entertainment, and the rights enshrined in the Papua New Guinea Constitution.
2. On the other hand, the Censorship Function should be under a different ministry. It should be concerned with the interpretation and enforcement of such legislation at the point where it affects the people, or at the point where there is infringement of the tribunal's criteria on standards and values.

This is, in effect, the kind of work that the Censorship Board is already doing, and for which it has built up a tradition which is non-political, autonomous and impartial.

In short, the mass media legislation should be for structures, the censorship legislation for validity of content. The tribunal enunciates the law, the Censorship Function adjudicates on whether it has been violated or not.

The Censorship Board, we believe, should also be, in the last resort, empowered under law to make recommendations regarding renewal or non-renewal of licences, and reference to that should also appear in the law governing mass media.

The Censorship Board intends now to ask that its delayed "Bill for a Classification of Publications Act" be brought forward to parliament.

What's in a name? My weekly column in the Times known as "Hand-out" was last week entitled "Censor or Tribune?". I enjoyed a little game of dictionary definitions. But defining of terms and word is important. I pointed out how, in the "Oxford Dictionary of Current English", there is a welcome and wholesome difference between the positive word "censor" and the negative words "censure" and "censorious"; and that the dictionary also says that the word "tribune" originally meant "an officer chosen by the people to protect their liberties against the government", but "tribunal" came to mean "a place of judgment or judicial authority". Perhaps this helps our thinking about the differences and similarities between a mass media tribunal and a censorship board.

For the good of society there must be, of course, be some measures of control over mass media, and existing legislation assumes it. But those controls must be kept to the minimum consonant with that "good of society". The Customs (Prohibited Imports) Regulation (Part IV, Clause 8, page 175) says "There shall be a Chief Censor and a number of Deputy Censors, appointed by the Head of State, acting on advice", etc.

The whole debate stirred up by Mr. Ramoi's suggestion of a mass media control act, as presented to us by his consultant (preceded by a clear list of "non-negotiables") seems to me to boil down to the simple question as to HOW influence over the media is to be exercised. Is it to be by dictatorial fiat, or is it to be by the less defined but more positive methods worked out - over the two years since its re-birth - by the National Censorship Board - the methods of awareness campaign and the formation of public opinion on moral and ethical issues? Are the methods to be in keeping with the rights enjoyed by a truly democratic society - specified and qualified in our national constitution (Division Three on "Basic Rights")? Or are they to be hard and fast and juridical?

It seems to me that most of the procedural requirements relating to matters like registration, licensing, reviews, complaints, etc., are already in principle covered by the Censorship Board's proposed "Classification of Publications Bill" - which was considerably influenced by the Kwamala Kalo Enquiry into Broadcasting, Television, etc. (see especially the Kalo Report, Sections 147-173, pp.65-73).

The question of foreign ownership or influence - a stated prime target - has been clearly set out by Sir Julius Chan in a statement which appeared in the Times of Papua New Guinea on 4 February 1988. Sir Julius agrees with the statement by the group of national reporters sent to Mr. Ramoi on 15 January 1988, that this part of the matter can be adequately dealt with by National Investment and Development Authority and other relevant acts and also (I might add) by restraints provided by the work permit system under the Department of Labour and the residence-permit system under migration regulations.

The second option which we offered in our Censorship Board's submissions to Mr. Ramoi is that the Board become an arm or committee of the tribunal (or maybe even the tribunal become an arm or a committee of the Censorship Board or Function?). But the roles of board and tribunal (if these are the names to be accepted and used) would need to be carefully defined or re-defined, in order to avoid all kinds of duplications, overlappings and consequent wastages of manpower, time and money.

The only other option would be the abolition of the Censorship Board; but that could only come about if the tribunal were to inherit the Board's treatment of "media control" as something with an essential moral and ethical foundation and relevance, and not only as a juridical matter.

We of the Censorship Function have seen our responsibility as "post" rather than "pre" censorship - not the compilation of an "Index", nor the implementing of a bald series of "don'ts" and "thou shalt nots", but as an attempt to interpret public opinion, and to encourage that public to think, and to use intelligently its powers of right discrimination.

Some prohibitions there must be, to prevent the corrosion or decay of society. The minimal legislation under which the Censorship Board has hitherto worked has been the Customs (Prohibited Imports) Regulations, already referred to. The Regulations prohibit materials which are "blasphemous, indecent, obscene, injurious to morality, encouraging crime, offensive to the people of Papua New Guinea, or depict any matter the exhibition of which is undesirable in the public interest".

More often, perhaps, our judgments have been arrived at by consensus of Board members based on values stated in the Preamble to our national constitution amongst the "Directive Goals and Principles" (pp. 2 ff).

The reborn National Censorship Board was commissioned by Prime Minister Wingti in order - amongst other things - to protect and promote traditional cultural values of Papua New Guinea. It is not always easy to define specifically what a Papua New Guinean in any given area might judge to be "obscene", "seditious", "violent", "offensive". The Censorship Board periodically holds discussions and seminars to help us to come to - and act upon - a common mind about such things. Sometimes an acceptable collective judgment is easy to establish. Sometimes, "Papua New Guinean values" are more easily established by something like "case-law" than by a specifically verifiable "chapter and verse".

Whatever may be said about the setting of clear standards and justifiable penalties for non-compliance, the whole exercise of mass media monitoring - not to call it "control" - should be seen as a moral and ethical and not simply a judicial or juridical matter. Generally-accepted democratic freedoms of expressions, such as are enshrined in our national constitution, must be upheld, and public opinion must be canvassed as well as formed.

We certainly want and need to know what our people find offensive. Am I wrong in judging that the use of the Holy Name of Jesus Christ as a swear-word or an expletive, as also the perpetual use of the words f.... and sh..., explicit discussion of genital sexual matters, explicit portrayal of open-mouthed kissing and other physical foreplay leading to sexual intercourse, and a plethora of varieties of sadistic and vicious violence - whether to body, mind or soul - are "offensive to the people of Papua New Guinea", or in other ways contravene the "Customs (Prohibited Imports) Regulations", page 177 (referred to above)?

On these grounds, at least 50 percent - if not more - of the materials being imported into Papua New Guinea (or, now, being made in Papua New Guinea) ought to be thrown out altogether.

Do we want to be even a little bit worthy of such names as some idealists have dared to give us - "Paradise"? "Christian Country"? Or do we want to be a garbage-heap for the sick products (however brilliantly filmed or whatever) of the sick society which "The West" (and even, now, parts of "The East") have allowed themselves to become?

For our children's sake, and for their children's sake, can we not recall ourselves - as a continuing policy - to the words of "The Lion of God" in his letter to the people of Philippi : "Fill your minds with those things that are good and deserve praise : things that are true, noble, right, pure, lovely and honourable" (Philippians 4,8).

The Office of Information

Jim Morrison, Assistant Government Printer

The Office of Information was the government unit for gathering and reporting news through both the media and its own publications.

The Office was staffed with journalists, writers, photographers, video and film camera men, designers and printing staff.

Its brief was to cover all government events and to write up and distribute news and views from every department. The staff was in contact on a daily basis with every department and ministry endeavouring to cover as much as possible of government activity. Its members accompanied senior officials both internally and overseas and reported to officers of the Office of Information who then decided on the story approach, etc.

Overseas visitors were met and interviewed and any government department could request the presence of a journalist and/or photographer on any event or if a statement of any kind was required.

Most press statements did emanate from the Office of Information.

Information was disseminated in the way of Daily News Briefs (delivered to all departmental heads, newspapers and the radio station). Stories were developed for a bi-weekly magazine for overseas readers.

Distribution of the local magazine - Our News - was to all schools, departments and local bodies throughout Papua New Guinea and was produced in English, Motu and Pidgin. Hiri was distributed to Department of Foreign Affairs and all diplomatic posts.

Video tapes of all important events were made, edited and released to any interested body. Films of major events were filmed and edited, but not printed, at the Office of Information and they were offered for hire or sale world-wide, giving immense publicity to Papua New Guinea.

Photographic prints were also readily available to departments and the general public.

Posters and brochures of various topics were produced on request of the departments involved and was an important aspect of the Office of Information's function.

At independence the government purchased a newspaper press which is still in running order (and serves the government still) although not in the way envisaged. It produces quite an amount of government work of a varying nature and comes under the wing of the Government Printing Office.

Editor's Note: In discussion, the Minister of Communications said that while the Office of Information as described in the paper had ceased operations some years ago, it operates today in a different form on a reduced budget in the Prime Minister's Department.

The proposed Mass Media Tribunal Bill

Basil B. Peutalo
Executive Secretary
Catholic Commission for Justice, Peace & Development
Secretariat/Caritas PNG

I wish to preface my paper with an experience our rural people are undergoing in some parts of Papua New Guinea.

The increasing number of mines and discoveries of rich gold or copper deposits often jolted many of our community of traditional landowners. They came suddenly to the realisation that they are practically sitting on mountains of wealth. However, the gold deposits are valuable to no-one as long as they are hidden in the soil. When these deposits are mined they can either make or break the immediate population for various reasons.

The basic right to the freedom of expression and publication is fundamental; however, it is valuable only to educated elites, the politically conscious and the media industry in Papua New Guinea. Many parts of our rural population as well as the general public are jolted that this right is now under threat. Since 1975 this fundamental right was never fully utilised and enjoyed by our villagers. This could be attributed to several factors -

- . break-down of extension works of the government to rural areas;
- . inadequate equipment and facilities for broadcasting and dissemination of information to rural areas;
- . unclear understanding by many parts of our population of what their rights and obligations are as enshrined in our national Constitution;
- . the feeling of powerlessness and being uninformed in many parts of our population of what their government and churches are deciding, planning and implementing.

The proposed legislation does not seem to consider improving the situation mentioned above. In fact the proposal raises the important question of how and to what extent it will affect the rights of individual Papua New Guinean citizens guaranteed under the Constitution. The implications of this question make the proposed legislation very objectionable on the following grounds -

- . The proposed bill poses a serious and possibly irreversible limitation on personal freedom of expression which is yet to be fully appreciated by Papua New Guineans in the village;
- . The proposed bill introduces government and political interference into the freedom of expression of the media;
- . The proposed bill is introduced without sufficient time for discussion and debate. All discussions with the minister ceased on January 22, 1988.

- . The proposed bill is almost wholly negative, lacks a coherent philosophy and provides no positive incentive for the expansion of communication possibilities for the majority of people in the country.
- . The proposed bill ignores the work and recommendations of the Kalo Committee which was a process of democratic consultation; such indifference to the process of wide consultation is, in itself, a cause for serious concern.
- . The proposed bill overlooks other acceptable and practical means to achieve some of the legitimate and desirable objectives of the government.

These objections can be appreciated fully if they are seen in the light of the extent to which the national Constitution guarantees the freedom of expression. The freedom of expression, like the other freedoms in Papua New Guinea's Constitution, cannot be fully understood in isolation of the total context of our constitutional system, particularly of the basic principles on which this system is based.

In our Constitution there are 17 Basic Rights of which three are fundamental and 14 are qualified rights (fundamental rights are more valuable in total than qualified rights which the law can restrict). The right to the freedom of expression contained in Section 46 of the Constitution is a qualified right, meaning it may be restricted or regulated. The Constitution, however, also provides the grounds for restriction or regulation. There are two general sets of these restrictions and they are found under Section 38. The first set requires such restriction to be necessary in the public interest in seven **specific areas** -

- . defence
- . public safety
- . public order
- . public welfare
- . protection of children and disabled persons
- . development of underprivileged or less advanced groups or areas
- . in order to protect the rights and freedoms of others.

In addition to the public interest in these seven specific areas such restriction must also satisfy the general criteria in the second set of grounds and that is, such restriction must be "reasonably justifiable in a democratic society having a proper respect for the rights and dignity of mankind".

However, it must be noted that the right to the freedom of expression is only one aspect of the total concept of political and social freedom that the Constitution contains. The full concept of the freedom of expression and publication has a number of elements; firstly, the freedom of the press and other communication media. In other words, an individual has the right to express his or her ideas and to publish them in any form of the media subject to whatever restriction that is imposed by law and such restriction having been justified under Section 38 of the Constitution. Does Mr. Ramoi's proposed bill qualify such restriction here? Whether a particular restriction is justifiable or justified on the two sets of constitutional grounds is a question of interpretation in the light of a given set of facts. As well as the freedom of expression, the Constitution also provides for the right to the freedom of conscience, thought and religion under Section 51, the right to freedom of assembly and association under Section 47 and the right to vote and stand for public office under Section 50. All these are political and social rights without which the citizen would

not contribute effectively to the development of the state and to his or her own development. Mr. Ramoi, in his ministerial statement, does not give us, the general public, any evidence to give weight to his statement -

"The media must be subject to regulation, just as every citizen and business is - because the national interest and public interest demand it".

I find this statement confusing. What national interest is he talking about? Whose interest is it really? Surely he cannot be referring to the first set of constitutional grounds for restriction of freedom of expression because his proposed bill does not even satisfy legislation in the public interest in the seven specific areas outlined earlier. Instead of acting on the Kalo report which truly contains the peoples' views on a national communications policy, Mr. Ramoi and the government hired a foreigner to draft a bill, with no broad consultation, that will have a far-reaching effect on the citizens of Papua New Guinea. Mr. Ramoi further states in his ministerial statement that "the Bill will not in any way dictate to the media what they publish. No freedom is threatened and no right is taken away". This is contradictory. On the other hand his document plainly states that all media organisations will be licensed and the tribunal may -

- . direct licencees to publish matters of national importance;
- . direct a licensee not to publish matters prohibited by the censor and by the tribunal and may prohibit publication on grounds of public complaint.

Currently there is sufficient and adequate legislation in place, both in the Printers and Newspapers Act (Chapter 151) and the Radio Communications Act (Chapter 152) - which cover matters that, if published, may result in a publisher ending up in court, and if found guilty, punished. Also the press and broadcasting media are subject to libel and censorship laws and regulations. Similarly, anything that genuinely touches on the question of national security is taboo. And newspapers are also prohibited from reporting in detail, giving detailed personal particulars, about juniors appearing in court. Newspapers are also mindful of such things as fairness, truth and decency. The present controls exist for very good reasons and are respected by newspapers.

Mr. Ramoi's proposal sounds like monitoring the communication industry but from a careful reading of his ministerial statement tabled in parliament last year concerning the proposed bill it is clear that the bill is aimed at further controlling the media. What Mr. Ramoi and the government are saying is that they wish only to restrict qualified rights laid down in the Constitution, especially the right of freedom of expression. But too much restriction means prohibition. In effect what the government may be trying to do is make it illegal for people to question any irregular activities and abuse of powers by leaders by imposing additional regulations and offences on top of the acts now in existence. The proposal must be vigorously opposed by anyone (especially politicians) who believes in a participatory democratic system of government such as we have in Papua New Guinea, and a free press which is the eyes and ears of the silent majority of the masses. The media must not be seen as mere tools of the government propaganda machine - to cover up corruption in high offices under the guise of "national mood", "public interest" and "Papua New Guinean values, aspirations and principles". A government that legislates to control the media by setting "standards" is a corrupt government that does not want public scrutiny of its decisions or misconduct of its ministers. It is a government that does not intend to be accountable for its policies and actions. The government's proposed bill will remove forever the check and balance mechanisms that the people have on their hands to keep their leaders accountable at all times.

The government cannot be said to be serious about adverse publicity abroad when it turns a deaf ear to the peoples' call for a more concerted effort in maintaining law and order internally. They need to understand that adverse publicity is not accidental - it is caused. If government ministers go around behaving in a manner that undermines their officers, then they deserve to be exposed to their voters.

It seems the government has confused the real objective it wanted to achieve by enacting the media legislation. In the first place, Mr. Ramoi only mentioned control of the press and later he touched on the local ownership of the media industry, accusing the media of highlighting a wrong purpose of the proposed bill. If the government is really concerned only about local ownership why not use existing legislation and policies including the NIDA Act and those governing the banks, commerce and business activities in the country.

The general direction the government seems to be keen on taking in restricting the freedom of expression and publication is as follows -

- . To retain full control of the tribunal not only in determining the composition of the tribunal, but also in terminating appointments if the minister thinks that a member has committed a misconduct.
- . Aims to control the tribunal by making it mandatory for the tribunal to follow any direction the minister gives on matters of government policy, particularly the NEC's policy on mass media.
- . Wants to control the whole of the mass media through having the tribunal determine not only applications for licences but also complaints about its decisions or about the conduct of licencees.

In other words, the government does not want anybody else involved - in effect giving itself total control of the press in Papua New Guinea. This poses a great threat to the political freedoms of which the freedom of expression and publication is only a part.

So how will the passage of the proposed Mass Media Tribunal Bill affect the citizens of this country?

We can speculate that generally the citizens will no longer enjoy the rights provided for by the Constitution especially those provided under Section 38 - freedom of information - because this will be blocked by the proposed Mass Media Tribunal Bill. Although we appreciate the fact that reasonable restrictions should be made, reasonable restrictions are ones that are reasonably justifiable in a democratic society. So to see the effect of that bill we should not isolate it from those rights that a citizen in a democratic society must have or enjoy. And most of those are provided for under the Constitution. It would seem that the government, to get around those hurdles (in a form that the Constitution provides for), may amend some of the provisions of the Constitution so that those rights are no longer available to the people - something that the people will no longer be able to exercise or enjoy in the future. Those qualified rights do not apply only to citizens of this country but to all other people residing in the country - be they resident non-citizens or visitors. This could mean that people will no longer be able to read in the papers of the corruption and malpractices of the government, the coverage which is currently well provided for by the newspapers.

Catholic Commission for Justice, Peace and Development however agrees with Mr. Ramoi that foreign ownership of the media or any other industry for that matter in Papua New Guinea must be regulated. We stand to protect the fact that communication is at the very heart of national development and integrally related to it in the promotion of self-reliance, cultural identity, freedom, independence, respect for human dignity, and participation in the reshaping of the environment. Papua New Guinean ownership of the media would have more respect for these non-material aspirations and promote the good of the people and the whole person in the country.

In conclusion and in relation to my opening parable, the proposed Mass Media Tribunal Bill with the exception of the aspect of media ownership is unnecessary. There are already acceptable and practical means to achieve some of the legitimate and desirable objectives of the government. Let us talk about how we can make them become more effective in informing ordinary Papua New Guineans of their basic rights and basic obligations towards the national development of their country. This proposed bill can break Papua New Guinea. If the ordinary villager is not informed, he cannot be involved. On the other hand, it can build up the nation if the bulk of our population are given the opportunity to exercise their rights and obligations towards the development of a comprehensive Papua New Guinean communication philosophy for themselves. After all, every person in this country has the right to act according to personal conscience and information and knowledge about what is going on in the world. Similarly they have the obligation to act according to that personal conscience and to work to have sufficient and true information and knowledge.

Brief history of Niugini Nius

**Jack Pidik, B.E.M.,
Publisher**

The Niugini Nius is owned by Talco Hotels Pty. Limited, a subsidiary company of Papua New Guinea's largest third level airline, Talair Pty. Limited. The company purchased Niugini Nius at a time when it was in dire financial difficulties. The newspaper was already in receivership. Niugini Nius was placed for sale by the receivers, on both the local and international market. Although there were eighteen interested parties, a contract for sale did not eventuate. Eventually the receivers requested an offer from Talco Hotels as the only other offer was not acceptable. Niugini Nius was sold to Talco Hotels in November 1987. I was appointed publisher of the newspaper. At the time we took over the Niugini Nius there was no talk of government regulation or censorship. It is not my intention to go into the proposed Mass Media Tribunal regulations in depth, as I am sure we have all read the proposed legislation. It is, however, my intention to discuss four main points -

- . Why we, as newspaper owners, oppose the introduction of such legislation.
- . The areas in which the proposed legislation particularly concern Niugini Nius.
- . Whether or not there is a real need, as far as newspapers are concerned, for such legislation.
- . Whether or not the measures of control that currently exist are adequate.

1. Why we, as newspaper owners, oppose the introduction of such legislation

We strongly believe that the introduction of mass media regulations will be tantamount to a fundamental breach of the Constitution of Papua New Guinea. We, at present, live in a democratic society, we have and we believe in the freedom of speech, the freedom of expression, and the freedom of information. The Constitution of Papua New Guinea gives us these rights. The Minister of Communications, Mr. Gabriel Ramoi, has stated that the fact that the media will be licenced, and that there will be a tribunal is non-negotiable. We believe that this is not only oppressive but also in direct conflict with the ideals on which the constitution of this country is based. We see real dangers in the introduction of licencing. One need only look at the current position in Malaysia, where the government has passed legislation giving the Minister of Communications sole control over the licencing of electronic media, as well as newspapers. Previously, if a person had his licence to publish a newspaper cancelled, or not renewed, he had the right to make an application to the Malaysian High Court for judicial review. That right has now been removed completely, thereby making the decision only reversable at the minister's whim.

With a system of licencing, you bring about a situation where every editor realises that if he is to remain in business next year, he must play to the whims of the current government, or run the risk that his licence will not be renewed. We believe that this would create a means of defacto censorship by the government of the day of anything that was remotely critical of them or not to their liking. The proposed Mass Media

Tribunal regulations give the Minister of Communications the power to direct as to the publication or non-publication of certain material. However, it is interesting that there is no provision for any review of the minister's determination that certain material must be published or that certain material should not be published. Surely this is how the first seeds of dictatorship are sown.

We believe that newspapers, as do other forms of media, have a special responsibility to report matters of public interest. In particular, last year, with events concerning allegations of corruption, we know that the news media would not have had the same freedom to report these events, being critical of the government as they were, if they were aware that on January 1st 1988 they had to apply for a renewal of their licence to exist. All newspapers regularly receive press releases from government ministers, and departments, but it is the editor who decides on the newsworthiness of the release and the extent to which they will publish it, if at all.

For these reasons, we totally oppose the introduction of any restrictions or regulations imposed in the form of licencing as they will only serve to inhibit rather than encourage meaningful debate and comment on important public issues.

2. The areas in which the proposed legislation particularly concern Niugini Nius

There are three main issues that concern us.

Firstly, the granting of and renewal of licences.

I have already talked on this topic. Our main concern is the control that the government will have over what is actually published or not; and the influence that the threat of losing one's licence will have on the decision of the editor whether or not to publish an item.

It is particularly significant in this context that the proposed legislation makes no provision for a person to apply for a review of the minister's decision to renew or not to renew a licence or even to grant or not to grant one. His decision is ultimate.

Secondly, the issue of ownership and control by Papua New Guinean citizens.

While we believe that Papua New Guinean citizens should be given the opportunity of owning and operating their own business, we know as fact that such opportunity was not grasped when offered to them in the case of Niugini Nius. It would appear to us that it is unfair of the minister to expect foreign enterprises, over a very short period of time, to hand over their businesses to Papua New Guinean citizens when in actual fact those citizens appear to have no apparent interest in owning and operating such businesses. It is not until the risk factor has been removed and the business is up and running, and making money, that any interest is shown.

It also seems apparent that the minister believes that non-citizen owners are influencing our journalists in what they say and report. At Niugini Nius, no such influence or control is exerted by any non-citizen. The editor is a Papua New Guinean citizen. He alone decides what will and will not be published. The newspaper is produced totally by Papua New Guinean citizens. The Niugini Nius only employs two expatriate staff, one in Port Moresby and one in Lae. As of March 1988 one of these positions is to be localised. It further employs the services of one consultant. Their job is to assist in the day-to-day management of the newspaper. The general

manager's advice, if ever called for, only relates to whether a particular article would be defamatory or amount to slander; while the consultant's services are called upon with respect to how best to present and illustrate articles. Neither have any other say as to the content of the newspaper.

The purchase of Niugini Nius by Talco Hotels has meant that 160 Papua New Guinean citizens are not unemployed. Would Mr. Ramoi have supported them and their families had Niugini Nius not been rescued by a foreign enterprise. We concur with Post-Courier in its comment that the only thing majority foreign ownership has meant is money for investment in machinery and expertise to give Papua New Guinea a free press.

This brings me to my third issue, namely divestiture of shares.

The minister has proposed that non-citizens be permitted only a 17 to 25 percent shareholding, and that any shares held in excess of that amount be divested within a five year period to Papua New Guinean citizens. We believe that this percentage of shareholding and period of time for divestiture is totally inadequate, and that it would only discourage any form of investment in media companies. Papua New Guinea is a developing country - only eleven years into independence. It needs financial assistance, it needs overseas expertise. Rather than striving to enhance the development of this country and its people, Mr. Ramoi's bill seeks to restrain the natural progress of a developing nation and the freedom of its people.

3. Whether or not there is a real need, as far as newspapers are concerned, for such legislation

To answer this question, one must look at why the minister feels the need for such legislation. He says that Papua New Guinea has inherited a mass media that is "fragmented, unco-ordinated, and very largely unregulated". We do not believe that this is a real reason for the introduction of such regulations. We believe the government intends to have a means of direct publication of its propaganda, deemed to be of national importance. We also believe that the government wishes to control foreign correspondents. It is our contention that the effectiveness and influence of newspapers on the majority of the Papua New Guinean population is far less than that which might be achieved by other forms of media, e.g. radio or television, and that controls on newspapers are therefore misplaced. Legislation already exists with respect to censorship and advertising. The issuing of licences for a fee is merely another form of taxation. Perhaps it could be argued that radio and television stations are granted the use of a particular air band or frequency in consideration of a licencing fee - but what do the newspapers get - nothing!

What will the appointment of a tribunal achieve? Most likely, such tribunal will be comprised of those people who support the government of the day and, therefore, be biased in its opinion. A National Press Council already exists. This Council can view public complaints about newspaper articles, while electronic media are already controlled by acts of parliament. The question of non-citizen ownership is adequately covered by National Investment and Development Authority regulations. So why do we need a tribunal or further legislation - we don't!

4. Whether or not the measures of control that currently exist are adequate

The existing system which provides for defamation suits and for the publishing of rebuttals has worked well in the past, so why shouldn't it now. We can see no specific new developments which might require a change in the existing system. Other democratic countries such as Australia, United Kingdom and the United States of America do not have such restrictions applicable to the media. We believe that newspapers should be able to publish without fear or favour.

Conclusions

To sum up, Niugini Nius fiercely opposes the introduction of any form of regulations which restrict the freedom of expression, the freedom of speech, or the freedom of information. We believe that the purpose of the proposed legislation is not to regulate but to dominate. The imposition of this type of control will only inhibit the freedoms granted under the Constitution, and unless those who wish to express independent opinions are reported in the media, then the opportunity for meaningful debate of important issues may be lost. We believe the government and the people of Papua New Guinea must look seriously and critically at the introduction of such legislation for it will become, if not immediately, then certainly at a later date, a means of exerting influence over the opinions of the people. If this bill becomes law, will Papua New Guinea remain a democratic country?

The Media and Development

Lucien Pagni

Extract from ACP-EC The Courier - September-October 1987 - No. 105

That information helps development is clearly the case in countries where the idea is applied in the light of practical experience. But it is still only theory in others, in spite of an enormous need to know and understand the secrets of technology and organisation. Although in the '60s the developing countries were quick to proclaim their faith in the importance of communications in the drive for progress the results are certainly not all they might be today. In the northern hemisphere, the media are considerably advanced and information strategy is the forerunner of any economic or political initiative. But in the South, the media are still looked upon as the old fourth estate, competing with the political power instead of acting as a stimulus for economic programmes and bringing to light the various factors that help or hinder the development of the economy and of society as a whole. **History, of course, has shown that the press - and the new media likewise - has acted as a counterbalance to an excess of authority or, conversely, has acted in the service of such authority.**

The media's many tasks in the development process

The media contribute to development in many fields and in many ways - in the economy, of course, and education and culture, as well as political and social affairs.

If economic progress was simply linked to the quantities of raw materials produced in any given country, North-South relations would have long since been reversed. Commodities, of course, were - and still are - necessary to industrial development in the countries of the North - hence the great secular migratory movements towards the South, the territorial and cultural conquests that followed and, today, cooperation - but they are no longer enough to explain the North's economic lead. Take Japan and, closer still, the Federal Republic of Germany or Switzerland, which are clear illustrations of the fact that brainpower is the vital commodity. **And brainpower is developed through the analysis, understanding and dissemination of the phenomena behind the process whereby the developed countries have been able to achieve their present standard and be seen as examples - inspirations, but not blueprints.**

This is where the media come in. They are the only things that can, in an ideal world, carry out this objective analysis of the causes of and reasons for the success and failure of development projects, put most of those involved in the economy in the picture and thereby encourage general reflexion with a view to learning lessons that are of use in the pursuit of genuine progress. Development is also a battle of ideas and the media contribute to it by relaying and being a source of information to fuel the discussions that may shed light on vital choices. **"A greater knowledge, a fuller picture and rightness of design and judgement emerge from a synthesis of thesis and antithesis",** says Serge-Christophe Kolm in L'homme pluridimensionnel (The multidimensional man). And only the media can combine ideas in such a way as to yield elements of general appreciation to determine the success of any action. How, for example, is it possible to understand the state of the market, misunderstanding of which may ruin any, even the most powerfully-equipped, businessman? And here is another example: the consequences of two oil shocks in 1974-75 and later on in the industrialised countries were only kept under control and overcome thanks to public opinion, fed by the media, which encouraged people to think about the problem and got

the governments to decide on and finance the production of substitute energy and nuclear power in particular. And, in the same way, it proved possible to react to the oil price surge thanks to the drive to develop sales of manufactures and the movements on the international financial markets, where both healthy and unhealthy trends can be influenced by the media. So, between 1978 and 1983, 75 percent of the increase in the real price of crude borne by the industrialised countries was due to the reversal of the trend observed on the international financial markets and described by the financial press. This change of direction produced more negative effects on the demand for oil than positive effects on the purchasing power of the exporting countries. This led OPEC to say in *Economies et sociétés* in 1986 that "in international economic relations, the dollar is better indication of how things are going than oil". Now we know that most of the advantages derived from the fivefold increase in crude in 1974-75 were minimised by the economic strategy of the importing countries, backed up by the media, which clearly reflected the dominant ideas of consumers anxious not to drown in the rising tide of the price of a commodity on which all the western economies were based.

What would have happened if the media in the oil-producing and other countries of the Third World had carried out prospective analyses of oil price strategies or on development options and economic cooperation? The economic forecasts and results would perhaps have shown the limitations of the turnkey factories earlier - and hence the need for massive investments in agriculture first.

But economic victories also depend on the development of outlook, in which the press has an important part to play in rapidly communicating the methods of education needed for an understanding of the new data and in the cultural education that goes with it. The path trodden by the industrialised and developed countries, be they "new" or long-established, shows to just what extent economic vitality depends on the culture of each individual country and sometimes, in Africa's case, on a particular section of the population of a given country. **The factors of growth are not just economic. They are to a large extent cultural, too.**

A question of organisational ability and understanding economic data

African countries realised this when they launched an operation to get Africa to revive through festivals of black arts and culture in Dakar in 1966 and in Lagos in 1977 - when the then Head of State of Nigeria, General Obasanjo, linked culture and modern technology when he said that "to succeed, we have to restore the link between culture, creation, mastery of modern technology and industrialisation.... This technology, which is the basis of western predominance, has to be given its rightful place. It is vital for our march forward, but acquiring it must not mean breaking with the past...Technology has to be an integral part of our culture and our world view, not the other way round. The answer is in our mental emancipation". And this emancipation can happen easiest, first of all, through the media, especially television, which can combine sound and vision, and the written press, whose inimitable ability to take the analysis further makes it possible to overcome the fleeting nature of the image. And, much more than this, in the countries of the Third World, where the concept of development is like a dream of effortless ease because of the image of false ease that is developed to capitalise on the superiority of the industrialised countries, the media are faced with a heavy burden when it comes to informing, explaining and teaching people even industrial culture and organisation rather than to be happy as delighted consumers of products which were made somewhere else and may not, in many cases, have any obvious use. **Development is "more a question of organisational ability than of natural resources", wrote Louis Armand* in 1968. And it**

* In *Le Pari Européen* - Fayard, Paris, 1968.

is still a matter of organisation today, certainly, but also of the countries' ability to grasp basic economic facts and the way the development choices are highlighted by the media - whose job as a yard-stick increases in importance with the complexity of national and international economic issues.

Today's debate on economic models between the media in the industrialised countries is an old one and today the Greens, the ecologists, are lined up against the pro-productivists or pro-industrial faction. The media have managed to put the ecologists' anxiety across and this has meant that governments have been able to put the protection of nature in their programmes. The campaign against pollution has become an international cause for concern with considerable technical repercussions (in the shape of engines and silencers, catalytic exhausts, and energy-saving devices, daylight saving etc.).

Discussion by the media in the Third World mainly focuses on ways of implementing development. Its extension would also make a decisive contribution to envisaging solutions for social, technical and administrative problems. It could even help with the environment, which is under considerable threat, yet is not a major source of concern for the authorities of many developing countries.

Administrative and economic questions frequently conflict, and the problem is a cruel one in some countries of Africa where the centralised administrative structures they have inherited have been made considerably more cumbersome by the wholesale adoption of rules and regulations which look like a statement of the primacy of the State over everything that makes it up. But "the major defect of administration is that, although it is geared to managing the community, it is often an obstacle to its development", said Louis Armand. And as it is the nature of the administrative machinery never to look ahead, the media have a vital part to play in anticipating the consequences of administrative acts. **So we know that the countries that put up the best economic and technical performance are those whose authorities "fear" the media and appear more as forces that organise society and create development facilities rather than manage the economy.**

So the media have many tasks to carry out in the general development of society, particularly in developing countries. But because there is no competition to act as an incentive or any financial or technical means or - and this is most important - a liberalised policy, they (the written press) could well disappear or become clearing houses for what are essentially external productions (radio and television).

At a recent conference in Yaounde, the French scientific journalist Michel Chevalet said that Africa was going to come face to face with a new, more pernicious kind of colonisation if it failed to face up to and get involved in "monodivision", of which "Eureka 95", a European project for worldwide broadcasting of television programmes starting in 1995, was the culmination.

And as Michel Chevalet says, Africa should, like the Arab countries are doing with "Arabsat", have an "Afrosat" satellite to enable it to exchange programmes and ensure direct broadcasting of television pictures throughout the territory of every country on the continent and to considerably simplify the telecommunications problems. It is easier to phone Bonn or New York from Yaounde or Paris or Washington from Abidjan, for example, than to make a local call within either of these two cities or between them and a provincial town. Telephone communications between the countries of Africa are a matter of chance.

A satellite costing \$500 million may seem exorbitant for a single African State. But the continent could afford one if channels were shared, particularly since, as Chevalet makes clear, satellites are one way of developing the economy and technology and of protecting the independence of the countries concerned.

"Intelligence is measured by the number of consequences it is able to draw from a single fact and not by the number of facts it is able to deny on the strength of a doctrine". The media have this intelligence whereby politicians, economists and even scientists can get a better idea of the scope and effects of their decisions and discoveries. And finding out more from a series of broadcasts on counter-progress in the developed countries and the causes of lack of success in the developing countries can make for better choices in the matter of development and the utilisation of resources.

Our dossier is not a scientific study of the relations and inter-reactions of development and the media as thorough analyses of this are not yet available. What it does is to set out one or two case studies with the main aim of triggering reflexion on the role information and communications have to play in the pursuit of the economic, social and political aims of young states in search of their identity.

The various articles explain how different forms of communication can contribute to social and economic development, particularly, for example, by alleviating the problems associated with isolated or dispersed populations such as can be the case in island or landlocked states. An article by CIERRO, a branch of the African Union of National Broadcasting gives an insight into the sort of educational role that can be played by rural radio networks in Africa. Another describes the aid given by and the position of the European Community in general with regard to the African media. And finally, some statistics published by UNESCO demonstrate just how far behind the continent is in the field of media communications.

As far as the media are concerned, says Michel Chevalet, "the first, the Americans, are the best". But they can be caught up. It is a question of method and determination.

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Armco (PNG) Pty. Ltd.
Asian Development Bank
Associated Mills Ltd.
Balance Pty. Ltd.
Bain Dawes (PNG) Pty. Ltd.
Bank of Papua New Guinea
Bank of South Pacific Ltd.
Bougainville Copper Limited
Bougainville Development Corporation Ltd.
BP (Papua New Guinea) Pty. Ltd.
Broken Hill Proprietary Co. Ltd.
Burns Philp (PNG) Ltd.
Cameron, McNamara, Kramer & Partners
W. R. Carpenter (PNG) Ltd.
C.I.G. New Guinea Pty. Ltd.
Commonwealth Development Corp.
Collins & Leahy Pty. Ltd.
Coopers & Lybrand
C.R.A. Minerals (PNG) Pty. Ltd.
City Resources (PNG) Inc.
Deloitte Haskins + Sells
Dunlop (PNG) Pty. Ltd.
Dylup Investment Corporation Ltd.
Frame Harvey & West
Gadens
Gabriel Achun Bottling Co. Pty. Ltd.
G.R.E. Pacific Insurance Pty. Ltd.
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Investment Corporation of PNG
Johnston's Pharmacies Pty. Ltd.
Kina Gillbanks & Co.
Kina Securities
KKB Limited
John Lysaght (PNG) Pty. Ltd.
Mobil Oil New Guinea Ltd.
Monier (PNG) Ltd.
Morgan Equipment Pty. Ltd.
Morobe Bakery Pty. Ltd.
Morobe Pharmacies Pty. Ltd.
Melanesian Soap Products Pty. Ltd.
New Britain Palm Oil Development Ltd.
New Guinea Australia Line Pty. Ltd.
New Guinea Island Produce Co.,
New Guinea Plantations Ltd.
Niugini Insurance Corporation,
Niugini Mining Limited,
Niugini Table Birds Pty. Ltd.
New Guinea Marine Products Pty. Ltd.
New Guinea Industries Pty. Ltd.
Ove Arup & Partners Pacific Pty. Ltd.
Placer (PNG) Pty. Limited
PNG Institute of Architects
Port Services PNG Pty. Ltd.
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