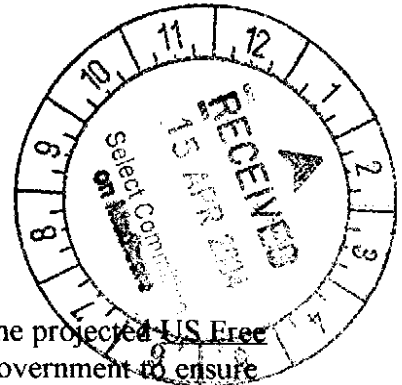


12th April, 2004

The Senate Select Committee  
on the US Free Trade Agreement,  
Parliament House,  
Canberra.  
ACT



Dear Committee Members,

I wish to submit my objections to restrictions placed by the projected ~~US Free Trade Agreement~~ on the ability of any future Australian government to ensure that Australian voices and their inherent values, the essence of our Australian identity, may continue to be heard in this our own country of Australia, in film, television and music.

We find in particular, in Annex I that Australia's existing local content quotas are "bound" and cannot be increased regardless of any national need or special national development in creativity that may occur and may potentially benefit the Australian people. In particular we are concerned that existing local content quotas may be reduced, and if or when that happens, they cannot later be restored to even the levels that exist now. With this agreement we would be for the first time in our history denying the concept in our National anthem of "Advance Australia".

We find that under Annex II that we are asked to agree that future Australian governments will be limited in the laws they can introduce for new media. This means that the minds and consciences of Australians are to be exposed to an agreed majority or bulk of media influence heavily weighted against the mores of our own nation previously unashamed to be an outspoken and united democracy since 1901. Australia is a nation, or has been a nation, that has so often set standards of freedom and representation and just civil rights well ahead of nations like the USA and have played a positive role in the development and extension of democracy throughout the world. One recalls the Treaty of Versailles in 1918 and specifically in recent times our support of democracy in South Africa and Indonesia and even, one of many possible examples, in the struggle for extension of votes for women in the USA itself. Australia is asked in this Free Trade agreement to modify, inhibit, lessen and quieten our own voice to a whisper in our own country.

For multi channelled free to air commercial TV Australian content is capped at 55% on no more than two channels, or 20% of the total channels made available to a Broadcaster, up to only three channels. For free-to-air commercial radio broadcasting Australian content is capped at 25%. The expenditure requirement on Australian content for subscription television is limited to 10%. Even though this may rise to 20% for drama channels it may only do so on conditions that the US is free to challenge. More restrictions

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More restrictions appear on interactive audio and/or video services since the Australian Government, by this projected agreement, must first prove that Australian content is not readily available. The US may challenge any rules Australia makes on grounds that they are too trade restrictive or not applied sufficiently transparently.

Although Public broadcasting is not listed in either of the annexes its development in Australia could be restricted by the ambiguity surrounding the role of SBS advertising or ABC products so that these may be challenged as in some way inconsistent with the USFTA.

If Australia makes these agreements they are handing the US the legalistic tools to severely limit the capacity of any future Australian governments to respond to new circumstances and new forms of media. They are limiting our children's future sources of career and income and limiting the development of our own Australian mind, conscience and identity.

I ask that the Senate Committee search carefully to that if these restrictions are part of a trade off thought to benefit some narrow section of the Australian Business or Agricultural community who has had the ear of the members of the government team that the advantage or cost be justly counted in generations and years and in minds and consciences, and in the wealth and prospects both physical and spiritual that we have until now, shared in common in Australia.

Yours faithfully,



Barry Payne