

- ARTICLE -

## **Distorted Direction: A Critique of the Convergence Agenda in Media Policy Renewal**

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### **Abstract**

In August 2015, a New Zealand Government discussion paper entitled *Exploring Digital Convergence* was released with the stated aim of generating public debate regarding the implications of digital convergence and any prospective government response. At face value, this convergence discussion offered a vital opportunity for a review of New Zealand media and communications policy that follows international precedent. While it is readily accepted that established media structures are being confronted with growing uncertainty and the formation of new media practices invites a regulatory response, this paper is critical of the specific application of convergence in the reimagining of media policy. Despite popular currency, convergence remains a highly contentious subject in media scholarship, open to diverse interpretation. Using official government documents, public submissions and in-depth interviews with broadcast industry stakeholders, this article provides a critical examination of convergence discussion in New Zealand. Consequently, this paper argues that a convergence approach to media regulation is constrained by the assumptive logic and contested meaning of the concept and not conducive to establishing meaningful reform for New Zealand's unique media landscape.

### **Introduction**

In August 2015, the New Zealand Government released a discussion paper entitled *Exploring Digital Convergence: Issues for Policy and Legislation* (Ministry for Culture and Heritage 2015) with the stated aim of generating public debate regarding the implications of digital convergence in New Zealand. As a joint initiative between the Ministry for Culture and Heritage (MCH) and the Ministry of Business, Innovation and Employment (MBIE), the discussion paper was positioned at the centre of a wider government work programme

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reviewing various pieces of existing legislation. However, *Exploring Digital Convergence* highlighted a more general task of framing the Government's definition of convergence and seeking public contributions on that very definition. The utilisation of convergence at the centre of media and communications policy discussion follows international precedent; convergence has been at the centre of significant policy revision in the United Kingdom since the early 2000s, and Australia completed a review of their communications sector under the same lens in 2012. In these settings, notions of convergence have heralded rapidly changing market conditions in which distinctions between the telecommunications and broadcasting sectors are of decreasing relevance, thereby challenging established legislative frameworks. The case for New Zealand appears no different:

To ensure New Zealanders are fully able to realise the potential benefits and opportunities presented by convergence, we need to make sure our legislation is fit for purpose and able to withstand the rapid changes we are seeing across the sectors (Hon. Amy Adams, Minister of Broadcasting, in Ministry for Culture and Heritage 2015, 3).

At face value, renewed policy discussion is an exciting prospect for New Zealand media observers, where intensive deregulation since 1989 has favoured market self-regulation ever since. However, as this article will argue, the extent to which convergence is the foremost concern for local media structures remains contentious; although the concept is widely discussed in media scholarship, research findings suggest that many broadcast industry stakeholders are either unfamiliar with concept or dismissive of its relevance. Thus, the utility of convergence-led discussion in an industry dominated policy environment is a key concern for this article.

Beyond the priorities of statutory regulators and established industry representatives, it has also been commonly suggested that convergence challenges the traditional producer-audience relationship as new digital technologies promote expanding communicative potential and actively curated media consumption. Speaking approximately one year before the release of the discussion paper, a former New Zealand Minister of Broadcasting placed the latter consideration central to their understanding of convergence:

I describe often that TV, that thing that you call a TV in the corner of your lounge, think of it now as just a piece of glass and on it you can watch or listen to content you used to call radio, or watch TV live, or on-demand movies from anywhere in the world at any time. And now you're in charge [...] that's how the model is changing and empowering people and giving them far greater choice than ever before (Interview with author).<sup>1</sup>

Everyday interactions with changing media technologies offer a tangible and accessible dimension of media convergence that can be readily accepted, but the extent to which new patterns of media consumption qualify as ‘empowering’ is an ongoing debate still worthy of critique. Regardless, the belief that consumer empowerment is a natural outcome of media convergence is likely to influence governmental reviews of policy:

You have got to reflect that the empowerment to the individual [from] the Internet turns that model on its head. So, governments may like to pontificate about “this is the policy, thou shall receive information like this” – actually, that is less and less relevant by the second (Former Minister of Broadcasting, interview with author).

But in the New Zealand context, where market self-regulation has dominated for so long, the suggestion that newer technological solutions promote a ‘hands-off’ approach to media policy indicates a lack of political will to introduce meaningful change.

In light of renewed policy discussion in New Zealand, this article seeks to critically examine the specific usage of convergence to inform policy perspectives of media transformation. Through an analysis of convergence in academic scholarship, international policy and the recent discussion paper, two key questions will be considered. Primarily, how is convergence interpreted by policy-makers, industry representatives and other vested parties responding to the discussion? Secondly, what are the expected outcomes for a convergence approach to media policy renewal in New Zealand, and who stands to benefit most? The findings presented in this article emphasise that convergence remains a fractured concept subject to varying interpretations. Furthermore, as a site of political contestation, convergence is susceptible to strategic usage that has the potential to both challenge *and* reinforce incumbent media structures. Consequently, this article will demonstrate that any consideration of convergence in policy discussion should sustain a critical approach to the concept that recognises media policy as an ongoing site of political contestation.

### **Tracing Approaches to Media Convergence**

Convergence can be a polarising concept for media studies scholars. However, debates surrounding media convergence in academic scholarship have not restricted its common usage as a defining account of media change in popular media, commercial strategy and public policy. Consequently, convergence discussion typically requires an articulation of widespread phenomena with the caveat that convergence ‘means different things to different people’ (Meikle and Young 2012, 4). Several models for understanding convergence as multi-faceted exist; in a recent publication Meikle and Young (2012) identify the four key dimensions as technological, industrial, social and textual. However, the approach utilised in this article diverges somewhat by placing emphasis on the development and negotiation of

convergence processes alongside different schools of thought and critique, recognised here as concerns regarding technology, organisation and culture.

### **Technological Convergence**

Early uses of the term 'convergence' served as descriptive tools for the ongoing trends and behaviours that distinguish contemporary media technologies from previous eras, and it is these descriptions that retain popular currency. As Manuel Castells (2001) explains, early hype about convergence anticipated the emergence of the 'magic box that would sit in our living room and could, at our command, open a global window to endless possibilities of interactive communication in video, audio and text format' (188).<sup>2</sup> Along with the search for a 'killer app', these ideas became the popular rhetoric of technological convergence. This rhetoric sustained an assumption that as new technologies emerged they would surpass and replace existing inferior structures, reflecting the common definition of technological determinism (McGuigan 2007). The starting point for the need to signpost clear and definitive change in media technology can also be associated with the futurist thinkers that attained popularity during the 1970s and 1980s. Alvin Toffler (1970, 1980) and Daniel Bell (1973) identified the proliferation of information and communication technologies (ICT) as a defining component in the arrival of a post-industrial or information society. In *The Third Wave*, Toffler (1980) described a 'de-massification' of the media, promoted by technologies such as citizen-band radio, videocassette recorders and video games. About video games, Toffler argued that audiences were 'changing from passive receivers to message senders [...] They are manipulating the [television] set rather than merely letting the set manipulate them' (1980, 174). Toffler believed that as audiences became fragmented by an increasing diversity of media platforms and technology, an increase in cultural diversity would follow at the expense of the power of existing media networks. However, futurist predictions that inform the logic of media convergence favoured radical, populist thinking over empirically-grounded analysis. In response to claims such as these, Mosco and McKercher (2006) argue that 'convergence is not just a technological, political and organisational process. It is also a myth or a story about how computer communication is revolutionising technology, politics and society' (735). They go on to explain that 'this affirmative vision is used to rationalise deepening social inequalities, tightening surveillance practices, and the growing control of a handful of companies over the production and distribution of communication and information' (Mosco and McKercher 2006, 735).

### **Organisational Convergence**

Subsequent political economy critiques of convergence instead emphasised the extent to which mass media ownership patterns have spilled into the realm of digital and online media, driven by the organisational conglomeration of media content providers and the

emergence of a new class of ICT corporations. These critiques emerged largely in response to the apparent optimism of determinist predictions: ‘their utopianism is based not just upon a belief in the magic of technology but more importantly upon a belief in capitalism as a fair, rational, and democratic mechanism. The latter I find mythological’ (McChesney 1999, 121). The arguments of Robert McChesney (1999, 2013) and other political economists (Murdock and Golding 2001, 2002; Mansell 2004; Mosco 2004) espouse the idea that convergence must be measured with context; in this case, the dominant modes of production and consumption that preside over the media and communications industries. Murdock and Golding (2002) for example, acknowledge the opportunities that new media technologies introduced to communication methods, yet reject the futurist notion that these technologies facilitate widespread societal transformation. This is not an assessment of the limits of the technology, but a contextualisation of the convergence debate: ‘the central dynamic of convergence is economic not technological’ (Murdock and Golding 2002, 113).

A political economy perspective suggests that, contrary to aspirations of the democratisation of content and information through new technological platforms, contemporary developments have both motivated and enabled large media corporations to expand their influence across traditional media industries *and* new media infrastructures. Expansion activity has been motivated by, or at least framed as, survival strategy for a changing media ecosystem, where web-based media is competing for the attention of mass-media audiences. Instead of dismantling corporate oligopolies, new information technologies have served to reinforce them. This pattern was evident in the acquisition of Time Warner by AOL in 2000, and the acquisition of Myspace by Rupert Murdoch’s News Corporation in 2005. As McChesney (2013) explains in the case of the AOL-Time Warner merger, the desperate investment by the major media conglomerate of Time Warner was a significant failure as the dial-up services of AOL were soon outmoded by the proliferation of broadband Internet:<sup>3</sup>

That experience is now chalked up as among the most insane flights of fancy in business history and an unmitigated disaster for the media giants, who acted as if they only had a matter of months until the Internet destroyed them (123).

McChesney argues that these events illustrate the extent to which existing media and telecommunications giants that dominated prior to the proliferation of digital technologies, and specifically the Internet, are intent on maintaining and expanding their monopolistic control over content and communications. Equally, major Internet start-up companies have emulated media conglomeration through mergers and acquisitions to extend their own market dominance. Winseck (2008), for example, suggests that Google’s dominance of the search engine market introduces ‘a phenomenon that we might call a “Googlopoly”’ (43).

However, for Sonia Livingstone (1999) such critiques of technological change can obscure 'the sense of excitement, fear and challenge experienced by those who feel themselves on the edge of a revolution' (60). Although dominant commercial structures may persist or even intensify alongside the development of new media technologies, recent scholarship has proposed a fundamental cultural shift in the way that new information and communication technologies are influencing everyday lived experiences. This approach has largely centred on the merging of the traditionally isolated roles of media producer, distributor and audience in what has been described as a 'convergence culture' (Jenkins, 2008).

### **Convergence Culture**

While not a clear advocate of convergence as an analytical tool, Manuel Castells' (2000) account of the 'Network Society' provides a historical context for the suggestion of a convergence culture and offers a sociologically sophisticated complement to futurist prognostications about a post-industrial information society. He maintains that there has indeed been a 'transformation of our "material culture" by the works of a new technological paradigm organised around information technologies' (28). In acknowledging the hype that has dominated many discourses surrounding the proliferation of information technologies, Castells suggests that caution is needed to prevent critical perception from obscuring the scale of real change; the influence of dominant political, economic and cultural actors coincides with certain 'autonomous dynamics of technological discovery and diffusion' (59).

The increasing autonomy of the individual user as a powerful agent in the networked information economy is also commonly presented as a direct result of the liberalising effect that new media technologies offer (Benkler 2006; Bruns 2006). Digital technologies that enable access to information networks are seen as ubiquitous and accessible when positioned in direct contrast with the expensive resources that mass media production infrastructure required in an industrial economy. For Benkler (2006), this improved access is a 'practical freedom' and improves the user's experiences of 'democracy, justice and development, a critical culture, and community' (9). Bruns (2008) subsequently argues that the transformations afforded by a shift away from industrial models of production are so extensive that the entire circuit of cultural production needs to be re-interpreted. For Bruns, the labels of producer, distributor and consumer hold significantly less value outside of an industrial context: 'Under the new network paradigm, by contrast, producers and users of media content are both simply nodes in a neutral network and communicate with one another on an equal level' (14). Henry Jenkins' (2004; 2008) account of recent media change draws similar conclusions to Benkler (2006) and Bruns (2008), arguing that media consumers are increasingly using the conditions of media convergence to achieve a degree of autonomy. Ultimately, Jenkins posited that convergence informs a new culture of media production and consumption in which major corporate interests coexist with grassroots

consumers, placing increasing pressure on content and service providers to adopt new strategies. Despite recognising a perpetual tension between top-down corporate agendas and bottom-up participatory movements, it is highly contentious to suggest that cultural transformation is widespread. Jenkins acknowledges in the early stages of *Convergence Culture* (2008) that he is primarily observing ‘early adopters [...] disproportionately white, male, middle class, and college educated’ (23), whom he presents as the pioneers negotiating new conditions for media consumers. More specifically, he focuses on the experiences of fandom and fan subcultures, but inevitably implies that these experiences are representative of imminent trends toward a convergence culture.

### **Critiquing Convergence as a Theory of Media Transformation**

The notion that convergence possesses its own cultural logic alludes to a problematic tendency to isolate media transformation from wider processes of societal transition, including the parallel proliferation of a neoliberal political ideology and economic globalisation. Robert Hassan (2004) argues that the proliferation of information technologies is only one half of a ‘dual-revolution’ that is shared with the emergence of neoliberal globalisation, and technology itself is an extension of ideological systems and values. According to Hassan, it is the mass media’s role to translate the ideology embedded within information technologies into ideas of ‘progress, freedom and efficiency’ (Hassan 2004, 17). Rather than technological determinism, the promotion of individual user agency to establish and participate in meaningful networks can be interpreted as ‘ideological determinism’, in which the compulsion to behave a certain way is replaced with a sense of *desire* to do so:

The effect is that capitalist technologies, self-evidently and manifestly, are the only form of ‘progress’ on offer [...] on the surface this does not *seem* tyrannical, it seems *desirable* and we are required to participate and even use our initiative and intelligence (Hassan 2004, 18).

Hassan’s concern is that the centrality of knowledge and information in a network society has reached, or is at least close to reaching, a level of saturation that diminishes organic processes of social debate and discovery, specifically in relation to the converging realms of media and culture. He asserts that media are first and foremost technologies, and consequently, extensions of real agencies of influence; in an intensively mediated environment, *dominant* culture is produced and distributed, posing significant issues for those who uncritically accept globalisation and the network society as the beginning of a new era of cultural diversity and cultural hybridity: ‘For most journalists, neoliberalism is not an economic ideology whose fundamental assumptions can be challenged, but simply “reality”’ (Ainger 2001, cited in Hassan 2004, 48).

Tim Dwyer's (2010) assessment of media convergence resonates with Hassan's (2004) emphasis on the neoliberal agenda, suggesting that neoliberalism and information technologies are converging in a super-charged capitalism where the acquisition of online platforms by traditional media organisations is simultaneously capitalist accumulation and a new content distribution strategy. The established media have a central role in framing the convergence process, and Dwyer (2010) describes this as the 'mediatisation' of convergence; the media industries become self-referential, dispersing messages about media change through their own mediated channels. This argument positions media organisations as sophisticated networks of considerable influence and scope, capable of ideological dissemination. Dwyer (2010) associates the commercial media with the dissemination and dominance of neoliberal ideologies, proposing that new media developments are pushing audiences towards 'networked individualism', as opposed to the 'society-making' tendencies of traditional mass media (118; see also McRobbie 2002). This observation exposes the contradictory rhetoric of a convergence process that also facilitates trends towards divergence; in this case, a segmenting media audience is seen as counter-intuitive to any aspirations of achieving a unified public sphere. Dwyer asserts that while new media and information technologies are promoted under the banners of freedom and empowerment, neoliberal activities also continue to mobilise around these concepts.

Converging technologies, organisations and cultural practices have indeed influenced everyday media experiences of the past 20 to 30 years. Yet, the diverse academic approaches to media convergence featured so far, highlight the contentious nature of the concept; convergence does not possess a single, universally-accepted, definition. Convergence has become so ubiquitous in the theorisation of media transformation that it has as much potential to obstruct, as it does inform, meaningful accounts of actual change. As Meikle and Young (2012) argue, convergence has equal potential to challenge established hierarchies of media power and reinforce dominant structures connected to capital. However, outside of academic scholarship, convergence is rarely framed as a site of contested meaning. As this article will soon demonstrate, recent instances of media policy discussion will acknowledge that convergence has different value or purpose for different parties, but common utilisation of convergence in reviews of government policy tends to prioritise neoliberal approaches to market regulation. By examining the specific framing and interpretation of convergence present in moments of policy renewal, analysis that appreciates convergence as a site of hegemonic contestation can transcend rhetorical claims about media transformation and consider probable outcomes.

### **Convergence and Policy Renewal**

The application of a convergence approach to policy reform has occurred at different stages and to varying degrees in the United Kingdom, Australia and most recently New Zealand,

although common perspectives on the drivers for reform are apparent. The media systems of the United Kingdom and Australia are useful comparisons for New Zealand media debates due to a common, though inconsistent, mixture of public service broadcasting and private commercial operators. In each of these cases, key policy discussions have emphasised the declining significance of technological platforms and presented the general suggestion that telecommunications providers and media organisations are increasingly sharing in the traditional responsibilities of one another. However, most critical commentary from the field of media studies has also demonstrated a uniform push towards greater deregulation, market-led innovation and consumer mobility.

The United Kingdom's first instance of major policy reform built around the concept of convergence occurred with the 2003 *Communications Act*. At the centre of this new policy direction was the formation of the Office of Communications (Ofcom); a single regulator, combining the licensing of commercial television and radio, telecommunications, broadcasting content and spectrum management (Doyle and Vick 2005). Doyle and Vick (2005) identify that discussion documents had initially preferred an 'evolutionary approach to regulatory development' (75) building from existing legislation, but the implementation of a 'super-regulator' (Livingstone, Lunt and Miller 2007, 613) presented a significant shift for the government approach to electronic communications. As Livingstone, Lunt and Miller (2007) highlight, this policy shift extended to the complex framing of the wider public as 'citizen-consumers' and a greater tendency towards market regulations and 'competition' principles to ensure that consumer interests were met under the Act. Rather than simply establishing a dual-interest approach to media policy – recognition that individuals interact with media systems as both citizens and consumers in equal measure – Livingstone et al. (2007) suggest the somewhat axiomatic positioning of 'citizen' alongside consumer disrupts the function of the former in favour of the latter. In contrast to the strong public service remit of the BBC and its concern with a unified audience, Livingstone et al. (2007) argue that:

Ofcom's world of citizens and consumers is very different – a world of media-savvy individuals who are already competent agents in the world, ready to take responsibility for their own choices and actions. It is they, not the regulator, who specify the needs and wants that broadcasting will then supply, and while they may, on occasion, require the regulator's help in avoiding consumer detriment or social exclusion and ensuring media literacy, they do not require it to define their values and build their communities (633).

Under review, sector specificity was identified as an inhibitor to industry and consumer mobility and regulatory convergence was framed as an opportunity to modernise the UK sector and foster market innovation. Although Ofcom was the key feature of this convergence policy moment, the wider intention of the legislation was to establish a "light touch"

approach to regulatory decision-making, placing a greater emphasis on industry self-regulation' (Doyle and Vick 2005, 77). This would invariably impact existing controls relating to media ownership, and the broad concern was that broadcasting concentration would eventuate along the same lines as newspaper ownership in the United Kingdom. For Doyle and Vick (2005) this process would be a direct result of the *Communications Act's* commitment to 'competition' as a guiding principle for sector reform: 'More effective measures to sustain open competition are by no means unwelcome. But competition and pluralism are not the same thing' (Doyle and Vick 2005, 88).

The Australian Convergence Review, a large-scale examination of Australia's media systems conducted from 2011-2012, conveyed a similar approach to long-standing controls regarding broadcast licensing and private media ownership. An earlier working paper from the Australian Communications and Media Authority (ACMA), a key influence on the review, identified that 'regulation constructed on the premise that content could (and should) be controlled by how it is delivered is losing its force' (ACMA 2011, 6). Subsequently, the *Convergence Review Final Report* called for a 'technology-neutral approach that can adapt to new services and platforms' (Department of Broadband, Communications and the Digital Economy (DBCDE) 2012, 2), citing a preference for industry deregulation or self-regulation in a complex media environment. In one example, the final report called for the complete cessation of the broadcast licensing regime, citing the new-found ability to broadcast media content over an improving broadband infrastructure (DBCDE 2012, ix). It was further argued that the removal of licensing obligations would reduce costs for government and businesses alike.

Despite a broad deregulatory stance, the Australian Convergence Review emphasised key concerns relating to a diversity of media ownership and local content provision, highlighting that although the technological specificity of delivery platforms may be less meaningful, the influence of established media producers was not. Thus, the *Convergence Review Final Report* offered a distinction between large media organisations as 'Content Service Enterprises' (CSE) and smaller, often non-commercial, Internet users:

The Final Report defined a CSE as a media content provider which has more than 500,000 Australian users per month, and \$50m *per annum* of revenue from Australian-sourced professional content. Interestingly, the 15 companies that met these guidelines are all conventional media businesses. But the CSE label could in principle be extended to companies such as Telstra, Google and Apple, depending upon where thresholds are set and future growth trajectories (Flew 2012).

Flew's observation highlights the complexity of trying to account for contemporary processes of media convergence when the very terms of reference that can be used are themselves subject to change, but at the very least the Convergence Review demonstrated some consideration for the processes of organisational consolidation that have typically followed ownership deregulation.

As the most recent case of policy discussion attached to notions of convergence, the New Zealand Government green paper *Exploring Digital Convergence: Issues for Policy and Legislation* (MCH 2015a) presents much of the same rationale for revisiting media policy as that presented in the previous examples. The first foray into a convergence approach to media policy renewal in New Zealand began in 2006 with then Minister for Broadcasting Steve Maharey and the implementation of digital free-to-air television broadcasting. By 2008 the responsibility of reviewing New Zealand's media regulation had passed to Trevor Mallard, and a comprehensive review document (MCH 2008) that considered a converged regulator, among other things, was released. However, by the end of that year New Zealand experienced a change of Government, and in 2009 the newly-appointed Broadcasting Minister, Johnathan Coleman, announced that 'the broad thrust of a review had found there was no need for further regulation' (NZPA 2009, par. 2).

At the centre of the most recent discussion, some seven years later, 'digital broadcasting' has given way to the repositioning of the 'telecommunications, information technology, media and entertainment sectors' (TIME) as a common concern, subject to the 'exciting possibilities' resulting from a digital disruption. Thus, the discussion document is broadly optimistic about the outcomes of digital convergence processes. This is most evident in sections that consider changes to the act of consumption that equate to increasing consumer autonomy:

For consumers, convergence means greater choice and lower cost. No longer bound to an individual provider for a specific service, today's consumers can select the devices that best suit their lifestyles and connect them to one or more network providers to access the services and content of their choice [...] Consumers are also increasingly at the centre of content service delivery, controlling not only what they view, but also when, where and how they view it (MCH 2015a, 4).

From the perspective of the discussion document, the parties that stand to be challenged most by changing consumer behaviour and the wider effects of convergence processes, are those organisations that currently operate within the TIME sector framework. As with the international examples discussed previously, this discussion document considers reframing market competition as the once separate TIME sectors 'rapidly [move] toward a single broad

communications market' (MCH 2015a, 12). The primary 'vision' of the discussion document emphasises concepts of 'high-quality services' and processes of 'innovation' that grow the economy and foster competition in a 'dynamic global environment' (MCH 2015a, 5). Consequently, the suggested strategy to account for this vision is built around a similar 'light-touch' approach to market regulation:

We must make sure that government is not standing in the way. We need to make sure our regulations and policies are up to date and flexible. We need a comprehensive stock-take across government to ensure we remove any unnecessary roadblocks to innovation in the market. Where there is still a need for regulation, it should be the minimum required to achieve a clear, public purpose (MCH 2015a, 6).

A deregulatory approach informed by notions of convergence presents immediate parallels with similar discussion that has taken place in the UK and Australia. Yet, although those discussions were criticised individually for the degradation of public imperatives and the promotion of a distinctively economic approach to media policy, the New Zealand discussion barely engages with 'public purpose' in any context. Beyond active consumption, most considerations that would impact 'New Zealanders' were relegated to concerns with maintaining common content standards that sustain accepted cultural values. A review of policy regarding content was addressed in parallel by a further discussion document, *Content Regulation in a Converged World* (MCH 2015b). This separate document mostly engages with establishing an 'even playing field' between the traditional producers and distributors of media content in New Zealand and newer online competitors; the specific issues of content classification, advertising restrictions and election programming are prioritised. References to the development of local content in a convergent environment are minimal at best across both documents, and afforded much less consideration than alternative content issues.

The discussion documents seek to justify the minimal consideration of local content development by explaining their primary function as a 'health check' of existing policy, concerned first and foremost with identifying potential inconsistencies. Furthermore, there is a concerted effort within both documents to 'spark debate' regarding convergence issues and the call for public submissions is both active and comprehensive; the attempt to stimulate dialogue appears genuine. However, it is worth noting that both the UK and Australian case studies cited in this article sustained some commitment to public imperatives. Although the inclusion of 'citizen' alongside consumer in UK policy discussion was a point of critique for Livingstone et al. (2007), the term is virtually absent from New Zealand convergence discussion. Likewise, the establishment of Ofcom needs to be

considered in relation to the status of the BBC in the UK; it was rarely considered that market approaches to media policy would threaten to displace the dominant public broadcaster.

As highlighted previously, calls to abolish licensing regimes in the Australian Convergence Review were tempered with the CSE approach to regulating media organisations of considerable ‘size and scope’ (DBCDE 2012, ix). Further still, the *Convergence Review Final Report* concluded that a ‘principles-based’ approach to media policy was needed to protect the public interest in relation to the concerns of media ownership, content standards and the production and distribution of Australian and local content:

There are considerable social and cultural benefits from the availability of content that reflects Australian identity, character and diversity. If left to the market alone, some culturally significant forms of Australian content, such as drama, documentary and children’s programs, would be under-produced (DBCDE 2012, viii).

Addressing policies of local content production, the New Zealand documents defer any consideration of fundamental principles and resourcing for discussion elsewhere. However, the marked prioritisation of market competition, and the virtual absence of meaningful public concern, alludes to a general policy perspective. Despite being framed as a response to a ‘fast-changing environment,’ some twelve years exists between British policy initiatives and *Exploring Digital Convergence*; the time-gap says as much about contextual approaches to any media regulation as it does about the imperative of responding to media convergence. The Australian convergence review completed in 2012 sits much closer to the New Zealand discussion chronologically, but this paper argues that minimum public service imperatives sustained in international examples, and the apparent absence of such imperatives in the New Zealand paper, highlight the ongoing influence of an existing policy legacy.

If policy discussion centred on convergence tends to promote industry deregulation, in support of market-led competition and innovation, it begs the question: how might New Zealand media policy benefit from *further* deregulation? A review of *The Radiocommunications Act 1989* (MBIE 2014) attached to the New Zealand Government’s wider convergence work programme, indicates less urgency for change than the latter discussion documents. It highlights the flexibility of a longstanding market approach in which administrative radio licencing is paired with allocated management rights, enabling licence holders to utilise spectrum as they see fit. The review also indicates that under the existing policy regime, the New Zealand Government is afforded considerable flexibility to manage the priorities of spectrum use at any given time. The highly concentrated, overwhelmingly commercial radio industry that has emerged under these regulations is thus reflective of successive government approaches, which are supportive of market forces.

While the review does consider the need to monitor anti-competitive behaviour regarding spectrum use, there is no indication that this is recognised as a problem within the context of broadcasting. Most concern in the radio spectrum review is focused on the effective development of cellular broadband services and the recent convergence discussion reiterates that a deregulatory approach to radio spectrum management has typically enabled, rather than hindered, convergence processes:

The current spectrum management regime was designed to be technology and service neutral: licences and management rights issued under the regime are not restricted to a given technology or platform. As such, the Government considers that the regime itself currently presents no barriers to convergence (Ministry for Culture and Heritage 2015a, 18).

Although technological flexibility is at the centre of this claim, the broad sentiment is consistent with the observation that major drivers of media transformation in New Zealand are *already* economic and organisational factors, enabled by an existing regulatory regime.

### **Responses to a Convergence Discussion in New Zealand**

One of the starting points for the questions considered in this article was a medium-term project initiated in 2012, examining the reflexive relationship between convergence and radio in New Zealand (McEwan 2016).<sup>4</sup> Over a three-year period, and immediately prior to the release of the New Zealand discussion paper, the author conducted and interpreted in-depth interviews with radio industry representatives to ascertain the role that convergence was playing within broader processes of industry transformation. Although instances of material and strategic convergence were evident, a significant majority of interview participants were dismissive of the concept or unfamiliar with its usage:

It's not overly used. Complementary is. Social media is. Managers on the shop floor making, or trying to make, money for the company will talk about social media, they will talk about complementary media, they will talk about monetising the Internet. But they won't use the word convergence (Interview with author).

Consistent with the strong industry narrative that emerged from other research interviews, the talk announcer cited here believed that convergence was 'just a word' and identified that commercial radio organisations prioritised regular financial performance over an 'academic' consideration. He stated that words like 'profit, and revenue, and ratings' held much greater currency within the higher levels of management, pointing towards the recent large-scale restructuring of his current employer and a brief period of organisational receivership as more immediate concerns: 'I think these guys are more [concerned with] the operational

side of things: how to survive’ (Interview with author). Against this backdrop, the purpose of a convergence discussion or convergence review is likely influenced by a lack of industry engagement with convergence as theory of media transformation. In the case of the New Zealand radio, most senior industry representatives were firm in their belief that the sector was resilient to processes of media change. Industry confidence extended to an adamant stance from those in management positions that no government involvement was needed to develop contemporary radio.

This general position is largely consistent with media industry submissions responding to the *Exploring Digital Convergence* discussion paper. Official briefing papers tabled with the Minister of Broadcasting,<sup>5</sup> highlight a mixed response to the specific usage of convergence at the centre of the Government’s work programme. A report tabled in November 2015 highlights that ‘fewer than half of the submitters agreed with the paper’s definition of convergence without qualification’ (MCH 2015c, 2). This was particularly evident in the case of a joint submission by Māori TV, MediaWorks, NZME and TVNZ, and a separate submission from Sky TV – ‘the main broadcasters’ (MCH 2015c, 4). The joint submission on behalf of the free-to-air broadcasters stated that the framing of convergence had been ‘overstated’, and favoured a ‘tele-communications centric view’:

While convergence between telecommunications voice and data services over fixed and cellular networks may be a reality, no similar convergence has occurred between telecommunications networks and other services, and radio and TV broadcasting transmission services. Broadcasting involves one-to-many transmission, while telecommunications involves one-to-one communications. Broadcasting technologies, unlike telecommunications, have not undergone substantial change. Broadcasting technologies, and the infrastructure that enables over the airwaves transmission, remain constant, with no immediate future change likely (Māori TV et al. 2015, 2).

A submission presented on behalf of Sky Television presented a similar argument, emphasising that clear distinctions remain between the provision of broadcasting and telecommunications services, suggesting that the discussion document has applied notions of convergence too liberally in the assertion that these sectors are now ‘alike’.

Surprisingly, Sky Television’s submission makes a direct statement regarding the importance of maintaining and developing ‘New Zealand’s own culture and heritage’ that surpasses this concern in the government green papers:

‘New Zealand consumers should have access to local content. This relies on New Zealand’s own cultural and creative sector being supported by Government, both in the form of funding and other support, but also

importantly through strong intellectual property protection (Sky Television 2015, 5).

A cynical approach to this final statement may identify the emphasis of the last clause, and consider that the concerns of a pay television provider rest naturally with the protection of lucrative licensing agreements. However, the lack of consideration for the public interest highlighted in previous analysis of the New Zealand discussion papers was reiterated as a common criticism from those submitters that align with public broadcasting more closely.

Submissions from both the Public Media Project (PMP) and Coalition for Better Broadcasting (CBB) capture the essence of convergence critiques that consider the role of wider historical, social and cultural context (Hassan 2004; Dwyer 2010; Meikle and Young 2012). The PMP submission draws attention to existing 'deficiencies' in New Zealand's broadcasting sector and emphasises that a 'lack of universal and ubiquitous access' and the 'absence of local content' are likely to continue with the discussion document's current approach to convergence (PMP 2015). Meanwhile, the CBB submission recognises some accuracy in the discussion paper's definition of convergence, but also draws attention to an apparent 'market naturalism' in the present framework: 'A concomitant assumption is that regulation is primarily an impediment to market efficiency and liable to inhibit innovation and economic growth' (CBB 2015, para. 2). The general position of the comprehensive submission is to assert the public value of an active regulatory approach towards 'civic and cultural' objectives, and as the submission argues, this concern is exacerbated by New Zealand's unique media policy context:

In comparison to the large majority of advanced industrial economies, New Zealand media markets are regulated extraordinarily lightly [...] It is fair to say this has often not served the best interests of the public. It is therefore bewildering that the discussion paper could assert that "the current framework of regulation has worked well for many years". *No it hasn't* – at least not if the aim of regulation is the long-term benefit of the public rather than market incumbents (CBB 2015, para. 3).

Within the context of broadcasting at least, responses to the New Zealand discussion papers highlight significant dissonance with convergence perspectives from both private industry *and* public interest sectors. This complicates convergence to the extent that it is not readily accepted as *the* driving factor behind media transformation for all stakeholders. The recent mobilisation of convergence in policy discussion reveals a politicised interpretation of media industry regulation, that will serve to extend, rather than transform, an already extensive and impactful legacy of neoliberal reform.

### **Conclusion: Assessing the Function of Convergence in Policy Renewal**

Since the public submission process was completed in November 2015, there has been little indication as to what specific course of action the New Zealand Government intends to follow from the broad policy directives suggested in the convergence discussion documents. Thus, a stated attempt to ‘spark debate’ has fallen conspicuously silent. To some extent, this was confirmed by a recent application for official government documents following the discussion that revealed little progress since February 2016. An individual report was withheld under the stipulation that work on the programme was ongoing, and a Digital Convergence Bill that would amend the *Broadcasting Act* to account for video on demand and changes to advertising regulations was announced in August 2016 by then broadcasting minister, Amy Adams (2016). By November of that year, there was still no sign of a Digital Convergence Bill and the only regulatory initiative that had eventuated was a Broadcasting Amendment impacting election advertising and programming. Opposition broadcasting spokesperson Clare Curran represented a general frustration with the lack of activity in parliamentary debates of the latter bill:

The future of media is really up in the air, to a large degree, in New Zealand, and here we have got a very narrow-scope piece of legislation that looks as if it is the only one that will emerge in three years of this Minister of Broadcasting, even though she is doing this as the Minister of Justice. *This is it* (Hon. Clare Curran 2016).

As of May 2017, the Government role of Broadcasting Minister has been disestablished and any significant review of media policy, under the proviso of convergence or otherwise, is still not apparent. References to an incoming Digital Convergence Bill appear occasionally in parliamentary debates, but to what extent any future legislation will account for the feedback of public submissions that included industry contests and concern for non-market approaches to media regulation remains unclear.

In a move that somewhat contradicted industry reluctance to recognise the significance of media convergence, the period of policy discussion was immediately followed in New Zealand by the prospect of several high-profile mergers between major media and/or telecommunications entities. While mergers in the sector of free-to-air television broadcasting remained speculative, the prospect of New Zealand’s largest newspaper publishers and online news providers (NZME and Fairfax) forming an effective monopoly (of print media at least) tested the full remit of the Commerce Commission.<sup>6</sup> At the time of writing, the merger had been formally declined by the New Zealand Commerce Commission in the interests of commercial competition and media diversity, but was subsequently being appealed in the High Court. The basis for the appeal includes the argument that the Commerce Commission had ‘underplayed the competition that would be provided by

traditional rivals Television New Zealand, Radio NZ and MediaWorks' (Pullar-Strecker 2017, par. 12). Any suggestion that convergence diminishes the purpose of sector-specific regulation seemingly favours the newspaper publishers; news content and advertising may compete across multiple platforms simultaneously. Thus, a negative response to convergence discussion on behalf of New Zealand's major broadcasters likely had more to do with the perceived threat of telecommunications providers sharing their territory – similar tensions are emerging between traditional content providers and content aggregators like Facebook and Google. However, a declined merger between Sky Television and Vodafone New Zealand is also currently being appealed.

Ultimately, to suggest that convergence lacks relevance or merit in moments of policy revision is contentious at best. This is owing to its widespread usage across various contexts and settings and a common concession that its purpose or function varies for different participants within contemporary media and communications systems. Although it may not be articulated as such, a convergence process (organisational merger) will be employed by major media organisations when it is favourable. As Meikle and Young (2012) have argued elsewhere:

Media policy has always been a complicated and disputed realm, as governments have struggled to balance competing demands in a complex regulatory space. Convergent media technologies have exacerbated that complexity, and debates over the contested roles of policy, social norms, markets and technological architecture are a key part of current regulatory tensions (195).

Rather than discredit every application of convergence in policy discussion, this article is concerned with qualifying the extent to which documented articulations of the concept will predicate meaningful change. There are certainly material changes in media technology, industry practice and consumer behaviour that demand acknowledgment. But consistent themes in convergence policy discussion, including the prioritisation of market competition, innovation and new consumer opportunities via 'light-touch' approaches to regulation, do little to rectify the consequences of the extensive deregulatory approach introduced in New Zealand in 1989.

As Joe Atkinson (1994) observed in the immediate aftermath of New Zealand's extensive media reform, technology enabled, but did not necessitate a dramatic reduction of public broadcasting, and a new-found dependence on global media products – the decision to do so was 'a political one' (149). A similar claim is being made here about the most recent prospect of media reform. Despite the fundamental advances in media technology since 1994 (with the caveat of analogue terrestrial radio), Atkinson's claim that political will had transformed

television broadcasting in New Zealand extended to a broader concern for the lasting consequences of a ‘thin democracy’, a barrier to meaningful civic participation. This article contends that as a popular, but overwhelmingly complex concept, the version of convergence that appears in most policy discussion represents a hegemonic articulation of media transformation that favours existing neoliberal sensibilities.

Drawn against academic scholarship that has considered the communicative potential of network technologies and illustrated the potential for converging roles and practices to cultivate new forms of participation (Benkler 2006; Bruns 2008; Jenkins 2008) the versions of convergence that dominate policy discussion are likely to have greater impact (for better or worse) in settings where deregulation is not already the dominant feature of existing media policy. The primary commitment to fostering market competition and establishing a ‘fair playing field’ for media and communications enterprises provides a clear indication of the lead benefactor from such policy discussion, even in the context of general industry ambivalence. Furthermore, it suggests that this most recent foray into media policy discussion is more likely to result in ‘business as usual’ than any meaningful attempt at policy renewal.

## Notes

1. Interviews by the author were completed for an associated research project (McEwan 2016) where it was specified that interviewees would not be named and referred to by professional title only.
2. See also Jenkins’ (2008) reference to the ‘Black Box Fallacy’.
3. Much the same can be said about the rapid decline of Myspace following the arrival of Facebook. News Corp. subsequently sold Myspace in 2011 for only \$35 million, a fraction of the original \$580 million investment (Rushe 2011).
4. This project was the basis for the author’s doctoral study supervised by Associate Professor Brett Hutchins and Associate Professor Shane Homan at Monash University. The course of study was funded by a three-year Australian Postgraduate Award scholarship.
5. Obtained under New Zealand’s *Official Information Act 1982*.
6. Established in 1986, the Commerce Commission is one of the few regulatory bodies with oversight of the New Zealand media industry, particularly with matters that may influence market conditions and competition.

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