

# News+Views

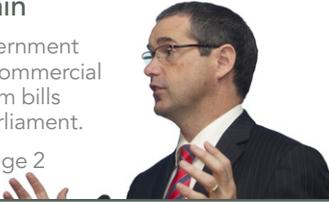
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ABC Act update

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## Protecting the ABC

When the Gillard Labor Government introduced its recent media reform package of six bills, it separated proposals that dealt with the public broadcasters from its more controversial commercial media reforms.

As a result, a bill which strengthens some areas of ABC operation passed both houses of parliament with the support of the Greens and independent politicians.

In a welcome recognition that a service of such strategic importance is best provided by the public broadcaster, the legislation, when proclaimed, will mandate the ABC as the only provider of government funded international broadcasting.

Future governments will be unable to put the ABC-established international television service out to tender, as occurred in the past when they were lobbied by the part Murdoch-owned Sky TV. That is, unless a Coalition government is elected with support in the Senate. *The Australian* (owned by Murdoch's News Ltd) reported that Coalition communications spokesperson Malcolm Turnbull has said that a Coalition government would repeal the provision which gives international broadcasting to the ABC in perpetuity.

The bill also updates the ABC Charter to explicitly recognise digital media as a service the public broadcaster should provide. The ABC's digital media services (e.g. *ABC Online*) evolved after the public broadcaster was established to deliver radio, and then television services, and so were not specified in the ABC Act.

The case for the ABC to continue to provide Australia's international broadcasting service is outlined in FABC's 2010 submission to the Australian Government on the future direction of Australia Network, and can be found at [www.fabc.org.au](http://www.fabc.org.au)

## Dangers in the new legislation

The spirit and intention of the existing ABC Act is clear: there is meant to be no advertising on the ABC. The bill establishes a dangerous precedent and creates a chink in the advertising prohibition.

In its recognition of the ABC's responsibility to provide digital media services, the new legislation should have simply extended to digital media services the existing prohibition on advertising on ABC radio and television. Instead, it grants advertising exceptions for ABC digital media services which are connected with print publications that are published or distributed by the ABC.

The existence of advertising on some ABC digital media services will taint public perception of the ABC as commercially independent and ad-free. A loophole has been created that may be exploited in the future – particularly in the context of the ABC's current practices of promoting its commercial activities (into some of which the ABC has little more input than providing its name) on its networks, and with non-commercial and commercial websites able to be just one link/click away from each other.

Another problem with the legislation is that it did not address the creep of advertising into international radio that might result from the merging of the Australia Network and Radio Australia which will now proceed. International television has been allowed to carry advertising since its inception, whereas Radio Australia has been subject to the advertising ban that applies to other ABC services.

The community and FABC will need to be more vigilant than ever, and let the ABC Board know that we expect it to keep the ABC commercial-free.



Advertising on the ABC has a foot in the door.

Photograph by Justin Nguyen



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# Public interest loses again

A chance to increase the responsibility of major print and online media companies to report fairly and accurately was lost when the Gillard Labor Government recently withdrew four commercial media reform bills from the parliament.

Also lost was an important opportunity to protect what little mainstream media diversity Australia has left.

So what happened to the Government's commercial media reform package?

It is the media on which the community largely relies to scrutinise and report on important legislation. However, media owners have an interest in opposing any change that might limit their commercial interests or lessen the power that ownership of a media outlet affords them to influence public opinion. Journalists commonly believe that journalists should be the sole arbiters of the public interest, accuracy and fairness of what they report.

As a result, serious and impartial analysis of the package was, for the most part, missing. Rupert Murdoch's News Ltd upheld its record of partisan reporting and editorialising in its own corporate interests. Many otherwise good journalists were preoccupied with provisions that dealt with the oversight of media operations.

On purpose, and by omission, the media gave scant attention to the proposal which was so clearly in the public interest – the introduction of a public interest consideration of future changes in media ownership which may lessen the diversity of prominent news voices.

Added to the failure of the media to fully inform the community, were problems of the Government's own making.

Strong supporters of media reform believed the package contained some

flaws or deficiencies that needed to be rectified.

Communications Minister Senator Conroy initially proclaimed the Government was not prepared to barter, and said the bills would not proceed if they did not secure support within nine days.

If the attempt to confine debate was intended to limit the damage it could be predicted the Murdoch media would inflict on the Government, it failed. Some independents refused to negotiate at all. Media attention focused on the political machinations surrounding the legislation and fed into attacks on the competency of the Government.

The rest, as they say, is history. Not having secured sufficient crossbench support to pass four key media reform bills, nine days after Senator Conroy had announced his media reform package, he withdrew them.

Where does this leave the public interest now?

Bruce Guthrie (former Fairfax and News Ltd editor) has pointed out that, with the Government's attempt to introduce a Public Interest Media Advocate having failed, we are left with the existing arbiter of public interest: Rupert Murdoch.

One media company, Murdoch's News Ltd already determines what most Australians read, see and hear – if not directly, then through the daily agenda its newspapers set for radio, television and online commentary.

This unacceptable situation of an unelected media owner having so much influence



must be addressed by increasing media ownership diversity, and in its absence, stronger media regulation too. And, more than ever, the ABC must be protected and resourced to be a strong independent alternative with a prominent presence in Australian life.

Two key aspects of the Government's commercial media reform bills that have been withdrawn:

- The introduction of a public interest test for future mergers and acquisitions by media companies
- The creation of a Public Interest Media Advocate – a statutory official appointed by government to operate at arm's length from the government. The Advocate was to administer the public interest test, and to accredit and oversee self-regulatory bodies (such as the existing Australian Press Council and any similar bodies which the industry itself may choose to create) to ensure that they adhered to the codes of practice they have set for themselves.

**Above: One Murdoch newspaper responded to the Government's media reforms by comparing Minister Conroy with some of history's brutal dictators.**

Photograph by Daniel Ruzeu (detail)

## Key Speaker



**Dan Mori addressing Friends of the ABC's meeting**

Photograph by Catherine Grey

Last year, 400 hundred people attended a meeting in Melbourne organised by Friends of the ABC to hear Dan Mori, the former US military lawyer who represented Guantanamo Bay inmate David Hicks, speak about the media's impact on his human rights work. Following the meeting he spoke to FABC campaign manager, Glenys Stradijot.

When the media is doing its job, it provides an important counter to the abuse of power by governments. 'The fact that the media is watching helps to protect human rights,' said Dan Mori. 'It creates the awareness that can generate community action.'

Mainstream media coverage of Hick's incarceration and trial, until the latter stages, was overwhelmingly an example of the media not meeting its responsibilities. Mori pointed out that in early years, the media failed to provide the community with the facts. In some instances journalists failed to take sufficient interest and to question information

that was being presented by governments and their agencies. In others, an interest in sensational headlines or promoting a political agenda overtook the media's responsibility to the truth.

It was not until several years on that some in the media began to look more deeply into what was happening.

Mori highlighted the crucial role which the media can play in upholding human rights or allowing human rights abuses to happen. He also reminded us of why the community needs media that is fiercely independent, which is not focused on ratings, and which is well resourced to investigate important matters thoroughly.

Dan Mori has retired from the Marines. He now lives in Melbourne, where he has taken up the position of Special Counsel with Shine Lawyers national social justice team.

## Funding boost for ABC News

The ABC has received an additional \$10 million from the Federal Government.

The funding comes after an internal review and reorganisation of the ABC's news operations to meet new and growing audience demands, and was provided to enhance the broadcaster's news output on radio, television and digital services.

The ABC's News division was in desperate need of more funding. News gathering and investigative journalism has suffered over many years in which ABC funding has not kept pace with cost increases. The ABC's 24 hour television news channel, ABC News 24, was introduced without additional funds.

ABC News 24 is an essential service. Changing work and life patterns have led to many viewers needing to access the news at different times. Had the ABC not introduced ABC News 24 in 2010, the public broadcaster risked being usurped as the country's pre-eminent news provider by the part Murdoch-owned Sky News. Nevertheless, in the absence of additional funding, the service has placed additional strain on ABC resources.

The ABC is using the new funding to hire more journalists in more areas around the country and specialist reporters. It is establishing a research and fact-checking unit, will be able to pursue more Freedom of Information requests, and is placing more cameras in regional Australia.

It will be important that this funding top-up for the present financial year continues and is incorporated into the ABC's base triennial funding in the forthcoming Federal Budget. Funding which is sought and/or granted for particular ABC services or program areas, albeit in this instance an important area like ABC News, undermines the ABC's independence from government.

The ABC needs a substantial funding increase in this year's May Federal Budget which will set ABC funding for the next three years.

Along with the quality of news having suffered through inadequate funding over many years, the depth and diversity of radio programming has shrunk.

ABC television production is being shut down, and with it, the ABC's capacity to produce drama and documentaries as it did in the past and to nurture and train a new generation of program-makers. The inability of the ABC to access government support provided to the private production sector has resulted in the ABC outsourcing all local drama and most documentaries to private producers.

While drama has increased as the result of additional funding provided by the Labor Government, repeat programs still fill many primetime viewing hours. The ABC is in desperate need of adequate funding for capital expenditure. It needs to address years of neglect of its buildings and facilities.



**The ABC of Superheroes**

2009 Illustration by Tony Sowersby

**ACTION:** Write to your local Member of Parliament and the Prime Minister, Julia Gillard. Let them know that in the forthcoming Federal Budget you expect the ABC to be funded to a level that enables it to:

- meet all of its charter responsibilities with innovative, high quality programming; and
- produce in-house a high level of content in all program areas on television.

Remind them the ABC must be funded in a manner that upholds its independence.

Their address is on the back page or you can write via FABC's website: [www.fabc.org.au](http://www.fabc.org.au)

## Appointment to the ABC

### ABC TV gets a new head



SBS's chief operating officer Richard Finlayson has been appointed to replace Kim Dalton, the ABC's director of television who left last December.

The ABC has moved in a distinctly commercial direction under ABC managing director Mark Scott. Its production capacity has been seriously eroded and much non-news and current affairs TV programming outsourced to the private production sector.

Prime time ABC television in particular has become more ratings-driven. There is a danger that the public's perception of the ABC being commercial-free is being undermined – a result of the manner and extent of the ABC's on-air promotion of its own programs and of commercial activities, some of which have only tenuous connection to the ABC.

Text bars across the bottom of the television screen, for example, now detract from the conclusion of one program to advertise the next. Magazines which are written, edited and produced by commercial publishers are 'promoted' on-air – their only connection to the ABC being the ABC logo slapped on the cover and ABC personalities featured inside.

It is hoped that Finlayson's move to the ABC reflects a change in the commercial outlook he pursued for SBS and an appreciation that the ABC's value is as a genuinely commercially-free alternative. Finlayson was SBS's commercial director when in 2006 the specialist public broadcaster reinterpreted the SBS Act's provision for 'natural breaks' so that it could begin its present practice of interrupting programs with advertisements. In a 2007 interview with the advertising industry magazine B&T, he revealed that SBS was positioning itself to be Australia's fourth commercial network.

Richard Finlayson will be welcomed to the ABC by the Australian community if he shows himself a committed and passionate supporter of the national public broadcaster's independence from government and commercial interests, and initiates the production and acquisition of imaginative, innovative high quality programs.

# Inquiry into ABC interest outside Sydney



**Peter Cundall AM, who featured in the Tasmanian production of *Gardening Australia*.**

Cundall slammed the ABC's decision to cease non-news TV production in Tasmania. Cundall told Crikey.com: "We'll get more Sydney-centric stuff ... more empty, badly written drama, more second-rate production mainly from Sydney and Melbourne. The aim of the ABC is to cover the whole of Australia; that's now been drastically reduced."

Regional ABC television programming is yet another important ABC service to suffer as a result of the national broadcaster not having sufficient funding to meet all of its charter responsibilities and ABC management's drive to divert more resources to outsourced TV production.

States outside NSW and Victoria are especially disadvantaged by the ABC scaling back its TV production. They already have less production, and they have suffered disproportionately over many years due to ABC decision-making becoming increasingly centralised in Sydney.

Late last year, the Senate established an inquiry into the ABC's commitment to reflecting and representing regional diversity.

The inquiry had arisen out of the Tasmanian community's strong protests at the ABC's decision to entirely shut down ABC Hobart's television production unit. The evening news and weeknight current affairs is the only local television that Tasmania has left.

Many submitters to the inquiry drew attention to the ABC's responsibility to be a "national" broadcaster and the ABC Charter requirement that it "reflect the cultural diversity of the Australian community".

The important national contribution made by regional communities was pointed out. *Collectors* and *Gardening Australia* were two wonderful programs that ABC Hobart introduced to ABC viewers.

The Communications Law Centre from the University of Technology Sydney advised that the ABC has a role to play in correcting market failure in local content production.

The Senate committee inquiring into the ABC tabled its report in March.

The Committee stopped short of proposing that regional production quotas, a model used by the BBC, be imposed on the ABC.

It instead recommended the ABC Charter be amended to specify a responsibility for the ABC to produce regional content for all of its delivery platforms. Labor Committee members proposed the ABC commit 50% of its television production budget to regional production.

Greater transparency is needed so that the extent to which the ABC meets regional interests can be monitored. The Committee recommended that the ABC publish its future financial commitments to production outside Sydney and Melbourne, and annual data on its regional content production, such as the amount of expenditure and hours of production.

The Committee also recommended greater ABC consultation with regional stakeholders in the film and television industry and that the ABC establish a regional television fund to be available for ABC co-productions with independent producers outside Sydney and Melbourne.

When the public broadcaster similarly axed programs and shut down its television arts unit in 2011 in favour of more outsourcing, it appeared that ABC management's only response to community opposition and a Senate inquiry was the generation of spin to convince audiences the ABC was still committed to the arts.

Hopefully ABC management will respond more genuinely to this inquiry. The ABC is not obliged to take heed of recommendations of a parliamentary committee. However, it would be unwise to ignore community concern that ABC television is failing to meet regional interests. Each time the ABC allows itself to become less relevant to some groups in the community, it risks having fewer people with a strong interest to maintain the ABC.

FABC's submission to the Senate inquiry into the ABC's commitment to reflecting and representing regional diversity is at: [www.fabc.org.au](http://www.fabc.org.au)

A link to the full report of the Senate inquiry can also be found at [www.fabc.org.au](http://www.fabc.org.au)

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## [www.fabc.org.au](http://www.fabc.org.au)

WEBSITE MANAGER: Peter Monie

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James Spigelman AC - Chairman, ABC Board;  
Mark Scott - ABC Managing Director

Feedback on programming and services:  
[www.abc.net.au/contact](http://www.abc.net.au/contact)

## Appointment to the ABC

# New Radio National manager



Louise Evans has been appointed the new Manager of ABC Radio National. Evans commenced her career as a reporter. She joined News Ltd in 2001 as Sports Editor of *The Australian* and advanced through a number of roles at that newspaper to, most recently, Managing Editor, and then Commercial Editor. Last year she worked with the London Olympic Games in Communications management.

Evans's experience in radio appears to be limited to short, recent stints in production at ABC Sydney and national radio. In announcing her appointment, ABC Radio Director Kate Dundas said, "Louise brings to the ABC expertise in editorial leadership and in creative and change management."