

11 July 2001

The Secretary,
Senate Standing Committee on Environment, Communications,
Information Technology and the Arts,
Parliament House,
CANBERRA, ACT, 2600.

Dear Secretary,

I wish to make the following submission to the Committee's inquiry into
*The development and implementation of options for methods of
appointment to the board of the Australian Broadcasting Corporation
(ABC) that would enhance public confidence in the independence and
representativeness of the ABC as the national broadcaster.*

This matter is one of vital importance, not only to public confidence in the independence and representativeness of the ABC, but also to public confidence in the present system of parliamentary government in Australia. It connects with the wider issues of fixed term parliaments and the use of the electoral system to represent the will of the people.

I suggest that the committee might consider the merits of:

- i. having the majority, if not all, of the 5-7 non-executive directors elected by both Houses of Parliament from a list of nominees open to all Australians, and
- ii. the Chair and Deputy Chair being elected from and by the members of the Board.

Section 6 (1) (a) of the ABC Act requires the corporation to broadcast programs that contribute to a sense of national identity, and inform and entertain, and reflect the cultural diversity of, the Australian community. It is appropriate that the governance and management of the ABC should do likewise. The prototype for my suggestion lies in the publicly representative Advisory Committees introduced to the ABC following the Dix Report in 1982.

Australia's recent electoral history, particularly the evident disaffection with "winner-takes-all majoritarianism" (to quote Margo Kingston in *The Sydney Morning Herald*), demonstrates a degree of public alienation from the current political process and has led to calls for proportional representation in all elections. The current Prime Minister's success in persuading the public against a "politicians' republic", and the public disillusion with the unbridled power of the executive (sometimes the Prime Minister alone) to appoint Governors General are further evidence of a public desire for greater democracy in our system of government.

Both sides of politics have been notorious in their abuse of appointments to the boards of public institutions, such as the ABC and the universities. They have used these appointments to bestow political patronage and reward political loyalists, the provisions of Section 12 (5) of the ABC Act notwithstanding. This is not to deny the exemplary public service given by most of those appointees. Rather, it is to observe that many of them have had to overcome unfortunate perceptions to do so.

David Hill was known widely in the community as “Wran’s revenge”, following his appointment as ABC Chairman by the Hawke Labour Government and his subsequent extraordinary translation to the position of Managing Director. Donald McDonald, whose credentials are otherwise impeccable under s12(5), has been unnecessarily compromised by his personal friendship (and declared political support) for the present Prime Minister.

Having served as the Deputy Director of the Australian Film Television and Radio School (1981-86) under both the Coalition and Labour, I am familiar with the process of preparing nominations for appointment to the boards of culturally sensitive public institutions. I know the delicacy of anticipating the interests of particular constituencies and the political preferences of Ministers. In other times, these decisions were made at Ministerial level and endorsed by Cabinet. Currently, I am advised, all such appointments require Prime Ministerial approval.

It is admirable that Government requires trade unions to elect their office-bearers at elections conducted by the Australian Electoral Commission. It is regrettable in the extreme that it does not extend the same requirement for democracy to public appointments to the boards of statutory bodies.

It is pertinent also that the Government, which insists so vehemently that individuals accept full responsibility for their actions, readily indemnifies the members of the boards of public authorities, such as the ABC, from the consequences of their actions. The demands for accountability and responsibility placed on public employees might well be applied to those who govern their institutions.

The German scholar, Jurgen Habermas, nearly forty years ago wrote about the vital importance of “the public sphere” – a more or less autonomous and open arena for the discussion and resolution of issues of public concern and importance. One of its definitive characteristics is that it is freely accessible to all and that freedom of assembly, association and expression are guaranteed. It is unencumbered by vested interests, be they either political or proprietary. It has become one of the central tenets of the theory of “public service broadcasting” and one of the tests of true democracy. Bob Mansfield, in his 1997 review of the ABC, observed that one of its great strengths was its independence from both government and commercial influence.

The eminent Finn, Kaarle Nordenstreng, and the Americans Theodore Glasser, James Carey and Clifford Christians, have all written extensively about the relationship between a country’s political system and its media. Nordenstreng observes that the media can adopt four roles in relation to the political system. They can:

- *collaborate* with the system, for example as an arm of the executive government, and abdicate any independent editorial control over their content;
- *facilitate* the operation of the system, for example by pursuing goals such as those set out in s6 of the ABC Act;
- provide *surveillance* of the system to ensure that it adheres to its stated goals and pursues the public interest (what others call the role of the Fourth Estate); and
- provide *radical criticism*, even to the extent of advocating fundamental changes in the structure and function of the system.

In all cases, however, the media are subject to the power and sanction of the political system, if not the executive government of the day (which is itself a creature of the system). Glasser and his colleagues argue that, in the USA where commercial power is paramount, the need for “public journalism” which can identify and defend a

“common good” distinct from either the government or the corporate sector, is of crucial democratic importance.

The politicisation of the Australian public sector over the past 30 years has eroded the tradition of “frank and fearless” advice that was once the hallmark of the independent public service within a Westminster system. Department Heads are now almost ritually replaced following changes of government. Corporate memory is neglected and lost. Power has shifted disproportionately to the Executive at the expense of Parliament, the Judiciary and the people. And while this shift is often seen as “Americanisation”, it has been at the expense of many of the checks and balances invented by Thomas Jefferson.

ABC Chairs, dating back to the redoubtable Dr Darling, and beyond, have often been subject to inordinate pressure from Government. The more so if they resisted. Current doctoral research by the former ABC journalist and *Four Corners* reporter Neville Petersen (whose work I supervise) corroborates the evidence on this point in books ranging from Ken Inglis’s jubilee history *This Is the ABC* to Quentin Dempster’s recent *Death Struggle*. The trend already evident in the attitude of executive governments to the public service, extends even more strongly and aggressively to their attitudes to statutory authorities, especially the ABC.

The independence of the ABC is enshrined in the current legislation but is clearly not immune from the punitive powers of the Executive Government expressed in the budget.

The ABC is a vital cultural institution not because it presents the best and finest of Australia’s thought and art (although it does that better than any other broadcaster) or because it portrays the values and beliefs and ways of doing things that constitute our daily way of life (which it also does extremely well) but because it embodies the way we respond to our environment. The world around us is changing apace. Cultural sophistication requires nimble responses to those changes.

I trust that my suggestions for the election of the ABC Board will help to show that Australia remains one of the world’s most democratic cultures. If the committee wishes to discuss these ideas with me further, I will gladly oblige.

Sincerely,

Frank Morgan,
Associate Professor of Communication & Media Arts.