

C/- ABC TV

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SUBMISSION

By

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1. The Australian Senate Environment, Communications, Information Technology and the Arts References Committee has sought submissions from the public relevant to its terms of reference:

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.

2. At the outset I would like to thank those senators who supported this inquiry into the method of appointment to the ABC Board. The need for this inquiry does not follow just on recent negative perceptions arising from the activities of current ABC directors. It arises because of a pattern of behaviour by executive government over almost the entirety of the ABC's existence since 1932. In short, that behaviour can be characterised as the application of the party political 'stack' of the Board from time to time. The issue has become one of greater public concern over the last 15 years as the ABC, in its new form as a corporation under the ABC Act (1983), has suffered consistent defunding at the hands of executive government. With various boards comprising some directors with some obvious party political connection to the government of the day, members of the public have been entitled to ask if the Board was collectively acting in the best interests of the national broadcaster and its Charter obligation for 'independence and integrity'.
3. It is this negative perception which must now be addressed by your committee. My recently published book 'Death Struggle - how political malice and boardroom powerplays are killing the ABC' (Allen and Unwin) attempts to examine the hostile relationship between the ABC and executive government over the last 15 years. I enclose a copy as an attachment for honourable senators to peruse. The book does not dwell on the 'stacking' issue with the exception of Page 178 concerning Minister Michael Lee's appointments of John Bannon, Ian Macphee and Wendy Silver in 1994. The book canvasses the then chairman's

relations with government in an attempt to influence appointments to board vacancies in confronting internal concerns then facing the ABC. It also notes (Page 318) the negative reportage surrounding ABC chairman Donald McDonald's appearance at a Liberal Party fundraiser in 1998 to introduce his acknowledged friend, the current Prime Minister, Mr Howard, and the early Liberal Party background (Page 343) of our new managing director, Mr Jonathan Shier, appointed by the McDonald Board in 2000.

4. The ABC is a broadcaster with specific legislated obligations operating in a competitive media marketplace. This, of itself, leads to added pressures upon the ABC exerted through politicians and government from our commercial rivals. As well there is the obvious party political interest in how the ABC reports and interprets events in Australian public life. The ABC is often in the news as part of adversarial party politics. It is for this reason that sound appointments to the ABC Board are vital to the good management, independence and integrity of the broadcaster. The history shows that it is almost impossible for incumbent governments to put the ABC's clear need for non-controversial appointments of directors with a demonstrated commitment to independent public broadcasting ahead of their party political interest to send 'signals of influence' by the appointment of directors with links, connections or associations with their own party. Both the Liberal and Labor parties do not seem to be able to restrain themselves from applying political patronage to the task of selecting ABC directors. To those of us working at the ABC under this pathetic two-party indulgence it has become wearisome, to say the least.
5. To the extent that the 'stack' can undermine public confidence in the ABC, the issue is more serious. It imposes on ABC staff a particular pressure. Under the current Board and management that pressure is now growing in oppression and intensity. ABC editorial management cannot be assured of any support from the current Board or senior management in defending editorial content which may have the effect of 'treading' on the government's 'toes'.
6. There is an example of this unhealthy dynamic at Page 56 in my book. This covers the 1991 Gulf War dispute between news and current affairs editorial management, the then managing director David Hill, the then ABC chairman and the Hawke Government. The then managing director's past associations with the Australian Labor Party clouded public perceptions about the issue leaving editorial management and staff alone to defend the ABC's editorial independence. Instead of sober discussion about the qualifications of the ABC's guest commentators on the Gulf War, editorial management and staff were vilified and stereotyped as un-American, leftist and pro-Arab. Public confidence in the ABC was shaken for some time by this episode as it divided the MD from his staff and controversialised the broadcaster. Although David Hill had tried to establish his management's independence from government through the corporate 8c a day

campaign on funding, in the Gulf War incident no one in news and current affairs trusted David Hill's motives, largely because of his Labor connections.

7. If it is not resisted at the highest levels this sort of divisive pressure can lead to self-censorship, squeamishness, even cowardice when what the public interest requires is robust, accurate and forthright reporting, critical analysis and debate. The ABC is there to facilitate the clash of ideas to better inform the people of Australia, not second guess the wishes of the government of the day. ABC Board directors who are alive to this, who carry no political 'baggage' and who can examine editorial and programming content with the primary objective of safeguarding the institution's independence (as the ABC Act requires), can help to de-politicise any dispute.
8. Another more recent example of the phenomenon of a politicised ABC was the dispute between editorial management and the current managing director over the Four Corners program on Liberal Party dirty tricks. Editorial management advised by internal and external lawyers approved the program for broadcast. The MD, informed of its sensitivity, bounced it from the television schedule while further external legal advice was sought. The chairman, already laden with political baggage as described above, found it difficult to be believed in his public protestations that the MD's actions were motivated solely by his instinct to protect the ABC from costly defamation action. Instead of sober internal discussion about how best to protect the ABC there was intense distrust. Again the ABC was unnecessarily controversialised. Again editorial management and staff were vilified in the consequent public row. ABC editorial staff now work under the fear that they will not be supported by the Board and management. This is an unhealthy situation for the ABC. The chairman has done little to reassure the staff.
9. There is currently grave concern within the ABC about the Board editorial policies sub-committee's proposals to amend editorial policies in certain particulars. The political connections of some of the current Board directors do not inspire confidence in this process. It is the Board's responsibility to approve editorial policies. Again, this distrust of the Board's motives is unhealthy.
10. **The method of Board appointments.** We must de-politicise the ABC Board. That is not to say that Australians with backgrounds in politics or political activism should forever be excluded. But there should be a substantial separation of time between the appointee's period of political activism and his or her stint as an ABC director. The phenomenon described above requires everyone who cares about the ABC as a valuable national institution to have a mind to enhancing the ABC's reputation for editorial and programming independence and integrity and not detract from it in any way. There is a simple test for this. Would the appointment be judged by the Australian people as bolstering the ABC's independent role? In this regard the ABC obviously needs directors who

are dynamic Australians in their own fields of expertise but with a demonstrated commitment to independent public broadcasting.

11. I realise that in *realpolitik* neither the Liberal nor Labor parties may show much statesmanship to commit themselves to relinquishing the current method of appointment by confidential ministerial advice and secret recommendation to Executive Council (the Governor-General and Federal Cabinet). But they should join together, once and for all, to break from the two-party push and shove over the ABC and decide on a bi-partisan approach. In this regard the Senate ECITA Committee could give a much-needed lead by guiding the parties to better behaviour by including the entire Federal Parliament and the Australian public in the process. The Australian Democrats' private member's Bill, the Australian Broadcasting Corporation Amendment Bill 1999 is a good place to start.
11. The ABC (and the SBS) should be held accountable to a Joint (House of Representatives and Senate) Standing Committee on Public Broadcasting. This committee could monitor the adequacy of funding, Australian content benchmarks and appointments to the ABC Board. To de-politicise appointments the Joint Standing Committee and the Minister with responsibility for the ABC Act should form a selection panel to make recommendations to Executive Council after a public and transparent selection process. Nominations for selection could be offered to the panel by the Minister, the joint Standing Committee and assisted by a national advertisement seeking expressions of interest from the people of Australia. The selection panel would make selections against **legislated and published criteria** to balance the range of expertise required of a modern forward-looking ABC Board: -

Demonstrated leadership in -

**Film,
Radio,
Television,
Broadcasting,
Online content or delivery,
Financial management,
Corporate governance,
Technology,
Journalism,
Cultural and artistic content or management,
Law,
Education.**

It should be further legislated that nominees must have a demonstrated commitment to public broadcasting.

12. Although there has been a convention that ABC directors will be drawn broadly to represent states in our federation, it is difficult to legislate for this. Rather it could be made clear by the selection panel that attention would be given as much as possible to having directors drawn from all parts of the federation. In this regard the current size of the ABC Board could remain at nine, including the MD and the staff-elected director.
13. I realise the above will be hard for the Labor and Liberal parties to embrace but given some of the shameless party political hacks appointed by blatant political patronage these parties have imposed on the ABC over the last 69 years it is about time they redeemed themselves. A failure to reform the method of appointment of ABC directors on this occasion will only mean a continuation of distrust and debilitating controversy for the public broadcaster. This might be acceptable to the governing political party but, I respectfully submit, it is in neither the ABC's interests nor the national interest. It is about time we all started singing off the one songsheet.

Attachment: Death Struggle - how political malice and boardroom powerplays are killing the ABC (Allen and Unwin).

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