

**Senate Inquiry into  
The Australian Broadcasting Corporation  
Amendment Bill 2006  
- Removal of Staff Elected Director**

Submission by Kirsten Garrett,  
Deputy Staff Elected Director – 1988 – 1992  
Deputy Staff Elected Director – 1992– 1996  
Staff Elected Director – 1996 - 2000

April 8, 2006.

I would be pleased to supply any more detailed information, examples, or discussion if required. With thanks, Kirsten Garrett.

Senator Minchin, Minister for Finance and Administration, in his speech to the house on March 29 said, **“There is a legal requirement on the staff-elected Director that means that he or she has the same rights and duties as the other Directors, which includes acting in the interests of the ABC as a whole.”**

Precisely.

As that legal requirement exists, and is well understood and recognised, why is there any need to remove the position?

- There are many compelling arguments for its existence – not least being that it is the only Director that is not hand picked by the Government of the day. There is nothing dangerous about a single Director coming from a different perspective, being one among many, and answerable to the law.
- The facts is that without Board appointments being subject to rules which ensure independence of all Board Directors, (such as the UK Nolan Rules) the Staff-Elected Director role is an asset in terms of modern principles of governance.

The role of Boards is to make decisions based on sound and thorough information. There were countless times, when I was on the Board, when my informed view on something was sought, and taken into account because others did not, or could not, know. And many times when I argued strongly for decisions that were not “in the interests of staff.”

The most publicly known of these was during the debates about the Telstra deal, which was put before the Board as a way in which the ABC could get extra funds, create and keep jobs for production staff. However, the terms of the contract were heavily weighted in Telstra’s favour and gave a powerful commercial entity unprecedented access to and influence over ABC Content – TV, radio and Online – including future content which was not at the time defined. The deal gave Telstra the right to use the ABC brand, and influence over what the ABC produced. It amounted to a breach of trust with the Australian community and with Parliament, which established an ABC in order for it to be the independent and with the highest standards.

This is a case in point, where the Staff Elected Director stood up strongly for the interests of the ABC, and not for the interests of staff. There have been others.

- It has been said that the role has created “a tension.” Well, that is a good thing, surely? It is also unavoidable among a group of people at the policy making level of the national public broadcaster. There is rarely any more tension with the Staff Elected Director (SED) than

rightly exists from time to time between all Directors. I certainly saw plenty among all Directors during my term.

- The role is not that of a staff representative, and the role is not representational. It is merely chosen to be on the Board through by a means other than government appointment.
- Once elected, and once inside the Board room neither I nor any other SED I have known has done anything other than discuss and decide according to their own principles and beliefs. The whole point is to not to curry favour with any outside agency, constituency or individual, but as the legislation requires – to behave in a way that protects the independence and integrity of the ABC.

\* Staff elected Directors have taken very seriously the need to be very widely read and versed in media issues, nationally and internationally. This understanding is vital in order to be able to place the role of public broadcasting in its wider context. This requires a tremendous amount of reading, discussion, research and consultation with knowledgeable and thoughtful people around the world and in Australia. The reason is to be able, in the Boardroom, work towards decisions which protect the independence and integrity of the ABC. To repeat what Senator Minchin said in March this year: “There is a legal requirement on the staff-elected Director that means that he or she has the same rights and duties as the other Directors, which includes acting in the interests of the ABC as a whole.”

- In my experience, the interests of staff have never been placed ahead of the interests of the organisation at any time. There are 3 unions involved in ABC staff issues, and that is their full time role. Indeed, I actually avoided being directly involved in these matters on the Board even though it was common for other Directors to try to marginalise me into that role. For instance, I was once pressured to join the Industrial Relations Sub Committee, and declined for just that reason.
- There is no doubt, however, there are times when the concerns of staff are essential to the independence and integrity of the ABC, such as the ability to be independent in journalism and program making for the ABC. But in that situation staff input is part of the wider community debate. On matters such as that – how certain decisions would affect the ABCs ability to maintain its independence and credibility, my perspective was often welcomed on the Board and proved useful. It is rare for other Directors have a working knowledge of the dynamics of journalism or program making.
- It is simply wrong, if not disingenuous, to state that the role of the SED at the ABC is representational in the sense that it is not independent or objective, and “*primarily concerned with the interests of those they*

*represent – rather than the success of the entity they are responsible for governing.*” (This quote is from “Review of the Corporate Governance of Stat. Authorities and Office Holders”, June 2003). This finding is astonishing, and simple minded. It is an insult to all those people in politics who demonstrably very often have to debate and make decisions about matters, which actually go against the interests of those who voted for them for the larger good. It would follow, if true, that those who are given the role by the favour of Government are likely to be concerned with Government interests?

With great respect, the Senate Committee should not remove the position of Staff Elected Director. The person is answerable to all the duties and legal requirements in exactly the same way as all the other directors and there are countless examples of it being of great value to Board decision making.

The Senate may also be considering a proposal to set up a process of creating a Board of the ABC along the lines of the Nolan Rules.

Yours sincerely,

Kirsten Garrett,  
C/- ABC Radio National,  
GPO Box 9994,  
Sydney, 2001.