

Submission to the Senate Committee for Environment, Communications, Information Technology and the Arts.

Concerning the Bill, currently before the Senate to amend the Australian Broadcasting corporation legislation, in particular to eliminate the position of the staff-elected member of the board of that Corporation.

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I write this submission as one who has been a listener to – and thus has been educated by – the ABC for virtually my entire life. This has convinced me of the importance of the ABC to the life – the intellectual, social and cultural life – of our nation. My life's work as a research scientist in medicine, with the associated privilege of teaching undergraduate and post-graduate research students, has reinforced this conviction about the ABC. I have also worked as a reviewer of books, theatre, concerts and opera for over 25 years and in that time – I state this with pride as well as because the members of the ECITA Committee might regard it as, perhaps, indicating a “conflict-of-interest” -- I have also done a number of ABC broadcasts.

***I think that it would be a serious mistake for the Parliament to remove the staff-elected member from the Board of the ABC as the Minister's bill proposes.*** There are several reasons for this but I want, first, to ask the members of the committee to reflect on the philosophy of such boards and then to concentrate on some issues which are specific to the ABC.

### ***1. General principles***

The tradition of having boards for educational institutions (universities, for instance), cultural bodies (our symphony orchestras and theatre companies), the ABC and so on, is something which we inherited from Britain and is one which we greatly favour in Australia. This is far from being a universal approach to the governance of these bodies: in many countries such organisations come under direct ministerial or governmental control. Yet we Australians tenaciously prefer our own way of looking after these things. ***What, then, is its purpose?***

There might be several advanced but they could, I believe, be summarised by the view that, notwithstanding that many of the funds for such organisations come from various government sources, we believe that politicians' (and especially governments') influence on the activities of these bodies should be indirect (at its greatest) and as distant as possible. “Arms length” is the popular phrase. ***Why do we believe this?*** Most probably because we trust professionals more in these fields and because we distrust politicians, especially fearing a propensity for interfering in the work of those organisations. We fear conservative and “populist” repertoire and policies from our cultural organisations; we fear short-term thinking and populist policies with universities; and – relevant to the concerns of the enquiry at hand – we distrust politicians (of all colours) because we have seen governments at work in trying to manipulate, influence – even distort – the news, to censor political and social content, to “dumb down” the programming and make it all predictable and dull. We fear, in short, that politicians and governments put their own political and power-protecting concerns ahead of the wider community interest and welfare.

It clearly follows from such an argument that such Boards, Senates and Councils need, if they are to discharge that responsibility which the community has laid upon them, then they ***must be as***

*independent as possible of government.* This does not, remotely, mean that they should be independent of public or parliamentary scrutiny. Naturally, they must in every respect abide with the laws of the land, especially those relating to financial rectitude. It also means that they are likely, from time to time, to be extremely unpopular with the government of the day. They are, essentially, trusts – they are entrusted with care for the legitimate public interest in the operation of their organisation.

## 2. *Constituting the boards*

How, then are such boards to be constituted?

We might draw a parallel from the commercial world, where boards have long been part of the *modus operandi* and operate to protect the interests of what are, these days, termed the “stake-holders”. In Australia, that term is mostly confined to mean the share-holders *i.e.* those who have provided the operating finance, though elsewhere (*e.g.* in Germany) the notion of the firm's “capital” has a far broader connotation and the laws require that, in companies bigger than a specified size, it is compulsory for the staff (who, in Australia are often described in a tokenistic way as “our most valuable resource, but in fact accorded few managerial rights) to be full members of the Board of Directors.

So, while it could be thought of as a novel idea, it would be well for Australia to give serious thought to who, indeed, are the “stake-holders” of our organisations, And this ECITA examination of the new Bill would be a good starting point.

With, for example, the Councils and Senates of universities (and I was, for eight years a member of one such) there include the graduates (who do not want the worth of their hard-earned degrees to be devalued), the current students (who also look forward to attaining degrees which will continue to be respected in the nation and internationally), the academic staff (whose research and teaching are, really, the life-blood of those standards and the institutions' esteem), and (it goes without saying) the community (who are often looked after through the members of parliament).

Taking such a model, who are the “stake-holders” of the ABC and how can their asset be best protected and flourish most richly? The answer is, unequivocally, the citizens of Australia. It is, emphatically, *not* the governments as they come and go with their own interests, agendas, prejudices and pettinesses.

*How then should the membership be determined and how can accountability be assured?*

Though it might not be specifically part of the Committee's current brief, very serious thought ought to be given to a mechanism by which the Parliament – alternatively, or perhaps the ECITA (or its successors) – might choose the members of the board of the ABC. ***In the meantime, it can hardly be contested that the staff are legitimate “stake-holders”.***

## 3. *Staff membership*

Just as with the universities, the professional staff (in particular) of the ABC have a deep, crucial and abiding commitment to the welfare of the organisation and its principles. That is incompatible with the publication of material which is not in the interest of the community (this may be different from time to time from what self-interested governments term the “national interest” and sometimes the determination of that interest might not be immediately apparent). It is difficult to imagine that thoroughly professional ABC staff – any more than would apply to academic researchers and teachers – would seek to damage the integrity and standing of the institution from which they work.

Sometimes it is contended (and Senator Coonan did this in the press release which announced her

legislative intentions) that such staff members have a “conflict of interest” as if (a) this is self-evident and (b) is this issue never arises for the other members of the board (who are appointed by – and are, perhaps, in some way accountable to, the government). This is a naïve “concern”.

I can say categorically to the Senators that, in my eight consecutive years' membership of the University of NSW Council (chosen by and from the academic members of that university, for two-year terms), there was *not a single occasion* when it could have been contended that the staff members argued for narrow or sectional interests ahead of those of the university (though, obviously, there were, from time to time, quite different views – sometimes strongly held views – about what those “best interests” were). Nor could it have been remotely asserted (or contemplated) that the two student members (or the graduate members, or the Parliamentary members, or those appointed by the Minister) argued or voted other than for the welfare of the university.

It would be troubling if Senators (or Members of the House) believed that the values and professionalism of those outstanding program-makers and researchers at the ABC represent a lesser integrity or concern for the welfare of the nation as it is served by the ABC.

There is a pragmatic aspect to my argument: it is not simply one of principle. My experience of the Council of UNSW was that – while it was beyond contention that the “outside” members brought rich communal experience and practical skills – they were, unsurprisingly, often deficient in real or thorough knowledge of how the university functioned: how courses, degree programs and classes had to be planned and operated; how standards were set and examinations fairly conducted; how research is performed and promulgated *etc.* For the Council to make wise decisions on such questions needed the expertise and knowledge which the “insiders” brought, together with advice from the Academic Board and the senior management group of UNSW. Without that “hands-on” knowledge, the Council would, often, have been at serious risk of making unwise decisions.

I am certain that a comparable situation applies with the ABC Board, especially when it comes to aspects of news-gathering and assessment, literary and musical judgements, issues of editorial responsibility and the like.

#### **4. Summary**

In short, it seems to me that, drawing from other models, to have only a single staff member on the Board is a serious *under-representation* of such a professionally and geographically diverse organisation as the ABC. The ECITA Committee ought give serious thought to recommending to the Senate that, in fact, the current legislation should be amended to *increase* that staff representation. At the very least, the *status quo* should be sustained *i.e.* the staff-elected member of the Board of the ABC should be retained.