

11 January 2018

The Secretary
Environment and Communications Legislation Committee
P O Box 6100
Parliament House
Canberra ACT 2600

Dear Secretary

Australian Broadcasting Corporation Amendment (Fair and Balanced) Bill 2017
Australian Broadcasting Corporation Amendment (Rural & Regional Measures) Bill 2017

Thank you for your letter of 4 December advising of the inquiry into two Bills related to the Australian Broadcasting Corporation and for providing the opportunity to comment on the Bills.

I have some comments to offer for consideration and these are listed below.

ABC Amendment (Fair and Balanced) Bill 2017

Firstly, it amazes me that there is a need for this particular Bill at all. The Minister acknowledges that the ABC's editorial policies require the Corporation to adhere to fair treatment in the gathering and presentation of news and information and a balance in its news reporting that follows the weight of evidence. The Minister asserts in the Explanatory Memorandum that the Bill itself just enshrines this obligation in legislation.

The proposed amendment would change Paragraph 8(1)(c) of the Australian Broadcasting Corporation Act to read:

(1) It is the duty of the Board:

..

(c) to ensure that the gathering and presentation by the Corporation of news and information is fair, balanced, accurate and impartial according to the recognized standards of objective journalism; and

...

On the surface, this might appear to be a reasonable requirement. However, while the Minister's Explanatory Memorandum mentions 'a balance in ... news reporting that follows the weight of evidence', the amendment to the Bill does not actually require the weight of evidence to be taken into account. It is *assumed* that this will occur based on the standards of objective journalism. As the Bill currently stands 'fair' and 'balanced' could be open to interpretation as the qualifier requiring the weight of evidence is not mentioned.

It would be better if Paragraph 8(1)(c) of the Act was amended to read:

(c) to ensure that the gathering and presentation by the Corporation of news and information is fair, accurate and impartial with a balance in its news reporting that follows the weight of evidence according to the recognized standards of objective journalism; and

Impartial news reporting does require balance, but *balance that follows the weight of evidence*. In the end, truth, accuracy and objectivity in reporting carry more weight than 'balance' alone.

I note that the Explanatory Memorandum does not require every perspective of an issue to receive equal time nor every facet of an argument to be explored. I agree with that. However, the Memorandum mentions that the Bill will require the Board to ensure that any news or information relating to a particular person or group, is presented to the public in a fair and balanced manner, thereby ensuring that an impartial view, supported by evidence, is put forward in relation to that person or group.

I have no problem with the Explanatory Memorandum and its intention, but once again I am minded that the proposed amendment to the Bill does not include the qualifier 'supported by evidence'. I am also aware that the necessity for this Bill arose because of a political deal with One Nation in order to ensure the passage of media legislation and that One Nation has an axe to grind as far as the ABC is concerned. If "fair and balanced" means that entities such as One Nation could demand that the ABC should balance arguments for and against climate change, for example, then I am not in favour of the Bill in its present form. There needs to be reference to "the weight of evidence". Furthermore, there is a question on when 'balance' needs to occur. A 'particular person' or 'group' could demand immediate right of reply. This should be contrasted against the current requirements under the SBS Act which requires that 'the gathering and presentation by the SBS of news and information is accurate and is balanced over time and across the schedule of programs broadcast.'

As a private citizen, albeit with an interest in public sector broadcasting, I am not sure what legal standing, if any, the Explanatory Memorandum has in relation to the Bill itself. If it has no standing, then *I think it is important that the amended Bill makes direct reference to news reporting that follows the weight of evidence.*

Finally, the Bill is specific to the ABC – not to other broadcasters. This raises the question "If it is necessary for a 'Fair and Balanced' Amendment Bill for the ABC, why is there not a need for a similar Bill for the Special Broadcasting Service (SBS), which is also a national broadcaster? Or for that matter, why not Bills to ensure that ALL broadcasters, by law, have to present 'fair and balanced' news material? It seems to me that One Nation, and at least some members of the current government, are intent on what I would term 'ABC bashing'. I am concerned that this Bill is yet effectively a further assault on the independence of the ABC and its Board. If the ABC's editorial policies are doing what this Bill seeks, then why is there a need to amend the Australian Broadcasting Corporation Act (1986)? A question that I have is could the Bill give the Minister the power to direct the Corporation to present what the government of the day considers to be 'fair and balanced' reporting?

Australian Broadcasting Corporation Amendment (Rural & Regional Measures) Bill 2017

This Bill is more complex and I have not looked at the detail of the wording of the Bill. I have relied on the Explanatory Memorandum for a layman's description.

It seems to me the ABC has, at least in the past, provided good services to rural and regional communities. In more recent years, as I have travelled in regional areas and listen particularly to radio, I have noted that the ABC has become decidedly more "Sydney centric". Yes – there is Local Radio with local content and rural matters are covered, but to a lesser degree than in former years. Over time local content has given way to more networked programming from Sydney. Apart from that, it is of concern that the ABC has:

- chosen to reduce transmission coverage in remote areas of SA / NT by closing the HF Inland Service, thereby reducing rural coverage. This was essentially to fund additional transmissions in some metropolitan areas (eg Hobart and Darwin);
- Reduced its current affairs and news content significantly since the beginning of 2018

I am not opposed to ensuring that the ABC has the capacity to serve rural and regional areas. That is fine. A problem for the ABC is the cuts that have been made to its budget – the former Abbott government cut funding by \$250m over 5 years. This has resulted in a reduction in the number, quality and relevance of programming not just to rural and regional areas, but to the nation as a whole. The number of repeated programmes is evidence of the reduced funding to the ABC.

If the government wants improved and relevant programming for rural and regional areas, I have no problems with that – BUT the government must be prepared to fund this. It is unreasonable to expect the ABC to fund additional local / rural programming out of the existing budget.

The requirement for the ABC Board to have at least two appointed non executive directors with substantial connection to a regional community is sound. I support this. I am not so sure about a separate Regional Advisory Council to consult and provide advice on regional programming matters. Perhaps it would be better to mandate that a minimum number of people from Regional areas – perhaps 2 or 3 – are appointed to the ABC Advisory Council, if this is not already a requirement. Members of the public in regional areas could then input their concerns directly to rural / regional members of the ABC Advisory Council.

Apart from the comments above, I do not have a problem with the Rural and Regional Measures Bill. However, the proposed changes to the ABC Charter alone will not bring about the required changes. Appropriate funding will be necessary. It is not often that I agree with the ABC's current Managing Director. However, I do agree with her statements that the proposed changes to the ABC Act are unnecessary and will do little to actually "improve" the ABC.

Guthrie's comment that "Legislation designed to further a political vendetta by one party uncomfortable with being scrutinised by our investigative programs is not good policy" is one that I can agree with. Changes to the ABC Act and its Charter need to be well considered.

The above comments for consideration of the Committee. I hope that these will be helpful.

Yours sincerely

W D Fallow