

Labor Senators' dissenting report

1.1 Labor Senators reject the views and recommendation of the committee in this report.

1.2 Labor Senators know that this bill has nothing to do with addressing the gender pay gap and everything to do with the fact that Pauline Hanson and Malcolm Turnbull are intent on undermining the ABC and SBS.

1.3 No one is fooled that this bill has anything to do with addressing the gender pay gap or improving transparency in public funding. This bill is designed to menace and harass the national broadcasters to satisfy the whims and demands of Pauline Hanson.

1.4 Labor Senators note that there is no real problem with salaries disclosure at the ABC or SBS. The only problem this bill solves is the one Malcolm Turnbull faced last year – when he could not get his media law changes through Parliament without Pauline Hanson's support.

1.5 The Turnbull Government could not get its plan to scrap the 2 out of 3 cross-media control rule through on merit last year, despite 18 months of trying, because it was contrary to the public interest. This desperate and chaotic government then resorted to dragging the ABC and SBS into a quagmire of deal-making in order to push their plan to undermine media diversity through Parliament.

1.6 Labor Senators note that this bill was introduced further to a backroom deal between the Turnbull Government and One Nation in exchange for Pauline Hanson's support for the repeal of the 2 out of 3 cross-media control rule, which Labor opposed. The Turnbull Government used the ABC and SBS as bargaining chips in exchange for support for the Broadcasting Legislation Amendment (Broadcasting Reform) Bill 2017 which made final passage through the House of Representatives on 16 October 2017.

1.7 All up, Malcolm Turnbull and Pauline Hanson have teamed up to launch an unprecedented attack on the ABC and SBS this year. They have lined up no less than three bills, an insidious and destructive 'competitive neutrality inquiry' and the threat of budget cuts in 2018.

1.8 Labor Senators note that the bill is politically motivated and furthers One Nation's vendetta against the national broadcasters, particularly because Pauline Hanson did not like being scrutinised in a Four Corners episode, last year. We note the changes proposed by this bill are not in the public interest; they are in Pauline Hanson's complete self-interest.

1.9 Labor Senators believe it is important to note the context which led to the introduction of this bill into Parliament, last year.

1.10 In April 2017, the ABC Four Corners program aired an investigative story into One Nation called 'Please Explain' and ABC News subsequently published leaked recordings of conversations between Pauline Hanson on the donation of a light aircraft, among other things.

1.11 In May 2017, One Nation complained of bias at the ABC and threatened to refuse to support the Federal Budget unless the ABC's funding was cut by \$600 million over four years.

1.12 In August 2017, the Turnbull Government announced a deal with One Nation on the media ownership changes, inclusive of a number of unnecessary and unwarranted amendments to the ABC Act and SBS Act as well as an insidious 'competitive neutrality inquiry' aimed at reducing the role of the ABC and SBS towards that of market failure broadcasters. In a subsequent press conference, Pauline Hanson also made it clear that she will be speaking to the Treasurer and going after the ABC's budget in 2018.

1.13 Labor Senators note that the intent of the competitive neutrality inquiry, still yet to get underway, is completely at odds with the Liberal Government's two recent attempts to change the legislation of the SBS to permit greater flexibility in SBS advertising, in direct competition with commercial television, commercial radio and subscription television broadcasters. The hypocritical and confused Turnbull Government does not know what it stands for from one month to the next.

1.14 Labor Senators note the remarks of ABC Managing Director, Michelle Guthrie, in her speech at the ABC Friends Public Conference Dinner in October 2017:

The ABC's role in the media law reform debate was supposed to be as an interested bystander. We had no skin in the game. Or so we thought. We now find ourselves very much impacted by the deal-making and with a real need to ensure that the public interest – as opposed to vested interest – is protected.¹

1.15 Ms Guthrie further stated that:

The ABC Act and Charter should not be tampered with simply to suit political or commercial agendas...Legislation designed to further a political vendetta by one party uncomfortable with being scrutinised by our investigative programs is not good policy-making. Neither is using the ABC Act as a bargaining chip in industry machinations that have nothing to do with the national broadcaster.²

1.16 Labor Senators believe the ABC and SBS are two of Australia's most important public institutions and regard the bill to be an unwarranted, onerous and counter-productive incursion on their independence.

1 ABC Managing Director speech at the ABC Friends Public Conference Dinner, 6 October 2017, <http://about.abc.net.au/speeches/abc-managing-director-speech-at-the-abc-friends-public-conference-dinner/> (accessed 26 March 2018).

2 ABC Managing Director speech at the ABC Friends Public Conference Dinner, 6 October 2017, <http://about.abc.net.au/speeches/abc-managing-director-speech-at-the-abc-friends-public-conference-dinner/> (accessed 26 March 2018).

1.17 Labor Senators oppose the bill because the ABC and SBS already disclose information about salaries appropriately – a fact that both the Explanatory Memorandum to this bill and this committee acknowledge. In other words, this bill is pointless and does more harm than good.

1.18 Labor Senators note this bill could impinge on the right to privacy of individuals.

1.19 We note that in its Scrutiny Digest No. 1 of 2018, the Scrutiny of Bills Committee expressed concern that publishing the names and remuneration details of ABC and SBS employees and contractors receiving more than \$200,000 would impact on the right to privacy of such persons and may unduly trespass on personal rights and liberties.³

1.20 Further, the Parliamentary Joint Committee on Human Rights also expressed its concern over 'whether the public disclosure of the names and remuneration of employees and on-air talent' was proportionate to the legitimate objectives of the bill.⁴

1.21 Labor Senators oppose the bill because it would require the national broadcasters to provide greater transparency on salaries than other publicly funded bodies and their private sector competitors, for no justifiable reason. Further, we note that the ABC and SBS already provide detailed tables showing remuneration paid to employees in bands over \$200,000. Those tables are consistent with the guidelines set for the public service.

1.22 Labor Senators note that gender pay equity analysis identifies no like-for-like pay gap unfavourable to women at any level in the ABC. As ABC Managing Director Michelle Guthrie said in her opening remarks at Senate Estimates last October:

The BBC's top executive is male and its top presenter is also male. That presenter earns £2.3 million a year—A\$3.7 million. Our highest paid talent earns roughly one-eighth of that figure and is a woman. I'm the highest-paid person at the ABC, under a salary set by the Remuneration Tribunal. We lead the way on gender representation: five of our nine board members are female, 49 per cent of our senior executive is female and 51 per cent of the general workforce is female. This is also the case in relation to pay. There is no pay gap unfavourable to women at any level in the ABC. We have parity across our executive and our senior on-air talent.⁵

1.23 SBS submitted that SBS has 'a positive record in terms of gender representation', with 57 per cent of its Senior Leadership Group being female.⁶

3 Senate Standing Committee for the Scrutiny of Bills, *Scrutiny Digest*, No. 1 of 2018, 15 November 2018, p. 81.

4 Parliamentary Joint Committee on Human Rights, *Human Rights Scrutiny Report*, Report 1 of 2018, 6 February 2018, p. 51.

5 Ms Michelle Guthrie, Managing Director, Australian Broadcasting Corporation, *Senate Environment and Communications Legislation Committee Estimates Hansard*, 24 October 2017, p. 103.

6 Special Broadcasting Service Corporation (SBS), *Submission 2*, p. 4.

1.24 Labor Senators do not support a bill that achieves nothing of policy value and that permits the Turnbull Government to use the ABC and SBS as political bargaining chips, that forms part of a concerted effort by One Nation to attack the ABC and SBS and which is an unjustified incursion on the independence of the national broadcasters.

Senator Anne Urquhart
Senator for Tasmania

Senator Anthony Chisholm
Senator for Queensland