

The **Industry Analysis Section** combines the monitoring media ownership and control with the economic and financial functions of the ABA. It consists of two areas—Control subsection and Financial Analysis and Economic Research subsection.

## Monitoring the media



**Media monitors**  
(l to r): Judy-Anne Wood, Nelson Vithanage, Dianne Hamilton, Stephen Atkins, Tim Dwyer, Judy Olsen, Hazel Hood, Neil Skinner and Paul Myers.

The Control subsection approaches its task from the perspective of compliance with the ownership and control rules, while Financial Analysis and Economic Research takes the more general perspective of trends in market and industry structure that are often the touchstone for assessing the public interest.

'It's quite a repertoire to cover,' said Paul Myers the section's manager. 'We are particularly lucky to have a group of skilled and dedicated staff who rise to the challenge.'

A number of the staff have degrees at the doctorate and masters level, and most have experience in the fields of economics, law, accounting and communication policy.

'There is a diverse range of people working in the section,' explained Paul. 'Diversity in people is our strength and it reflects the fact that there is often a number of valid approaches to issues we deal with.'

Control subsection monitors compliance with the ownership and control rules of the *Broadcasting Services Act 1992*. Under the light-touch regulation of the Act, the ABA does not approve these transactions, but monitors changes in ownership and control through industry, and other sources, notifying the ABA.

'The approach to ownership and control is very different under this Act compared to the former legislation. It gives the industry time and scope to concentrate on the challenges it's facing,' commented Neil Skinner, assistant

manager Control. 'We intervene only when there is an issue to resolve.'

Potential breaches of the rules attract investigations by the ABA, such as the current investigation into CanWest's potential control of the Ten network. The ABA has a number of powers to remedy breaches where they occur.

'An investigation is a significant and exacting task,' explained Hazel Hood, senior project officer Control. 'The Act emphasises flexibility, and the ABA, for example, has powers to grant approval of a temporary breach of some of the ownership and control rules.'

In the recent Village-Austereo merger, the ABA decided to temporarily allow the exceeding of the two-to-a-market rule during the merger process.

'With that approval, a major restructure in the industry is progressing, one that takes advantage of Parliament's changes to the rules,' continued Hazel.

For potential media buyers or companies which intend to restructure, the ABA will provide a legally binding opinion on whether a person is in control of a broadcasting licence or newspaper.

The Financial Analysis and Economic Research subsection performs economic analysis in support of policy issues such as the Australian Content Standard Review and for the ABA's recent submission to the Telecommunications Review.

'An economic perspective provides the conceptual tools that we need to understand the implications of industry change', said Nelson Vithanage, senior project officer FAER.

The subsection also publishes financial results on the commercial broadcasting industry.

The operational and policy dimensions of the section come together in the application of competition policy in broadcasting regulation. The section has a specific role in monitoring cross-media ownership of non-satellite pay TV licences under section 96A of the Act, in consultation with the Trade Practices Commission.

Industry Analysis section consults with other regulators in order to ensure co-ordination between the various regulatory perspectives that have a formal role in the Act, in particular the TPC.

'Most issues don't offer clear answers up front. It's a matter of looking at the intent of Parliament embodied in the relevant legislation, and ensuring solutions work,' concluded Paul Myers. □