

Future directions for the ABA

We talk to **Peter Webb**, newly appointed ABA chairman, about his vision for the ABA.

Where is the ABA positioned now, after two and a half years?

The ABA is at a very interesting stage in its existence. Brian (Johns)'s departure actually comes at a time when the ABA is on the brink of bringing its planning process to fruition, as we will very shortly be making our first determinations about new services in the market. Our initial focus in that, of course, is on remote and regional Australia. We are also on the brink of bringing our inquiry into appropriate levels of Australian content on commercial television to finality, and in the next few weeks we will be publishing a draft standard on that issue. So we have a number of things just coming to a head, on top of me taking over the chairmanship. Those endeavours represent a lot of work by a lot of people, and they should serve to set the direction of the ABA in the short to medium term.

What are the major issues facing the ABA?

I think the ABA has to mark itself out. We are

the content regulator for broadcasting services. The issue of convergence threatens to confuse many in the general community, and indeed many in the broadcasting and related industries, about future forms of content.

I think it is one of our responsibilities to articulate to the community what the implications for these new industry developments are from a content point-of-view. These include, if and when it may be necessary and appropriate, buying into content regulation issues, whether that's by the conduct of inquiries, research projects or making contributions in other relevant fora.

We simply need to attempt to meet community apprehensions about the downside of new content services and issues such as violence, pornography and other anti-social issues. We need to do our best to assist the development of those services in such a way that community concern about their content is allayed, to a maximum extent.

Would that include existing services that aren't regulated at the moment?

I think eventually more services might, in one form or another, be seen to be broadcast services. That means they may include radio and television programming, but also have other manifestations such as a broadband or multimedia environment.

Might issues such as what goes on to the Internet be pursued as well?

Yes, I think the Internet is something we have to pay a lot of attention to. I know that the Minister [for Communications and the Arts] is concerned about some issues being ventilated in the Internet. We are working at the moment on ways in which we can help allay community fears about the Internet. This can be achieved. Internet represents the future for information services, and perhaps entertainment services. Although it is not something that actually has an impact on the lives of many Australians at the moment, its potential has to be recognised. So I think our role will be to discuss those issues and to try to bring about a degree of community comfort. ▸

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How do you react to the criticism that the ABA has been too secretive on its cross-media investigations?

There is an understandable concern in some quarters which have been deprived by the Parliament of the old system of automatic inquiries and large scale hearings. The Parliament has said that they don't want that approach taken to regulation in future. That's part of our regulatory charter, as given to us by Parliament.

We have attempted, therefore, to stick to our charter and to administer our regulatory responsibilities in accordance with that. We still have discretion about holding public hearings, and the conduct of public inquiries. We haven't turned our back on that at all, and I can envisage that we may well encounter situations in the future which require us to have such hearings. I think the necessary pre-condition of having hearings is probably the establishment by a preliminary investigation of a *prima facie* justification for doing so. I don't think we could justify automatic hearings, but if they are justified by circumstances, then we will have them. To that end, we have prepared some guidelines, which we will publicly expose for comment, on the way in which we will approach investigations and public hearings.

Of course the ABA is in all other respects, with the exception of its policing of the ownership and control rules, the most open and consultative broadcasting regulator Australia has had.

Will those guidelines also counter some of the criticism that was levelled at the Fairfax report [Investigation into Control, Mr Kerry Packer/John Fairfax Holdings]?

Well, the criticism that has been levelled at the Fairfax Report, even from our sternest critics, didn't suggest that we got it wrong. None of the criticism went to the central finding of the ABA. Our sternest critics, in fact, conceded that the finding was inevitable and appropriate. The criticism seemed to be about the amount of information being made available in our report. I take the point that perhaps we could have exposed more information to public view without damaging what it was we were seeking to protect. But what was exercising our minds at that time was the feeling that this particular matter had not concluded, and that we should, like any good investigator, seek to retain unto ourselves information which might later become very relevant to future developments.

The ABA has encouraged people in the

industry to come out and speak to us about concerns, and we've attempted to give them reassurance that we would not put any information that they give us into the public arena, unless we are compelled to do so by law or circumstance. We don't want to throw that away lightly. We want to encourage people to come to see us, because in the final analysis, it could well be the provision of information of that kind which makes crucial evidence in one of our investigations.

What of the criticism that the public is being asked to take the ABA's decision on trust?

I think that it's true that when any of our institutions makes a decision there is always this element of taking it on trust. That the judgment exercised has been properly exercised, and is properly founded.

I still don't read into any of the criticism that anyone seriously thinks that we've got it wrong. I think most people have accepted that whatever the information before us, we got it right. So I don't think the general community is at all disturbed at the central finding. As I said, the criticisms are really secondary to that.

Over the next couple of years the ABA is expected to licence new broadcasting services including a large number of radio services. What effect do you think this will have on the broadcasting industry?

Well, [the ABA's planning process is] concentrating firstly on remote and regional Australia. There is not going to be an immediate and obvious effect, but in those areas where few Australians live, we are addressing the issue of whether they are underserved. The feedback we get from the public consultation is that they are underserved, and the ABA will be justified in making television and radio frequencies available for new services in many of those areas. So for people in remote areas there will be considerable impact. I think new services will be well received.

Won't the existing industry players be unhappy to have increased competition?

I don't think that's right, actually. It will largely be the existing industry which provides those services. It might be that some incumbent operators will perhaps not welcome the increased competition in the markets. These services are going to be provided essentially by people who are already in radio and television around Australia. So the industry will in fact be central to the roll out of new services and the



increase in competition. But as always, it's a two-edged sword. Those who are being entrepreneurial about new services will obviously very much welcome the opportunity to provide them, while those defensive of their positions will not be all that keen on the new developments. But the industry remains central to the provision of new services.

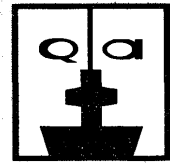
The information we have from our public planning process, which is on public record, suggests that a number of present operators wish to expand their services. They've given us notice that they want to do that. There will be some new operators as well, perhaps, but I think that predominantly, it will be people who are experienced in providing services who will be associated with the new services.

the TPC and I don't think a simple merger without substantial revisitation of the regulatory statutes of the Commonwealth will achieve anything in the short term. It would obviously just be an administrative arrangement, which would serve only to dilute the expertise invested in each of these, without providing some corresponding benefit.

What impact is the appointment of the new members, and yourself as Chairman, likely to have?

For myself, I intend to keep on paying, as we always have, close attention to our statutory responsibilities, but I do see some scope for the ABA helping to lead public debate in a couple of areas. I hope to make a contribution

my ambition for the ABA is to attempt to maximise its role as a body which has developed expertise in content regulation, development of codes of practice, development of standards and industry liaison



What is the ABA's relationship with the Spectrum Management Agency, AUSTEL and the Trade Practices Commission?

The convergence debate has been responsible for the suggestion that if telecommunications, computing and broadcasting are converging, then perhaps Government regulation of these areas as covered by AUSTEL, the SMA and the ABA should also be converged.

No good purpose will be served by simply putting the three organisations together. In fact, an administrative shambles would be the only result for the first two or three years.

I think those who are seeking the merger of these three organisations have not thought through what it is that they really wish to achieve. A number of commentators actually want to see some established policy of Government overturned; so that the merger of the regulators is code for re-fighting some policy battles they have lost in the past.

I think it is reasonably clear that a number of commentators would like to see content regulation exercised over point-to-point services. Now that's a perfectly respectable point to debate and argue, but it should be argued through the front door, not the back door. So I don't see any present need to merge these regulatory bodies. There is a high degree of co-operation and liaison between us all, and

to the debate about future services and their regulation, as well as, of course, sticking to our core functions and dealing with the issues of importance to our constituencies – the radio and television industries, the production industry, and to some extent, the national broadcasters. Bob Scott [recently appointed deputy chairman] doesn't arrive until 12 June and because he is still involved with Village Roadshow, we haven't had any discussion about roles. Christine Goode [recently appointed associate member] is someone with whom we've had a very positive relationship. She heads the Spectrum Management Agency (SMA). The SMA and the ABA, particularly our Canberra office, work very closely together. Christine could definitely make a contribution of mutual interest and concern to the two organisations. We will also work out in the next few weeks how best to utilise her services and her particular personal experiences and background to the best advantage.

Brian Johns' main interest area was content and culture. Do you have a predominant area of interest?

Brian has one of those backgrounds which very few people in Australia could ever match. My background is significantly different from his, and I can't speak with the same authority



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as he could about some of the matters that he advocated. But the ABA institutionally has a significant role to play in content and in those things that underpin the philosophy of the content regulations, no matter who is the chairperson. I will continue to advance the ABA's role and interest in those matters.

How do you see the ABA's role in the next few years?

It is very important that the ABA doesn't lose sight that it has a statutory charter, with responsibility for the satisfactory discharge of its responsibilities. We must concentrate on our planning process, and the allocation of new licences. We must concentrate on the role we have in relation to program standards. We must concentrate on our policing function in relation to ownership and control.

But as I have made plain in a couple of speeches, it's no longer appropriate for us to concentrate simply on the domestic agenda.

The globalisation of investment and the proliferation within the Asia-Pacific region of satellites capable of providing broadcast programming to all of the people in that region, who are two thirds of the world's population, can't be ignored.

We have signed memoranda of understanding with the [United States] Federal Communications Commission and the South African Independent Broadcasting Authority. We have reached in principle agreements with the UK Broadcasting Standards Council and the Singapore Broadcasting Authority. We are also hoping to convene perhaps early next year a regional regulatory roundtable at which issues of mutual interest and concerns to our counterparts in the region can be discussed. So we're keeping a weather eye on our place in the region. We're introducing ourselves to the region as energetically as we can. We hope this will bring a dividend of increased appreciation of the nature of Australian regulation on the part of our neighbours and on our part an increased appreciation of the difficulties that they face from their social and historical perspectives.

Would the international appreciation of Australian regulation also apply to children's television?

I think children's television is the area which tends to cut across cultural and economic boundaries between countries. There is an instinctive feeling in the minds of the people

the world over that children need to be protected and nurtured. Many people see television as something that needs to be assessed for its effects on children. At the recent World Summit for Children and Television at Melbourne, you could see how worldwide this instinctive feeling is.

We are, I think, after many, many years of robust commercial competition in television in Australia, in a very good position to pass on to our neighbours the accumulated expertise we've built on over the years about dealing with children's programming. I see that as a matter that actually would help bind our neighbours in the Asia-Pacific region more closely together as we seek to work to sponsor ourselves as having something to contribute in that area.

What comments do you have to make about the new Australian content standard the ABA is working towards?

Domestically, of course, we're about to release our draft standard for discussion. I don't want to anticipate commenting on that standard, except to say that the balance has to be struck between Australian content and non-Australian content on television. Australians have always liked foreign programming, even though they clearly prefer Australian programming. I think they like to have access to a window out of Australia to other parts of the world. We're such an isolated country, we need exposure to some foreign content so that we can appreciate socio-economic/cultural mores of other countries. So the balance has to be found between local programming and giving our community the opportunity to look through someone else's window as well. Hopefully, with the promulgation [of the new standard] we will strike the right balance in that respect.

What is your vision for the ABA?

The ABA has to become and remain an organisation relevant to the general community. Our expertise in content regulation has to be employed to the greatest beneficial social effect. So my ambition for the ABA is to attempt to maximise its role as a body which has developed expertise in content regulation, the development of codes of practice and standards and in community consultation and industry liaison.

The ABA must always be a contemporary organisation, and that will involve hard work, regular self-assessment and a touch of humility.

