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Twelve months into **Peter Webb's** chairmanship of the ABA, *ABA Update* looks at those 12 months, the ABA's recent achievements and ponders the future.

Looking to the future



What are the ABA's achievements of the past 12 months?

Looking at it briefly, to begin with the first major item was the Australian content standard review. This was the culmination of a lot of work and was well received, although we generally are still trying to resolve the New Zealand issue.

The negotiation of this standard is notable for one largely unremarked thing: the nexus that once existed between the limits on competition and Australian content obligations is no more, notwithstanding that competitive television services have been introduced into this country.

The Government gave us the on-line services investigation and we have recently produced that report to very wide acclaim. That investigation provided a very testing time for all of us—it was a new technological and regulatory paradigm and that's been a little bit out of the ordinary. In general, with the work we do, we are working on familiar territory most of the time but this was completely new. Our report has been well received in industry, and in political circles—we succeeded in mastering the complexities of the on-line services order of things.

We have done a host of other things: the planning process is producing a series of licence area plans and discussion papers. It is still a very large task and there is still a long way to go. We have been involved in some litigation over our efforts to provide more regional television services—but that has been resolved and we have granted the first commercial television licence since 1988.

The former Government's acceptance of our recommendations to grant incumbent radio operators a second licence in solus markets,

has led to an extensive roll-out of new commercial radio services for the people of remote and regional Australia.

On the pay TV front, the ABA has produced guidelines for Australian content on drama channels which have received general acceptance in the community. That has been another one of those tasks where we have found the letter of the law not particularly helpful. We were forced to look for a way to give effect to the spirit of the law. There is a rather long list of things like that.

We have released three major ownership and control reports: CanWest/Ten, News/Seven and Packer/Fairfax. These were very large investigations involving each of the three television networks. Those three reports have been well received for their fairness, thoroughness and objectivity.

We should be proud of the ABA's research. When the ABA started there was a lot of external apprehension that our research and publications programs would virtually disappear. They are as strong as they have ever been and we are still as relevant as we could be in both of those fields. Although we have had less resources, I think we have done a good job in each of those areas.

The most recent research report was *Families and Electronic Entertainment*: joint research with the Office of Film and Literature Classification which was launched by the Attorney-General, and again, was well-received. We played a part in the deliberations in the Ministerial Committee on the portrayal of Violence and we sponsored the V-chip which is going to provide the parents of Australia with a very useful tool to monitor their children's viewing. That seems to be a very popular initiative as well as being a good one.

I would also like to acknowledge the development of the codes process. The Confederation of Australian Subscription Television and the Federation of Australian Narrowcasting and Subscription Services codes are still to be settled, although we are pretty close.





It is almost as though the last 12 months have been the first real year of the operation of the ABA, because in many senses, the first couple of years spent setting the framework

I think there is some truth in that, although I wouldn't suggest the first few years were spent entirely with our own preoccupations. There was the not inconsiderable work on the Australian content standard review and establishing the first codes of practice. We had to face up to some not insignificant budgetary cuts, then a complete reorganisation of the ABA, and those things take some time to implement and settle down.

And we also devoted a considerable amount of time and energy explaining to various stakeholders that Parliament had rung a fundamental change—from an interventionist style of regulation to the style of regulation by exception.

At the same time we have done our best to wrestle with an Act which occasionally has not lived up to the rhetorical promises that accompanied it. That has been particularly so with the planning and allocations areas where we found a much more legally technical process than the rhetoric of the time led us to believe. We just have to slog away hard at that—the results are starting to come through now and that is very gratifying.

Looking at these 12 months' activities, self regulation seems to be a dominant force.

Heavy handed regulation, or that which is too overt, is not in favour anywhere much in the world these days. I doubt whether we are ever going back to regulation of that style, because very few people want to. The ABA is very different from the [Australian Broadcasting Tribunal] ABT—it is more relevant, less process driven, there is less routine work. It has stepped back from the interventionist style which imposed mandatory procedures.

It has more freedom to do work that is relevant to the general community.

Does the ABA provide support to the industry?

We are probably in a co-regulatory mode now, but it is important to us, especially in relation to ownership and control rules, to remain that little bit separate from the industry, because we are from time to time obliged to investigate whether or not there have been alleged breaches of the law, or licence conditions, etc. So we should keep a distance from industry, in that sense. But where those issues are not at stake — in codes setting, research, planning for new services — it is essential we have a close relationship with people in the industry as well as the general community.

How well is the ABA responding to complaints?

The one area where we demonstrably did not do as well as we ought to was in the unresolved complaints area. We have now developed the systems that were missing and the productivity in that area is now very good.

What is the current position for the ABA, taking budgetary constraints into account?

The only budgetary cut we are on notice of is the three per cent cut across the board which is the same amount as for everyone else and as was imposed in the last budget of the former government. I don't anticipate further budget cuts of that kind—we'll have to wait for 20 August. There is no reason to believe the budget will have anything more than the ABA budgetary cuts to the whole sector.

I still think the ABA's base funding is not adequate and we are pushing that point of view to the Department of Finance. But in the current budgetary climate there is little chance of an increase.

What effect are the new technologies likely to have?

Digital television and radio are coming a bit quicker than would have been apparent three to four years ago. I think this prospect is one of those things which will make it necessary to examine the Broadcasting Services Act to see if it is adequate to cope with anything other than analog television and radio services. I think at the moment it probably isn't. There needs to be a review of the Act for that purpose. We look forward to cooperating with any such review and to the outcomes.

What is your view of the sixth channel inquiry?

I think that is a very significant inquiry and it will involve us in a very significant body of work. Even though it is clear there is to be no fourth commercial network, the Minister has acknowledged we need to take account of the use of advertising, sponsorship and a commercial approach to the use of the sixth channel by whatever forces would like to exploit it. So I think that will involve us in very interesting discussions with industry and the communities who would like to exploit the channel for a whole range of purposes. I think it is likely to be a very interesting inquiry.

What is your view on siphoning?

Siphoning is a difficult area for us and for Government because the potential exists for arrangements which can around the siphoning

regime. I don't think any real frustration at the regime has been felt yet, but I'm not sure it that will continue. We'll continue to do our best to keep abreast with what is going on in the sporting rights area.

What is the ABA doing about children's television?

The welfare of children stands at the base of a lot of broadcasting regulation. As a community, we are generally concerned about children's welfare and the forces that act on the formation of their views and development. So we see that reflected in the on-line services area, the violence debate and regulation generally. On the positive side, we have sponsored increases in quality children's viewing, although it is still quite a modest incremental improvement. Generally though, Australia can be proud of the standard of our children's television production and programming.

How is ABA positioning itself for the next 12 months and for 1 July 1997?

Among the changes expected is the additional jurisdiction to be conferred on the ABA in the on-line services area and that will be the major single thing affecting us next year.

This Government is mindful of the July 1997 deadline in telecommunications—clearly together with the partial Telstra sale, there will be a lot more carriage competition; that is a big legislative load for the government to carry. A number of other things will be happening on 30 June 1997 as well: the bans on advertising on pay TV fall away; the bans on satellite subscription television cease; and the bans on the cross links between the present licensees also fall away. These things have been anticipated, of course, for some time and we just continue to work towards them.

The second half of 1997 will be an extremely interesting few months because there will be the opportunity to exploit television further in this country. It will be interesting to see how various entrepreneurs do that.

Would you like to do some crystal ball gazing and make some predictions for that time?

I think the original plan of the former government anticipated that satellite pay TV should be given a clear run for a few years. That was clearly so that all Australians could participate in pay TV and satellite was the only quick way to provide that access. It will depend very much on how consolidated the present pay TV players can become as to whether there is a window of opportunity there

in June 1997 for either them or another player to exploit the satellite possibilities for Australia.

What about the opportunities provided by new technologies?

I think digital television is very intriguing. We have to produce a report to the Government in the third quarter this year—there is an emerging industry consensus with a preference being expressed for HDTV. It looks as though there will be tests conducted in Australia generating some real work that we can all get our teeth into. I'm very hopeful that the work will proceed as well as it has in the past. Colin Knowles [ABA General Manager, Planning and Corporate Services] has chaired the specialist group drawn from industry, government and the ABA which has done very good, very cooperative work. I hope to be able to report positively on its investigations into latest developments by the end of September. More work needs to be done of course, but I think we are generating real momentum in that area.

Digital radio worldwide is lagging digital television by a few years but it is still very important that we get the policy settings in place. We chair an industry task force and we hope to be able to report to government on the task force's work in the next couple of months.

The Department of Communications and the Arts has the Digital Radio Advisory Council as well, chaired by Victoria Rubensohn.

What of international relations?

International relations are important to us. I have worked hard as chairman and before that as deputy-chairman to foster, between the ABA and the Asia-Pacific region, very good personal relationships with a large number of other jurisdictions.

The need for that is obvious. The on-line services responsibility encapsulates why that is so. Once the technological means exists of passing effortlessly the geographic and political boundaries, then regulation which retains only a domestic focus will almost inevitably end up frustrated. We are trying hard to broaden our vision of this region and other regulators are doing the same. The best way we can do that is to cooperate with each other and eventually look to maximise whatever regulatory harmonisation is possible. That doesn't mean there are great prospects of reconciling quite different cultural imperatives but I think there is a lot of goodwill in the Asia-Pacific region, in particular among regulators who would like to have as close to a consensual approach to many of the issues as is possible.