

## THE DIRECTION OF BROADCASTING AND COMMUNICATION REGULATION

**Panel:** Stephen Carter, Chief Executive, Ofcom  
 Christine Goode, (formerly) Spectrum Management Agency  
 Brian Johns (formerly) ABA  
 Diedre O'Connor, (formerly) Australian Broadcasting Tribunal

**Convenor:** Victoria Rubensohn, (formerly) Australian Broadcasting Tribunal

Increased services and lighter touch regulation had not undermined incumbents in communications or free-to-air television in the UK, where British Telecom and the BBC remain dominant forces, and the preferences of existing players should not shape the future use of communications and the benefits it can deliver to the industry overall and to consumers. This was one of the main messages from Stephen Carter's keynote address on the UK experience in creating a single agency from five existing regulators. Its charter is to facilitate the development of a competitive UK communications and broadcasting sector that is a world leader in the industry, while

the media maintains its essential role in UK democratic debate. He described Ofcom as an 'economic regulator', with 'sympathy for social policy goals', and stressed the need for regulation to have a clear purpose and objective.

This theme was taken up by Brian Johns who observed that government and industry were technologically 'aware' but there is no consensus about the new relationships between technology, industry structures and content that are emerging in a converged environment. He saw Australian content as the single issue into the future – not just the maintenance of content levels but the creation of innovative Australian content on new services.


Taped interviews with Louise Sylvan, ACCC Deputy Chair, Alan Fels (formerly) ACCC Chair and the CLC's Derek Wilding explored expectations of regulators today and revealed some commonality with views of the panellists. While regulators may aim to be less intrusive in comparison with past micro-management of some issues, the perennial questions remain. When should the regulator intervene to ensure that the industry complies with the legal framework? How to ensure the regulator is 'on the job' and prepared to use its enforcement and regulatory powers? How does the regulator deal with the political sensitivity to the



Diedre O'Connor and Stephen Carter



power of broadcasters that makes it difficult to act? In dealing with these issues Stephen Carter noted the independence of the regulator is as important as the separation of the judiciary from the state. Indeed, he noted the four characteristics of the effective regulator: credibility, courage, competence and confidence.

Another major challenge for regulators is developing ways to get meaningful and effective input from the community. Louise Sylvan put the view that often the discussion is primarily between the regulator and industry bodies, with weak or minimal input from the broader community. Instead there needs to be a 'high level research oriented public interest voice'. Panel members generally agreed on the need to look for better ways to engage with the public and assess public interest. According to Stephen Carter, the Ofcom Consumer Panel model is proving very effective in this role. 



*Report by Lesley Osborne, Manager, ABA Policy and Research section*



Victoria Rubensohn (l) and Christine Goode (r) confer



Brian Johns