Fracas in the west

THE fascinating struggle at *The West Australian* over the future of the paper's editor, Paul Murray, demonstrates again the potency of that seeming intangible - a sense of editorial independence.

When the board of the monopoly daily was apparently under pressure to get rid of Murray, the paper's staff met twice to express their confidence in him and affirm the importance of editorial independence (from management and politicians - it seems Murray had upset the Premier, Richard Court). Murray was surviving (as at 24 May).

The events underline the practical potential of formal charters of editorial independence, in which owners, editors and staff make a written, public commitment to editorial independence and to disclosure of alleged threats to it.

The sensitivity of boards on the issue of editorial independence is tied up in their recognition of the value of perception. If a paper, especially a monopoly daily, is perceived by the public and advertisers to lack independence, its credibility and eventually its readership, financial performance and share price will fall.

But owners rarely find themselves in circumstances where they feel obliged to formalise their fulsome oral promises of editorial independence in writing, for that might constrain their later actions. Conrad Black was in such a situation when, as a bidder for Fairfax in 1991, he was wooing government, banks, receiver and local elites who read the group's papers. The journalists understood this and were able to extract a commitment to a written charter. (The practical usefulness of a charter depends ultimately on having editors with the will to animate them if owners and management breach promises and interfere.)

In 1988, when Alan Bond owned *The West Australian*, the staff formally sought to negotiate a charter, but the then management flatly refused and the journalists withdrew. In the wake of the Murray fracas, with the directors sensitive and the politicians back in their boxes for now, the current staff have a rare opportunity to try again. ❑   *Paul Chadwick*

Copies of the CLC information paper Charters of Editorial Independence can be obtained from the Centre.

Cable access with a catch

THE Department of Communications is close to finalising the rules under which broadband cable operators will be obliged to make capacity available to service providers. Although the policy announced in November 1994, is for open access on a commercial basis, cable operators (ie Foxtel and Optus Vision) will be permitted to refuse access on grounds of lack of capacity, as well as being given a period of exclusivity for their own pay TV operations for two to five years.

Quite how a provision for rationing capacity sits with the announced plans of Foxtel to roll out a completely digital network, with theoretically vast capacity, is not clear. Will Optus Vision, with its hybrid fibre-coaxial cable network and analogue transmission, be in a better position to invoke scarcity as grounds for denying access, than Foxtel?

While regulation should as far as possible be technology-neutral, it does seem odd that the rules being drafted will apparently have such different effect depending on the technology used by the cable operator.

When cable operators invoke scarcity to refuse access, the aggrieved service provider apparently will only have recourse to Austel, acting under its general powers to enforce conditions in class licences [the access rules will be conditions attached to class licences, under Ministerial directive.] There are no special dispute resolution procedures. One issue that immediately arises is how Austel will evaluate the criteria used by the cable operator to grant access to some, but refuse access to others. Should this be entirely a question for a telecommunications regulator when choices are being made between different types of content offered by service providers? In our opinion, the Australian Broadcasting Authority should be given a role in resolving disputes about access by content providers, and given some guidelines under which to operate. ❑   *Helen Mills*

Cable stitch?

Of course