

The National Transmission Agency - The New Force in Broadcasting

Richard Lee and Phillip Edwards describe the rise of the NTA

With the ABC celebrating its sixtieth birthday, it is topical to consider a birth in one often overlooked aspect of the broadcasting sector. Just how do *Four Corners* and *Radio National's Daybreak* reach us? The answer is via one of the nation's best-kept secrets: the National Transmission Network. From 1 July 1992, this strategically vital asset was vested in a new body called the National Transmission Agency (NTA).

The network consists of over 500 transmitter sites in all parts of the country. Although it is primarily used to transmit the programs of the national broadcasters, the ABC (including Radio Australia) and the SBS, its facilities are also used by many commercial broadcasters, especially since the equalisation policy, and a variety of radio communication users such as emergency services.

Planning, constructing, maintaining and operating this huge network are functions that were until recently administered by the National Broadcasting Branch of the Department of Transport and Communications (DOTAC). However, much of the actual work of construction and maintenance and the day to day operation of the network is carried out by the AOTC's Broadcasting Division (referred to as TBD), acting as contractors to the Department.

Both AOTC and the National Broadcasting Branch (through their respective predecessors) have been associated with the network since the first ABC broadcasts. Both have therefore played a vital role in the development of Australia and in providing a much needed channel of communication to urban, regional and remote communities alike.

Birth of the NTA

The birth of the NTA can be traced to a Government review which was completed in late 1991. The review recommended that the management of the assets of the network should be transferred to a new body, which was later named the National Transmission Agency, and that the new body should operate as far as possible along commercial lines.

The Federal Government agreed with

the overall thrust of the review. Specifically, the Government decided that:

- the NTA would be set up as a separate cost centre within DOTAC with effect from 1 July 1992;
- the position of the NTA would be reviewed within 18 months to determine whether it should become a government business enterprise;
- the NTA would introduce competitive tendering for services related to the construction, maintenance and operation of the transmission facilities;
- the costs associated with delivering the national broadcasting services would be made transparent.

Some options were rejected. For example, there is no requirement that the NTA should earn a commercial rate of return on the network assets, nor was any decision made to provide the ABC and the SBS with funds to purchase transmission services from the NTA. This latter point will be reviewed once the NTA is up and running. For the time being, the Commonwealth will fund the NTA directly.

Strategic planning for the NTA

In early 1992, DOTAC commissioned Deloitte Ross Tohmatsu Management Consultants to develop a strategic plan for the NTA. Specifically the aims of the strategic review were to set the direction for the NTA, to document its strategic goals and objectives, to determine what its relationship should be with the national broadcasters and to draw up an action plan to transform the National Broadcasting Branch into the NTA.

The overall aims of the NTA are:

- to provide the services and facilities needed to broadcast the programs of the ABC and the SBS to as many Australians as possible, in a reliable, high quality and cost-effective manner, and
- to be a vital communications organisation through:
 - (a) becoming more responsive and sensitive to clients and their needs;
 - (b) developing a strong service culture;
 - (c) satisfying clients' needs by constant attention to quality;
 - (d) exploring commercial opportunities; and

- (e) seeking ways to improve the return on investment for the NTA's assets.

One of the key issues for the strategic review was whether a customer/supplier relationship existed between the NTA and the national broadcasters. After very careful consideration it was concluded that the conditions of a contestable market do not exist. In practice, the ABC and the SBS are substantially tied to the NTA. There is no real alternative supplier. The other side of the coin is that without the ABC and SBS, the NTA has little reason to exist. The reality is that these organisations are all instruments of government broadcasting policy. Instead of customer/supplier, the concept of partnering was introduced in the strategic plan, under which the NTA and the national broadcasters will work closely together in delivering the broadcasters' programs to the Australian public.

Nevertheless, the NTA has been given a firm objective to exploit commercial opportunities to use any excess capacity, although with a firm emphasis that meeting the needs of the ABC and the SBS are paramount.

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casting Tribunal's standard limiting the amount of non-program matter broadcast on commercial television. Argument on the remaining grounds of challenge was heard on 31 August 1992.

Pre-action discovery

Aithen v Neville Jeffress Pidler involved an application for pre-action discovery by 295 journalists who apprehended that NJP, a media monitoring service, had infringed copyright in the journalists' works. Gummow J in the Federal Court ordered that NJP produce various documents for inspection, in order for the journalists to determine if they had a cause of action for infringement of copyright.

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