



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**PROOF**

**NATIONAL BROADCASTING  
LEGISLATION AMENDMENT BILL 2009**

**Second Reading**

**SPEECH**

**Thursday, 4 February 2010**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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## SPEECH

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**Mr SIDEBOTTOM** (Braddon) (10.01 am)—The legislation before us, the National Broadcasting Legislation Amendment Bill 2009, will amend the Australian Broadcasting Act 1993 and the Special Broadcasting Service Act 1991 to do two things in particular: establish in legislation the new merit based appointment process for ABC and SBS non-executive directors and reinstate the staff-elected director to the ABC board. Both of these aims were committed to by this government in 2007, and this is the honouring of that commitment.

For the sake of clarity and information, under the provisions of the bill, the position of the staff-elected director will be restored to the ABC board. Non-executive director vacancies on the ABC and SBS boards will be advertised nationally and frequently. An independent nomination panel for the purposes of transparency and accountability will short-list suitable candidates. There will be clear, merit based selection criteria for non-executive director positions. Where the government does not appoint a short-listed candidate, it will have to provide reasons to parliament—again reinforcing openness, transparency and accountability.

Under this legislation, the Prime Minister must consult with the Leader of the Opposition prior to recommending to the Governor-General the person to be appointed as the ABC chairperson. The appointment of current or former politicians or senior political staff will be prohibited, in the name of keeping the independence of the ABC and SBS away from political interference. I mentioned before that we committed to these initiatives prior to the 2007 federal election. These commitments were clear, and this is the fulfilment of those commitments, as would be expected by the electorate.

I would like to raise very quickly, if I may, a number of points that lay at the heart of this legislation—first and foremost, the merit based appointments of the non-executive directors. It is absolutely important, as all speakers so far have pointed out, that we have strong and independent national broadcasters. This is absolutely crucial to the fabric of our democracy. Indeed, it is a hallmark of our social communications in this country. Therefore, it is incumbent on the ABC and SBS boards to be able to respond to the challenges and opportunities of the emerging digital and online environment. To this end, both organisations must have

transparent and accountable governance processes, and that is at the heart of this legislation.

The ABC and SBS cannot function to their maximum capacity without boards of excellence. This legislation will ensure that all Australians will have an opportunity to nominate for a place on the ABC or SBS boards and all claims will be considered on their merits by an independent panel. In short, all future appointments will be governed by the overriding principle of selection based on merit. Individuals who through their abilities, experience and qualities match the needs of the ABC and SBS will be selected. All future appointments to the ABC and SBS boards will be subject to independent scrutiny by the nomination panel. As mentioned earlier, the process promotes the principles of equal opportunity and gender and geographical diversity. They are, after all, national broadcasters. The ultimate responsibility for appointments, as in all ministerial responsibility positions, remains with the minister.

The second element of this commitment is the staff-elected director position on the ABC board. It is the belief of this government that the reinstatement of a staff-elected director will further enhance the governance arrangements of the ABC board. The position of staff-elected director makes an important enhancement to the ABC's independence by providing the board with a director who has a unique and important insight into ABC operations. Given their knowledge of the daily operations of the broadcaster, the staff-elected director may often be in the best position to critically examine the advice coming to the board from the ABC's executive.

However, as with all other director positions, the primary responsibility of this role is to the organisation as a whole. It is not a matter of conflict between two roles at all. The basis of the legislation is to have a transparent and accountable ABC board. That is what it is at the heart of the provisions of this bill.

I would like to take the opportunity to celebrate the importance of the ABC and SBS as the national broadcasters in our culture and our community. An example has been watching the ABC and its activities in recent years as it has continued to adapt to, and change with, the modern media demands of the population and the technologies that are available to

us. Take ABC NewsRadio, for example. You can listen live on over 60 frequencies as it reaches into the metropolitan, rural and regional areas of Australia and get up-to-date, professionally provided news. You can go to the ABC NewsRadio's podcasts of parliament and question time. That gives you the ability to relive the exciting moments that we share together in this House.

We also get ABC NewsRadio *Breakfast* each weekday. That gives us a great summary of, and commentary on, what is going on in our nation. You can involve yourself in this analysis on the ABC's online news and opinion site, *The Drum*, which, by its nature, is drumming up lots of business at the moment. The great thing about this, whether you agree or disagree with it, is that it is a means to engage directly with the affairs of the nation and to have your say. This is the same for *Tune and Tweet #qt*, which allows one to follow tweets of news headlines and updates, with audio links as well, from ABC Radio.

Those are just some of the services that the ABC, in its expanded role, is providing to the Australian people and the Australian community. We are very grateful for those services. They are a good use of taxpayers' money and a good return for it.

I would like to finish off my contribution by reinforcing the relevance to telecommunications of the government's recent announcement about seeking to deal with the provision of digital television Australia-wide. This was reinforced yesterday by the Prime Minister in his answer to a question put by the member for Mallee, who shares with me and with other regional members concern that regional populations should be able to receive not just television signals per se but digital television now and into the future.

What has been announced on 5 January by the Minister for Broadband, Communications and the Digital Economy, the Hon. Stephen Conroy, is essentially that, for those people who at the moment receive terrestrial analog signals through community based translators, with the rollout of digital television the government is working with commercial operators, where possible and where appropriate, to roll out commercial services to those community based analog translators to convert to digital signals. I understand that the government is negotiating with some 100 of those community translators to try and start, through pilot projects, to roll this digital signal out. I understand that something like 247,000 households will be affected by this.

Where there are people who are unable to receive digital signals through commercial arrangements, the government will be funding a satellite service to provide all of the digital services that are available. The

government will do that through (1) the provision of the satellite service itself and (2) the provision of a subsidy to households to enable them to receive the digital signals through the satellite service. The rollout of digital television is going on throughout Australia. We have now mandated the timetable and it is underway.

In my own electorate of Braddon, the geography of which is magnificent and the physical environment of which is fantastic, the topography has never been the most conducive to the transmission of television signals. It is up hill and down dale. If something is not in line of sight, we start to have transmission issues. The template that Minister Conroy has announced is, I believe, the most appropriate template to allow people in my region to be able to receive digital television into the future. The commercial channels, under their obligations, can and will go only so far, so I congratulate the minister on this. I, like many other regional members, will be monitoring this very carefully and seeking to assist our communities to get the digital rollout as soon as possible and as accurately as possible. Part and parcel of that is the reception of ABC and SBS.

That brings me back to this legislation, which I believe will make the boards of these organisations even more transparent, even more accountable and even more professional. We thank all those members who are currently serving on these boards and look forward to this legislation making their processes even more effective in the future.