

An independent ABC for a strong democracy

Independent, well-funded public broadcasters, free from political interference, play an important role in Australia's democracy. Greater transparency and oversight of the board appointment process for the national broadcasters will help secure their independence.

Submission to review of options to support the national broadcasters' independence

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Summary

Australia's public broadcasters (the ABC and SBS) should remain independent and free from political interference. The public broadcasters play a vital role in our democracy and are critical to maintaining strong, public interest journalism in Australia. Greater transparency and oversight are required in order to ensure the decision-making bodies of the public broadcasters – and the body that helps appoint them – are shielded from partisan influence.

Ministers should not be able to bypass the merits-based appointments process for ABC Board members. Consultation should be expanded and formalised. The Nomination Panel itself should either be replaced by or overseen by a cross-party committee, and whichever nomination process is used should only be able to be bypassed by the minister in genuine consultation with the shadow minister.

Greater public participation in the appointments process should be encouraged. This includes better publicising upcoming vacancies and giving consideration to an 'audience supported board member'.

Recommendations

1. The process of consultation on the appointment of the chair should be formalised and expanded to include genuine consultation with a cross-party committee, in addition to the Leader of the Opposition.
2. A cross-party committee should be given responsibility for overseeing the ABC Board appointment process, either replacing the current nomination panel, or overseeing it.
3. ABC audiences and the wider public should be more involved. Better publicity around upcoming vacancies and selection criteria should be provided.
4. Consideration should be given to selection of an 'audience supported board member'. Candidates who wish to make their applications public could publish their profile, CV and interviews on the ABC website. Support from ABC audiences for these nominations could be assessed through online or written submissions.
5. The option for the minister to bypass the nomination process should be removed, or available only with genuine consultation with the shadow minister.¹

¹ The Australia Institute originally made these recommendations in Browne & Pitt (2018) *Depoliticising the ABC Board*, p. 3, <https://australiainstitute.org.au/report/depoliticising-the-abc-board/>

Introduction

The Australia Institute welcomes the opportunity to make a submission on the review of options to support the national broadcasters' independence. The Australia Institute has a history of work on the governance of the public broadcasters – especially the ABC – and supports the inquiry's stated aims of strengthening the independence of the national broadcasters and safeguarding against funding cuts and political interference.²

The public broadcasters are critical to maintaining strong, public interest journalism in Australia. It is vital that they are able to operate independently, without funding cuts and political interference. The Australia Institute has previously asserted that “[a]s our most trusted news source and public broadcaster, the ABC plays a critical role in Australia’s democracy that cannot be taken for granted”³ and that the ABC’s journalism – particularly its Four Corners program – has been instrumental in breaking numerous, nationally significant stories and prompting inquiries, commissions, reviews and investigations.⁴

This submission collates and reproduces previously published research conducted by the Australia Institute primarily from *Depoliticising the ABC Board* by Bill Browne and Fergus Pitt⁵ and *No politics at Aunty’s table* by Fergus Pitt.⁶ While previous work has primarily focused on the ABC, it is also important that the SBS Board operates independently and effectively. *Depoliticising the ABC Board* and *No politics at Aunty’s table* also discuss matters outside the scope of this inquiry, such as the staff-elected director, changes to the ABC charter, and the appropriate level of funding for the ABC.

Australia Institute polling research shows that public opinion similarly supports independent, well-funded public broadcasting in Australia. This includes findings that:

- Three in five (61%) Australians agreed that a strong, independent ABC is critical to a healthy democracy.⁷

² Department of Infrastructure, Transport, Regional Development, Communications and the Arts (2023) *Review of options to support the national broadcasters' independence*, <https://www.infrastructure.gov.au/have-your-say/review-options-support-national-broadcasters-independence>

³ Bennett (2023) *ABC redundancies could harm the public’s trust in the reliable broadcaster*, <https://australiainstitute.org.au/post/abc-redundancies-could-harm-the-publics-trust-in-the-reliable-broadcaster/>

⁴ Browne (2023) *Royal Commissions and inquiries prompted by ABC journalism*, p. 1, <https://australiainstitute.org.au/report/royal-commissions-and-inquiries-prompted-by-abc-journalism/>

⁵ Browne & Pitt (2018) *Depoliticising the ABC Board*

⁶ Pitt (2016) *No politics at Aunty’s table*, <https://australiainstitute.org.au/report/no-politics-at-auntys-table/>

⁷ The Australia Institute (2022) *Polling – ABC funding, independence, and democracy*, <https://australiainstitute.org.au/report/polling-abc-funding-independence-and-democracy/>

- Over three times more voters rated their trust in the ABC a 4 or a 5 out of 5 (52%) as rated their trust in commercial media a 4 or a 5 (14%).⁸
- A majority (52%) of Australians supported restoring \$84 million in funding to the ABC, with 25% opposed.⁹ This subsequently occurred under the Albanese Government.

It is with all this in mind that we present our case for independent, well-funded public broadcasters, free from political interference. Changes to current governance arrangements would improve the independence of board appointments and the nomination panel.

⁸ The Australia Institute (2018) *ABC still Australia's most trusted news source*, <https://australiainstitute.org.au/post/abc-still-australias-most-trusted-news-source/>

⁹ The Australia Institute (2022) *Polling – ABC funding, independence, and democracy*

Stable funding arrangements¹⁰

Term of reference:

(1) Examining and making recommendations to support stable funding arrangements for the national broadcasters by identifying potential mechanisms to implement and maintain 5-year funding terms at the amount announced by the government, while retaining the ability to provide additional funding during these terms.

A five-year funding cycle for the ABC and SBS “gives both public broadcasters the stability to plan for the longer term”.¹¹ Previous Australia Institute research found the triennial funding cycle to be “unsteady” because tensions between the ABC’s desire for stability and government’s annual budget priorities meant that governments did not adhere to the funding arrangement as it was set out.¹²

Governments need more incentive to treat the ABC’s funding cycle – whether it is a three-year or five-year cycle – with respect. That can come from greater transparency and wider engagement.

The funding process should be opened to public input. The principle underlying this is that the more people and stakeholders involved in the ABC’s planning, the greater the incentive for a legitimate result, and the higher the political cost of diverging from the agreed arrangement. Digital platforms and networks make it much more feasible for motivated stakeholders, such as regional audiences and production sectors, to be heard. Some suggestions are:

- The Communications Department should, when the end of each five-year cycle approaches, call for public submissions regarding ABC funding. The call-out should be appropriately publicised to reach current and potential ABC audiences, industry groups, and stakeholders with special interests.
- When submissions are made, the Communications Department should hold physical and digital forums to examine the submissions and their implications. These should be held in a range of locations, and at a range of times.
- At the end of the consultation process, the Communications Department should publish a report summarising the debate.

¹⁰ This section draws directly on material from Pitt (2016) *No politics at aunty’s table*, pp. 15–16

¹¹ Chang (2023) *Funding certainty for our public broadcasters and a boost for newswires*, <https://australiainstitute.org.au/post/funding-certainty-for-our-public-broadcasters-and-a-boost-for-newswires/>

¹² Pitt (2016) *No politics at aunty’s table*, p. 15.

Effective governance arrangements

BOARD COMPOSITION¹³

Term of reference:

(2) Examining and making recommendations to support effective governance arrangements for the national broadcasters by considering:

(a) the boards' composition as required under the Australian Broadcasting Corporation Act 1983 (ABC Act) and the Special Broadcasting Service Act 1991 (SBS Act)

The ABC Board carries the ultimate responsibility for the independence and integrity of the national broadcaster. In previous eras both sides of politics made inappropriate partisan appointments to the ABC Board. Despite the 'arm's length, merit based' reforms made in 2013, the appointment process became deeply politicised. Basic governance standards were being breached. At times, four or five of the six 'independent' board members of the ABC were not recommended by the nomination panel, but instead were effectively government appointments made outside of the default process.

In 2023, the situation has improved, with three of the five board positions able to be appointed through the nomination panel now clearly appointed through the default process. This notably excludes the outgoing chair, Ita Buttrose, who was "appointed as the direct choice of the prime minister despite the fact she had not been through the arm's length independent selection process".¹⁴

Buttrose subsequently appointed David Anderson as Managing Director,¹⁵ a position exempt from the nomination panel process.¹⁶ Mario D'Orazio and deputy chair Peter Tonagh were both appointed through the nomination panel process.¹⁷ Georgie Somerset and Peter Lewis were both reappointed to a second term. Reappointments are not required to go before the

¹³ This section draws directly on material from Browne & Pitt (2018) *Depoliticising the ABC Board*, p. 3

¹⁴ Simons (2020) *Two media executives and lawyer passed over for Ita Buttrose as ABC chair, FOI confirms*, <https://www.theguardian.com/media/2020/jan/09/two-media-executives-and-lawyer-passed-over-for-ita-buttrose-as-abc-chair-foi-confirms>

¹⁵ Jaspan & Massola (2023) *ABC managing director David Anderson wins another term*, <https://www.smh.com.au/business/workplace/abc-managing-director-david-anderson-wins-another-term-20230823-p5dyya.html>

¹⁶ ABC (n.d.) *The ABC Board*, <https://about.abc.net.au/who-we-are/the-abc-board/>

¹⁷ Ward (2021) *Former News Corp executive joins ABC board*, <https://www.afr.com/companies/media-and-marketing/former-news-corp-executive-joins-abc-board-20210516-p57se0>

nomination panel.¹⁸ Lewis’ initial appointment was through the nomination panel, whereas Somerset’s initial appointment was unclear.¹⁹

Table 1: ABC Board 2023

Name	Position	Joined	Appointment type
Ita Buttrose	Chair	2019	Government recommendation
Peter Tonagh	Deputy Chair	2021	Default process
David Anderson	ABC Managing Director	2019	Appointed by Chair
Laura Tingle	Staff Elected Director	2023	None – elected
Georgie Somerset	Director	2017, 2022	Reappointment
Peter Lewis	Director	2014, 2019	Reappointment
Mario D’Orazio	Director	2021	Default process

The increase in appointments made through the default nomination panel process is welcome, but there is no guarantee that future governments will respect this norm.

NOMINATION PANEL APPOINTMENTS AND ROLE²⁰

Terms of reference:

(2) Examining and making recommendations to support effective governance arrangements for the national broadcasters by considering:

(b) the appointment of members to the independent Nomination Panel established under the ABC Act (the Nomination Panel)

(c) the Nomination Panel’s functions under the ABC and SBS Acts

(d) the role of the Minister, national broadcasters’ board Chairs and other parties in the appointments processes under the ABC and SBS Acts

Appointment of the nomination panel

The Nomination Panel for ABC and SBS Appointments was introduced under former Labor Communications Minister Stephen Conroy in an attempt to introduce a merit-based arm’s length nomination and appointment system, reducing partisan appointments.

¹⁸ Department of Infrastructure, Transport, Regional Development, Communications and the Arts (2023) *Information about the merit-based selection process*, p. 4, https://www.infrastructure.gov.au/sites/default/files/documents/information-about-merit-based-selection-process-appointments-to-abc-and-sbs-boards-_july_2023_003.pdf

¹⁹ Browne & Pitt (2018) *Depoliticising the ABC Board*, pp. 8–9

²⁰ This section draws directly on material from Browne & Pitt (2018) *Depoliticising the ABC Board*, pp. 6–7, 11

However, the nomination panel is at risk of itself being the subject of partisan appointments. The nomination panel is appointed by the Secretary of the Department of Prime Minister and Cabinet, a position that has at times been highly politicised.

We do not suggest that any current member of the panel is partisan, and indeed the current panel seems to represent a good range of experiences and expertise, with a depth of media experience and diversity of backgrounds. However, previous Australia Institute research identified at least two former panel members as highly questionable appointments,²¹ emphasising that the panel is vulnerable to partisan appointments.

Table 2: Nomination Panel for ABC and SBS Board appointments 2023

Name	Position	Joined
Helen Williams	Chair	2017
Daryl Karp	Panel member	2023
Catherine Liddle	Panel member	2022
Derek Wilding	Panel member	2022

Source: Department of Prime Minister and Cabinet (2023) *Appointments to the Nomination Panel for the ABC and SBS Boards*, <https://www.pmc.gov.au/news/appointments-nomination-panel-abc-and-sbs-boards>; Department of Prime Minister and Cabinet (2022) *Nomination Panel for ABC and SBS Board Appointments*, <https://www.pmc.gov.au/news/nomination-panel-abc-and-sbs-board-appointments>

One possible solution to the risk of partisan appointments would be transfer responsibility for overseeing the ABC Board appointment process to a cross-party committee, either replacing the current nomination panel, or overseeing it (discussed below).

Role of the Parliament and public in appointments

The Senate Standing Committee on Environment and Communication, or other suitable cross-party body, should oversee the nomination process to ensure a greater degree of bipartisanship. This body could either take responsibility for the ABC Board nomination process overall, eliminating the Nomination Panel for ABC and SBS Appointments, or could appoint the panel itself.

Another action that could be taken to help provide greater transparency around nomination panel appointments (and board appointments) would be to make vacancies more known to the general public. The audience of the ABC and the wider public should be more involved in the appointment process. Upcoming board and nomination panel vacancies should be better publicised on the ABC's own TV, radio and digital platforms as well as other media. Selection criteria and explanation on how they are to be applied should also be easily available to interested applicants and members of the public.

²¹ Browne & Pitt (2018) *Depoliticising the ABC Board*, pp. 6–7

Role of government and opposition

The *ABC Act* requires the Prime Minister to consult with the Leader of the Opposition before appointing the ABC Board chair. However, there are no guarantees that this consultation process is genuine. Changes should be made so that consultation is genuine.

There are mechanisms that could guarantee that consultation is robust. Requiring a period in which the people recommended by the nomination panel for the position of chair are publicly known would allow commentary from ABC viewers and employees, and the general public. Having a cross-party committee involved in the process would also allow more scrutiny before a final decision is made.

At the moment, there is little to discourage the Communications Minister from bypassing the nomination body and making a unilateral appointment. Communications Ministers have been able to do this with minimal accountability and transparency. This option should be eliminated, or at the very least, consultation should be required.

The process of consultation on the appointment of the chair should be formalised and expanded to include genuine consultation with a cross-party committee, in addition to the Leader of the Opposition.

OTHER GOVERNANCE APPROACHES WHICH PROMOTE THE STABILITY AND INDEPENDENCE OF THE BOARDS²²

Term of reference:

(2) Examining and making recommendations to support effective governance arrangements for the national broadcasters by considering:

(e) other governance approaches which promote the stability and independence of the boards.

In addition to a staff appointed board member, an ‘audience supported board member’ could be initiated to give some recognition to ABC audiences. They are arguably the major stakeholders in the board appointment process, but are currently largely excluded from it.

Applicants that have been shortlisted by the committee or nomination panel would be given the option to make their application public. Each applicant’s profile, CV and interviews would be published on the ABC website. Support from ABC audiences for these nominations could be assessed through online or written submissions.

²² This section draws directly on material from Browne & Pitt (2018) *Depoliticising the ABC Board*, p. 11

The Communications Minister should be obliged to give consideration to the quantity and quality of submissions in public applicants' favour. This process must be optional to ensure that high-quality nominees who need to keep their application confidential from current employers or other boards are not excluded from applying.

Conclusion

Australia's public broadcasters can only operate effectively if they are able to operate independently, without political interference. The strong contribution our public broadcasters make in informing the Australian public through public interest journalism is just one reason to defend their independence. Making sure the boards which oversee our public broadcasters remain non-partisan and free from direct, political appointments is an integral part of this process.