

Submission

to

The National Human Rights Consultation

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A. Friends of the ABC

Friends of the ABC is the major community organisation representing the public's interest in its national broadcaster. It is a politically independent organisation whose aim is the maintenance of the ABC as a healthy, independent and comprehensive national public broadcaster.

B. Overview

The healthy operation of the mainstream media is essential to democracy and the exercise of human rights.

Critical to the quality and the diversity of the country's media is the Australian Broadcasting Corporation (ABC). An independent and comprehensive national public broadcaster that is resourced to play a prominent role in the life of the nation is integral to the maintenance of our culture. Another fundamental prerequisite for the healthy operation of the media is diversity of commercial media ownership.

Both must be protected in the expression of human rights for Australia. The viable future of neither is secure if left to the commercial market or government.

In its submission, Friends of the ABC has not sought to comment in detail on other important human rights and responsibilities which are outside its mandate, or on separate but related rights that are likely to be covered by others with more direct expertise in those areas, such as freedom of speech.

C. Introduction

In modern times, the mainstream media has become the gateway to information, largely determining what the public does and does not know. It has a powerful influence on the attitudes and actions of citizens and governments on a wide range of important public and personal matters, and has a significant effect on our culture.

In Australia, which has one of the highest concentrations of media ownership in the world, and where direct access to and meaningful participation in the mainstream media is largely limited to a small and privileged number of people, the healthy operation of the media for the good of all citizens is even more important.

D. Importance of the Media to Australian Life & Human Rights

Our democracy and so much else, including the exercise of human rights, depend heavily on the operation of the mainstream media. The healthy operation of the media is critical to:

1. the right that all citizens should have to **readily access information on important matters of public interest**, including information which is independent (i.e. politically and commercially uncompromised).
2. the **extent and depth of information and analysis provided to the community** and the level of **public debate** on matters of public interest. Democracy is a sham if important decisions that affect the nature of our governments and society are not informed decisions.
3. the building of awareness that is a prerequisite for **citizens to fully participate in their community** at all levels.
4. the capacity for the range of **individuals and groups in the community to have their interests communicated** on important matters.
5. the **scrutiny** of the policies and activities of the three arms of government (i.e., the Parliament, the Executive and the Judiciary) and other powerful bodies that affect the lives of citizens.
6. **the exercise of other human rights**. The media's operations affect the exercise of human rights in several ways:
 - through the level and quality of information it provides the community about rights and responsibilities - educating the community about human rights and responsibilities, and informing people of their rights and how to access them.
 - through its scrutiny of the policies and actions of governments and other powerful bodies (public and commercial) with regard to human rights.
 - by providing information that is a prerequisite for the effective operation of the right to free speech. Exercise of the right to free speech can only be meaningful if all citizens have access to quality information and the mainstream media operates to allow it.
7. the survival of **local culture**. Though Australian voices, stories and perspectives, the media reflects and maintains our unique Australian culture in its diversity. It records the history of our nation.

E. Diversity & Independent Public Broadcaster Needed for Healthy Media

Though not sufficient to ensure the healthy operation of Australia's media, diversity of media ownership is necessary, and so is a strong independent and comprehensive national public broadcaster - independent from government and commercial influence.

1. Commercial Media & Diversity of Ownership

Commercial media's *raison d'être*, to generate maximum profit, influences its content. The public interest is readily undermined by the opportunity that media ownership affords its owners to use their media outlets as a vehicle to influence public opinion, and therefore governments too, in pursuit of their own commercial and political interests.

Diversity of media ownership is a prerequisite for more sources of information and a greater breadth of opinion. Real competition increases the pressure on commercial media outlets to provide accurate information and to deliver a greater range of content.

Diverse media ownership goes some way to countering the anti-democratic nature of a service as essential as the media being controlled by unelected individuals or corporations, by lessening the influence that any single media owner can exert.

See Appendix A. 'Operation of Commercial Media' for further information on the operations of commercial media and the need for media ownership diversity.

2. Need for Traditional Media Diversity Not Diminished by New Media

TV, radio and newspapers remain the most important sources of news and information in Australia. New media access is well below the near universal household penetration of free-to-air television and radio. The growth of online and mobile media is supplementing established media forms in important ways but it is not occurring in ways that substantially diminish the importance of the need for diversity in those platforms.¹

Already, the online sites most accessed for news are those controlled by existing established media operators and much of the news content in new media comprises reformatted versions supplied by these companies, or, in the case of pay TV, overseas channels.² Even though it may take time for all of Australia's existing prominent media players to maximise their use of online, their huge opportunities and resources to promote and cross-promote themselves means there is little chance that online is likely to deliver any significant increase in Australian media ownership diversity.

Blogging (or 'citizenship journalism' as it is sometimes called), has an important role to play. But, like talkback radio, it is not an alternative to the serious journalism of the mainstream media. There is little original reporting on these sites which operate on limited budgets. Without professional journalism in the mainstream media, blog sites would have little to discuss.

3. Strong Public Broadcasters - Accessible and Independent

Australia's public broadcasters enrich the life of our nation and its citizens in a way that commercial media cannot.

Unlike the commercial media which exists to earn a profit, the public broadcasters have charters that entail them addressing their audiences as citizens, not consumers.

The ABC is a comprehensive broadcaster which informs, educates and provides quality entertainment. Funded by government and independent in spirit and at law, the ABC is able to report without fear or favour, uncompromised by commercial or political influence.

Special Broadcasting Service (SBS) is a niche broadcaster with a responsibility to reflect and serve Australia's multicultural society.³

In a country with little media diversity left and the capacity of commercial media to deliver quality content declining, the public broadcasters are critical.

See Appendix C. 'ABC's Importance to Australian Life' and 'The ABC Charter' for more information on the ABC's role and importance.

F. Market & Government Cannot be Relied Upon to Ensure Healthy Media

1. Commercial Media

Australia's media ownership diversity has been allowed to shrink to the extent that we have one of the highest concentrations of mainstream media ownership in the world.

On top of the lack of commercial media diversity, another serious problem is unfolding: outside their public broadcasters, citizens are losing access to quality local content and jobs in serious journalism are disappearing.

Newspapers, a source of in-depth and investigative journalism, are disintegrating - the result of readers and advertisers migrating to new 'free' online digital media, and compounded by the present world economic downturn.

Commercial broadcasters will struggle to afford quality local content as they spread the pool of revenue generated from advertising across more channels introduced with digital multichannelling.

2. Public Broadcasting

It should not be assumed that, without protection, public broadcasting will continue to exist or will remain in its present form.

Support of Government Cannot be Relied Upon

The ABC has been attacked, and both the ABC and SBS have been seriously eroded, by governments of both major political persuasions.

Whether it be a deliberate intention to silence and/or control the ABC, a philosophical interest to commercialise public assets, or the desire to reduce government expenditure, both Coalition and Labor governments have, at times, cut or failed to maintain the ABC's funding, sought to interfere in its independence and to curtail its role

In the most recent instance, the former Howard government undermined the ABC's independence and its capacity to do its job with the use of intimidation and threats, by stacking its board of directors, and by cutting and then directing the ABC's expenditure of funding to specific areas.

The new Rudd Labor Government, thus far, has demonstrated support for the independence of the ABC Board. However it has not provided the additional funds required to maintain the ABC's existing services and indications are that it wants the public broadcasters to generate more revenue through commercial activities, with little concern for the effect on their independence.

Commercial Media Regards ABC as a Competitor

Commercial broadcasters have a vested interest in public broadcasting being shut down or curtailed, and/or its production outsourced to them. And they have the capacity to achieve this in any instance the party in government either supports them or feels it cannot risk not acting in their interest.

Public broadcasters are not in competition with commercial broadcasters. They exist to meet responsibilities specified in legislation. Nevertheless, commercial broadcasters regard public broadcasters as competitors because public broadcasters take audience share from them. In the case of SBS, it is increasingly also a competitor for advertising revenue which depends on audience share.

Increased cross-media ownership that resulted when the Howard Government relaxed Australia's cross-media ownership rules has resulted in influential media outlets, which were previously not involved in broadcasting, buying into broadcasting and now also having a vested financial interest in the demise of the ABC.

Commercial media owners with an interest in the demise of the public broadcasters also have a strong capacity to undermine them - through the operation of their own media outlets and the influence they can exert on governments.

See Appendix C 'Why Public Broadcasting Cannot be Taken for Granted' for further information on how readily the public broadcasters could be undermined.)

G. Conclusion & Recommendation

The operation of Australia's mainstream media affects the human rights of individuals both directly and in its influence on every important local social and political issue and on our culture

The already low number of sources of serious news and current affairs and the lack of quality local content in our media damages the wellbeing of our nation and its citizens.

If further media diversity is lost or the ABC allowed to decline as an independent and comprehensive national public broadcaster, the situation may become almost impossible to reverse.

In order to ensure the healthy operation of the media, Friends of the ABC submits that there should be expressed in human rights for Australia, the right of citizens to media that includes:

1. a high level of diversity of mainstream commercial media ownership;
2. a strong independent and comprehensive national public broadcaster; and
3. a niche, independent, multicultural public broadcaster, as SBS was originally envisaged to be.

¹ These points are persuasively argued by Christian Downie and Andrew Macintosh in 'New Media or More of the Same? The Cross-Media Ownership Debate', Australia Institute, May 2006: <http://www.tai.org.au/> (25 September 2006).

While there exists considerable information on the use of different media platforms, Friends of the ABC was unable to locate current statistics on the extent to which the Australian public, and different groups within the community, are accessing the different media platforms for news.

² 'Cross-Media Ownership Rules', Communications Law Centre briefing paper prepared for FABC Vic, April 2005

³ This submission has not gone into detail about the value and role of SBS because there are others in the community who are better placed to do this.

APPENDICES

A. Operation of Commercial Media

B. ABC's Importance to Australian Life

The ABC Charter

C. Public Broadcasting Cannot be Taken for Granted