THE SENATE

BILLs

Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013, Television Licence Fees Amendment Bill 2013

Second Reading

SPEECH

Wednesday, 20 March 2013

BY AUTHORITY OF THE SENATE
Senator SINODINOS (New South Wales) (20:11): Tonight we are debating the first two bills, as I understand it, and may I say that the coalition is willing to support the Television Licence Fee Amendment Bill and the Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill.

If these bills are ultimately voted upon as stand-alone propositions, these bills include measures that reduce the annual licence fees paid by commercial broadcasters, set new Australian content rules for multichannels, and amend the ABC and SBS charters.

The coalition will move an amendment to one measure in the Broadcasting Legislation Amendment Bill 2013 which has the effect of ensuring that only the ABC may offer Commonwealth funded international broadcast services such as Australia Network and Radio Australia. The coalition believes that these publicly funded services should remain contestable.

In talking about these particular bills, I do have to make some points about the process by which we have come to this particular point. I echo the sentiments, and what has actually been said, by the Minister for Regional Australia, Regional Development and Local Government, Mr Crean, who complained about the process by which this package of bills has come to the parliament, and the process by which they were developed. I think that we are all concerned about that process. It was described in one of the newspapers today as a 'mining tax moment'; in other words, a process by which an industry was effectively mugged by the detail of the measures that the government was considering.

This is not a good way to develop policy, particularly in relation to significant industry sectors that are undertaking substantial structural change. I have long believed that the best way to get structural change is to take people with you, to take industries with you. I do not believe that we have had the sort of proper public debate that would allow us to come to a sensible, national consensus about these issues. The reason I say that is that some of the issues that we are talking about today are fundamental to the nature of our democracy. That may seem a somewhat big statement to make. Yet when we talk about a situation where potentially, for the first time, in some of the bills and legislation that has been foreshadowed we can have a form of censorship of the print media in peace time, we are really talking about a very radical change to the political culture and the regulatory culture of this country. That is something that we should think very carefully about.

We have a government which, under its previous Prime Minister, Mr Kevin Rudd—someone who is again apparently seeking high office—boasted at the height of the global financial crisis that he would put government at the centre of the economy. In doing so, he was echoing something that he had said in his maiden speech—it is interesting how maiden speeches come back to haunt you or to reflect what your real instincts are—which was that he was about putting government at the centre of the economy. The particular measures that we are discussing, or will be discussing, all go to this issue of the role of the government in regulating certain sectors of the economy. There is no doubt that we have government to do certain things as a collective that we as individuals, families or communities cannot do. But we also boast of the freedom of the press as one of the pillars of a free society. In fact, some of us go further and say that there are times when the law should be broken in order to promote the dissemination of information. You, Mr Acting Deputy President Ludlam, are one who has upheld the principle that there are times when there is a greater public good to be served by the dissemination of information that might otherwise be restricted by government or other authorities. I respect that point of view. I may not always agree with it in all circumstances but I respect it.

Here we have a situation where we talk about the government seeking to do things which are not based on some rigorous assessment of the national interest but, in part, on a view that there are parts of the media which should be silenced because they take a particular stance about the government of the day. I have worked in governments and oppositions that have taken a view about who in the media supports or does not support them. I can recall an instance, for example, when a former Prime Minister, Paul Keating, blasted former Managing Director of the
ABC, David Hill, in the corridors of Parliament House because he was not happy about the coverage of the then government by the ABC.

The fact of the matter is issues of bias in the media are very much in the eye of the beholder but we as a parliament—as a collective—have a responsibility at times like this to rise above that and take a broader perspective. I do not believe we have had a process which promotes proper consideration of the very serious issues here at hand. I do not believe that the content of some of these bills we will be debating meets a rigorous test of what is in the national interest. I fear what is happening in this country today is that the political fever is rising, and that is leading to a situation where we are unable to consider issues with a proper national perspective.

Some people may say, 'That is a terribly partisan comment to make. You are blaming the government of the day.' I blame a lot of things. I also blame the spin cycle. I blame the 24-hour media cycle. They are leading to a situation where people feel that they have to fill the media gap, because if they do not someone else will. We are living in a society where increasingly there are so many sources of information available and so many ways in which you can express yourself. Look at the Twittersphere or the blogosphere; look at some of the language and concepts which are peddled in those contexts. In a sense, these bills only deal with the tip of a very large iceberg—and maybe we should not want to deal with that iceberg.

As a society we are faced with issues that are much broader than the issues here. What I fear is that these bills are motivated in large part by angst about a section of the media and its relationship with the government, as opposed to those broader issues. Yes, it is true to say there is convergence in the media, and we have to deal with that, but the reality is it is very hard for governments and parliaments to deal with convergence of the media. We can try to establish standards and regulate in certain ways but the reality is the way the media is evolving—the forces of creative destruction, if you like, through the advent of technology—is changing the very media landscape we are talking about in ways we find very hard to predict.

The reality for us is there is a point at which we have to stand back and see where the process goes. It is not easy for us to really manage the process of change in the media at the moment nor should we try to do that. I understand why, at times, people say, 'Well, we've seen what's happened in the UK. We do not want to go down the UK route.' The fact of the matter is that what happened in the UK did not happen here. That is not the model that we should follow. If the model is 'Let's try to use what happened in the UK as an excuse to get at certain media in Australia because we don't like them', I do not think that argument washes.

Broadcasting has always been a terribly complex area because the people who control broadcasting, television and the media have a lot of influence in our society. That is true. The only way to deal with that influence, in my view, is to create a more contestable marketplace. It is not by seeking to regulate the media, in the name of government, in ways that potentially infringe on freedom of speech and personal liberties. I know this is a hard argument to take sometimes. People say, 'Well, governments are there to do things.' Yes, that is true, but sometimes the best response of government is to do no harm as opposed to trying to do something. In this particular case I believe what we must do is follow the logic of where technology is taking us.

I remember years ago one of the founders of Apple talked about the role of technology and personal computers in democratising society: going from a situation where you had big pieces of hardware controlled by corporations to a situation where everybody had a PC on their desk, democratising information and its dissemination. Thomas Friedman talks about open source information, open systems and all the rest of it. Other people, management theorists, talk about how the workplace of the future is going to be modelled on open source systems where your contribution is judged not according to where you are in the hierarchy but according to the intrinsic value of what you are saying. They are using open source architecture in IT as a metaphor for where the future workplace should go. Ultimately, that contestability is the best way in which we can deal with some of these media issues, not by seeking to control old media like print and creating some template based on this idea that they need to be controlled—that you need to replace the media barons with some media advocate appointed by the government. Remarkably, there was discussion in the other place about the Council for the Order of Australia, through a panel of eminent persons, appointing the public media advocate.

My only reaction to that is: who guards the guardians? Ultimately we need to have an industry response to some of these issues which creates greater contestability and which also creates people taking on more personal responsibility—and this is a broader issue than just media. What is happening in society today is that we seem to be continually outsourcing the government to be some sort of moral arbiter on our behalf. We have to have a
situation where people also take responsibility for what they say. We see this increasingly in the Twittersphere and blogosphere with some of the stuff that people spew out there. We need to create a culture where people actually have regard for other people and respect for other people.

My view is, and has remained for a long time, that that element of personal responsibility should not be overlooked in the rush to have government regulate these things. The danger when you have government regulation is always how you can know that the government of the day will act in the 'national interest'. The national interest is always mediated by who happens to be the government of the day, so you have always got to make sure that they are acting from the best motives. All of us, government or opposition, have our strengths and weaknesses, but none of us are the repository of all wisdom. We are not omniscient. For me, there is a real dilemma about the extent to which government sets the rules.

It is true that, through the parliament, you have a clearing house, you have different views, and that clash of views can hopefully lead to a consensus about how to regulate things appropriately. I am concerned about some of the provisions that have been put into some of these bills and the impact they have on the freedom of speech in our society, or the potential they have to restrict that freedom of speech. Yes, I understand the point that people are concerned about the concentration of media ownership, but we already have a number of mechanisms to address those particular issues. We do not need a public interest arbiter on the top of that particular process.

Can I say, on the issues of local content, that I have been surprised and impressed by the extent to which local content has increased in the media in Australia. I think the reason for that is not just because of how we have regulated it but because Australians want to see Australian content. We should not apologise for that and we should not see that as something surprising. It is true of Americans, it is true of British people and it is true of others; we like to see our own content, and that is something that I think we can really build on. My only gripe about that is that I believe we can do more to promote Australian content into the region and elsewhere. I think people are interested to know about Australia, about what we do and about Australian stories because we are a unique culture. The mix we have here is unique in terms of the Indigenous component and our multicultural community. The important thing is that we have something to offer the world that is unique. I do not think that we have to worry about Australian content; Australians want it and it is a great base to build on for the future.

Finally, without being particularly critical of the minister, may I say that I feel sorry for the minister. He was sent out there by the Prime Minister with certain instructions about what to do. With the relish that he brings to any task, that minister went out there to kick heads. He said that it was a 'take it or leave it' scenario and that there would be no negotiation. That, of course, has collapsed in a heap. The Prime Minister has come in to try and resolve the situation and negotiate some compromise on important matters in these bills with the Independents and the crossbenchers, but in the process, the issue of media regulation has become conflated with the issue of the leadership and judgement of the Prime Minister. All I can say in that regard is that it is yet another example, not only to this parliament, but to Australians out there who are watching, of the capacity of this government to shoot itself in the foot. On that point, may I say that, when Australians are looking at the evening news, they see the shemozzle on media regulation, they see the shemozzle on the Labor leadership, and they ask themselves, 'How can the Australian government have been brought to this point?' We all have a responsibility to uphold high standards in this place, and I, along with others, from time to time, probably should have done better in that regard. However, the point I make now is that the minister has a responsibility and an obligation to act in the national interest. He has failed that test and he has taken the Prime Minister with him.