



Changing of the guard

The government has made a spate of new appointments to communications authorities

Last month, the federal government made new appointments to the Australian Communications Authority (ACA) and the Australian Broadcasting Authority (ABA). These appointments come at significant times: the ACA will be required to administer the new telecommunications regulatory regime, while the ABA may be pivotal in any relaxation of the present cross-media ownership limits.

ACA

The ACA is the regulator of consumer and technical issues under the *Telecommunications Act 1997* and radiocommunications issues under the *Radiocommunications Act 1992*. It was formed on 1 July 1997 from the merger of the Spectrum Management Agency and AUSTEL. The functions of these former bodies have been transferred to the ACA, with the exception of AUSTEL's competition regulation functions, which have been transferred to the Australian Competition and Consumer Commission (ACCC).

Tony Shaw is the first Chairman of the new Authority. Formerly First Assistant Secretary of the Department of Communications and the Arts, Shaw was responsible for preparation of government advice on the new telecommunications regulatory regime which commenced 1 July 1997. Shaw was the recipient of the Charles Todd Medal for Excellence in Communications at the ATUG 'Open Competition' Ball held in Sydney on 30 June this year.

Dr Bob Horton, the new Deputy Chairman, is currently a member of AUSTEL and a board member of Standards Australia. He was appointed a member for the period 25 September 1993-25 September 1998. He is also Chairman of the Australian Telecommunications Standardisation Committee.

Professor David Round is a new part-time member of the ACA. He was an Associate Member of AUSTEL from 30 October 1989 - 30 June 1997 and is Associate Professor of Economics at the University of Adelaide. He has conducted work on competition issues in telecommunications, in particular a review of dominance in the mobiles market. Professor Round was an Associate Member of the ACCC and of its predecessor, the Trade Practices Commission.

The Minister has scope, if he wishes, to make further appointments. Under the *Australian Communications Authority Act 1997*, the ACA may have between one and three part-time or full-time members. In addition, the Minister may also appoint Associate Members in regard to inquiries or investigations conducted by the ACA, and consultants as required.

ABA

For the past six months, the board of the ABA constituted only the former Chair, Peter Webb, and part-time member Kerrie Henderson. Two full time and two part-time positions had remained vacant as earlier member's terms expired or

their positions were vacated (see table). The new appointments come at crucial time for the ABA, following a period during which the ABA's future direction has appeared uncertain. It has been unclear how any possible changes to the cross-media ownership rules - contained in the ABA-administered *Broadcasting Services Act* - would affect the ABA's role as media regulator; while the growing technological and business convergence of the broadcasting and telecommunications industries has raised other, possibly longer-term questions about the present demarcation between the broadcasting and telecommunications regulators. However, in what has been regarded as a morale booster for the Authority, the ABA has recently been given jurisdiction to conduct investigations into the content of online services.

Since its election, the government has been considering a range of possibilities for a new media ownership regulatory regime, including the primary involvement of the ACCC as the arbiter of the impact of certain media acquisitions on economic markets or on the public interest. However, on 1 August, *Sydney Morning Herald* journalist Anne Davies reported that the Minister has outlined to Cabinet a plan to insert a 'waiver' system to the present rules, whereby a media acquisition which putatively breached the rules could nevertheless be permitted if it was in the public interest. The system would be administered by the ABA.



The appointment of **Professor David Flint** as the new Chairman of the ABA lends weight to this possibility. Flint has been a longstanding critic of the present cross-media rules and, since his appointment, has publicly questioned the relevance of the present rules given the alternate methods of service delivery now available, such as cable, satellite and internet networks. Flint was formerly Chairman of the Australian Press Council, the industry self-regulatory complaints body, and is the Australian National President of the World Jurists Association.

Gareth Grainger is the new Deputy Chairman. An internal appointment, Grainger is presently General Manager, Policy and Programs, ABA.

The third full-time member is **Michael Gordon-Smith**, presently the Executive Director of Screen Producers' Association of Australia.

The Minister has also appointed two new part-time members to join **Kerrie Henderson**, the ABA's first part-time member, who was appointed for the period 17 February 1995 for a period of five years.

Ian Robertson is the commercial lawyer practising in the fields of media and entertainment law. He is the Managing Partner of the Sydney office of law firm Holding Redlich, a director and Deputy Chair of Film Australia, and an advisory Broad member of RMIT's Media and Telecommunications Policy Group. Earlier in his career, Robertson was in-house counsel for Age publisher David Syme & Co. Limited, before working for video production company AAV Australia, a Syme subsidiary, and subsequently re-entering legal practise.

John Rimmer is a consultant to Multimedia Victoria, the head of the Australia Council's New Media Arts

Fund. Rimmer is the former Executive Director of the Office of Communications and Multimedia in the Department of the Premier and Cabinet in Victoria. This office has been responsible for implementing the *Victoria 21* strategy, which aims to encourage the multimedia, information and communications industries.

All new ABA appointments are for terms of three years.

In other areas of communications, Queensland barrister Ian Callinan QC has been appointed to the board of the Australian Broadcasting Corporation in place of outgoing member Janine Walker; while Katie Lahey of the NSW Chamber of Commerce, replaces Penny Morris on the board of Australia Post. Both appointments are for three years.

The Old Guard

ABA

Peter Webb was appointed Chairman in April 1995 until 4 October 1997. He was initially appointed a member of the ABA for the period 5 October 1992 to 4 October 1997, and then Deputy Chairman from 1 February 1993 for the remainder of his term.

Brian Johns was appointed Chairman from 5 October 1992 to 4 October 1997. Johns resigned his appointment on 17 March 1995 to take up an appointment as Managing Director of the Australian Broadcasting Corporation.

Robert Scott was appointed Deputy Chairman in June 1995 for a five year period.

Tim O'Keefe was appointed a member of the ABA for the five year period 5 October 1992 until 2 October 1997. He resigned 31 March 1997 to take up the position of Head of Business Affairs at Australian Multimedia Enterprise Limited

ACA

Neil Tuckwell was the Chairman of AUSTEL from 6 November 1994-30 June 1997.

Sue Harlow was a member of AUSTEL from 6 November 1994-30 June 1997.

Christine Goode was the Spectrum Manager at the Spectrum Management Agency until 30 June 1997.

Sources: ABA and AUSTEL annual reports.