

To: Director Editorial Policies, ABC

SELF REGULATION OF THE NATIONAL BROADCASTER

Please find my response to your review below and related policy directions attached.

Thank you for the opportunity to make this submission

REVIEW OF THE ABC SELF-REGULATION FRAMEWORK

A-1 What do you regard as the purpose of self-regulatory standards?

To provide ongoing evidence to the public that the organization provides high quality product and related services.

A- 2 What format and size should the Editorial Policies take?

The clearer the point of them and the shorter they are the better.

A-3 What should the Code of Practice contain, compared with what is contained in the Editorial Policies?

I have no idea. However, I think the SBS Code of Conduct is very good and the ABC should consider the extent to which it ideally co-operates or competes in similarly free and open activities. I have also recommended the SBS code in the attached submission to The Governance of NSW Universities Inquiry as a freeing, opening, broadening and related evidence grounding device. The SBS code contains many statements like:

‘SBS leads the exploration of the real, multicultural Australia and our diverse worlds. This means

- We are a pioneering broadcaster, going places that other broadcasters avoid; and
- We reflect real, multicultural Australia – contemporary Australia is multicultural and multilingual; and
- We explore and connect the diverse cultures and perspectives that make-up the worlds that we live in.’

B-1 What are the relevant differences between training ABC staff and training independent service providers?

If they are doing the same jobs for the same provider I assume they need to know the same things whether they are employed by the ABC or someone else. Is this not so?

B-2 How can corporate-wide consistency be ensured where this is necessary or desirable? How can diversity be preserved, where that is necessary or desirable?

By a few clear standards and directions, openness of content and processes, and the development of open complaints handling processes which provide good data to improve products and services further. Teach all through their disagreement and avoid any self-censorship you do not consider to be in the public interest. Self-censorship occurs when organizations are incapable of clearly justifying what they do and so are afraid to meet criticism of it. This tendency promotes narrow, dysfunctional, cultural and academic silos which are nevertheless endlessly concerned with how to justify their status through endlessly questioning others, rather than opening up their product for all to judge.

B-3 What are the likely future training needs of the ABC in a converging media environment:

There will be a need for:

- better organized educational and related entertainment product planning, production and dissemination systems
- supporting media content retrieval, acquisition and usage systems
- supporting complaints classification and handling systems so better coordinated education and entertainment delivery are possible across Australia.

Learn from those who currently lead the world in this development direction. God knows who that is. I would ask Google, State Libraries or the Australian Bureau of Statistics.

Handling complaints

The potential for the open study of complaints and their handling is generally important for achieving broader education for democracy and for related organizational improvement and self defence against any sectional or popularly driven narrowing of the ABC desire to serve all through its content. I guess SBS probably has a lot of experience of how to face such problems and wonder if they follow any relevant international standards. Since I do not work at the ABC I have no idea of the range of comments and complaints made to the organization or the responses usually made in reply. However, from the ABC website I note that complaints made by email rose from 20,381 to 45,584 per annum in just a few years. One does not want to spend one's life responding to complaints. On the other hand, complaints ideally provide a vital method of policing and promoting the quality (accuracy, honesty?) of the organizational product and also promoting debate about social and organizational direction. If the organization does not have exceptionally well thought out complaints classification, treatment and related data gathering systems, workers who are criticized by anybody will get into an increasingly anxious muddle and will strongly self censor. (I have seen this at Sydney University.)

There is no such thing as unbiased decision making, to the extent that every individual has a mind and views which are the product of their own specific environment and its interpretation. 'My story matters – as they all say on SBS'. If one is ideally concerned about determining what is true in order also to act fairly, the more relevant information one has about a matter the better, including about one's own personal and organizational production. The reception of any shocking view or apparent reality, which some would prefer to be hidden, is something the teacher or the scientist ideally confronts, examines

and judges as honestly and fairly as possible, when complaints arise from any comparatively objective or subjective quarter. The concept of balance instead suggests a legal arena with only two protagonists and the judge being right in the middle. This is not an effective way of reaching truth. The latter is a scientific concept which must be historically grounded in broader views of reality and evidence about the world than that which is introduced via two adversaries, battling according to ancient and/or narrow rule books applied by their related lawyers, who thereby increasingly produce 'junk science'.

A common legal principle is also that ignorant decision making may be equated with being unbiased and therefore moral. For example, Garnaut's report on climate change warned:

Care would need to be given to the design of the institutional arrangements for administering the allocation and use of permits. Variation in the number of permits on issue or the price would have huge implications for the distribution of income, and so could be expected to be the subject of pressure on Government. There is a strong case for establishing an independent authority to issue and to monitor the use of permits, with powers to investigate and respond to non-compliance '(2007, p.65).

Such views appear irresponsible because government is elected to govern and by giving away its power to a body established at arm's length from itself, it can only make itself more ignorant and unaccountable than it would otherwise have been. The idea that establishing fund management bodies at arms length from an original body will guarantee objective management is particularly misguided if the appointed trustees have secret relationships and drivers of their own. From the lawyer's perspective, which values all ignorance very highly, inside trading is naturally criminal. Logically, this either ignores or demonizes the natural intimacies of the marriage bed and all other friendly relationships. Surely we all want to help our family and friends? The only problem is that some of us are more equal than others and having a good old college and alma mater helps us even more. The lawyers' direction, driven by well-placed endowments, is more likely to reach perfect ignorance than perfect information, as the financial crisis indicates. It also costs the earth.

Ideally, one should think of the media as related to the Australian body politic, and treat it accordingly, because it has a huge influence on society. Some of us, including me, get nearly all of our current information about our surroundings from the media. It had better be good. Debating the nature of the information product is central to democracy and complaints against the ABC are ideally very valuable model data in this context. Complaints need to be dealt with sensibly in the light of ABC goals, but also need to be as effectively understood and as well presented for others' perusal as possible, to improve standards of complaints handling, related questioning and education, and also to promote more open broadcasting everywhere. Good parents follow this general policy in family disputes. When siblings fight, a parent does not suggest each child goes off to find a lawyer to maximise their case secretly in order to have it presented according to a variety of rules about how to fight. A parent tries to understand each side fully, sympathetically and fairly. The English common law system, which Australia inherited from feudal times, is based on a more adversarial and punitive model of human relations than the family model. It later allied itself to the commercial market and determined the central

trajectory of modern science - kill your enemies, cure your family and sell more new products produced in secret. Finding the perfect product requires perfect information. Mandated secrecy, the lawyer's central tool, leads eventually to perfect ignorance through increasing complexity which is primarily designed and driven to create awe, confusion and dependency in the uninitiated. Eventually the blind may lead the blind.

Although the current information on the ABC website seems relevant, clear and interesting, I think the nature of comments, complaints, disputes, their treatment and evaluation, needs to be given the same kind of broadband classification attention that doctors have given to the diagnosis of complaints brought to their attention by sick individuals. Does the ABC do this? When products and their direction are both open, each person can judge better to teach themselves. The organization can also be more easily defended or admit it was wrong. Your questions on complaints handling do not seem to me to be ones that can possibly be answered by the average friend of the ABC, such as me. I would have thought it is a job for inside experts – do librarians perform this kind of knowledge classification? Are there international standards related to the classification of complaints and dispute handling which are relevant for the ABC? There ought to be, because democracy and the communications revolution are very young and need informed direction. Your questions reminded me of a common problem of academia, which is that the collegiate cultures need better organized management overview and knowledge development. All are currently driven by narrower cultural understandings and perspectives. Our comments are necessary, but we do not have the broader systematic knowledge and expertise that answering your queries requires.

During the European Enlightenment, just as dictionaries were recognised as a classificatory invention necessary for the consistently repeated practice of science and all related improvement of the human condition, so in 2008 the diagnosis and classification of complaints about the media should ideally assist the public to have confidence in its communication product and related services. This in turn will allow the communications media to play an increasingly useful role in educating and entertaining the communities it serves. Law courts operate on pre-scientific principles, so lawyers have not been able to grasp the concept of the common dictionary or laws with aims. It has therefore not occurred to them to adopt any effective dispute classification and related data gathering systems either, to help society, if only by reducing its legal costs. Lawyers have comparatively little reason to care what customers think of their services or to worry about its outcomes. Theirs is the most powerful occupational monopoly in the country and their status is largely determined by the views of peers or their largest clients, which rarely justify themselves to any outside court. This is like a licence to print money?

The ABC and SBC will perhaps have to take the lead in complaints handling and related data management if anything useful is going to happen in this area, let alone quickly. Lawyers are not equipped to do it. Would the Bureau of Crime Research and Statistics and existing mediation services also provide useful advice about complaint classification and handling which is also relevant to the ABC? I assume the process begins with the broad establishment of the strategic, organizational and risk management context in which this action will occur. The next step is to identify and analyze the range of

complaints and related risks in order to assess, priorities and treat them. The final step is to monitor and review performance (AS/NZS 4360 – 1999). As far as I am aware this simple risk management approach was first contained under state OHS acts in the 1980s but can be used anywhere to establish quality management in the interests of product or service producers, customers, workers and their related communities. Unfortunately I cannot apply it as I am outside the ABC and have little idea of the complaints against it.

In the diagnostically related risk management context outlined above, I attach an article I wrote entitled ‘A healthier approach to justice and environment development in Australian communities and beyond’, which was published in ‘Public Administration Today’ the journal of the Institute of Public Affairs of Australia. It argues that health and related environment development are at the centre of a new international governance paradigm which also raises risk management to new importance. Implementation of this paradigm requires broad administrative reform in Australia and beyond to meet the evidentiary requirements of scientific and quality management. The Alternative Dispute Resolution (ADR) practitioner’s qualifications for the role should primarily reflect the knowledge requirements of the general community and the stakeholders in the environment most relevant to resolution of the question in dispute. For example, construction appears likely to be the best training ground for all ADR practitioners working in the construction industry, but good analytical, verbal and written communication ability is a vital part of the role as well as industry and related technical knowledge. If this is so, then industry and community key stakeholders should identify, train and/or approve a range of ADR practitioners who may or may not have other relevant qualifications. Such issues require further consideration in a range of industry and related organizational contexts, including that of the ABC and SBS. I attach recent submissions on regional development to the Productivity Commission to assist this.