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TRANSCRIPT – ABC NEWS, SYDNEY, MINISTER PAUL FLETCHER WITH GREG JENNETT

Topics: AFP Raids; Press Freedom; NBN; ABC Funding.

JOE O'BRIEN:

The Government says it's open to a discussion about press freedoms and how they interact with national security laws. Prime Minister Scott Morrison will meet ABC Chair Ita Buttrose and Managing Director David Anderson today following last week's raids on the public broadcaster and the home of a News Corp journalist. The Greens are pushing for a Senate Inquiry into press freedoms but the Government won't say what form a review might take. Here's National Affairs Correspondent Greg Jennett interviewing the Communications Minister Paul Fletcher.

GREG JENNETT:

Paul Fletcher, welcome and congratulations on your appointment to the Communications portfolio. You've had a couple of weeks to read in on it. Can I ask a simple, almost philosophical question, first of all? Do you see it as the role of the Communications Minister to defend the editorial independence of the ABC and the SBS?

PAUL FLETCHER:

Well thanks Greg, and look I'm very pleased to have been appointed to the portfolio of Communications, Cyber Safety and the Arts. And look, clearly the public broadcasters, ABC and SBS, perform a very important role in our community and their editorial independence is statutorily guaranteed under the statutes under which they operate. And, of course, press freedom is important not just for the ABC and SBS, but for all media outlets – indeed it's a bedrock principle in a democracy.

GREG JENNETT:

But around the Cabinet table, specifically, do you argue for that independence to be upheld, politically in particular? Or do you see it as a matter best left to the board and the management of those organisations?

PAUL FLETCHER:

Well certainly the Board and the Management have a very important role and Ita Buttrose, as Chair of the ABC, has obviously been speaking out strongly about the importance of press freedom over recent days – it's entirely appropriate that she should do that. Certainly, as Minister for Communications, I see it as part of my responsibility to champion a vibrant and successful media sector – both government-owned and privately owned. That is very important because the media has a vital role in a democracy. Press freedom is very important, and all of the other things that the media does is very important. Australian content, for example, on both the commercial free-to-air networks, but also ABC and SBS, is important. So, there's a whole range of important policy considerations.

GREG JENNETT:

Sure.

PAUL FLETCHER:

Of course, there's always a balance in a democracy, so press freedom is important, but it's never been an absolute unconstrained right. It's always been subject to matters like the law of defamation, the law sub judice, which says for example you can't report things which would constrain somebody's right to a free trial. National security considerations – they've always been there. There's nothing new about that but it's very important that we have an ongoing debate and that the importance of a vigorous media is constantly underlined.

GREG JENNETT:

We're certainly having that now, and you're going to be present at the meeting today between ABC Chairwoman, Ita Buttrose, Managing Director, David Anderson, and the Prime Minister. Now, when pressed in your own conversation with Ita Buttrose last week, you didn't agree to give any undertakings about no further raids on the ABC. But is there another pathway through all of this? Is law change, particularly around the Crimes Act, possible in this area?

PAUL FLETCHER:

Well look, let me make a couple of points. As the Prime Minister said to you last week, Greg, he certainly understands, our Government understands, that these issues cause anxiety amongst journalists – we're very alive to that. He also made the point, and I'd reiterate the point, that the Australian Federal Police – as indeed media organisations, as indeed every citizen – operates according to the rule of law. So, when they are conducting an investigation as they are presently into whether a Commonwealth official, who is alleged to have breached secrecy provisions has in fact done that and as they gather evidence – and of course, a search warrant is a means of gathering evidence – they're required to comply with the law. They have to get authorisation from a judicial officer to get the search warrant and there are conditions that apply to how they exercise the search warrant. It is open for the ABC, for example, or anybody who's the subject of a search warrant to go to court and make the argument that the search warrant has not been executed lawfully...

GREG JENNETT:

[Interrupts] Do you understand that that is, in fact, on the cards? That is an avenue that the ABC is exploring?

PAUL FLETCHER:

Well, there are media reports that the ABC has appointed senior council for that purpose. I have not been myself briefed by the ABC on that. But what I would say is if that is a decision the ABC chooses to take, it's a decision that it's entirely entitled to take because in a democracy the operations of the police – as are the operations of media organisations, as is the conduct of individual citizens – is subject to the rule of law, and is open to the recipient of a search warrant to say well, we want to challenge whether you, the Federal Police, have complied with the law. That is entirely appropriate in a democracy.

GREG JENNETT:

And they may well be. Let's not look backwards though, let's look to the future. And as you've indicated, the Prime Minister has said something in Singapore about an openness to perhaps look at law reform, or at least review it in this case. I think Mathias Cormann has floated a similar concept. Do you think this is where the Government is heading, towards some sort of review - parliamentary or otherwise - of the laws that apply here?

PAUL FLETCHER:

Well, look, I'd refer to a couple of comments last week. Certainly, the Prime Minister observed that this process that the AFP is undertaking needs to work through its course. But as he indicated, as a principle, if there are issues that arise then it's always open to Government to have a look at those. And Mathias Cormann, as the Leader of the Government in the Senate, was asked yesterday about a Senate Inquiry and he simply made the point that the Government may have more to say about that later in the week. So I don't want to add to what Mathias has said or what the Prime Minister has said. But I do want to make the point about press freedom that it's a bedrock principle in a democracy. Just a couple of years ago, we legislated provisions which include a defence for journalists who receive material where they believe dealing with that is in the public interest. So that's now a defence that is in the law. I'd also make the point ...

GREG JENNETT:

[Interrupts] Is it clear to you though, that that is the Act upon which the warrants were executed, though? There seems to be some debate or confusion.

PAUL FLETCHER:

Well, you're right to come to that, Greg, because the warrants were executed under the previous provisions of the Commonwealth Crimes Act. So the AFP is conducting an investigation. It has said under those provisions. I'd make the point, those provisions have been in the law for decades, which is relevant when we ask ourselves is what we're seeing here something new? Or is this the operation of provisions that have been in the law for decades? I'd also make the point...

GREG JENNETT:

[Interrupts] It doesn't make it right though, does it? Whether it's an old law or a new law, if it's not in keeping with modern standards?

PAUL FLETCHER:

No, what it goes to is that there's always a balance between competing considerations. Press freedom and then matters like national security, as well as laws of defamation, laws of sub judice and so on. I'd make the point that when our political opponents seek to differentiate themselves on this issue, they seem to have forgotten that it was just a few years ago that Anthony Albanese was a senior minister in a government which was bringing forward legislation for a public interest media body that was roundly criticised by senior media executives at the time as an attempt to introduce government-sponsored journalism. So I think there's been some rewriting of the narrative by political opponents. But what I'd say about our Government is, and certainly in my role as Minister for Communications, that value of press freedom is very important. It's always been a value that has to be balanced up against other considerations. There's nothing new there. But it is a bedrock principle in a democracy.

GREG JENNETT:

Sure. Now, all of this is fraught and there's much more in your communications portfolio than just this matter. I do want to ask in the name of journalism though, not in advocacy, about ABC and SBS funding. I'm sure that's going to come up in today's meeting. Do you believe core charter responsibilities of the ABC will not be able to be delivered if these \$9 million a year cuts proceed from July?

PAUL FLETCHER:

Well certainly, the Government believes that we have provided the ABC with sufficient funding to discharge its responsibilities under its charter. The ABC has a vital role. It is a very important organisation in terms of gathering and disseminating news. It's very important in terms of commissioning and showing Australian content and, of course, other drama and other content. It's very important in being a venue where Australians can see, learn more about their own country. A platform where Australians can debate issues of the day. So the ABC ...

GREG JENNETT:

[Interrupts] Can it be done on resources currently allocated, though?

PAUL FLETCHER:

Well, the Government certainly believes that the funding that we've provided, which is over a billion dollars a year over the next three years, is adequate to the role. Now it's the job of board and management of the ABC to determine how best they allocate that funding, to discharge their charter.

GREG JENNETT:

Sounds like a no. When they put the hard question on you today to remove that indexation freeze, your answer appears to be no. Is that an interpretation that you would agree with?

PAUL FLETCHER:

Well no, what I'd say is, in the budget, what we've provided for is a maintenance of nominal funding. There will be no indexation over the next three years. That's an efficiency dividend, as is asked of almost every organisation within Government.

GREG JENNETT:

An effective cut though, really?

PAUL FLETCHER:

No, it's a maintenance of funding in nominal terms. And in addition, there's more than \$40 million being provided for news gathering, particularly in regional areas, a very important role of the ABC. Of course, I would expect that a chair and managing director of the ABC will always be advocates for their organisation. I'd expect them to do their job in a passionate and effective manner, and that is their role. Ita Buttrose as Chair, Dave Anderson as Chief Executive, are very experienced and capable and of course they will be advocates for the organisation, as you would expect them to be.

GREG JENNETT:

Alright. One last one on the public broadcasters before we get to the NBN. Integration or even full merger between the ABC and SBS, it's been around perennially as an idea. What, broadly speaking, is your attitude to that proposal?

PAUL FLETCHER:

Look, I would not have seen the integration of the ABC and the SBS as, you know, the two organisations being brought into one as something that is likely to occur. It's certainly not on the Government's agenda or my agenda. I would make the point in relation to the efficiency review, that my predecessor Mitch Fifield commissioned, that we do expect the ABC and the SBS both to seriously engage with what's in that review. It was conducted by experienced executives. But ultimately, management of the ABC and the SBS, how they deploy their available funding to meet their mission, their charter, is a matter for board and management of those organisations. So I would expect them to seriously engage with what's in the efficiency review. But if there are aspects of it where they say well look it doesn't work for this reason then that's a judgement that they're charged with making. On the other hand, if they were to say to Government well we think some aspects of what's been proposed here make sense and here's what we're doing in relation to that we'd welcome that. But ultimately, management decisions are for board and management of the ABC and SBS in accordance with their statutory obligations and their mission to the Australian people.

GREG JENNETT:

Fair enough. We'll keep an eye on that. The NBN – it's due to be rolled out, completed virtually by next year. Is privatisation of it likely on your watch in this term?

PAUL FLETCHER:

Well the thing I'd say is, when we came to Government barely 50,000 premises were connected to the fixed line network. That was after Labor had been in power for six years and had talked a huge game about NBN. We've been very focused on implementation, on rolling it out. Under my predecessors, Malcolm Turnbull and Mitch Fifield, great progress has been made. There's now well over five million premises connected. Over eight million able to connect and it is on schedule for the rollout to be completed next year.

GREG JENNETT:

Future ownership?

PAUL FLETCHER:

Well, it's always been envisaged that at some point, at some point, NBN would pass from government ownership into other ownership. There's a whole series of steps in the legislation that have to occur. I think we're some way away from that. I must say...

GREG JENNETT:

[Interrupts] So probably in the next two years? Not in this term, would you have thought?

PAUL FLETCHER:

Well my focus, as Minister is, let's get the rollout completed. But then let's also look to the question of how best we leverage this vital national asset to deliver economic and social outcomes. You know, total peak Commonwealth funding, debt and equity for NBN, will be \$51 billion. That's a huge amount of taxpayers' money. We need to make sure that we are focused on getting the best outcomes from this asset. The fact that we now have near ubiquitous availability, certainly in the fixed line footprint, of speeds of 50 megabits per second. How do we best take advantage of that? What are the ways that, in a whole range of sectors – health, education, agriculture, resources and many others – that we are making best use of this national asset? And necessarily, my predecessors allocated a very substantial extent of their focus on getting the rollout done. As we come to completing the rollout, I think it's timely to be looking at the question of how do we best make use of this national asset to achieve the social and economic outcomes that it's there to produce?

GREG JENNETT:

Alright. Well we might be able to explore your ideas in that area a little further at a later time. Alas, time has beaten us today, Paul Fletcher. Likewise, on the matter of content on our screens, we might talk about that at a later time.

PAUL FLETCHER:

Look forward to it.

GREG JENNETT:

But, we'll thank you and farewell you at that point. Paul Fletcher, see you again soon.

PAUL FLETCHER:

Thank you Greg. Thanks very much.

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