

NEWS

Media Reform package

On 14 March 2013, the Government introduced six bills into Parliament as part of its media reform package, with a deadline of 21 March 2013 for the bills to be passed. Two of those bills, the Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013 and Television Licence Fees Amendment Bill 2013 were passed on 20 March 2013, enshrining a reduction in licence fees for commercial FTA television broadcasters, with modest additional Australian content obligations.

The Convergence Review bill also confirmed in legislation the prohibition on a fourth commercial television network, and abolished a statutory review of captioning on FTA multi-channels (required to have commenced by the end of 2012).

The four remaining bills – the Broadcasting Legislation Amendment (News Media Diversity) Bill 2013, News Media (Self-regulation) Bill 2013, News Media (Self-regulation) (Consequential Amendments) Bill 2013 and the Public Interest Media Advocate Bill 2013 – together would have introduced a public interest test for media mergers and a new regulatory framework for media news standards, to be overseen by a new Public Interest Media Advocate. The amendments would have also meant that subscription television would be subject to media ownership and control regulation under the Broadcasting Services Act.

These four bills were withdrawn on 21 March 2013, when it was clear that the Government would not have sufficient support to secure their passage through Parliament. The reforms are not expected to be revived by the Government before the election in September.

The package of bills was subject to a short review by the Senate Environment and Communications Legislation Committee. ASTRA, together with Foxtel, appeared before the Committee to give evidence.

Further information on the bills, and the Committee's report, is available on the Parliament House website at:

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=ec_ctte/media_reform_bills/index.htm

National Cultural Policy

On 13 March 2013, the Minister for the Arts, the Hon Simon Crean, launched *Creative Australia*, the Government's national cultural policy. The goals of the policy are to:

- Recognise, respect and celebrate the centrality of Aboriginal and Torres Strait Islander cultures to the uniqueness of Australian identity;
- Ensure that government support reflects the diversity of Australia and that all citizens, wherever they live, whatever their background or circumstances, have a right to shape our cultural identity and its expression;
- Support excellence and the special role of artists and their creative collaborators as the source of original work and ideas, including telling Australian stories;
- Strengthen the capacity of the cultural sector to contribute to national life, community wellbeing and the economy;
- Ensure Australian creativity thrives in the digitally enabled 21st century, by supporting innovation, the development of new creative content, knowledge and creative industries.

The full policy document is available at: <http://creativeaustralia.arts.gov.au/>

Captioning: Exemption orders and target reduction orders

During the period 12-18 March, the Australian Communications and Media Authority (ACMA) made around 80 captioning exemption or target reduction orders for STV services. The vast majority of orders made related to services provided by STV platforms Fetch TV and Transact, as well as mobile STV services provided by Telstra and Optus. Many of these orders related to channels from ASTRA members that were provided by Foxtel and at least one other STV licensee. Exemption orders were also made with respect to stand-alone services provided by Setanta, Sky Racing and TVN.

A full list of the orders made, including statements of reasons, is available on the ACMA website at: http://www.acma.gov.au/WEB/STANDARD/pc=PC_600146

ACMA: Single Compliance Mark Scheme

On 1 March 2013, the ACMA introduced a single regulatory compliance mark (RCM) to illustrate a device's compliance with all applicable ACMA standards—telecommunications, radiocommunications, electromagnetic compatibility (EMC) and electromagnetic energy (EME). In the ACMA's view, because devices are increasingly subject to multiple technical regulatory requirements, the historical sector-based (A-tick and C-tick) labelling requirements are not sustainable.

Further information is available on the ACMA website at: http://www.acma.gov.au/WEB/STANDARD/pc=PC_600175

Anti-siphoning

On 28 February 2013, the Minister for Broadband, Communications and the Digital Economy made the Broadcasting Services (Events) Notice (No. 1) 2010 (Amendment No. 1 of 2013). This notice amends the Broadcasting Services (Events) Notice (No. 1) 2010 to remove all matches to be played as part of the 2013 Australian Football League premiership competition, including matches to be played as part of the 2013 Finals Series but excluding the 2013 Grand Final, from the current anti-siphoning list.

The effect is that the free-to-air AFL rights holder, the Seven Network, will have the ability to show all matches for the 2013 AFL season (except for the Grand Final) on its secondary channels without needing to also show the match on its primary channel.

The notice and explanatory statement are available here:

<http://www.comlaw.gov.au/Details/F2013L00400>

CONFERENCES & EVENTS

14 March 2013: ASTRA Conference

The ASTRA 2013 Conference was held on 14 March 2013 at the Sydney Convention and Exhibition Centre, with the theme of *Enhanced Entertainment*. Further information, including transcripts of speeches, on the ASTRA website at: <http://www.astra.org.au/Astra-Conference/Home/Conference-Home>

ASTRA ACTIVITY

- **Senate Environment and Communications Legislation Committee** – On 18 March 2013, ASTRA appeared with Foxtel before the Committee as part of its Inquiry into the Government’s media reform package. Further information on the Inquiry is available on the Committee’s website at: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=ec_ctte/media_reform_bills/index.htm
- **Joint Select Committee on Gambling Reform: Inquiry into the advertising and promotion of gambling services in sport** – As detailed above, the Joint Select Committee on Gambling Reform is undertaking an inquiry into the advertising and promotion of gambling services in sport. ASTRA made a submission to this Inquiry and will appear before the Committee’s public hearings in Sydney on 27 March 2013.
- **Australian National Preventative Health Agency (ANPHA): issues paper on the effectiveness of current regulatory codes for alcohol advertising** – On 8 March 2013, ASTRA made a submission in response to the ANPHA issues paper.
- **Captioning** – ASTRA continues to work with the ACMA and the Government in relation to operational aspects of new captioning obligations on STV under the *Broadcasting Services Act 1992*, including reporting requirements and procedures relating to an application for exemption or target reduction orders.
- **Long term spectrum arrangements for television outside broadcasts (TOB) in alternative bands to the 2.5 GHz band** – ASTRA continues to work with the Government, the ACMA and other stakeholders to ensure a sustainable long term solution for TOB spectrum arrangements. ASTRA’s proposal for equitable TOB spectrum sharing was submitted to the ACMA in June 2012 and is available on the Submissions page of the ASTRA website.
- **Anti-siphoning legislation** – ASTRA members have continued active consultation with relevant stakeholders on aspects of legislation to reform the anti-siphoning scheme, currently before Parliament.

- **Live odds in sports broadcasts** – ASTRA continues discussion with the Government and the ACMA regarding the inclusion of provisions dealing with live odds in sports broadcasts in the ASTRA Codes of Practice. On 29 June 2012, the Government announced an agreement with broadcasters on measures to reduce and control the promotion of live odds, available here: http://www.minister.dbcde.gov.au/media/media_releases/2012/106
- **ASTRA Codes Review** – Draft Subscription Broadcast Television, Subscription Narrowcast Television and Subscription Narrowcast Radio Codes of Practice were considered by the ACMA at its meeting of 20 December 2012. ASTRA is working with the ACMA on a small number of outstanding issues relating to the current draft codes.

ASTRA submissions are available on the ASTRA website at:

<http://www.astra.org.au/Menu/Policy/Overview/Submissions>

DISCUSSION PAPERS/REQUESTS FOR COMMENT

NSW Government: Creative Industries Taskforce draft Creative Industries Industry Action Plan

The NSW Government's Creative Industries Taskforce is seeking public feedback on its draft Industry Action Plan. Submissions close 9am, **2 April 2013**. Further information is available at:

<http://engage.haveyoursay.nsw.gov.au/iap-creativeindustries>.

ACMA: Review of the Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001

The ACMA is seeking public comment on the proposed review of the Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001 (the TLN). The TLN specifies the labelling and record keeping requirements for importers and manufacturers of telecommunications customer equipment (CE) and customer cabling (CC) for the Australian market and outlines the applicable standards for these items. The discussion paper provides information on the existing regulatory arrangements, the rationale for the review and the ACMA's proposed policy direction for changes to the TLN. Further information on the ACMA website at:

http://www.acma.gov.au/WEB/STANDARD/pc=PC_600170. Submissions are due **12 April 2013**.