

NEWS

Anti-siphoning legislation

Legislation to implement the Government's reforms to the anti-siphoning scheme, as announced in November 2010, was introduced into Parliament on 22 March 2012. The Broadcasting Services Amendment (Anti-Siphoning) Bill 2012 ('the Bill') was referred to the Senate Environment and Communications Legislation Committee for Inquiry. Submissions to the Committee on the Bill are due by 4 April 2012, with the Committee to report by 4 May 2012. Further information on the Committee Inquiry and the Bill is available on the Parliament of Australia website at:

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=ec_ctte/anti_siphoning_2012/index.htm

ACMA Television Outside Broadcast (1980-2110 MHz and 2170-2300 MHz) Frequency Band Plan 2012

On 26 March 2012, the ACMA made the Television Outside Broadcast (1980-2110 MHz and 2170-2300 MHz) Frequency Band Plan 2012. The Band Plan is part of the ACMA's implementation of arrangements to support the introduction of television outside broadcast (TOB) services into the bands 1980-2110 MHz and 2170-2300 MHz, as an outcome of the ACMA's 2010 review of the 2.5 GHz band. The Band Plan and Explanatory Statement are available at: <http://www.comlaw.gov.au/Details/F2012L00731>. See the ACMA website for further information on the ACMA's review of long-term arrangements for ENG at:

http://www.acma.gov.au/WEB/STANDARD/pc=PC_410059

Convergence Review

The Convergence Review Committee presented its final Report to the Government on Friday 30 March 2012. The Minister for Broadband, Communications and the Digital Economy, Senator the Hon Stephen Conroy, stated that the Government will consider the findings of the Review ahead of releasing it publicly by late April. The Minister also stated that the Government will formally respond to the Review later in 2012 and will seek to begin delivering reforms during the course of 2012. Further information on the Convergence Review is available on the DBCDE website at: http://www.dbcde.gov.au/digital_economy/convergence_review

ALRC Classification Review

The Final Report of the Australian Law Reform Commission inquiry into the National Classification Scheme was tabled in Parliament on 1 March 2012. Key recommendations included:

- a new Classification of Media Content Act incorporating all classifications applying to all media content that is both "made and distributed on a commercial basis" and has "a significant Australian audience", which would operate solely under Commonwealth jurisdiction and replace the existing Federal-State cooperative arrangement; and

- a single regulator to administer the new Scheme, including the handling of complaints, authorising industry classifiers and providing classification training.

The Government is considering the Report's recommendations. For further information see the ALRC website at: <http://www.alrc.gov.au/inquiries/national-classification-review>

Independent Inquiry into Media and Media Regulation

On 2 March 2012, the Government released the report of the Independent Media Inquiry led by Mr Ray Finkelstein QC. A key recommendation was for the establishment of a new body, the News Media Council (NMC), to set journalistic standards for the news media in consultation with the industry, and handle complaints made by the public when those standards are breached. The report is expected to inform the final report of the Convergence Review Committee. The report is available at:

http://www.dbcde.gov.au/digital_economy/independent_media_inquiry

Screen Australia – Lush House

On 7 March 2012, the Full Federal Court dismissed Screen Australia's appeal against a decision of the Administrative Appeals Tribunal overturning Screen Australia's refusal to certify the TV series *Lush House* for the Producer Offset. Lush House was refused certification on the ground that the program was not a documentary. The full judgement is available at:

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCAFC/2012/19.html>. Screen

Australia's statement on the decision is available at:

http://www.screenaustralia.gov.au/news_and_events/2012/ps_120308_lushhouse.aspx

ASTRA Conference

The annual ASTRA Conference was held on 22 March 2012 at the Sydney Convention Centre. Speakers included John Porter (CEO, AUSTAR), Richard Freudenstein (CEO, FOXTEL), Mike Quigley (CEO, NBN Co) and Kevin MacLellan (President, International Television, NBCUniversal International). Further information, including transcripts, on the ASTRA website at:

<http://www.astra.org.au/Astra-Conference/ASTRA-2012-Conference/Conference-Home>

Optus TV Now

The appeal to the full court of the Federal Court by the AFL, NRL and Telstra against the decision in Optus Now TV case was heard on 14-15 March 2012. A decision is expected shortly. The full judgement of the Federal Court is available here:

<http://www.austlii.edu.au/au/cases/cth/FCA/2012/34.html>

Production tax credits for the UK

The UK Government has announced a tax credit scheme for TV production and animation firms. Further information at: <http://advanced-television.com/index.php/2012/03/21/uk-tax-credit-for-tv-drama/>

CONFERENCES & EVENTS

6-7 June 2012: The ACMA Radcomms Conference 2012 will be held at the Sofitel Melbourne on Collins. See the ACMA website for more details: <http://engage.acma.gov.au/radcomms/>

7-8 June 2012: Media Regulation in Australia Forum, to be held at the Radisson Blu Hotel Sydney. For more information see: <http://www.informa.com.au/conferences/business/media/media-regulation-forum>

ASTRA ACTIVITY

- **Beyond switchover: the future technical evolution of digital terrestrial television in Australia** - The ACMA sought comment on possible paths for the technical evolution of digital terrestrial television broadcasting in the post-switchover, post-restack environment. ASTRA made a submission to this discussion paper, available here: <http://www.astra.org.au/ArticleDocuments/137/ASTRA%20submission%20-%20ACMA%20Beyond%20Switchover%20-%2030%20March%202012.pdf.aspx>. Further information on the ACMA consultation is available on the ACMA website at: http://www.acma.gov.au/WEB/STANDARD/pc=PC_410282
- **Long term arrangements for Electronic News Gathering (ENG) in alternative bands to the 2.5 GHz band** – ASTRA has been in active consultation with the ACMA regarding its ongoing process for determining long term arrangements for alternative spectrum bands for ENG and TV outside broadcast activities.
- **Live odds in sports broadcasts** – ASTRA is in ongoing discussions with DBCDE regarding measures to address live odds promotion in sports broadcasts.
- **Captioning legislation** – ASTRA has been in continuing consultations with DBCDE regarding the detail of proposed legislation for captioning requirements on subscription television. The Minister has indicated that an exposure draft will be released shortly, with legislation expected to be introduced in the first half of 2012.
- **Captioning Quality** – ASTRA has been involved in consultations with the ACMA regarding captioning quality indicators. Captioning quality requirements are expected to be included in the upcoming captioning legislation.
- **ASTRA Codes Review** – Draft revised Subscription Broadcast Television, Subscription Narrowcast Television and Subscription Narrowcast Radio codes of practice are available on the ASTRA website for public consultation until 27 April 2012. For further information see the ASTRA website: <http://www.astra.org.au/Menu/Policy/Review-of-Codes-of-Practice>

DISCUSSION PAPERS/REQUESTS FOR COMMENT

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Further information on the Committee Inquiry and the Bill is available on the Parliament of Australia website at:

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ALRC Copyright Review draft Terms of Reference

On 30 March 2012 the Attorney-General released draft Terms of Reference for the upcoming ALRC review into copyright exceptions. Submissions are due by **27 April 2012**. Further information is available on the Attorney-General's Department website at:

<http://www.ag.gov.au/Consultationsreformsandreviews/Pages/Draft-Terms-of-Reference-for-the-Australian-Law-Reform-Commission-Reference-on-Copyright.aspx>

ACMA Proposed updates to the spectrum licence framework

In anticipation of the forthcoming spectrum allocations and the expiring spectrum licence process, the ACMA has reviewed the spectrum licence regulatory and technical frameworks. The paper outlines a number of minor, incremental changes to the spectrum licence regulatory framework. The proposed changes will support all spectrum licences issued from 2012, and are intended to provide increased flexibility and offering greater spectrum utility as a result. The closing date for submissions is **Tuesday 15 May 2012**. Further information on the ACMA website at: http://www.acma.gov.au/WEB/STANDARD/pc=PC_410314