Broadcasting Legislation Amendment (Broadcasting Reform) Bill 2017

(Amendments to be moved by Senator Bernardi, on behalf of the Australian Conservatives, in committee of the whole)

(1) Clause 2, page 2 (table item 16), omit “Schedule 7”, substitute “Schedules 7 and 8”. [commencement]

(2) Schedule 7, page 53 (line 1) to page 54 (line 6), omit the Schedule, substitute:
Schedule 7—Register of foreign ownership of media corporations and review of taxation arrangements

Broadcasting Services Act 1992

1 After section 215

Insert:

215A Public Register of Foreign Owned Media Corporations

(1) ACMA must establish and update each month a register to be known as the Public Register of Foreign Owned Media Corporations.

(2) The register is to be maintained by electronic means.

(3) The register is to be made available for inspection on ACMA’s website.

(4) The register must record the ownership, by country, of:
   (a) all commercial broadcasting service licensees;
   (b) all subscription television broadcasting service licensees; and
   (c) all international broadcasting service licensees.

2 After section 216A

Insert:
216AA  Review of taxation arrangements etc.

(1) After 30 June 2019, the ACMA must conduct a review of the following matters:
(a) whether the Commercial Broadcasting (Tax) Act 2017 should be repealed or amended on or before 1 July 2022;
(b) such matters (if any) as are specified in an instrument under subsection (2).

(2) The Minister may, by notifiable instrument, specify one or more matters for the purposes of paragraph (1)(b), so long as those matters relate to:
(a) commercial television broadcasting licensees and commercial radio broadcasting licensees; and
(b) the use of spectrum (within the meaning of the Radiocommunications Act 1992) by those licensees to provide commercial broadcasting services.

(3) In conducting the review, the ACMA must consider such matters (if any) as are specified in an instrument under subsection (4).

(4) The Minister may, by notifiable instrument, specify one or more matters for the purposes of subsection (3).

Consultation

(5) In conducting the review, the ACMA must make provision for public consultation.

Report

(6) The ACMA must give the Minister a report of the review before 1 July 2021.

(7) The Minister must cause copies of a report under subsection (6) to be tabled in each House of the Parliament within 15 sittings days of that House after receiving the report.

[register of foreign ownership and review of taxation arrangements]

(3) Page 54, (after line 6), at the end of the Bill, add:

Schedule 8—Australian Broadcasting Corporation and Special Broadcasting Service

Part 1—Australian Broadcasting Corporation Rural and Regional Advisory Council

Australian Broadcasting Corporation Act 1983

1 Subsection 3(1) (paragraph (a) of the definition of Advisory Council)

Repeal the paragraph, substitute:
(a) the Australian Broadcasting Corporation Advisory Council established under paragraph 11(1)(a); or
(aa) the Rural and Regional Advisory Council established under paragraph 11(1)(b); or

2 Subsection 3(1)

Insert:
Rural and Regional Advisory Council means the Rural and Regional Advisory Council established under paragraph 11(1)(b).

3 Subparagraph 6(1)(a)(i)
Repeal the subparagraph, substitute:

(i) broadcasting programs that contribute to a sense of regional and national identity and inform and entertain, and reflect the geographic and cultural diversity of, the Australian community; and

4 At the end of subsection 6(1)
Add:

; and (d) to encourage and promote journalistic excellence in Australia, foster an environment conducive to the promotion of regional journalism and allocate the resources necessary to carry out the Corporation’s functions and duties in rural and regional Australia.

5 After subparagraph 6(2)(a)(iii)
Insert:

(iii) the responsibility of the Corporation to maintain an effective presence across Australia, including throughout rural and regional Australia, consistent with its status as an independent national broadcasting service; and

(iiib) the responsibility of the Corporation to maintain regular transmissions of local content across a variety of platforms;

6 At the end of paragraph 6(2)(a)
Add:

(vi) the responsibility of the Corporation as the provider of quality regional services to provide services that transcend commercial objectives so that the Corporation can meets its obligations to regional Australian areas with small populations; and

(vii) the expectations of communities in regional areas as to the frequency and content of broadcasts; and

7 After subsection 8(2)
Insert:

(2A) Before implementing any policy affecting regional areas the Board must consult:

(a) regional employee stakeholders; and

(b) the Rural and Regional Advisory Council.

Note: Details of the consultations undertaken under this subsection are to be included in the Corporation’s annual report (see paragraph 80(ea)).

8 Subsection 8(3)
Omit “subsection (1) or (2)”, substitute “subsection (1), (2) or (2A)”.

9 Subsection 11(1)
Repeal the subsection, substitute:

(1) The Board must establish:
(a) an Advisory Council under the name Australian Broadcasting Corporation Advisory Council; and
(b) an Advisory Council under the name Rural and Regional Advisory Council.

10 After subsection 11(3)
Insert:

(3A) The functions of the Rural and Regional Advisory Council are:
(a) either on its own initiative or at the request of the Board, to advise the Board on matters relating to:
   (i) the Corporation’s broadcasting programs in rural and regional Australia; and
   (ii) other matters relating to rural and regional Australia; and
(b) to conduct a biennial survey of rural and regional audiences relating to community satisfaction with the Corporation’s broadcasting in rural and regional areas.

Note: The results of the survey are to be included in the Corporation’s annual report (see paragraph 80(i)).

11 After subsection 11(6)
Insert:

(6A) In making appointments to the Rural and Regional Advisory Council, the Board must have regard to the desirability of including in the membership of that Advisory Council representation of individuals who reside in rural or regional Australia.

12 Subsection 11(10)
After “Advisory Council”, insert “, or the Rural and Regional Advisory Council,”.

13 Subsection 11(12)
After “Advisory Council”, insert “, the Rural and Regional Advisory Council”.

14 After subsection 12(5AB)
Insert:

(5AC) When appointing Directors referred to in paragraph (1)(b) or (c), the Governor-General must ensure that at least 2 of the Directors reside in regional areas.

15 Subsection 27(2)
Repeal the subsection, substitute:

(2) Subject to subsection (5), the Corporation must:
(a) broadcast daily from each broadcasting service regular sessions of news and information relating to current events within and outside Australia; and
(b) broadcast daily from each radio broadcasting service, at regular intervals, at least 5 radio bulletins that consist solely or primarily of regional or local news between the period:
   (i) beginning at 5 am each day; and
   (ii) ending at 8 pm each day.

16 After section 33
Insert:
34  The Corporation as an employer in regional areas

The Corporation must:
(a) ensure that there are procedures in place to ensure that emergency regional broadcasting events are staffed in accordance with occupational health and industrial safety standards; and
(b) employ a proportion of its employees in regional areas in support of greater per capita investment in rural and regional areas of Australia than population density and commercial aims would otherwise dictate.

17  After paragraph 80(e)

Insert:
(ea) particulars of any consultation undertaken by the Board during the period under subsection 8(2A); and

18  After paragraph 80(g)

Insert:
(h) particulars of any advice received by the Board during the period from the Rural and Regional Advisory Council; and
(i) if a biennial survey is carried out during the period by the Rural and Regional Advisory Council—the results of the survey; and

19  Paragraph 80(l)

Repeal the paragraph, substitute:
(l) particulars of any significant changes during the period in transmission coverage, or transmission quality, of national broadcasting services provided by the Corporation:
   (i) in Australia generally; and
   (ii) in rural and regional areas; and
(m) particulars of the total number of employees at the end of the period aggregated by:
   (i) location of employment; and
   (ii) type of employment; and
(n) the percentage at the end of the period of the total number of employees that are employed in:
   (i) regional areas; and
   (ii) metropolitan areas;
(o) particulars of the average ratio of individuals employed by the Corporation as journalists to support staff in:
   (i) regional areas; and
   (ii) metropolitan areas; and
(p) particulars of the hours of local, rural and regional news broadcast, aggregated by broadcast area.

[Rural and Regional Advisory Council]
Part 2—Australian Broadcasting Corporation Charter and Remuneration

Australian Broadcasting Corporation Act 1983

20 After subsection 6(2)
Insert:
   (2A) The Corporation shall take measures to ensure that broadcasting of programs for news and current affairs is fair and balanced.

21 Subsection 6(3)
Omit “under subsection (2)”, substitute: “under subsections (2) and (2A)”.

22 After section 33
Insert:

33A Reporting of ABC staff remuneration
(1) After 30 June 2018, the Corporation must publish an annual report of employees whose total remuneration exceeds $200,000 per annum.

(2) The report must include the name of employees, whose total remuneration, including salaries, allowances and other benefits paid by the Corporation exceeds $200,000 per annum.

(3) The report must not disclose the actual amount paid to employees by the Corporation, but divide employees into classes, by increments of $50,000.

Part 3—Special Broadcasting Service Charter and Remuneration

Special Broadcasting Service Act 1991

23 After subsection 6(2)
Add:
   (2A) SBS shall take measures to ensure that broadcasting of programs for news and current affairs is fair and balanced.

24 Subsection 6(3)
Omit “under subsection (2)”, substitute: “under subsections (2) and (2A)”.

25 After section 55
Insert:

55A Reporting of SBS staff remuneration
(1) After 30 June 2018, the SBS must publish an annual report of employees whose total remuneration exceeds $200,000 per annum.

(2) The report must include the names of employees, whose total remuneration, including salaries, allowances and other benefits paid by SBS exceeds $200,000 per annum.
(3) The report must not disclose the actual amount paid to employees by SBS, but divide employees into classes, by increments of $50,000.

[ABC and SBS]