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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

BROADCASTING SERVICES AMENDMENT
(MEDIA OWNERSHIP) BILL 2006

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments and New Clauses to be Moved on Behalf of the Government

(Sheet Number QS395 –
Amendments to Government Amendments on Sheet Number PZ245)

(Circulated by authority of Senator the Hon. Helen Coonan,
Minister for Communications, Information Technology and the Arts)
GOVERNMENT AMENDMENTS TO THE
BROADCASTING SERVICES AMENDMENT
(MEDIA OWNERSHIP) BILL 2006

OUTLINE

The Broadcasting Services Amendment (Media Ownership) Bill 2006 (the Bill) amends the Broadcasting Services Act 1992 (the BSA) to reform the foreign and cross-media ownership regime in Australia.

The current foreign ownership and control restrictions relating to free-to-air commercial television broadcasting, and cross-media ownership restrictions in the BSA limit competition in the media sector and restrict access to capital, expertise and opportunities for growth. The proposed changes will encourage greater competition and allow media companies to achieve economies of scale and scope, while protecting the diversity of Australia’s media.

Amendments

These amendments (‘the principal amendments’) proposed to be moved by the Government amend separate amendments to the Bill that are to be moved by the Government in Sheet PZ245.

Amendments to the Bill in Sheet PZ245 (‘the local content amendments’) will require the ACMA to impose a licence condition on regional commercial radio broadcasting licensees, with effect from 1 January 2008, that requires the licensee to broadcast a minimum level of material of local significance during daytime hours on business days.

Further amendments to the Bill in Sheet PZ245 (‘the review amendments’) require the Minister to cause to be conducted regular reviews (at least every three years) of the local content requirements. The ACMA will be required to provide information for the purpose of the reviews. Reports of the reviews must be tabled in both Houses of Parliament.

The principal amendments make further changes to the review amendments, in order to ensure that the reviews that are required to be conducted will include a review of the operation of the provisions inserted by the local content amendments.

FINANCIAL IMPACT

The amendments are not expected to have any significant impact on Commonwealth expenditure or revenue.
NOTES ON AMENDMENTS

Amendments (1)-(3) make minor changes to amendment (21) of the review amendments in Sheet PZ245.

Amendments (1), (2)

Amendment (21) of the review amendments in Sheet PZ245 inserts two new provisions—new sections 61CS and 61CT—into new Subdivision D of Division 5C of Part 5 of the BSA.

New section 61CT provides that the Minister must cause to be conducted regular reviews of the local content requirements as specified in paragraphs 61CT(1)(a)-(f). In particular, the matters to be reviewed include:
- the operation of new section 43B (paragraph 61CT(1)(a)); and
- whether new section 43B should be amended (paragraph 61CT(1)(a)).

New section 43B provides that the ACMA will be required to impose a licence condition under section 43, with effect from the date of commencement of new section 43B, on a regional commercial radio licensee requiring it to maintain existing levels of local presence if a “trigger event” occurs in relation to that licensee’s licence (see item 3 of Schedule 2 of the Bill).

The local content amendments insert new section 43C into Part 4 of the BSA, which will require the ACMA to impose a licence condition on regional commercial radio broadcasting licensees, with effect from 1 January 2008, that requires the licensee to broadcast a minimum level of material of local significance during daytime hours on business days.

Amendments (1) and (2) of the principal amendments insert references to new section 43C into new paragraphs 61CT(1)(a) and(c), to ensure that the operation of this new provision will be the subject of review.

These amendments will ensure that the operation of new section 43C will be the subject of regular review, and that any deficiencies in the operation of that new section can be identified and remedied.

Amendment (3)

New section 61CT also provides that the ACMA must make available information about regional commercial radio broadcasting licensees’ compliance with licence conditions, as specified in paragraphs 61CT(2)(a)-(d). In particular, the information to be made available by the ACMA includes:
- information about regional broadcasting licensees’ compliance with licence conditions imposed as a result of new section 43B (new paragraph 61CT(2)(a)).

Amendment (3) of the principal amendments will amend new paragraph 61CT(2)(a) to ensure that the ACMA must also make available information about regional broadcasting licensees’ compliance with licence conditions imposed as a result of new
section 43C. This amendment is necessary to ensure that the reviews of the operation of new section 43C can conducted on the basis of relevant information.