



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE

**BROADCASTING SERVICES AMENDMENT
(MEDIA OWNERSHIP) BILL 2002**

In Committee

SPEECH

Thursday, 26 June 2003

BY AUTHORITY OF THE SENATE

SPEECH

Date Thursday, 26 June 2003
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Questioner
Speaker Cherry, Sen John

Source Senate
Proof No
Responder
Question No.

Senator CHERRY (Queensland) (12.04 pm)—I move Democrat amendment (R1) on sheet 2987 (Revised 2).

(R1) Schedule 2, page 37 (after line 8), after item 8, insert:

8AA Before section 150

Insert:

150A Action by ABA in relation to a broadcasting service where complaint justified

(1) If, having investigated a complaint, the ABA is satisfied that:

(a) the complaint was justified; and

(b) the ABA should take action under this section to encourage a provider of a broadcasting service to comply with the relevant code of practice;

the ABA may, by notice in writing given to a provider of a broadcasting service, recommend that it take action to comply with the relevant code of practice and take such other action in relation to the complaint as is specified in the notice.

(2) That other action may include broadcasting or otherwise publishing an apology or retraction or providing a right of reply.

(3) The ABA must notify the complainant of the results of such an investigation.

150B ABA may report to Minister on results of recommendation

(1) If:

(a) the ABA has made a recommendation to a provider of a broadcasting service under section 150A; and

(b) the provider of a broadcasting service has not, within 30 days after the recommendation was given take action that the ABA considers to be appropriate;

the ABA may give the Minister a written report on the matter.

(2) The Minister must cause a copy of the report to be laid before each House of the Parliament within 7 sitting days of that House after the day on which he or she received the report.

(2) Schedule 2, page 37 (after line 8), after item 8, insert:

8AB At the end of subsection 152(2)

Add “or providing a right of reply”.

I have put up this revised amendment because there was an omission in the earlier draft. Yesterday, we were trying to make sure that the ability of the ABA to require retractions or apologies is identical for commercial and public broadcasters. My proposed section 150A was identical to section 152 of the Broadcasting Services Act. I had omitted to put in a second section, relating to section 153, which was that, where a broadcaster has refused to publish the retraction or apology, it would be reported to the parliament. This amendment differs from amendment (1) yesterday only in the addition of section 150B, which is identical to section 153, to ensure that we have completely equal treatment of commercial and public broadcasters with respect to the outcomes of ABA investigations.