THE SENATE

BILLS

Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013, Television Licence Fees Amendment Bill 2013

Second Reading

SPEECH

Wednesday, 20 March 2013

BY AUTHORITY OF THE SENATE
Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (19:02): I table a statement of reasons justifying the need for these bills to be considered during these sittings and move:

That these bills be now read a second time.

I seek leave to have the second reading speeches and statement of reasons incorporated in *Hansard*.

Leave granted.

*The statement read as follows—*

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2013 AUTUMN SITTINGS

BROADCASTING LEGISLATION AMENDMENT (CONVERGENCE REVIEW AND OTHER MEASURES) BILL 2013

Purpose of the bills


Recognition of the current online and digital activities of the Australian Broadcasting Corporation and Special Broadcasting Service, increased Australian content requirements, and a requirement for the appointment of an Indigenous non-executive director to the SBS Board.

Reasons for Urgency

Passage of the bill in the Autumn 2013 sittings will ensure that the communications and media policy framework continues to provide appropriate and important community safeguards in relation to the availability of quality Australian content on free-to-air television.

The Convergence Review received significant interest from industry groups, businesses, academics, community groups and members of the public. The government publicly committed to implementing its initial reforms by early 2013.

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2013 AUTUMN SITTINGS

TELEVISION LICENCE FEES AMENDMENT BILL

Purpose of the bills

The Television Licence Fees Amendment Bill 2013 amends the *Television Licence Fees Act 1964* to reduce the licence fees payable by commercial television broadcasters by 50 per cent.

Reasons for Urgency
Passage of the bill in the Autumn 2013 sittings will ensure that the media industry has certainty in relation to buying licence fees arrangements.

The speeches read as follows—

**BROADCASTING LEGISLATION AMENDMENT (CONVERGENCE REVIEW AND OTHER MEASURES) BILL 2013**

The Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013 is part of a package of six Bills representing the Australian Government's initial response to issues identified by the 2011 Independent Inquiry into the Media and Media Regulation and the 2012 Convergence Review.

This Bill responds to matters raised in the Convergence Review, primarily in relation to Australian content and public broadcasting.

**New Australian content requirements**

Despite the growth of new digital services and channels, Australians still want to see Australian content.

The Bill addresses the need for ongoing support for the broadcast of Australian content by legislating the 55 per cent Australian content quota on core or primary channels of free-to-air commercial television broadcasters.

The Bill also imposes a new Australian content transmission quota on these broadcasters that applies otherwise than on core or primary channels.

This new quota will increase incrementally for the next three years.

It will create an incentive for new Australian drama programs to be shown on those channels by allowing one hour of such drama to count as two hours for the purposes of the new quota.

The Bill also provides commercial broadcasters with the flexibility to meet their Australian content sub-quotas for drama, documentary and children's programming otherwise than on the core or primary channel.

Providing increased flexibility to broadcasters in meeting Australian content obligations allows innovative programming choices, and assists broadcasters to respond to competitive market pressures.

**Limitations on the number of commercial television licences**

The Bill implements the Government's decision announced on 30 November last year, that no new licences or spectrum will be made available to enable a fourth commercial television network.

This is achieved by capping the number of commercial television broadcasting licences that use broadcasting services bands spectrum, at three for each licence area.

The Bill repeals existing provisions that prohibited the Australian Communications and Media Authority (ACMA) from allocating additional commercial television licences unless directed to do so by the Minister for Broadband, Communications and the Digital Economy, as these are now redundant.

The Government's decision to 'cap' the number of licences at existing levels was guided by the increasing commercial pressures faced by television broadcasters as a result of structural changes caused by convergence.

The cap will also ensure that the remaining capacity in the television broadcasting services bands, known as the 'sixth channel', remains available for other types of broadcasting services.

This includes, but is not limited to, community broadcasting services, narrowcasting services, datacasting services, or other communications services.

In light of these decisions, the Bill repeals a now redundant obligation to undertake statutory reviews into the use of the broadcasting services bands spectrum to provide additional television broadcasting services or other broadcasting services.
Repeal of the captioning and content review requirements

The Bill will also repeal a separate obligation to undertake a statutory review of the Australian content and captioning rules applicable to digital multichannels.

The review is now unnecessary given the new and modified Australian content requirements introduced by the measures outlined above, and the extensive reforms to captioning arrangements implemented through the Improved Access to Television Services Act 2012.

Updating ABC and SBS Charters

The Bill proposes amendments to the Charters of the ABC and SBS to recognise their roles as providers of digital media content.

This is not an expansion of their present roles, but merely recognises what the national broadcasters are already delivering.

And it reflects the value and importance of digital engagement to the work of the ABC and SBS.

International broadcasting services provided by the ABC

The proposed Bill also implements the Government's decision that the ABC should have the sole responsibility, and be funded by Government, to provide international broadcasting services on an ongoing basis.

The amendments recognise that Australia's international broadcasting service is an important public diplomacy platform, which should be provided by Australia's national broadcaster.

Indigenous non-executive director for the SBS

With the establishment of the free-to-air National Indigenous Television service on the SBS, amendments are proposed to require the Minister have regard to the need to ensure the SBS Board includes at least one Indigenous director.

This strengthens the SBS contribution to the communications needs of Indigenous communities.