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 XENOPHON (South Australia) (20:05): I note that there are 22 speakers after me in relation to this debate and that this debate is due to conclude at 9 pm. To say that this is an abrogation of our duties in the Senate to properly review legislation would be an understatement. But that is the way it is. You have to cut your suit according to your cloth, and in this case I think we might be able to make a pocket. It will be made of crimplene. This is not a good way to legislate, and I think we should look at the commentary by Seven West Media, which said, 'It is disrespectful to both industry stakeholders and the parliament for such a complex and significant package of legislation to have been announced, introduced, considered by committees and voted on in little more than a one-week time frame'. I agree with those comments from the Seven network.

I do want to congratulate the Environment and Communications Legislation Committee and its secretariat for their heroic effort in managing to produce a comprehensible and comprehensive report in relation to this package of bills. I will confine my comments to two or three points, because I am aware that there are many other speakers who wish to make a contribution. And there is a letter, an important piece of correspondence that I received from Senator Conroy, that I will seek to table with the consent of the chamber.

I think it is fair to say that the key issues in these least controversial bills, the one in relation to Australian quotas —and I want to say parenthetically that I do not support the regulator being proposed by the government in any shape or form; I think that is fundamentally wrong. It is an intrusion on a free press and also it sets a dangerous precedent, so if those bills get in here I will not be supporting them—that the bill is somewhat vague in terms of the definition of 'Australian content'. The Media, Arts and Entertainment Alliance said that they were concerned that the quotas would not be increased under the provisions of the Broadcasting Legislation Amendment Bill—this bill. The MEAA concluded that:

The bill as it stands ... will result in a dilution of Australian drama on the main channels. Insofar as it is fulfilled on the digital channels, it is likely to result in lower average licence fees.

That, I think, is a very real issue, although there is an argument regarding the definition of Australian drama, which includes fully scripted sketch comedy, whereby some people listening to the proceedings earlier tonight might have thought that we could have complied with the Australian drama provisions!

There is one issue that I am particularly concerned about, and that is local content. I introduced legislation into this parliament last week, triggered by WIN TV pulling out of its regional television broadcasts in the Riverland and in the south-east of South Australia, which has a big impact on those communities, because of an anomaly in the legislation. I have moved an amendment to ensure that there is a review of section 43A of the Broadcasting Services Act. Shat amendment would require that the minister, within three months of the date that this act receives royal assent, direct the chair of the Australian Communications and Media Authority to undertake a review of the section with a particular focus on the importance of broadcasting material of local significance to people in distinct regional areas of Australia, and a whole range of other measures which I think are pertinent and which are relevant. While the government has indicated to me that it will not support it, I have received correspondence from the minister just a few moments ago. I seek to table this letter from Senator Conroy, dated 20 March 2013, in relation to the amendment.

The ACTING DEPUTY PRESIDENT: Leave is sought by Senator Xenophon. Is leave granted?

Leave granted.

Senator XENOPHON: I table a true copy of that letter. Can I say that despite whatever differences I have with Senator Conroy about other aspects of this legislation, I am grateful that the minister has agreed to effectively put into place, through his direction to ACMA, such an inquiry into local content, which I think is an unambiguously good thing for regional broadcasting in this country, and will be of particular significance to my home state of

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South Australia. I think that will be a good process, a thorough process. It effectively is almost identical to the amendment that I have moved. I think that is a win for regional television not just in South Australia but in Western Australia and the Northern Territory as well.

The process is deeply flawed. The process of these bills is completely unsatisfactory, but it seems that these two bills on convergence in respect of license fees will go through tonight. They are a package which I think there is general consensus on. I will be supporting the amendments that you, Mr Acting Deputy President Ludlam, have foreshadowed for the Australian Greens about greater Australian content. I think that is a good thing.

I am very pleased that the minister has agreed, and I am grateful, that there will be, through ACMA, a thorough review of regional broadcasting and local content that is of significance to regional communities. With those remarks, I can indicate my support for this legislation and I think that we should just get on with it. I think it is also important that if the other bills get to this place, they must not be rushed through this chamber because there are some fundamental issues involving freedom of the press and free speech that must not be guillotined, and their debate must not be constrained.