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
I rise to comment on the Television Licence Fees Amendment Bill 2013 and the Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013. I acknowledge the coalition supports these bills—two of the six in the package rushed through this week. The package was going to be 'take it or leave it', but there has been a little bit of leaving and a little bit of giving, and so here we are tonight with two of the original six that started out last week.

Like my coalition colleagues who have been commenting on these two bills today, I am outraged at the process that the Labor government has undertaken in bringing these bills to this place as part of the supposed media reforms. Like Senator Birmingham, I was part of the very, very brief inquiry into this package of bills over the past two days and I would like to put on the record our sincere thanks to the secretariat of the Senate Environment and Communications Legislation Committee for staying up late, getting up early and getting quite a comprehensive report on these bills done given the time frame.

Submitter after submitter to that brief inquiry was asked whether the bills before for them actually reflected in any holistic or comprehensive way what their individual take of the convergence review was going to be, and whether it was representative of the reforms that they hoped would occur. The union leaders, the industry executives, the academics—one and all—said no, this particular package of bills was not what they thought they would be getting after such comprehensive reviews as the Finklestein and the convergence reviews.

The bills before us tonight we are supporting as a coalition. They include measures that reduce the annual licence fees paid by commercial broadcasters, set new Australian content rules for multichannels now that we live and work in a digital age, and amend the ABC and SBS charters. Importantly, these bills have the support, I believe, of the commercial broadcasting industry. It is important, if you are going to fundamentally change an industry, that you get their support and you get them on board. It will be a tool to assist these businesses to run profitable, successful enterprises in the new media landscape and that is a good thing for Australian content and for Australian consumers.

Much has changed in the television broadcasting landscape in Australia since it first came into our homes in the fifties. Gyngell's 'This is television' speech in 1956 opened the doors to what has been an astounding nearly 60 years of change and growth. In 1961 regional television commenced with the launch of commercial stations like GLV 10 Traralgon, GMV 6 Shepparton and BCV 8 Bendigo and a local voice was given to regional and rural Australia. As a young child, my first understanding of broadcasting and television occurred when, five days before the 1977 AFL grand final between Collingwood and North Melbourne, we became the third family in my very small country town to get a colour television as my father, who was a Collingwood supporter, refused to watch the next week's game without knowing who was who in the zoo.

From 2000 to now we have seen a switch from analogue TV to digital, network multichannels and more viewing choices and more competition for ratings than ever before. The Television Licensing Fees Amendment Bill 2013 will result in a reduction fee for commercial broadcasters of approximately $140 million a year, bringing broadcasters in line with their international counterparts that pay lower fees. These licenses, when they were originally granted in Australia, represented the only way in which people could receive audiovisual entertainment and, indeed, news and information into their homes. Those days are largely confined to history now as we have radio, digital radio, television, news broadcast, live-streaming to mobile phones—particularly in urban areas—and any number of commentators giving live news updates via Twitter.

The coalition and The Nationals particularly understand that a thriving and healthy broadcasting industry provides a strong platform for television networks to be competitive and to continue to evolve as storytellers, enterprises and news service providers in our local and national communities. The current broadcasting landscape poses great challenges for free-to-air television stations. They face more pressure than ever to fast-track programs from overseas or run the risk of having viewers download them from the internet and possibly not tune in to...
television at all. As we have seen, expanding online availability of TV programs and other forms of entertainment also poses a threat to advertising revenue for television networks. So the reduction of fees is a good thing for industry.

The Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013 changes the rules that prescribe the amount of Australian content on commercial television to enhance the availability of such content. The current requirement is 55 per cent of local content during prime viewing hours on main channels, and that will be lifted by legislation. Additionally, an Australian content quota will be introduced for multichannels operated by the three major networks. When we talk about local content we are talking about drama programs featuring material written by Australian writers, using Australian actors and filmed in Australian locations—such iconic productions as *The Slap* and *Underbelly*.

The commercial television industry invested $1.2 billion in Australian content last year. Obviously, given the support on this side, we hope that that continues to grow. As Senator Sinodinos mentioned, we have a unique place, unique stories to tell and a unique landscape to celebrate. Broadcasting is a way of bringing us together to do that. It also means investment in job opportunities and other economic flow-ons for this industry.

The bill will give networks more scope to meet their content obligations for drama, documentary and children's programs on their multichannels. This is of immense importance and value to enshrining the amount of those types of programs on Australian television. In fact, in evidence given on these reforms to the joint select committee on the reach rule Mr Gyngell, CEO of Nine Entertainment, said:

> The future of broadcasting is local content. It is what defines us and it is why 47 of the top 50 shows on television last year were all Australian; out of that, the top 20 shows were Australian.

Whilst I acknowledge the concerns of the Media Entertainment and Arts Alliance that the content quota should be higher, I think that is something to celebrate—that Australians are actually choosing to watch Australian programs. That should be evidence enough that we support local content.

The importance of local news to regional communities was one of the key messages from the Convergence Review's consultations around Australia. Commercial free-to-air broadcasters using spectrum should continue to program material of local significance. That was a fact that broadcasters themselves were cognisant and supportive of.

As the Convergence Review stated:

Australia’s media landscape is changing rapidly. Today Australians have access to a greater range of communications and media services than ever before. Developments in technology and increasing broadband speeds have led to the emergence of innovative services not previously imagined.

These services take a number of different forms. In Bendigo we have our own IPTV station, where people can view lifestyle information programs and news bulletins made in and for the residents of Bendigo by streaming it onto their laptops, tablet devices or mobile phones. That is a fantastic development for many people in regional areas. However, services like IPTV, iView et cetera are still not available in a number of towns—even in my home state of Victoria. Towns like Jumbuk or Mirboo North, in the state’s south, do not have broadband coverage. These places need Australian drama programs, sports and news, national and local, delivered to them via a medium that they can access, and, for the moment, that is television.

Around the issue of the convergence of media there have been some conversations around local content and the importance of it to regional communities. I highlight the need that regional Australian communities have access to local media and local content, specifically news and weather produced locally, because it helps us do our job. When you are relying on local weather patterns to ensure that you put your crop in at the right time, that actually makes a difference to the whole economic viability of your local community. Having that local content—not just the diversity of voices at a national level which, as we know, has increased over time—is important. We are an incredibly diverse media environment nationally, but, as a National Party senator, I am very concerned that that diversity is also represented at a local level.

Several witnesses have outlined their concern that legislation that will be coming before the Senate in the future, but also the concurrent discussions we have been having as a community on the removal of the 75 per cent reach
rule, would significantly impact on the diversity of local content offerings. The CEO of WIN Television, Andrew Lancaster, stated his concerns about the removal of the 75 per cent reach rule very plainly:

It would be the end of regional television … there would be no differentiation between what comes out of Sydney and what is aired in Victoria.

However, the Convergence Review presented no evidence on what proportion of Australians use the internet or watch TV, nor did it analyse what would be the impact on regionally produced news or local content if the rule were to be removed. It did not make a compelling case to remove the reach rule. The proposed removal of the rule, along with three other rules around ownership, covered just half a page in the convergence report. Whilst it was a guiding principle, as stated earlier, to ensure local news coverage in regional areas, the report itself really did not go to solving the problem.

On the issue of converging media contributions to an increase in the diversity of media voice in the Australian media context, throughout the Senate inquiry into the whole package of bills, the ABC made reference to the fact that increasingly people access news and current affairs programs through wireless computers and tablet devices. I again reiterate the fact that we do. When I am in Parliament House that is exactly how I access my news and current affairs and even my weather, because I have access to a fantastic wireless signal. However, it is important to note that this is simply not the case in so many places in regional Australia. Until that is the case and until regional Australians can access the diversity of media voices in the same way that their urban cousins can, obviously any move to change legislation or the act in a way that would in any way diminish local content must be challenged.

The government's proposal to remove the reach rule has not been properly explained and fails the government's own guidelines for regulation making. It is misleading because the government has spoken of safeguards to protect local content but it has not outlined what they would be. Obviously, National Party senators will not support the removal of the reach rule.

I am conscious that there are many coalition senators who have something to say about the draconian way that this Labor government has once again usurped the people and has once again usurped the processes of this place in guillotining our conversation on legislation that actually matters to people's lives, to their businesses and to how they are informed and can ultimately participate fairly in a democracy. The rushed nature of this inquiry has already been commented on and I have made my own comments around that. It is absolutely ridiculous that here we are commenting on, as the minister has said himself, reviews and consultations that have gone on for upwards of five years yet we had a two-day Senate inquiry and four days to actually examine the legislation and make decisions. It is completely unacceptable when you look at the outcomes of the rest of the package that will be coming before us.

We are being asked to support the setting up of a regulator that will actually set the standards for media outlets and thereby the journalists who work for them. It is absolutely abhorrent in a society that values, appreciates and is built on the concept of freedom of the press. When the minister can hire PIMA, when the minister can sack PIMA and when PIMA reports to the minister, we cannot stand here in all good conscience and say that PIMA will not give any regard to what the minister thinks about its decisions.

That goes no way to actually commenting on once again another classic Labor bill before us with lack of detail. I go to sections of the legislation that may be before us tomorrow. The legislation uses vague terms such as 'fairness'. I do not think it is the media's job to be fair at all. Who is going to be crying foul of that fairness? I could go on for hours on the faults in that bill, but I do, however, support the two bills before us tonight. I look forward to watching a lot more Australian content locally.