



Christine McDonald
Secretary
Environment and Communications Legislation Committee
PO Box 6100
Senate
Parliament House
Canberra ACT 2600

Sent by email: ec.sen@aph.gov.au

6 October 2016

re. Broadcasting Legislation Amendment (Media Reform) Bill 2016

Dear Ms McDonald,

NSW Farmers thanks the Committee for the opportunity to appear before them in March to provide senators with insights into the current situation for regional communities in general and for farmers in particular.

NSW Farmers Association (the Association) is Australia's largest State farmer organisation representing the interests of its farmer members – ranging from broad acre, livestock, wool and grain producers, to more specialised producers in the horticulture, dairy, egg, poultry, pork, oyster and goat industries.

The Association recognises that the Committee is seeking updated information on the draft legislation, which the Government believes to reflect both the growth of digital media and the increasing homogenisation of media content. We noted that a lot of submissions took as assumed that the media landscape had changed substantially for all Australians, and therefore that the old style of media ownership did not have the same reach or importance for consumers.

We would like nothing better than for regional NSW to be part of the digital age – but sadly communications in the bush are more 19th Century than 21st. As a consequence, and as we have made clear in our submission, the media landscape has not changed substantially for regional Australians, yet. Therefore, the old style media platforms (newspaper, radio and television), still have strong penetration in the regions – regional internet remains very poor in comparison with urban populations. Regional NSW (most of which is an 'aggregated market' under the terms of the Bill) continues to suffer from substandard data coverage making traditional media platforms in many areas just as powerful as they have ever been.

It was for this reason that we recommended that the Senate move to ensure that consumer protections to voice and data in telecommunication are upgraded to ensure that regional people have equal access to both voice and data. We note this is the subject of a current Productivity Commission inquiry and we submit that the passage of the Bill should be delayed, pending the outcome and the government's response to this inquiry.

Our members make regular complaints to us about the loss of local media programming, or about its quality – they seek real local voices who understand them and their industries. Our submission outlined our concerns that the Bill, if passed, must include stronger architecture around enforcement of local programming.

The Association seeks the preservation of local content, good quality journalism and the vibrant democracy that results from this. In short, we want the Bill to have more teeth to police local content. We also seek the companion legislation that ensures substantive consumer protections for internet (data) that compare to those for a standard

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telephone service – the provision of this safety net for regional Australians will ensure that they will benefit for 21st Century media.

We note the Committee published a hasty report shortly before the election and subsequently the Bill was reintroduced on 1 September.

Amongst the submissions to the previous inquiry, there was acknowledgement by most that both laws that were slated for reform no longer suited the commercial landscape. However, there was a division among submissions over how to address this. Notably, the Australian Communications and Media Authority did not really rate a mention in anyone's submissions. *For this reason, we recommend an amendment to the legislation that ensures that ACMA has clear responsibilities in terms of effective compliance activities in regard to policing 'local' content.*

Whilst we note the difficulties of regional licensees to provide local content in the context of rising affiliation fees, as the explanatory memorandum also notes, we submit that the cost of providing local content is also not likely to decrease and larger players, with bases in the metropolitan areas, are no more likely to 'sustainably supply' local programming. As we pointed out in our evidence to the Committee, we fear that the definition of 'local' may shift as the 'footprint' of a broadcaster increases as the result of the repeal the '75 per cent audience reach rule'. The additional requirements for local content upon exceeding the 75 per cent are meaningless if 'local' is not effectively defined.

The Association therefore recommends an amendment to the legislation that ensures that the character and quality of 'local' content within a regional licensee's area is maintained following any future merger. This would require the work to be done to effectively define local.

If these three recommendations are not delivered, the Bill will have no meaning for regional Australians.

For any further information, please contact Jaimie Lovell, Policy Director on 02 9478 1000 for any additional information.

Yours sincerely

Sonia O'Keefe
Chair, NSW Farmers' Rural Affairs Committee