

News Corp Australia

SUBMISSION TO SENATE FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE INQUIRY INTO *OMNIBUS REPEAL (AUTUMN 2014) BILL 2014*

11 APRIL 2014

News Corp Australia welcomes the opportunity to make a submission to the Senate Finance and Public Administration Legislation Committee Inquiry into the *Omnibus Repeal (Autumn 2014) Bill 2014* (the Bill).

This submission focuses on Schedule 2 – Communications, Part 14 – Other amendments of the Bill regarding streamlining notification and account keeping requirements under the *Broadcasting Services Act 1992* (BSA), specifically Item 212 and Items 215 and 216.

News Corp Australia supports the Government’s intention to streamline the requirements to notify control and directorships under the *Broadcasting Services Act 1992*.

Item 212: Subsection 62(3)

Regarding the specific details of Item 212, the Bill repeals the current subsection 62(3) and provides substitute text.

i. News Corp Australia supports the repeal of the current subsection 62(3)

The repeal of subsection 62(3) reduces unnecessary duplication of control notifications by ceasing the requirement to report controllers at the end of every financial year, while continuing to rely on:

- The ad hoc control notifications imposed on licensees and publishers at section 63 of the BSA; and
- The control notification obligations imposed directly on controllers of commercial broadcasting licences, specified datacasting licences and newspapers at section 64 of the BSA.

We support the comments articulated in the Explanatory Memorandum of the Bill, namely that the control reporting obligations contained in sections 63 are ‘*considered sufficient for the due administration of the BSA*¹, and are ‘*complemented*’ by those in section 64.

¹ http://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r5199_ems_904dc708-fca5-4a50-a145-ed1a264af56e/upload_pdf/392295.pdf;fileType=application%2Fpdf, p43

ii. Substitute text for subsection 62(3) not required

It is the case that the current subsection 62(3)(b) requires notification by the publisher (if the publisher is a company) of the directors of the company at the end of each financial year.

However, given that the Limitation on directorships² within the BSA relates to television and radio³, and television and datacasting⁴ only, it appears that there is no purpose for the existing requirement to report directorships by publishers (that are companies). Moreover, the substitute text in the Bill would unnecessarily continue a purposeless and redundant obligation, and – if it was pursued – would in fact be counterintuitive to the objectives of regulation repeal.

We therefore recommend that Item 212 of the Bill repeal subsection 62(3) of the BSA, and there is no requirement for substitute text.

Items 215 and 216: Subsections 63(3); and 64(3)

Regarding the specific details of Items 215 and 216 which amend sections 63 and 64 of the BSA regarding the timeframes within which changes in control must be notified, News Corp Australia believes that the timeframes should be stipulated in business days.

News Corp Australia therefore recommends that Items 215 and 217 of the Bill as they related to the subsections stipulated, including 63(3) and 64(3) as they specifically relate to notification by publisher of newspaper, be amended such that it states:

*Omit “5 days’, substitute “10 **business** days”.*

² Division 3 of BSA

³ Division 3, Subdivision A of BSA (sections 55 and 56)

⁴ Division 3, Subdivision B of BSA (section 56A)