
The Parliament of the Commonwealth of Australia

Three broadcasting reform proposals

Joint Select Committee on Broadcasting Legislation

June 2013
Canberra

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Foreword

The Parliament established the Committee at the same time as the Government released its broadcasting legislation reforms in March this year. The Government's package of bills was its response to two thorough, high-profile reviews: the Convergence review into the policy and regulatory frameworks around converging media and communications; and the Finkelstein review into codes of practice, convergence and the production of quality news. The Committee's terms of reference centred on three potential policy changes that the Government considered could also be implemented:

- abolishing the 75 per cent audience reach rule for television;
- providing that a program supply agreement alone could indicate control of a broadcaster; and
- giving the Australian Communications and Media Authority (ACMA) the power to require on-air reporting of its findings.

The Committee held a public hearing into the first term of reference on Monday, 18 March 2013 in Canberra. It received submissions on all three terms of reference from 13 organisations.

The Committee supports the first policy proposal because the reach rule is becoming redundant with the advent of the internet and converging media. There was concern at the hearing whether local regional news would continue if the reach rule were abolished. Therefore, the Committee's support for the proposal is contingent on there being legislation or legally enforceable undertakings to support local content in regional Australia.

The Committee does not support the second proposal. There was no support for it during the inquiry. However, it may be appropriate to revisit this issue at a later date, especially given that governments and the Parliament regularly review and change broadcasting policy.

The Committee supports giving ACMA the power to require on-air reporting of its findings. ACMA demonstrated to the Committee that there is a gap in the sanctions it can impose on broadcasters. Industry expressed a range of concerns during the inquiry about on-air reporting of regulatory findings. However, these issues can be addressed and doing so will ensure that the measure will be fair on broadcasters.

I thank the organisations that assisted the Committee during the inquiry through submissions and participating at the hearing. I also thank my colleagues on the Committee for their contribution to the inquiry and the report.

Senator Doug Cameron
Chair




Membership of the Committee

Chair	Senator Matt Thistlethwaite <i>(to 7 April 2013, following appointment as a Parliamentary Secretary)</i>	
	Senator Doug Cameron <i>(from 7 April 2013)</i>	
Deputy Chair	Hon. Malcolm Turnbull MP	
Members	Senator Simon Birmingham	Hon. John Murphy MP
	Senator Doug Cameron <i>(to 7 April 2013)</i>	Mr Paul Neville MP
	Senator the Hon. Kim Carr <i>(from 14 May 2013)</i>	Mr Robert Oakeshott MP
	Senator Barnaby Joyce	Senator Matt Thistlethwaite <i>(to 14 May 2013)</i>
	Senator Scott Ludlam	Mr Tony Zappia MP

Committee Secretariat

Secretary	Ms Julia Morris
Inquiry Secretary	Ms Siobhán Leyne <i>(to 21 March 2013)</i> Mr David Monk <i>(from 24 March 2013)</i>
Research Officer	Ms Leonie Bury
Administrative Officer	Ms Jessica Hargreaves



Resolution of appointment

- (1) a Joint Select Committee on Broadcasting Legislation be appointed to inquire into and report on potential areas for further reform of Australia's broadcasting legislation, with particular reference to:
 - (a) the abolition of the 75 per cent rule, particularly in relation to regional and local news;
 - (b) whether the Australian Communications and Media Authority (ACMA) should be required to examine program supply agreements for news and current affairs when determining whether a person is in control of a commercial television broadcasting service; and
 - (c) on-air reporting of ACMA findings regarding Broadcasting regulation breaches;
- (2) the committee consist of ten members, two Members of the House of Representatives to be nominated by the Government Whip or Whips, two Members of the House of Representatives to be nominated by the Opposition Whip or Whips, and one non-aligned Member, two Senators to be nominated by the Leader of the Government in the Senate, two Senators to be nominated by the Leader of the Opposition in the Senate, and one Senator to be nominated by the Australian Greens Whip;
- (3) every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives;
- (4) the members of the committee hold office as a joint select committee until presentation of the committee's report or the House of Representatives is dissolved or expires by effluxion of time, whichever is the earlier;
- (5) the committee elect:
 - (a) as its chair a Government member; and
 - (b) a deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the

committee the members present shall elect another member to act as chair of that meeting;

- (6) in the event of an equality of voting, the chair, or the deputy chair when acting as chair, have a casting vote;
- (7) three members of the committee constitute a quorum of the committee provided that in a deliberative meeting the quorum shall include one Government member of either House and one non-Government member of either House;
- (8) the committee have power to appoint subcommittees consisting of three or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine;
- (9) the committee appoint the chair of each subcommittee who shall have a casting vote only, and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting;
- (10) the quorum of a subcommittee be two members of that subcommittee, provided that in a deliberative meeting the quorum shall comprise one Government member of either House and one non-Government member of either House;
- (11) the committee or any subcommittee have power to call for witnesses to attend and for documents to be produced;
- (12) the committee or any subcommittee may conduct proceedings at any place it sees fit;
- (13) the committee or subcommittee have the power to adjourn from time to time and to sit during any adjournment of the House of Representatives and the Senate;
- (14) the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the Presiding Officers;
- (15) the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public;
- (16) the committee may report from time to time but that it make a final report no later than 17 June 2013;
- (17) the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.



List of abbreviations

ABA	Australian Broadcasting Authority
ACMA	Australian Communications and Media Authority
The Act	<i>The Broadcasting Services Act 1992</i>
ASTRA	Australian Subscription Television and Radio Association
CLC	Communications Law Centre of the University of New South Wales
DBCDE	Department of Broadband, Communications and the Digital Economy
DCITA	Department of Communications, Information Technology and the Arts
NEC	Nine Entertainment Company
SCA	Southern Cross Austereo



List of recommendations

Three broadcasting reform proposals

Recommendation 1

The Australian Government introduce legislation to abolish the 75 per cent audience reach rule, provided there is legislation or legally enforceable undertakings to safeguard local content in regional Australia.

Prior to the introduction of the legislation, a clear definition of local content needs to be established which ensures regional viewers have access to appropriate levels of high quality, locally devised, and locally presented programming.

Recommendation 2

The Australian Government, following consultation with industry, introduce legislation to give the Australian Communications and Media Authority the power to require on-air corrections, clarifications and directions based on its findings.

Additional comments from the Coalition

Additional comments from the Australian Greens

Appendix A – Submissions

Appendix B – Hearing and witnesses

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