

Senate Standing Committee on Environment and Communications
Answers to Senate Estimates Questions on Notice
Budget Estimates Hearings May 2013
Broadband, Communications and the Digital Economy Portfolio
Department of Broadband, Communications and the Digital Economy
Question No: 211

Program No. 1.3

Hansard Ref: Page 32-33 (30/5/13)

Topic: Gambling Advertising

Senator Xenophon asked:

Okay. My bill has been in since 20 June. You can come along to the birthday party for my bill on 20 June. There will be a nice cake there that day. You are welcome to come along. My position is that if it is a sporting program, because so many kids watch them, you should not have gambling advertising. Can you, on notice—I know that the chair has been very indulgent and has given me a lot of time on this—provide details of the representations that the government and the department have received from the industry, such as Sportsbet, Centrebet, Tom Waterhouse and other gambling agencies and the networks in relation to this in the lead up to the decision being made?

Mr Clarke: We will take that on notice.

Answer:

In 2013, the department received no direct representations from gambling organisations concerning the matters announced on 26 May 2013. During the same time period, the department received copies of the draft amendments to the industry codes of practice circulated for public comment by the three broadcasting peak bodies (the Australian Subscription Television and Radio Association, Commercial Radio Australia and Free TV Australia).

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Hansard Ref: Page 56 (30/5/13)

Topic: Sixth digital channel

Senator Birmingham asked:

Thank you. I want to ask a question or two about the so-called sixth mux spectrum. It is the spectrum that was previously allocated for the sixth digital channel, the fourth free-to-air channel. You all know what I am talking about now?

Mr Clarke: We have figured it out. Mr Maurer will be able to assist. Mr Maurer will first explain the terminology we use to describe the spectrum.

Mr Maurer: I think you are referring to the band of spectrum which is in the new broadcasting band following the digital switchover, the clearance of the digital dividend for telecommunications, which ranges up from about 700 megahertz. Below that is where all the broadcasters are going to operate. At the moment, there are the main channels—ABC, SBS—and there has been speculation about either community broadcasting or an additional channel there. It is not actually my area of expertise. I deal with the digital dividend side of things. I am not quite sure what the acronym 'mux' is, to tell the truth, but it is a multi-something, where they can have multichannels basically operating within the same band of spectrum. It is about a seven megahertz range, I think.

Senator BIRMINGHAM: Thank you for that explanation for everybody around the table. The Broadcasting Services Act was, of course, amended recently to make clear that there would not be a fourth free-to-air channel. So this band of spectrum now sits there and obviously is not going to be needed for that purpose. What are the current intentions for it?

Mr Besgrove: I think we should take this on notice.

Mr Clarke: Our hesitation is that I do not think we have the right people in the room for this area. It probably more relates to broadcasting policy per se as the driver of the question that you are asking. With your permission, we would prefer to take that one on notice.

Senator Conroy: You have taken it on notice.

Senator BIRMINGHAM: I think Mr Clarke is just trying to be polite, Minister.

Senator Conroy: He is always polite.

Answer:

On 30 November 2012, the former Minister for Broadband, Communications and the Digital Economy announced that he had reviewed the future uses of the sixth channel and that this assessment informed the government's decision that that no spectrum or broadcast licences would be made available to enable a fourth commercial free-to-air television network.

This decision was supported by the Broadcasting Legislation Amendment (Convergence Review and Other Measures) Act 2013, which, among other matters, capped at three the number of commercial television broadcasting licences that may be allocated in each licence area.

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The former Minister also announced in November that the government will continue to permit existing community television services to use sixth channel spectrum until at least 31 December 2014 and that it remains committed to ensuring community television has a permanent spectrum allocation for digital broadcasting.

On 20 March 2013, the former Minister tabled in the Senate a government response to a question about the future of community television raised in debate on two bills that formed part of the media reform package. The response indicated that the government will consider the best combination of uses for the sixth channel in 2014. Relevant to this consideration will be the Australian Communications and Media Authority's ongoing assessment of developments in digital broadcasting technologies.

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Hansard Ref: In Writing

Topic: Broadcasting Services Amendment (Anti-siphoning) Bill 2012

Senator Bridget McKenzie asked:

On 22 March 2012, the Australian Government introduced into parliament the Broadcasting Services Amendment (Anti-siphoning) Bill 2012 (the Bill). The Bill gives effect to the reforms to the anti-siphoning scheme and list announced by the minister on 25 November 2010, which followed an earlier review and consultation process. The parliament referred the Bill to the Senate Environment and Communications Legislation Committee for inquiry and report. The committee conducted hearings in relation to the Bill on 13 April 2012 and reported on 4 May 2012.

I understand that the legislation was briefly debated in the Senate late last year, and was since removed from the debate.

- a) Can you please provide an update on where the anti-siphoning legislation is at, and when it is likely to see the light of day?
- b) How will the issues raised during the Senate inquiry be addressed, and in what form?
- c) What involvement or consultation process was extended to sports fans since the review in 2009?
- d) How was 'live' defined in the most recent revision of the legislation? Is it true to say that live was considered the same as within 24 hours for the upcoming Rio Olympics?
- e) Is the Minister happy that 'within 24 hours' and 'live' are classified as the same?

Answer:

The Broadcasting Services Amendment (Anti-siphoning) Bill 2012 was introduced into the 43rd Parliament in March 2012. This Bill lapsed when the 43rd Parliament was prorogued prior to the 2013 Federal Election.