

# **BROADCASTING LEGISLATION AMENDMENT BILL (NO.2) 2001**

## **LABOR SENATORS' REPORT**

### **General**

1.1 Labor Senators generally concur with the discussion of the issues and recommendations made in the Chairman's report.

1.2 Accordingly, Labor Senators generally support the Bill.

### **Recommendation 1:**

**Labor Senators support the Bill but ask the Government to respond to the recommendations set out below.**

1.3 However, there is one matter on which Labor Senators disagree with the recommendations made in the Chairman's Report.

### **Exemption in relation to Specified HDTV Programming**

1.4 Labor Senators note the discussion of the proposed exemption for certain specified HDTV programming set out at paragraphs 1.70 to 1.94 of the Chairman's Report<sup>1</sup>.

1.5 The proposed amendments, colloquially referred to as the 'Harvey Norman' amendments, are intended to allow the broadcast of suitable demonstration HDTV content during the trading hours of HDTV retail outlets.

1.6 Labor Senators note that, despite their colloquial name, the amendments are not sponsored, nor are they necessarily endorsed, by the Harvey Norman chain of stores.

1.7 Labor Senators believe that the Chairman's Report has failed to appreciate that, in their current form, the Harvey Norman amendments do not meet the needs of their principal intended beneficiaries, the commercial free-to-air television networks.

1.8 The submission made by the Federation of Commercial Television Stations ('FACTS') noted that the current provisions of the Act already allow the networks to engage in limited 'time-shifted' programming in relation to promotional SDTV content. However, no similar provision currently exists for HDTV. All HDTV material is required to be simultaneously broadcast in both the SDTV and analogue formats.<sup>2</sup>

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<sup>1</sup> Chairman's Report, pages 13 to 17.

<sup>2</sup> *Submission 2*, Federation of Commercial Television Stations, page 5.

1.9 As noted at pages 5 and 6 of its submission, FACTS specifically sought an amendment from the Government to allow the broadcast of a 30 to 60 minute demonstration loop tape.

1.10 As discussed in paragraphs 1.89 to 1.94 of the Chairman's Report, the Government's amendments will not allow this to occur where the loop tape is in a form which the commercial free-to-air networks would not wish to re-broadcast in the SDTV and analogue formats. This would occur, for example, where the tape contains only a portion of a program.

1.11 This is true even where the material contained on the demonstration loop tape will be re-broadcast in full within the required 7 day period before or after the HDTV broadcast, but as part of a longer SDTV or analogue broadcast, for example, when the full program is shown.

1.12 Labor Senators note that the Australian Subscription Television and Radio Association ('ASTRA') had no objection to the use of demonstration loop tapes in these circumstances but had concerns about the Government's amendments in their current form.<sup>3</sup>

### **Recommendation 2:**

**Labor Senators support the amendment of the Bill to allow the free-to-air commercial networks to seek an exemption from the HDTV simulcast provisions to allow the broadcast of a 30 to 60 minute demonstration loop tape only.**

**Labor Senators do not support the Government's amendments for the proposed exemption of certain specified HDTV programming in their current form.**

1.13 To avoid any confusion, Labor Senators make it clear that our comments are limited to the proposed exemption of certain HDTV programming.

1.14 We endorse the Chairman's Report's support for the amendments that allow the exemption of specified advertising or sponsorship material from the HDTV simulcast requirements.<sup>4</sup>

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**Senator Mark Bishop (A.L.P., W.A.)**

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<sup>3</sup> Paragraphs 1.84 to 1.88, Chairman's Report, pages 15 to 16.

*Submission 3*, Australian Subscription Television Association, pages 5 to 6.

<sup>4</sup> Paragraphs 1.95 to 1.100, Chairman's Report, pages 18 to 19.