



UPDATING AUSTRALIA'S MEDIA LAWS

The Government has announced the most significant reforms to Australian media regulation in a generation, focusing on the control and ownership of Australia's media outlets and the provision of local television content in regional Australia.

What are the proposed media reforms?

In September 2016, the Government introduced legislation (the Broadcasting Legislation Amendment (Media Reform) Bill 2016) to repeal two media control and ownership rules in the *Broadcasting Services Act 1992* that currently prevent a person from controlling:

- > commercial television licences that collectively reach in excess of 75 per cent of the Australian population (the '75 per cent audience reach rule'); and
- > more than two of the three regulated forms of media in the one commercial radio licence area (the '2 out of 3 rule').

The legislation also includes measures to support the continued provision of local television content in regional Australia and provide an incentive for local content to be filmed in the local area.

Why is the Government proposing these changes?

Much of the regulatory framework governing Australia's media was developed in the analogue era, when the industry was dominated by the three established media platforms: commercial television, commercial radio and printed newspapers. The current rules restrict traditional media companies from optimising the scale and scope of their

operations and from accessing resources, capital and management expertise in other media sectors. The proposed changes will help traditional media businesses—which still play a significant role in Australian society—to better compete and adapt in the changing media landscape.

What is being maintained?

The Government is maintaining other diversity rules including the '5/4 minimum voices rule', the 'one-to-a-market rule' for television and the 'two-to-a-market rule' for radio. Changes to the anti-siphoning scheme or list are not part of this package.

Securing local content

The strengthened local content obligations for regional commercial television broadcasters will address concerns that the media reforms may have a negative impact on the provision of local content in regional Australia. The legislation will establish new local content obligations for regional commercial television licensees where, as a result of a change in control, they become part of a media group whose combined licence area populations exceed 75 per cent of the Australian population – referred to as a 'trigger event'.

Regional commercial broadcast licensees are currently subject to local content obligations in relation to certain licence areas, namely in Tasmania and in aggregated markets (Northern NSW,

Southern NSW, Regional Queensland and Regional Victoria). Licensees in these markets are required to provide minimum levels of local content to specified local areas, with the minimum required levels set by a points system.

Under the new arrangements, where a trigger event occurs, regional commercial licensees in the aggregated markets and Tasmania will be required to meet higher local content targets amounting to between 10 and 30 minutes of local content per week.

The legislation also provides that, where a trigger event occurs, regional commercial television broadcasters in other licence areas, including areas in Western Australia, South Australia and the Northern Territory, which currently have no obligations, will be required to meet new minimum quotas of between 20 and 60 minutes of local content per week.

The package also introduces an incentive for local news to be filmed in the local area.

These additional obligations will ensure that there is local content in nearly all regional licence areas following a change in control. The Australian Communications and Media Authority will monitor and enforce these local content obligations.

When will these changes happen?

Subject to the passage of amending legislation, the new measures would commence in 2017. Licensees would not be required to meet the new local content obligations until six months following a trigger event. This will allow affected licensees to undertake the necessary preparatory activity and investment in order to meet the obligations.

Find out more

Further information is available at

www.communications.gov.au/what-we-do/television/media/updating-australias-media-laws