

Barton Deakin Brief: The Coalition's Media Reforms

15 September 2017

Yesterday, the Coalition Government's *Broadcasting Legislation Amendment (Broadcasting Reform) Bill 2017* passed the Parliament. The legislation incorporates the most significant media reform measures relating to Australia's media industry in over twenty years. The Government also announced a range of further measures it intends to legislate later this year.

This Barton Deakin brief outlines the details of the legislation and the implications of the reforms.

Key Reforms

The [*Broadcasting Legislation Amendment \(Broadcasting Reform\) Bill 2017*](#) will amend the *Broadcasting Services Act 1992* to:

- Abolish the pre-existing 75 per cent audience reach rule, a rule which prohibits commercial television broadcasting licensees from controlling licences in a licence area that exceeds 75 per cent of the population;
- Remove the 2-out-of-3 cross-media control rule, a rule which prohibits control over more than two out of three regulated media platforms in any one commercial radio licence area;
- Introduce higher minimum local content requirements for regional commercial television licensees to provide local programming;
- Tighten restrictions on gambling advertising during the telecast of live sporting events, and;
- Reform anti-siphoning regulations by extending the automatic delisting period and removing the multi-channelling rule.

The package also includes provision to abolish broadcasting licences fees. In their place, the legislation introduces a spectrum charge for broadcasters and establishment of a transmitter licence tax, complemented by a five-year transitional support package to provide financial relief to small broadcasters affected by the new tax. Australian Communications and Media Authority (**ACMA**) will undertake a review of the new tax through consultation with broadcasters and will be due to report by 1 July 2022.

A New Regional and Small Publishers Jobs and Innovation Package

The Coalition also agreed to a number of amendments by the Nick Xenophon Team, which included;



- A \$50m 'Regional and Small Publishers Jobs and Innovation Package' grants scheme available to smaller publishers to support initiatives that foster civic journalism. Eligible recipients will be able to use grants purchase equipment, develop ICT capabilities, and expand readership (but will not extend to the payment of salaries);
- Funding for a Regional and Small Publishers cadetship program, and;
- 60 regional journalism scholarships.

More information about the Package can be read [here](#).

An ACCC Inquiry into Digital Platforms

As part of measures negotiated by cross-bench Senator Nick Xenophon, the media reform package also includes a commitment to direct the Australian Competition and Consumer Commission (**ACCC**) to conduct an inquiry into the impact of the new digital environment on media. The Inquiry will commence later in 2017.

More information about the Inquiry can be read [here](#).

Further Legislation

Arising from negotiations with the cross-bench, including Pauline Hanson's One Nation Party, the Government will introduce legislation later in 2017 to give effect to further policies included in the reform package. These include:

- Funding for an additional \$12 million to be put toward support for community radio, including the roll out of digital community radio;
- The establishment of a public register of foreign-owned media assets;
- The introduction of provisions to increase the transparency of public broadcasting organisations, and;
- Insertion of the words 'fair' and 'balanced' into Section 8 of the *Australian Broadcasting Corporation Act (1983)*.

More information about the above amendments can be read [here](#).

The government has also committed to legislating to further enhance the ABC's focus on rural and regional communities.

Further Information

The Prime Minister The Hon. Malcolm Turnbull published a joint press release with the Minister for Communications and the Arts, Senator the Hon. Mitch Fifield, detailing the specifics of the reforms. The press release can be read [here](#).



The list of measures negotiated by the Nick Xenophon Team can be read [here](#).

The list of measures negotiated by Pauline Hanson's One Nation Party can be read [here](#).

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