

NEWS

Live odds in sports broadcasts

On 29 June 2012, the Minister for Broadband, Communications and the Digital Economy (the Minister) announced that “the Government has secured the agreement of commercial and subscription broadcasters to reduce and control the promotion of live odds during sports broadcasts”, stating that “broadcasters have agreed to amend their existing codes of practice to restrict live odds promotion, including by banning sporting commentators from mentioning live odds and banning all live odds promotion during play.” The full media release is available at: http://www.minister.dbcde.gov.au/media/media_releases/2012/106

Captioning legislation

On 29 June 2012, the substantive provisions of the *Broadcasting Services Amendment (Improved Access to Television Services) Act 2012* came into effect after being passed by Parliament on 25 June 2012. The amendments provide for captioning requirements on subscription, commercial and national television broadcasters. In relation to captioning requirements on subscription television licensees:

- Captioning targets vary across up to nine categories of service, with minimum numbers of services in each category required to be captioned;
- Over time, captioning targets per service will increase, while the number of exempt services will decrease;
- STV licensees can apply to the Australian Communications and Media Authority (ACMA) for an exemption order or target reduction orders, on grounds of unjustifiable hardship (commercial television broadcasting licensees can also apply for exemption or target reduction orders);
- Some STV channels that are provided on more than one STV platform will be subject to different captioning obligations depending on the platform;
- The ACMA will have the power to determine standards for captioning quality for subscription, commercial and national television broadcasters.

Further information on the Bill available at:

http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r4836. For further information on the Government’s television captioning policy see the Department of Broadband, Communications and the Digital Economy (DBCDE) website at: http://www.dbcde.gov.au/television/television_captioning

Anti-siphoning legislation

The Broadcasting Services Amendment (Anti-Siphoning) Bill 2012 has yet to pass Parliament and remains the subject of consultation with industry. The Bill is expected to be debated in the Spring 2012 Parliamentary sittings.

Further information on the Bill is available on the Parliament of Australia website at:

http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=s872

Copyright/intellectual property

- ***ALRC Copyright Review***: On 29 June 2012, the Government released the final Terms of Reference for the Australian Law Reform Commission (ALRC) Inquiry into exceptions and statutory licences under the Copyright Act 1968. Further information, including the full Terms of Reference, available on the ALRC website at: <http://www.alrc.gov.au/inquiries/copyright>
- ***Anti-Counterfeiting Trade Agreement***: On 27 June 2012, the Australian Parliament's Joint Standing Committee on Treaties released its report into the Anti-Counterfeiting Trade Agreement (ACTA). The Report recommends that the ACTA not be ratified until certain conditions, including an independent and transparent economic analysis of its costs and benefits, are met. The ACTA is an agreement designed to establishing a legal framework for strengthening international intellectual property enforcement, focusing on trademark and copyright. Australia signed the ACTA on 1 October 2011. The Committee has asked for further analysis and clarification of the ACTA to be undertaken before ratification, including through the ALRC Copyright Inquiry. The Report is available on the Committee's website at: http://aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=jsct/21november2011/report.htm
- ***Illegally accessing content online***: On 4 June 2012, the Intellectual Property Awareness Foundation (IPAF) released research that showed that, while 78% of Australians agree that there are an increasing number of options to legally access and watch movies and television content online, the 86% who download or stream illegally at least once a week said the real reason they do it is because it's free. The research also revealed that 27% of Australians access illegal movies and television content online on a regular basis. Further information on the IPAF website at: <http://www.ipawareness.com.au/research-main>

Digital Television and Digital Switchover

- ***Digital Switchover Household Assistance Scheme***: On 28 June 2012, the Australian National Audit Office (ANAO) report into the administration of the Digital Television Switchover Household Assistance Scheme was tabled in Parliament. The report is available on the ANAO website at: <http://www.anao.gov.au/Publications/Audit-Reports/2011-2012/Administration-of-the-Digital-Television-Switchover-Household-Assistance-Scheme>
- ***Switchover timetable***: on 25 June 2012, the Minister announced the proposed terrestrial digital television switchover timetable for those areas to switch off in 2013, which includes the major metropolitan markets. Further details in the Minister's media release at: http://www.minister.dbcde.gov.au/media/media_releases/2012/098
- ***Digital television legislation***: on 22 June 2012, Parliament passed the Broadcasting Services Amendment (Digital Television) Bill 2012. The Bill amends the regulatory framework for digital television services, including in relation to the access to the Viewer Access Satellite Television (VAST) service. Further information on the Australian Parliament website at: http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r4810

Digital dividend auction

On 19 June 2012, the Minister announced that the digital dividend auction would be held in April 2013. The digital dividend auction includes spectrum in the 700 MHz band as well as spectrum in the 2.5 GHz band. This spectrum will become available mainly as a result of the switch to digital-only television broadcasting by the end of 2013. Further information on the digital dividend auction on the ACMA website at: <http://engage.acma.gov.au/digitaldividend/>

Media ownership: public interest test

On 28 June 2012, the Greens introduced a Private Member's Bill into Parliament that would introduce a public interest test for potential changes in ownership of media operations. Further information on the Broadcasting Services Amendment (Public Interest Test) Bill 2012 available on the Australian Parliament website at:

http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=s880

Privacy law reform

The Privacy Amendment (Enhancing Privacy Protection) Bill 2012, introduced into Parliament on 23 May 2012 is subject to two parliamentary inquiries:

- Senate Legal and Constitutional Affairs Legislation Committee:
http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=legcon_ctte/privacy_2012/index.htm
- House of Representatives Standing Committee on Social Policy and Legal Affairs:
http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=spla/bill%20privacy/index.htm

Further information on the Bill is available at:

http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r4813.

Further information on the Government's privacy reform is available at:

<http://www.ag.gov.au/Privacy/Pages/Privacy-Reforms.aspx>

INDUSTRY BRIEFINGS

Screen Australia research: online viewing

On 14 June 2012, Screen Australia released *What to Watch? Audience motivation in a multi-screen world*. The Report examines Australians' motivations for watching feature films, television drama and documentaries. The report shows that while online viewers are rapidly growing as a proportion of the audience, most still use the web as a complementary content source not as a replacement for traditional platforms. The Report is available on the Screen Australia website at: <http://www.screenaustralia.gov.au/what2watch>

ACMA Radcomms Conference 2012

On 6-7 June, the ACMA held its annual Radcomms Conference in Melbourne. Presentations are available on the ACMA website at: <http://engage.acma.gov.au/radcomms/radcomms2012-presentations/>

ACMA: Television Sets in Australian Households

On 20 June 2011, the ACMA released its *Television sets in Australian households 2011* Report. The Report found that 99% of Australian households have at least one television set. In total, there are about 18.7 million working television sets in private dwellings in Australia – an average of 2.2 per household. 29% of households had purchased a new television set in the 12 months before the study, and 70 per cent had bought a new set in the previous three years. By mid-2011, over 80% of main TV sets in Australian households had been converted to digital. The full report is available on the ACMA website at: <http://engage.acma.gov.au/the-small-screen-hits-the-big-time/>

ASTRA ACTIVITY

- **Anti-siphoning legislation** – ASTRA and its members have continued active consultation with relevant stakeholders on aspects of legislation to reform the anti-siphoning scheme, currently before Parliament.
- **Long term spectrum arrangements for television outside broadcasts (TOB) in alternative bands to the 2.5 GHz band** – ASTRA made a submission in response to the ACMA’s invitation to comment on the revised proposal for supporting 2.5 GHz licensees and third-party users of the 2.5 GHz band in the alternative bands, including an independent report by spectrum consultants Kordia on current and future use of spectrum for TOB operations. Further information on the ACMA’s 2.5 GHz consultation process available at: http://www.acma.gov.au/WEB/STANDARD/pc=PC_410340
- **Captioning legislation** – ASTRA was in frequent discussions with the Government and other Parliamentary representatives during debate over the Broadcasting Services Amendment (Improved Access to Television Services) Bill. The Opposition proposed a number of amendments to the Bill, all of which were defeated. ASTRA made a submission to a short inquiry into the Bill held by the Senate Environment and Communications Legislation Committee, available on the ASTRA website. Further information on the Senate Inquiry available at: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=ec_ctte/tv_services_2012/index.htm
- **ASTRA Codes Review** – ASTRA is currently considering submissions made during the consultation process, as well as the impact of the Government’s announcement of 29 June 2012 regarding live odds in sports broadcasts.
- **Live odds in sports broadcasts** – ASTRA will continue discussion with the Government and the ACMA regarding the inclusion in the ASTRA Codes of Practice of provisions dealing with live odds in sports broadcasts, in light of the Government’s announcement on 29 June 2012.
- **ACMA Radiocommunications Consultative Committee** – ASTRA CEO Petra Buchanan attended a meeting of the ACMA Radiocommunications Consultative Committee on 29 June 2012.

ASTRA submissions are available on the ASTRA website at:

<http://www.astra.org.au/Menu/Policy/Overview/Submissions>

DISCUSSION PAPERS/REQUESTS FOR COMMENT

ACMA: Planning for mobile broadband within the 1.5 GHz mobile band

The ACMA is seeking to gather information and industry views on the suitability of options for the potential replanning of the 1.5 GHz mobile band for mobile broadband. The discussion paper also seeks to gather information on the current and future use of the band by existing users and the impact on these users of any allocation for mobile broadband services.

Submissions close **6 July 2012**. Further information on the ACMA website at:

http://www.acma.gov.au/WEB/STANDARD/pc=PC_410368

Privacy Amendment (Enhancing Privacy Protection) Bill 2012

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- Senate Legal and Constitutional Affairs Legislation Committee:
http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=legcon_ctte/privacy_2012/index.htm. Submissions close **9 July 2012**.
- House of Representatives Standing Committee on Social Policy and Legal Affairs:
http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=spla/bill%20privacy/index.htm. Submissions close **20 July 2012**.

Further information on the Bill is available at:

http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r4813.

ACMA: Spectrum Outlook 2012-2016

The ACMA's Five-year spectrum outlook (the Outlook) provides demand analysis for different areas of the radiofrequency spectrum. It outlines the expected changes to the spectrum demands for key radiocommunications services in the next five years. The Outlook also describes the ACMA's proposed actions to address these changes and highlights spectrum requirements for radiocommunication services beyond 2016. The ACMA is interested to receive submissions on the spectrum demand analysis and work plan set out in the 2012-2016 Outlook. For submissions to be considered for next edition of the Outlook, which is scheduled for release in early 2013, submissions must be lodged with the ACMA by **31 August 2012**.

Further information is available on the ACMA website at:

http://www.acma.gov.au/WEB/STANDARD/pc=PC_410360

DBCDE: The Spectrum Square

DBCDE has established the Spectrum Square website, intended to give interested stakeholders and the general public the opportunity to be part of the spectrum policy development process. Current topics for discussion are *The Spectrum Management Framework*, *Priority Review of Spectrum Band Use* and *Enabling Regulatory Amendments*. Further information on the Spectrum Square website at: <http://s2.dbcde.gov.au/>