

NEWS

ACMA powers regarding broadcaster licence conditions

On 7 November 2013, the Federal Court confirmed that the Australian Communications and Media Authority (ACMA) has the power to form an opinion as to whether a broadcaster has breached a licence condition that prohibits broadcasters from using their broadcasting service in the commission of an offence, independently of any conviction for a criminal offence. In the matter of *Today FM (Sydney) Pty Ltd v Australian Communications and Media Authority* [2013] FCA 1157, his Honour Justice Edmonds decided that the ACMA is empowered to make a finding that Today FM breached a condition of its licence by recording and broadcasting a prank call to King Edward VII's Hospital in London in December 2012. The full text of the judgement is available at:

<http://www.austlii.edu.au/au/cases/cth/FCA/2013/1157.html>

ALRC Inquiry into Copyright and the Digital Economy

On 30 November 2013, the Australian Law Reform Commission (ALRC) submitted the report of its inquiry into Copyright and the Digital Economy to the Commonwealth Government. The Government has fifteen Parliamentary sitting days to table the report. Further information on the ALRC website at: <http://www.alrc.gov.au/inquiries/copyright-and-digital-economy>

Racial vilification law in NSW

On 3 December 2013, the NSW Legislative Council Standing Committee on Law and Justice released the report of its inquiry into racial vilification law in New South Wales. The Inquiry looked specifically at s 20D of the *Anti-Discrimination Act 1977* (NSW) which sets out the criminal offence for serious racial vilification. To date there have been no prosecutions under this provision. The Committee concluded that the effectiveness of s 20D has been hindered by a number of procedural impediments, making several recommendations designed to overcome these issues. The full report is available on the NSW Parliament website at:

http://www.parliament.nsw.gov.au/Prod/Parliament/committee.nsf/0/D15ADEF09EE12ACBCA257AD70011F5B1?open&refnavid=LC5_2

ASTRA ACTIVITY

- **ALRC Inquiry into Serious Invasions of Privacy** – On 20 November 2013, ASTRA made a submission in response to the Issues Paper for the ALRC's inquiry into a statutory cause of action for serious invasions of privacy. Further information on the Inquiry is available on the ALRC website at: <http://www.alrc.gov.au/inquiries/invasions-privacy>
- **National Commission of Audit** – On 26 November 2013, ASTRA made a submission to the National Commission of Audit, recommending regulatory reforms to reduce red tape costs for the subscription television industry.
- **Long term spectrum arrangements for television outside broadcasts (TOB) in alternative bands to the 2.5 GHz band** – ASTRA continues to work with the Government, the ACMA and other stakeholders to ensure a sustainable long term solution for TOB spectrum arrangements.

- **ASTRA Codes** – Revised Codes of Practice for subscription broadcast and narrowcast television, and subscription narrowcast radio, were registered by the ACMA on 25 October 2013, and publicly released on 7 November 2013. The revised codes are available on the ASTRA website at: <http://www.astra.org.au/Menu/Policy/Codes-of-Practice>

ASTRA submissions are available on the ASTRA website at:
<http://www.astra.org.au/Menu/Policy/Overview/Submissions>

DISCUSSION PAPERS/REQUESTS FOR COMMENT

NSW Arts and Cultural Policy Discussion Paper

The NSW Government has released a discussion paper as part of the consultation process regarding the development of the State's Arts and Cultural Policy. The discussion paper includes reference to the promotion of screen industries in NSW. Submissions close **20 December 2013**. Further information and the discussion paper is available on the NSW Arts website at:
<http://www.arts.nsw.gov.au/index.php/about-us/our-work/nsw-arts-and-cultural-policy/>