

POLICY UPDATE

JANUARY-FEBRUARY 2014



ASTRA ACTIVITY

- **National Commission of Audit** – In 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 Australian Communications and Media Authority (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>

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

NEWS

Digital-only free-to-air television

From 10 December 2014, the last analog transmissions of free-to-air television ceased in Melbourne and remote central and Eastern Australia, with all terrestrial FTA television transmission now digital-only. See:

http://www.minister.communications.gov.au/malcolm_turnbull/news/welcome_to_australias_digital-only_television_era#.UuHzvftxW70

Australian Law Reform Commission Inquiry focusing on freedoms

On 11 December 2014, the Attorney-General, Senator the Hon George Brandis QC, announced he has asked the Australian Law Reform Commission (ALRC) to review Commonwealth legislation to identify provisions that unreasonably encroach upon traditional rights, freedoms and privileges. The Attorney-General's media release, including proposed terms of reference, is available at:

<http://www.attorneygeneral.gov.au/Mediareleases/Pages/2013/Fourth%20quarter/11December2013-NewAustralianLawReformInquiryToFocusOnFreedoms.aspx>

Competition Law Review

On 12 December 2014, the Federal Government announced [Draft Terms Of Reference](#) for its Review of Competition Laws. The Review Panel is to inquire into and make recommendations on appropriate reforms to improve the Australian economy and the welfare of Australians, not limited to the legislation governing Australia's competition policy, in regard to achieving competitive and productive markets throughout the economy, by identifying and removing impediments to competition that are not in the long-term interest of consumers or the public interest. The Review



was announced on 4 December 2013 by the Prime Minister and the Minister for Small Business:
<http://bfb.ministers.treasury.gov.au/media-release/014-2013/>

Repeal Day to cut 'red and green tape'

On 13 January 2014, the Leader of the House, the Hon Christopher Pyne MP, and Parliamentary Secretary to the Prime Minister, the Hon Josh Frydenberg MP, announced the Government's first repeal day scheduled for the House of Representatives on March 26, following the introduction of an omnibus red tape reduction bill and a series of specific deregulation bills on March 19. Before the bills are introduced the Prime Minister will make a statement to the House updating the Parliament on the progress of the Government's deregulation agenda and his Parliamentary Secretary, Mr Frydenberg, will detail cuts to red and green tape across the economy. See the media release at: <http://www.joshfrydenberg.com.au/guest/mediaReleasesDetails.aspx?id=81>

DISCUSSION PAPERS/REQUESTS FOR COMMENT

South Australian Law Reform Institute – Statutory Cause of Action for Invasion of Privacy

The South Australian Law Reform Institute is investigating whether there is scope for South Australia to legislate its own statutory cause of action for invasion of privacy. After canvassing the views of South Australia's legal profession, media, interest groups and the public at large, the Institute will report its findings and recommendations to the Attorney-General of South Australia. Submissions close **14 February 2014**. Further information, including an issues paper, is available on the Institute's website at: <http://www.law.adelaide.edu.au/research/law-reform-institute/>

Department of Communications – Digital Radio Review

Under the *Broadcasting Services Act 1992* and the *Radiocommunications Act 1992* the Minister for Communications is required to undertake reviews relating to digital radio. The matters to be examined include: the development of various terrestrial and satellite technologies capable of transmitting digital radio broadcasting services and restricted datacasting services in Australia; the use of spectrum for the transmission of digital radio services and restricted datacasting services in Australia; the implementation of those technologies in foreign countries; the operation of the BSA in so far as it deals with the licensing and regulation of digital radio and restricted datacasting services; the availability of additional frequency channels for the transmission of digital radio broadcasting services and restricted datacasting services in Australia; and the effectiveness of the multiplex access regime administered by the Australian Competition and Consumer Commission. Submissions are due **28 February 2014**. Further information, including a discussion paper for the review, is available on the Department of Communications website at:

http://www.communications.gov.au/radio/digital_radio

ACMA – Review Of Spectrum Licence Tax Arrangements

The ACMA is consulting on proposed amendments to the Radiocommunications (Spectrum Licence Tax) Determination 1999 (SLT Determination) to remove expired spectrum licences in the 28/31 GHz band and set new base amounts for the 700 MHz, 2.5 GHz (including the 'mid-band gap'), and 2.3 GHz bands. The ACMA proposes to make a new legislative instrument incorporating the above changes before the current instrument is repealed in April 2015, due to the sunset provisions of the *Legislative Instrument Act 2003*. Submissions are due **28 February 2014**. Further information is available on the ACMA website at:

<http://www.acma.gov.au/theACMA/Consultations/Consultations/Sunsetting/review-of-spectrum-licence-tax-arrangements>