

POLICY UPDATE

MARCH 2014



ASTRA ACTIVITY

- **South Australian Law Reform Institute – Statutory Cause of Action for Invasion of Privacy** – ASTRA made a submission to the South Australian Law Reform Institute's investigation into whether there is scope for South Australia to legislate its own statutory cause of action for invasion of privacy. Further information, including an issues paper, is available on the Institute's website at: <http://www.law.adelaide.edu.au/research/law-reform-institute/>
- **ASTRA Parliament House Reception** – On 25 February 2014, ASTRA will host a reception at Parliament House, Canberra. The reception will feature presenters, journalists, entertainers and executives from ASTRA's member organisations, which include broadcast platforms, the owners and operators of more than 50 independent television channels, advertising sales agencies and media companies.
- **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.

Publicly available ASTRA submissions are on the ASTRA website at:

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

NEWS

ALRC Report: Copyright and the Digital Economy

On 13 February 2014, the Government tabled the Australian Law Reform Commission (ALRC) report of its review of Copyright and the Digital Economy. The report recommends the introduction of a general fair use exception to copyright infringement in Australia. The Commission argues that a fair use defence would build on existing Australian laws that allow the fair use of copyright material for purposes such as research, study and reporting the news. The report further recommends some specific exceptions, such as for libraries and archives to make preservation copies, for judicial proceedings and royal commissions, and for public access to certain documents lodged with government. The report also recommends that the Government consider whether the scheme for retransmission of free-to-air television broadcasts by subscription television should be abolished.

The full report, as well as a shorter summary report, is available on the ALRC website at:

<http://www.alrc.gov.au/publications/copyright-report-122>

In a speech to an Australian Digital Alliance copyright forum on 14 February 2014, the Attorney-General, Sen the Hon George Brandis QC stated that, in considering its response to the ALRC report the Government is committed to a thorough and exhaustive review so that the Copyright Act is technology neutral, and shorter, simpler and easier to use and understand. The full speech is available on the Attorney-General's website at:

<http://www.attorneygeneral.gov.au/Speeches/Pages/2014/14February2014-openingoftheAustralianDigitalAllianceForum.aspx>



Repeal Day to cut 'red and green tape'

The Government's first repeal day is scheduled for the House of Representatives on 26 March 2014, following the introduction of an omnibus red tape reduction bill and a series of specific deregulation bills on 19 March 2014. 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, the Hon Josh Frydenberg MP, will detail cuts to red and green tape across the economy. For further information see the media release at:

<http://www.joshfrydenberg.com.au/guest/mediaReleasesDetails.aspx?id=81>

EVENTS

Broadcasting Digital Media Summit – 24-25 February 2014

The Australian Broadcasting Digital Media Summit (formerly the Australian Broadcasting Summit) will be held at the Australian Technology Park, Sydney on 24-25 February 2014. For further information see the AC Events website at: <http://www.acevents.com.au/broadcasting/index.html>

DISCUSSION PAPERS/REQUESTS FOR COMMENT

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>