

# POLICY UPDATE

## MAY 2014



### ASTRA ACTIVITY

- **Screen Australia Documentary Funding Discussion Paper** – The Screen Australia Discussion Paper, *Stories that Matter*, sought input from the industry and documentary-making community on the best ways to reach audiences, the opportunities created by new platforms and the best ways to ensure that quality documentaries continue to be made in Australia. ASTRA made a submission to the Discussion Paper on 4 April 2014, arguing for a more nuanced consideration of 'audience reach' in Screen Australia funding decisions, and restating previous concerns regarding the nominal broadcaster funding split. Further information is available on the Screen Australia website at: [http://www.screenaustralia.gov.au/about\\_us/new\\_directions/Documentary-funding/documentary\\_funding.aspx](http://www.screenaustralia.gov.au/about_us/new_directions/Documentary-funding/documentary_funding.aspx)
- **Australian Law Reform Commission (ALRC) Privacy Inquiry** – On 11 April 2014, the Australian News Channel and Foxtel represented ASTRA at a media roundtable held by the ALRC in relation to discuss its proposed statutory cause of action for serious invasions of privacy, and other related amendments to existing laws. ASTRA has consistently argued against the need for a statutory cause of action for invasions of privacy, with current protections (including obligations on STV under the ASTRA Codes of Practice) sufficient to address privacy concerns. Further information on the Inquiry on the ALRC website at: <http://www.alrc.gov.au/inquiries/invasions-privacy>
- **Australian Communications and Media Authority (ACMA) – Variations to the Radiocommunications (Low Interference Potential Devices) Class Licence 2000** – The ACMA sought comment on proposed variations to the LIPD Class Licence that will: aid the transition of wireless microphones out of the digital dividend and reflect the differences between analog and digital television broadcasting services now that analog television services have been switched off; add new arrangements supporting the use of devices employing ultra wide-band (UWB) technology; and include new arrangements for RFID transmitters in the 24 GHz band and for industrial-level probing radar measurement systems operating in the 75 GHz band. ASTRA made a short submission to this consultation on 24 April 2014, welcoming the changes regarding wireless microphones, but expressing concern regarding the potential effect of new arrangements for UWB technology on satellite Earth Station receivers. Further information, including a discussion paper, is available on the ACMA website at: <http://www.acma.gov.au/Industry/Suppliers/A-Type-of-equipment/WirelessMicrophones/variations-to-the-lipd-class-licence>

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

### NEWS

#### **Screen Australia Chair to step down at end of term**

On 28 March 2014, Glen Boreham AM, Chair of Screen Australia, announced that he will step down from his position at the expiration of his term on 30 June 2014. The full media release is available on the Screen Australia website at:

[http://www.screenaustralia.gov.au/news\\_and\\_events/2014/mr\\_140328\\_chair.aspx](http://www.screenaustralia.gov.au/news_and_events/2014/mr_140328_chair.aspx)



### **Reporting suicide and mental illness**

On 1 April 2014, the Commonwealth Minister for Health released national guidelines for media reporting and commenting on suicide and mental illness. The guide has been developed by Mindframe, the national authority on the portrayal of suicide and mental illness in the media. For further information see the Mindframe website at: <http://www.mindframe-media.info/for-media>

### **Commercial filming permits in Victoria**

On 3 April 2014 the Victorian Government introduced new legislation into Parliament to streamline the process for obtaining commercial filming permits. The Filming Approval Bill 2014 (Vic) is intended to create a clear legal framework for commercial filming on public land managed by local councils and State Government agencies, with new Film Friendly Principles and complementary guidelines to cut red tape and create a more consistent, transparent and responsive approval process for film and television companies. For further information see the media release at: <http://www.premier.vic.gov.au/media-centre/media-releases/9541-new-filming-approval-bill-to-cut-red-tape.html>

### **ACCC launches updated Advertising and Selling Guide**

On 17 April 2014 the Australian Competition and Consumer Commission (ACCC) launched a revised 'Advertising and selling guide' to help educate businesses about their legal rights and obligations when selling and promoting their products and services. The revised publication provides businesses and their advertising and selling agents with detailed, practical information about how the consumer law applies to their specific selling and promotional activities. For further information see the ACCC website at: <http://www.accc.gov.au/publications/advertising-selling>

## **DISCUSSION PAPERS/REQUESTS FOR COMMENT**

### **Amendments to the Racial Discrimination Act – Exposure Draft**

On 26 March 2014, the Federal Attorney-General released an exposure draft of amendments to the *Racial Discrimination Act 1975* (Cth). Submissions in response to the exposure draft can be made until **Wednesday 30 April 2014** to [ms18consultation@ag.gov.au](mailto:ms18consultation@ag.gov.au). Further information is available on the Attorney-General's website at: <http://www.attorneygeneral.gov.au/Mediareleases/Pages/2014/First%20Quarter/25March2014-RacialDiscriminationAct.aspx>

### **Senate Legal and Constitutional Legislation Committee Inquiry - Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Bill**

The Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Bill amends the *Classification (Publications, Films and Computer Games) Act 1995* (Cth) to:

- enable certain content (including online and mobile device content) to be classified using classification tools;
- enable the secretary (or their delegate) to notify law enforcement authorities about certain content without first having the content classified;
- establish additional exempt film categories for certain films covering natural history and the social sciences;
- provide that publishers will no longer be able to apply for exemption certificates for unclassified films or computer games;
- provide for exemptions for unclassified content to be screened at festivals, special events and by cultural institutions;

- remove the need to have classified content reclassified when certain modifications are made to the content; and
- enable the minister to determine display and consumer advice requirements for classified content.

On 27 March 2014, the Senate referred the Bill to the Senate Legal and Constitutional Affairs Legislation Committee for inquiry and report. The closing date for submissions is **1 May 2014**, with the Committee due to report on 19 June 2014. Further information on the Inquiry and the Bill is available on the Committee's website at:

[http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs/Classification\\_2014](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Classification_2014)

### **Australian Law Reform Commission Inquiry into Serious Invasions of Privacy – Discussion Paper**

The Australian Law Reform Commission (ALRC) is conducting an inquiry into the protection of privacy in the digital era. The inquiry will address both prevention and remedies for serious invasions of privacy. On 31 March 2014, the ALRC released a Discussion Paper outlining a proposed statutory cause of action for serious invasions of privacy, as well as other proposed amendments to existing laws to complement, or as an alternative to, a statutory cause of action. Submissions to the Discussion Paper close **12 May 2014**. Further information on the ALRC website at:

<http://www.alrc.gov.au/inquiries/invasions-privacy>

### **Competition Policy Review**

On 27 March 2014, the Government released the Final Terms of Reference for its review of competition law and policy, as well as the Review Panel to be chaired by Professor Ian Harper. The Review Panel is expected to report by March 2015. The key areas of focus for the review are to:

- identify regulations and other impediments across the economy that restrict competition and reduce productivity, which are not in the broader public interest;
- examine the competition provisions of the *Competition and Consumer Act 2010* (CCA) to ensure that they are driving efficient, competitive and durable outcomes, particularly in light of changes to the Australian economy in recent decades and its increased integration into global markets;
- examine the competition provisions and the special protections for small business in the CCA to ensure that efficient businesses, both big and small, can compete effectively and have incentives to invest and innovate for the future;
- consider whether the structure and powers of the competition institutions remain appropriate, in light of ongoing changes in the economy and the desire to reduce the regulatory impost on business; and
- review government involvement in markets through government business enterprises, direct ownership of assets and the competitive neutrality policy, with a view to reducing government involvement where there is no longer a clear public interest need.

On 14 April 2014, the Review Panel released an Issues Paper, with submissions due **10 June 2014**.

The Review Panel will also be holding private and public consultations across the country, with details to be announced shortly. Further information on the Competition Policy Review, including the full Terms of Reference and Issues Paper, is available at: <http://competitionpolicyreview.gov.au/>