

NEWS

Screen Australia Drama Production Report

On 2 November 2012, Screen Australia released its annual Drama Report, revealing a 25 per cent increase in total drama production expenditure for 2011/12 with a total recorded spend of \$623 million. Further information, including a copy of the report, is available on the Screen Australia website at: http://www.screenaustralia.gov.au/about_us/pub_dramareport.aspx

Audio Description Trial on the ABC

On 5 November 2012, the Minister for Broadband, Communications and the Digital Economy, Senator Stephen Conroy, announced the conclusion of the technical audio description trial conducted on ABC television. The 13-week trial was designed to test how broadcasters capture audio description through to its transmission in the broadcast signal and how it is received in the home. The ABC is expected to provide a report to the Government on the trial by the end of 2012. Further information is available on the Department of Broadband, Communications and the Digital Economy (DBCDE) website at: http://www.dbcde.gov.au/television/audio_description_trial

Producer Offset increases investment in Australian content production

On Tuesday 13 November 2012, Screen Australia released the results of a survey undertaken on the Producer Offset. The survey, *Getting Down to Business: The Producer Offset five years on*, reveals that not only has Australian narrative production increased overall – by 70 per cent for feature films and 36 per cent for television drama – it has also provided a seven-fold increase of producers retaining more than 25 per cent equity share in their films. Pre-Offset only 12 per cent of films provided this level of equity, compared to 85 per cent of films made with the Producer Offset. Further information, including the survey report, is available on the Screen Australia website at: http://www.screenaustralia.gov.au/about_us/pub_offsetreport.aspx

Digital dividend auction—Minister's direction

On 19 November 2012, the Minister for Broadband, Communications and the Digital Economy directed the ACMA on matters related to reserve prices for the digital dividend auction. The direction requires the ACMA not to set the reserve prices until the earlier of:

- the day after a further ministerial direction is given to the ACMA on reserve prices, or
- 60 days after the ACMA publishes a notice advertising the auction.

The intention is that the minister will direct the ACMA as to the specific amount it must set for the reserve prices. If no such further direction is made, then the ACMA may set the reserve prices 60 days after it advertises the auction. The ACMA will revise the allocation instruments for the auction to reflect the minister's direction. This means that the Applicant information package will no longer be published on 22 November 2012. Further information on the ACMA

website at: <http://engage.acma.gov.au/digitaldividend/>

AANA Codes and social media

On 26 November 2012, the Australian Association of National Advertisers (AANA) released best practice guidelines on how the AANA self-regulatory Codes apply in the digital space, particularly in relation to user-generated content on social media sites. The guidelines are designed to assist brand owners, agencies and the community to better understand the application of the AANA's Codes in social media and in the digital space. These guidelines and the updated Practice Note on the Code of Ethics do not amend the Codes, but reaffirm the AANA's intention that the Codes should be medium neutral and the spirit of the Codes applies equally in both digital and traditional media. Further information is available on the AANA website at: <http://www.aana.com.au/pages/aana-in-the-news.html>

Peter Harris to head the Productivity Commission

On 26 November 2012, the Government announced that Peter Harris, currently Secretary of the Department of Broadband, Communications and the Digital Economy, will be recommended to the Governor-General as the new Chair of the Productivity Commission. The Productivity Commission is the Government's principal advisory body on microeconomic policy and regulation. The Government will recommend Mr Harris be appointed for a five-year period to commence early in 2013. He replaces outgoing Chair Gary Banks AO. Further information on the Treasurer's website:

<http://ministers.treasury.gov.au/wmsDisplayDocs.aspx?doc=pressreleases/2012/115.htm&PageID=003&min=wms&Year=&DocType=0>

EVENTS/BRIEFINGS

Privacy in the 21st Century

The Privacy in the 21st Century symposium, hosted by the Communications Law Centre, UTS at the University of Technology, Sydney will bring together international and national speakers, including policymakers, politicians, journalists, lawyers and commentators, to address privacy regulation, policy reform, an introduction to a tort on privacy and privacy in a digital world in Australia. Speakers include Lord Justice Brian Leveson, Chair of the UK Leveson Inquiry. Further information is available on the CLC Website:

<http://www.law.uts.edu.au/comslaw/conferences/index.html>

ASTRA ACTIVITY

- **Australian Law Reform Commission (ALRC) Inquiry: Copyright and the Digital Economy Issues Paper** – Under the Terms of Reference for the Copyright Inquiry, the ALRC is to consider whether exceptions and statutory licences in the *Copyright Act 1968* are adequate and appropriate in the digital environment and whether further exceptions should be recommended. On 20 August 2012, the ALRC released an Issues Paper to help frame discussion and encourage public consultation at an early stage. Further information is available on the ALRC website at: <http://www.alrc.gov.au/inquiries/copyright-and-digital-economy>. ASTRA's submission to the ALRC Issues Paper will be available shortly.

- **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’s proposal for equitable TOB spectrum sharing was submitted to the ACMA in June 2012 and is available on the Submissions page of the ASTRA website.
- **Terrestrial television restack** – ASTRA is working with the Government to ensure that free-to-air television services received by STV subscribers are not affected by the ‘restack’ of digital terrestrial television services. Further information on restack is available on the DBCDE website at: http://www.dbcde.gov.au/television/achieving_the_digital_dividend_-_restack
- **Captioning legislation** – ASTRA continues to work with the ACMA in relation to operational aspects of new captioning obligations on STV under the *Broadcasting Services Act 1992*, including reporting requirements and procedures relating to an application for exemption or target reduction orders. The ACMA has released application forms for exemption orders and target reduction orders, and accompanying guidance notes, available here: http://www.acma.gov.au/WEB/STANDARD/pc=PC_600080. The ACMA is shortly expected to release draft Captioning Quality Standards for comment.
- **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.
- **Live odds in sports broadcasts** – ASTRA continues discussion with the Government and the ACMA regarding the inclusion of provisions dealing with live odds in sports broadcasts in the ASTRA Codes of Practice. On 29 June 2012, the Government announced an agreement with broadcasters on measures to reduce and control the promotion of live odds, available here: http://www.minister.dbcde.gov.au/media/media_releases/2012/106
- **ASTRA Codes Review** – ASTRA’s codes review continues, in consultation with the ACMA.

ASTRA submissions are available on the ASTRA website at:

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

DISCUSSION PAPERS/REQUESTS FOR COMMENT

Human Rights and Anti-Discrimination Bill 2012 – Exposure Draft and Senate Inquiry

The Attorney-General, the Hon Nicola Roxon MP, and the Minister for Finance and Deregulation, Senator the Hon Penny Wong, have released exposure draft legislation for the consolidated anti-discrimination law. The draft Human Rights and Anti-Discrimination Bill 2012, accompanying explanatory notes, a short fact sheet and the Regulation Impact Statement are available for download on the Attorney-General’s Department website at:

<http://www.ag.gov.au/Humanrightsandantidiscrimination/Australiashumanrightsframework/Pages/ConsolidationofCommonwealthantidiscriminationlaws.aspx>

On 21 November 2012 the Senate referred the exposure draft of the Bill to the Senate Legal and Constitutional Affairs Committee for inquiry and report. The reporting date is 18 February 2013. Interested stakeholders are encouraged to provide their views on the exposure draft

through this process. The Committee is currently seeking written submissions from interested individuals and organisations. The deadline for submissions is **21 December 2012**. For more information on this public consultation process, see the Senate Committee's website at: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=legcon_ctte/anti_discrimination_2012/info.htm