

The overhaul of the Broadcasting Act

Kim Beazley, Minister for Transport and Communications, comments on the review of the Broadcasting Act in delivering the second reading speech on the Broadcasting Amendment Bill 1990.

The government remains fully committed to the wider reform of [the Broadcasting] Act, and work is proceeding well on the main reform package. I expect to announce the results of this later this year ... We are addressing seven key areas and the scope of the Review remains as outlined by my predecessor on 1 November last year.

First, future broadcasting legislation must serve the explicit policy aim that there be no more regulation of industry than is necessary to support stated objectives. The current legislation casts a very wide and complex regulatory net. In seeking to address all aspects of broadcasting it can also extend regulation to non-broadcasting communications services, and indeed to other commercial activities. Future legislation will need to be more closely targeted.

Secondly, we are examining the regulatory needs and implications of new electronic communications services and service delivery methods. Where new services are different from broadcasting, they should not be subjected to regulation aimed at broadcasting. We need a regime that encourages initiative and service development and facilitates the innovative use and development of technology. But, of course, where any particular service amounts to mainstream broadcasting, then we must ensure that it is regulated as such, regardless of whether it is ultimately delivered from radio transmitters, from satellites or by cable.

Thirdly, we are examining the need for reform in the broadcasting planning processes. We intend to provide a more transparent process that also provides for proper commercial and public accountability. We need a framework within which technology, and especially the radio frequency spectrum, is allocated and used efficiently and equitably. We need to avoid unnecessary second-guessing of commercial decisions or commercial outcomes.

Fourthly, we are continuing to examine options for further reform in the area of ownership and control regulation.

Fifthly, we are examining reform to the processes of licence allocation, review and renewal in order to enhance efficiency and to streamline processing. We will, of course,

retain arrangements for public accountability on the part of broadcasting licensees within this framework.

Sixthly, we are examining possible changes to the process for setting the program standards which broadcasters are required to observe. Whatever new arrangements are adopted, the government will maintain support for Australian content, quality children's programming and observance of community standards.

The final area involves the future of the Australian Broadcasting Tribunal as the regulatory authority in this area. Its role, function, powers and structure may require amendment to reflect changes decided on in the overall regulatory regime. It is not, however, intended to abolish the Tribunal. It is important that that body has the appropriate powers, resources and status to do its job efficiently and effectively.

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In developing options against this agenda, the government's position remains that broadcasting is more than just another industry. Its cultural role means that it has special characteristics which will continue to require government intervention to ensure that undue concentrations of ownership or control do not arise in commercial broadcasting; to ensure that commercial programming control remains firmly in Australian hands; and to ensure community responsibility on the part of broadcasters through appropriate program standards. The government's concern does not relate only to ensuring the efficient, equitable and responsible use of radiofrequency spectrum.

Increasingly our efforts are directed to the product or service being delivered to homes or businesses, whatever the method of transmission and delivery - be it terrestrial radiocommunication, satellite or cable.

These concerns present special challenges to government in our efforts to develop a more appropriate, contemporary regulatory regime.

The first challenge is to ensure that the public interest safeguards are provided with rigour, but in a manner which recognises that, while it has these special requirements, commercial broadcasting is also a business where its participants compete at some considerable risk for commercial returns. It is therefore important that only minimum regulation needed to meet those objectives is imposed, so as not to unnecessarily inhibit normal commercial development.

The second challenge is to ensure that essential regulation of mainstream broadcasting is not unnecessarily applied to new and emerging electronic services. Differences in the nature of services provided by broadcasting, telecommunications and publishing have narrowed significantly through their use of common technology and through the development of new and complementary services. Inappropriate regulatory restriction on some electronic entertainment and information services, on educational services and potentially on Pay TV, would be likely to significantly constrain their development. This in turn could deny Australian homes and businesses timely access to the technologies and to the entertainment and information services that they have the potential to provide. However, when these services converge to the point where they become de facto mainstream broadcasting, broadcasting regulatory provisions should of course apply.

The third challenge is to recognise that, in addition to its special regulatory regime, the broadcasting industry is subject to a wide range of general business regulation. It is therefore important that interaction between the two regimes avoids conflicts and provides, as far as possible, a stable and consistent environment in which the industry can operate efficiently.