

Chapter 1

Introduction

1.1 On 3 March 2016, the Senate referred the provisions of the Broadcasting Legislation Amendment (Media Reform) Bill 2016 to the Senate Environment and Communications Legislation Committee for inquiry and report by 12 May 2016.¹

1.2 The bill would amend the *Broadcasting Services Act 1992* (BSA) by repealing two media ownership and control rules: the '75 per cent audience reach rule' and the '2 out of 3 rule cross-media control rule'. The bill would also amend and introduce additional local programming obligations for regional commercial television broadcasting licensees. In particular, additional local programming requirements would apply if, as a result of a change in control, licences become part of a group of commercial television licences whose combined licence area populations exceed 75 per cent of the Australian population.

Conduct of the inquiry

1.3 In accordance with its usual practice, the committee advertised the inquiry on its website and wrote to relevant individuals and organisations inviting submissions. The date for receipt of submissions was 21 March 2016.

1.4 The committee received 21 submissions, which are listed at Appendix 1. The public submissions are also available on the committee's website at www.aph.gov.au/senate_ec.

1.5 Public hearings were held in Canberra on 31 March 2016 and in Melbourne on 29 April 2016. A list of witnesses who gave evidence at the hearings is at Appendix 2. The transcripts of evidence may be accessed through the committee's website.

1.6 The committee thanks all of the individuals and organisations that contributed to the inquiry.

Implications of prorogation and a new session of Parliament

1.7 On 21 March 2016, the Governor-General issued a Proclamation proroguing the Parliament from 5 pm on Friday, 15 April 2016, until 9.30 am on Monday, 18 April 2016. At 9.30 am on 18 April 2016, the Parliament met for a new session.

1.8 One consequence of prorogation is that all bills on the notice papers of the Senate and House of Representatives lapse. The bill being examined by this inquiry

1 *Journals of the Senate*, 2013–16, No. 145 (3 March 2016), p. 3901.

originated in the House of Representatives and, at the time of reporting, had not been restored to the *Notice Paper* of the House of Representatives. However, the prorogation of the Parliament and the status of the bill in the House of Representatives do not affect the ability of the committee to conduct this inquiry. Senate standing committees, including this committee, are appointed for the life of the Parliament and the matters referred to the committee for inquiry continued into the new session.² The committee is also considering the 'provisions' of the bill, rather than the bill itself.³ Thus, the committee has proceeded with the inquiry and conducted its deliberations on the provisions of the bill.

Reports of other committees

1.9 When examining a bill or draft bill, the committee takes into account any relevant comments published by the Senate Standing Committee for the Scrutiny of Bills. The Scrutiny of Bills Committee assesses legislative proposals against a set of accountability standards that focus on the effect of proposed legislation on individual rights, liberties and obligations, and on parliamentary propriety.

1.10 In its *Alert Digest No. 4 of 2016*, the Scrutiny of Bills Committee stated that it had no comment on the bill.⁴

Structure of the report

1.11 This report comprises three chapters. Chapter 1 has outlined introductory information about the referral and conduct of the inquiry. Chapter 2 provides an overview of the current media ownership and control rules and the proposed changes contained in the bill. The evidence received about the bill is outlined and discussed in Chapter 3. The committee's findings are also outlined in Chapter 3.

Note on references

1.12 In this report, references to the committee *Hansard* transcripts are to the proof transcripts. Page numbers may vary between proof and official *Hansard* transcripts.

2 Department of the Senate, 'Procedural Information Bulletin No. 303', [www.aph.gov.au/About Parliament/Senate/Powers_practice_n_procedures/Procedural Information Bulletins/2016/bull303](http://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/Procedural_Information_Bulletins/2016/bull303) (accessed 21 April 2016).

3 This mechanism is often used to enable a Senate standing committee to consider the provisions of a bill that is yet to be received by the Senate. H Evans and R Laing (eds.), *Odgers' Australian Senate Practice*, 13th ed., Canberra: Department of the Senate, p. 305.

4 Senate Standing Committee for the Scrutiny of Bills, *Alert Digest*, No. 4 of 2016, 16 March 2016, p. 1.