

CHAPTER 1

INTRODUCTION

Background

1.1 On 16 April 1999, the Minister for Communications, Information Technology and the Arts and the Minister for Foreign Affairs issued a joint media statement announcing the Government's intention to amend the *Broadcasting Services Act 1992* to include a new licence category for international broadcasting services transmitted from Australia. The Ministers pointed out that under present legislation, the content of international broadcasting services was unregulated. Concerned about this situation, they stated:

...any broadcaster with the appropriate transmitter licence and use of an international shortwave facility may transmit from Australia regardless of the impact these broadcasts may have on Australia's national interests.¹

1.2 The Ministers expected 'significant growth' in international broadcasting and could foresee Australia as a likely base for some services broadcasting to the region.²

1.3 The announcement explained that under the Government's proposal, existing and prospective international broadcasting services would require a content licence from the Australian Broadcasting Authority (ABA) in addition to a transmitter licence from the Australian Communications Authority (ACA). To safeguard Australia's national interest, the Government proposed that the ABA would refer applications to the Minister for Foreign Affairs to make an assessment of whether the prospective international service was contrary to national interest. That assessment was to consider the likely effect of the service on Australia's international relations.

1.4 Legislation, which proposed to introduce this new licensing regime for international broadcasting services transmitted from Australia, was originally contained in Schedule 3 of the Broadcasting Services Amendment Bill (No. 3) 1999, introduced into the House of Representatives on 6 December 1999. The Opposition raised concerns about Schedule 3 in the Bill, particularly the powers to be vested in the Minister for Foreign Affairs. It suggested that this matter warranted 'substantive, serious and considered deliberation.'³ On 7 December, in response to these concerns, a Government amendment to remove Schedule 3 from the Broadcasting Services Amendment Bill (No. 3) 1999 was passed in the House of Representatives. To allow the Parliament more time to consider the measures in that Schedule, the Government announced its intention to reintroduce Schedule 3 into the House

1 Minister for Communications, Information Technology and the Arts and the Minister for Foreign Affairs, Joint Media Release, 'New Licences for International Broadcasting', 16 April 1999.

2 Minister for Communications, Information Technology and the Arts and the Minister for Foreign Affairs, Joint Media Release, 'New Licences for International Broadcasting', 16 April 1999.

3 Mr Stephen Smith, MP, *Debates*, House of Representatives, 7 December 1999, p. 12,978

of Representatives as a separate bill.⁴ The substance of Schedule 3 became the Broadcasting Services Amendment Bill (No.4) 1999.

1.5 The Broadcasting Services Amendment Bill (No. 4) 1999 (the Bill) was introduced into the House of Representatives on 9 December 1999. In its 1st report of 2000, the Selection of Bills Committee recommended that the provisions of the Bill be referred to the Senate Foreign Affairs, Defence and Trade Legislation Committee to consider concerns raised by the Opposition which centred on the powers conferred through the Bill on the Minister for Foreign Affairs. On 16 February 2000, the Senate referred the Bill to this Committee for report by 4 April 2000.

Submissions

1.6 The inquiry was advertised in the *Weekend Australian* on Saturday, 19 February and in the *Northern Territory News* on Monday, 21 February 2000. In addition, the Committee approached a number of individuals and organisations interested in international broadcasting services, drawing their attention to the inquiry and inviting submissions on the Bill. A nominal closing date of 6 March 2000 was set down for receipt of submissions. The Committee received nine submissions. The submissions together with additional information are listed in Appendix 1.

Hearing and evidence

1.7 The Committee held public hearings on this inquiry in Parliament House, Canberra on 16 March 2000, at which representatives of seven organisations gave evidence. Representatives of four organisations, which were located in London and Sydney, presented evidence via teleconferencing. Witnesses who presented evidence before the Committee are listed in Appendix 2.

Acknowledgements

1.8 The Committee is grateful to, and wishes to thank all individuals, organisations and government departments that assisted with its inquiry.

4 The Hon Peter McGauran, MP, *Debates*, House of Representatives, 7 December 1999, p. 12,992.