

SUBMISSION BY
MEDIA, ENTERTAINMENT & ARTS ALLIANCE
TO
SENATE ENVIRONMENT, COMMUNICATIONS, INFORMATION
TECHNOLOGY AND THE ARTS COMMITTEE
REGARDING
INQUIRY INTO THE BROADCASTING SERVICES AMENDMENT (MEDIA
OWNERSHIP) BILL 2006 AND RELATED BILLS

SEPTEMBER 2006



The Media, Entertainment & Arts Alliance

The Media, Entertainment & Arts Alliance (Alliance) is the industrial and professional organisation representing the people who work in Australia's media and entertainment industries. Its membership includes journalists, artists, photographers, performers, symphony orchestra musicians and film, television and performing arts technicians.

Executive Summary

The Media, Entertainment & Arts Alliance appreciates the opportunity to make a submission to the Inquiry into the Broadcasting Services Amendment (Media Ownership) Bill 2006 and related bills, namely the Broadcasting Legislation Amendment (Digital Television) Bill 2006, the Television Licence Fees Amendment Bill 2006 and the provisions of the Communications Legislation Amendment (Enforcement Powers) Bill 2006 and the Minister's discussion paper on the two channels of spectrum for new digital services.

The Alliance is supportive of measures that will underpin a speedy transition from analogue television services to digital services.

To that end, the Alliance supports:

- Removing the genre restrictions on multi-channelling by public broadcasters;
- Allowing the commercial free to air broadcasters to utilise the spectrum currently utilised for high definition television simulcast as a multichannel and the spectrum utilised for standard definition television simulcast as a multichannel; and
- Removing the high definition quota.

However, the Alliance is not convinced the above measures are sufficient to drive digital take-up at the rate necessary to allow the analogue signal to be switched off in 2012.

The Alliance supports the allocation of two unassigned television channels but believes the restrictions that have been imposed on the services that can be provided on the two channels will not enhance competition in the broadcasting sector and will not assist drive the take-up of digital in the manner that could be achieved were a fourth free to air commercial television channel licence granted.

The Alliance supports the introduction of a range of new powers to enable the Australian Communications and Media Authority to operate more effectively as a regulator.

The Alliance is opposed to the amendments to the cross-media ownership rules believing they will lead to less diversity, less competition and greater concentration of ownership. These amendments are not in the national interest, rather they are in the interests of the incumbent media entities.

Finally, the Alliance does not consider the case has been made to implement changes to the foreign ownership restrictions as set out the Bill.

In April this year, the Alliance responded to the Department of Communications, Information Technology and the Arts Discussion Paper *Meeting the Digital Challenge – Reforming Australia's Media in the Digital Age*. As the Alliance response more fully articulates the reasons for the position set out in this submission, a copy is attached.

Broadcasting Legislation Amendment (Digital Television) Bill 2006

This Bill is designed, according to the Explanatory Memorandum, “to provide additional digital services to consumers and help digital take-up.” It will amend the Broadcasting Services Act 1992 and the Radiocommunications Act 1992 to:

- Remove the current genre restrictions on multi-channelling by public service broadcasters;
- Remove the requirement that the high definition television (HDTV) version of the digital television service must be a simulcast of the standard definition television (SDTV) and/or analogue service, effective from 1 January 2007, effectively allowing one HDTV multi-channel;
- Allow the commercial free to air television broadcasters to provide a single multi-channel in SDTV in addition to their SDTV simulcast of the analogue service;
- Remove the regulatory restrictions on the number of multi-channels that may be provided by free to air commercial television broadcasting services at the end of the simulcast period;
- Remove the existing HDTV quota at the end of the simulcast period;
- Ensure that events or parts of events on the anti-siphoning list cannot be shown on a multi-channel without first being shown, or shown simultaneously, on the main analogue service;
- Ensure the acquisition of rights to an event on the anti-siphoning list by a commercial television service operating outside the broadcasting services bands of spectrum does not satisfy the requirements for a commercial or public service broadcaster acquiring the rights for the purposes of the anti-siphoning scheme;
- Review the anti-siphoning scheme before 31 December 2009;
- Allow only minimal requirements in relation to the regulation of content on multi-channels and review the regulation of multi-channels before the end of the simulcast period;
- Move the decision-making capacity to allocate new commercial television licences in the broadcasting services band from the Australian Communications and Media Authority (ACMA) to the Government;
- Enable the Minister to veto applications made to ACMA for a new commercial television broadcasting licence outside the broadcasting services band – section 40 applications – on the basis that the allocation of the licence would not be in the public interest; and
- Provide that certain standard licence conditions and program standards for commercial television broadcasting licences not apply to commercial television services operating outside the broadcasting services band.

Additionally, and not requiring legislative amendment, the Government proposes introducing a “use it or lose it” scheme in respect of the anti-siphoning list and plans to separately progress legislative amendments that would allow for the allocation of two unassigned television channels for new digital services.

Multi-channelling by public broadcasters

The Alliance welcomes the removal of the current genre restrictions on multi-channelling by public service broadcasters.

The Alliance agrees with the Explanatory Memorandum when it states “Evidence from overseas markets such as the UK suggests that public broadcasters can play a significant role in driving digital television take-up by providing attractive new digital content.”

Indeed, the Alliance has argued in the context of a number of reviews conducted by the Department of Communications, Information Technology and the Arts (DCITA) that overseas experience clearly demonstrates that enhanced access to new content has been the most effective driver of digital take-up (including in the submission made to DCITA in April this year – a copy of which is attached).

The Alliance also agrees that this decision will afford the public service broadcasters the opportunity to experiment with the use of new technology and it will allow them to make further use of their back catalogues.

However, what will be required alongside this decision is enhanced funding for the public service broadcasters to enable them to broadcast new programs, to innovate using new technologies and to acquire the necessary rights to enable them to rebroadcast older programs. Most important in driving digital take-up, as the Explanatory Memorandum noted, will be the public service broadcasters' capacity to produce and commission new programs.

In the United Kingdom, the BBC played an instrumental role in driving digital take-up by offering a diversity of new content, making it today the twelfth largest media organisation in the world.

That audiences favour local content over imported content when the choice is available to them is demonstrated convincingly by Mediametrie's Eurodata. In May 2005, Eurodata released its analysis of the ten top-rated television programs in 75 countries. It found the most popular genre was fiction – drama, sitcoms and films – representing 46 per cent of most favourite programs, of which only 11 per cent were produced in the United States, 70 per cent being local content.

Favourite program types: the international mix¹

Fiction (thrillers, sitcoms): 35 %

News: 18 %

Special events (inc. sports): 13 %

Movies: 11 %

Reality: 9 %

Variety/chat: 7 %

Game: 5 %

As is widely known, drama programs are the most expensive to produce. If the public service broadcasters are to be effective in driving digital take-up, they must have the funds to produce and broadcast new programming that will be of sufficient diversity and appeal to attract audiences.

Multi-channelling by commercial free to air broadcasters

The Bill removes, from 1 January 2007, the requirement that the HDTV service be a simulcast of the SDTV and/or analogue service, in effect allowing one HDTV multi-channel. It also allows the commercial free to air broadcasters, from 1 January 2009, a single SDTV multi-channel, in addition to the SDTV simulcast. The HDTV quota is to be maintained until the end of the simulcast period at which point the regulatory restrictions on the number of multi-channels the commercial free to air broadcasters are allowed will be removed.

In effect, from 1 January 2007, the commercial free to air broadcasters will have one multi-channel and, from 1 January 2009, two multi-channels, a policy outcome the Alliance supports.

However, the Alliance is also of the view that the free to air commercial broadcasters should be independently able to determine whether they broadcast in HDTV or SDTV. Consequently, the Alliance can see no need to maintain a mandated quota for HDTV.

On the other hand, the Alliance is opposed to the proposal that at the end of the simulcast period regulatory restrictions on the number of multi-channels will cease.

The Alliance cannot see how restricting access to spectrum to the incumbents can in any way foster competition.

Further, if the incumbent broadcasters elect to not utilise the two multi-channels, their access to the relevant spectrum should be ended and the spectrum made available to new entrants.

The Alliance considers that the Australian content standard should apply to one of the two multi-channels to ensure Australian audiences have enhanced access to Australian programs, not just

¹ Source: Eurodata, cited in *The Tribal Mind*, David Dale, *Sydney Morning Herald*, 17 May 2005.

enhanced access to programming. Access to free to air spectrum is not a right. It comes with responsibilities and obligations and those responsibilities and obligations include broadcasting programs that are consistent with the national interest. The Government has long recognised this, most recently by increasing the overall transmission quota from 50 per cent to 55 per cent. Content regulation to the extent allowable under the Australia United States Free Trade Agreement should be introduced at the point at which multichannelling is allowed.

That Australian audiences value local content was most recently demonstrated by the Community Broadcasting Association of Australia. In research conducted for the Association by McNair Ingenuity Research and released in August, the main reason women, people aged 25–54 and those in most occupation categories listened to community radio was for local news and information. For non-metro listeners, local news and information was the key reason for listening and for those aged 15–24, the key reason was access to Australian music.²

Clearly the financing models for community radio are dramatically different from those that apply in free to air commercial television broadcasting. Community broadcasting relies almost exclusively on volunteer labour whereas the commercial free to air television broadcasters need to acquire or produce programs in the commercial industry. As it is cheaper to licence programs from overseas than it is to produce local content for television, historically the free to air commercial broadcasters have been reluctant to broadcast Australian programs in the absence of content standards that require they do so.

Regulation of content on multi-channels

As noted above, the Alliance believes it is in the national interest to impose the Australian content standard on multichannels to the extent allowed under the Australia United States Free Trade Agreement.

Fourth commercial free to air television licence

The Government is to remove the capacity to grant a fourth free to air commercial television licence from ACMA and assume the power to do so itself.

The Alliance does not support the Government removing the capacity for the regulator to determine licence allocation. It is a central part of ACMA's role as an independent regulator and it should retain this decision-making capacity.

In announcing that it will assume the decision-making capacity to allocate a fourth licence, the Government has announced that it will not do so.

Again, the Alliance is at a loss to understand why the Government is so averse to opening up the broadcasting industry to competition.

The oft claimed arguments in defence of the Government's position rely on the assumption that to do so would threaten the viability of the incumbents because it would fracture the advertising pie, a pie that is already under threat from new media.

These arguments fly in the face of reality.

According to research undertaken by Free TV Australia – the association that represents the free to air commercial television broadcasters – “seven out of ten media planners and buyers believe that there are even more opportunities to engage with viewers on Free TV than there were five years ago” and “80% also agree that having ads on free to air television strengthens the performance of [their] campaign in other media.”³

² *Community Radio National Listener Survey, Summary Report of Findings*, prepared for Community Broadcasting Association of Australia by McNair Ingenuity Research, 3 August 2006.

³ *Media buyers survey results*, The Power, Your Free TV Australia Newsletter, August 2006, see online at http://www.freetvaust.com.au/newsltr/06_07/story01.html.

Again according to Free TV Australia, more Australians, not less, are watching free to air television in 2006. Over the first six months of this year, “metro audiences increased seven per cent compared to the same period last year while regional audiences have increased nine per cent.”⁴

And finally, the Australian commercial free to air broadcasters are the most profitable of any anywhere in the world. Where the average broadcaster overseas can hope to capture 15 cents in every dollar as profit, the Australian free to air broadcasters for years have been capturing between 25 and 28 cents. And it may be more. Speaking on ABC Radio National’s Breakfast program on 19 June 2006, News Limited’s Greg Baxter said it had now reached 35 and possibly more.

The Government’s role in framing media policy is not to ensure that the incumbents are the most profitable of any broadcasters globally but to ensure that commercial free to air broadcasting is viable and, as the Productivity Commission noted in 2000, that does not necessarily mean the incumbents, rather it means the parameters within which they operate.

Certainly, allocating a fourth licence and imposing the Australian content standard would offer audiences greater program diversity and assist in the take-up of digital services.

Allocation of two unassigned television channels for new digital services

The Alliance supports the allocation of two unassigned television channels for new digital services but not in the manner proposed.

The Government has named the two unassigned television channels Channel A and Channel B.

Channel A will be able to be used for the transmission of free to air services which can be received on a SDTV receiver. The services that could be offered include datacasting and narrowcasting services. Incumbent free to air broadcasters will be prohibited from controlling this channel. It will be subject to an annual licence fee based on revenue.

Channel B will be able to be used for a wider range of uses than Channel A. However, it can be used only for services that do not mirror traditional free to air commercial broadcasting but could include digital services like mobile television, integrated with 3G mobile phone services and made available on a subscription basis. Incumbent free to air commercial broadcasters would be eligible to bid for control of Channel B and there will be no annual licence fee based on revenue, rather an upfront licence fee alone.

The Alliance considers that datacasting has been a failure. It is a concept that has not found users or consumers. It has effectively simply protected the incumbent free to air commercial broadcasters from competition. It has not assisted in the take-up of digital services. It is therefore impossible to see how it might now.

By enabling the incumbent broadcasters with their back catalogues of programming that could be reformatted for delivery to 3G phones, by allowing the channel to be a subscription service and allowing it to be integrated with 3G phone services, Channel B is more likely to generate revenue than Channel A. So it is curious that the licence will be granted on the basis of a one-off upfront fee.

However, as Channel B cannot mirror traditional television services and might become a subscription service, its chances of driving take-up of digital services are restricted.

The Alliance considers that allocation of unassigned channels would be best used – in the interests of audiences and driving take-up of digital services – by allowing a broad range of programming free to

⁴ *Ratings: More viewers tune in to Free TV in 2006*, The Power, Your Free TV Australia Newsletter, August 2006, see online at http://www.freetvaust.com.au/newsltr/06_07/story05.html.

air. They could effectively be used for community broadcasting and for the establishment of a national Indigenous broadcasting service.

A century ago, the media was limited to newspapers and magazines. No radio, no television, no tools of newsgathering beyond a pencil and notepad. But one could argue, that the issues of public importance received far greater public involvement. And were subjected to rigorous debate.

The legacy of those formative years of our federation, can be found in the extraordinary writings of people such as CJ Dennis, Banjo Patterson and Henry Lawson. Not just creative writers, but intuitive writers and visual communicators. Their major concerns were the differences between the bush and city. With today's vigilant scrutiny by lawyers, most of their comments and observations would probably have been highly defamatory.

Some of our greatest advances as a society occurred as a result of vigorous debating of the issues. Ironically, at a time when the media as we know it today, barely existed. Today, we have more media, but are we, as Australians, better enlightened? More informed?

Isn't our role in the media, to ensure that all Australians understand the issues? And are given the facts, to be able to participate objectively? People who have an opinion, have the right to express that opinion. Where are the forums that give them the opportunity to do so?

The ABC, through radio and television, has played a critical and vital role over the years, in that democratic process. Programs like "Australia Talks" are an initiative that demonstrates why the ABC should not be judged on its ratings alone. With programs like that, the ABC provides the alternative mix to commercial television and adds to a richer fabric of media in Australia. It brings far greater value to our communities, than ratings can interpret...

People look to the media to promote debate and consider the broader issues. The proliferation of national and international media has removed the focus from the grassroots of our own communities. Our neighbourhood, our cities, our states, our country, are now part of the world's problems. I don't know about you, but this is certainly not what I had in mind when we talked of globalisation.

For the first time in our history, we had the means to produce, express and distribute information, to most of the people on this planet. A test, for our new technology. But how did it measure up?

As communication shrinks this planet, are we also shrinking diversity of opinion? Do we actually end up with just one source?

Diversity is a cornerstone of our country. It represents our "Australian-ness". And is something that unites us all. Now is not the time for our country to move against diversity of opinion, and return to the isolation of minorities. Minority groups cannot be allowed to be isolated, disenfranchised. They must be heard.

We have to rely on and trust the strength of our democracy. It is these foundations that we have to trust, so that we can listen to minority opinions. Respect them and consider them. Take them into account, before moving on to do what is right for this country.

Kerry Stokes, Executive Chairman, Seven Network⁵

⁵ *Freedom – Lost or loaned*, Andrew Olle Memorial Lecture, Kerry Stokes, Executive Chairman, Seven Network, 26 October 2001, available online at <http://www.abc.net.au/sydney/stories/s404891.htm>

Cross-media ownership and foreign ownership

The Broadcasting Services Amendment (Media Ownership) Bill 2006 will, according to the Explanatory Memorandum, “reform Australia’s outdated media ownership laws while protecting the public interest in a diverse and vibrant media sector” by:

- Removing broadcasting-specific restriction on foreign ownership, and
- Permitting cross-media ownership mergers in radio licence areas providing at least five separate media groups remain after any merger or acquisition in mainland state capitals and four groups in licence areas elsewhere.

In 2000, the Productivity Commission released its report on Broadcasting. Until now the Government has not responded to the recommendations in the Report.

The Explanatory Memorandum observes:

While a good analysis of the broadcasting sector at the end of the 1990s, many of the issues identified by the PC have been overtaken by media developments since that time. The extent to which the current media ownership framework achieves the goals of the BSA as efficiently and effectively as possible needs to be recognised in the context of changes in the media sector.

The Alliance does not share this view. The Alliance considers the Broadcasting Report to have been prescient. It accurately predicted that “Without substantial changes, the digital conversion plan is at serious risk of failure.”⁶ It commented:

New players will drive the digital conversion. Existing television broadcasters now occupy most of the spectrum and have little incentive to relinquish it to new competitors. Some incumbent broadcasters may prefer a protracted conversion process which would prolong their current advantage.

The interests of aspiring new digital service providers lie in quick consumer take-up of digital technology and a prompt switch-off of analog services. Only then will significant amounts of spectrum be available.

New entrants could increase the potential for greater diversity of views and opinions in the ‘market for ideas’ as well as provide consumers with a much wider range of services than is available currently. Greater contestability and competition would also encourage greater efficiency in the broadcasting industry and in supplier and user industries such as program production and advertising.

The Productivity Commission was correct. Analogue switch-off has now been pushed back to the next decade. Digital take-up has been remarkably slow by comparison with a country like the United Kingdom which opted for a digital roadmap along the lines recommended by the Productivity Commission. And there have been no new entrants in the broadcasting arena as could have been the case had the spectrum been opened up as recommended by the Commission.

Australia has remarkably few media owners when measured against other Western democracies. The BBC puts it this way: “Ownership of both print and broadcast media is highly-concentrated. For example, four major media groups own 80% of Australia's newspaper titles . . . National commercial TV is dominated by three large networks.”⁷

If passed, the Broadcasting Services Amendment (Media Ownership) Bill 2006 is more likely to result in greater media ownership concentration rather than increased diversity.

⁶ *Broadcasting Report*, Productivity Commission, March 2000, page 2.

⁷ *Country profile: Australia*, BBC News, see online at http://news.bbc.co.uk/1/hi/world/asia-pacific/country_profiles/1250188.stm

As noted above, the amendments replace the current cross-media ownership restrictions by introducing mandated minimum numbers of independent commercial media entities in markets – four in regional markets and five in mainland capitals.

The Explanatory Memorandum states that the objective of the Bill “is to remove impediments to greater efficiency, competitiveness and responsiveness in the media sector, while continuing to support the existing objectives of the BSA relating to diversity and quality of the media.”

It is difficult to see how enacting legislation that allows for more mergers and acquisitions in the media sector could deliver greater competitiveness or guarantee ongoing diversity. The more so, given the changes set out in the Broadcasting Services Amendment (Media Ownership) Bill 2006 allow for no new entrants in the broadcasting services band spectrum – other than the proposed Channels A and B and the incumbents are able to bid for Channel B and if they could find a way of repurposing existing programming in a manner that is eligible for delivery on Channel A will become the most likely providers of content to that platform.

Looking at the Melbourne market, the introduction of a minimum number of five commercial media entities could result in the loss of four.

The media entities in Melbourne are News Limited – the *Herald Sun*, *The Australian*; Fairfax – *The Age*; television networks Seven, Nine and Ten; Southern Cross Radio – 3AW and MagicFM; Austereo – Fox and Triple M; and Australian Radio Network – Gold FM and Mix FM. Under the new rules, this could be reduced to five entities. It is difficult to know how it might play out but one possibility could see news and current affairs principally controlled by just three players.

Oddly, the Explanatory Memorandum suggests the new rules might see the entry into a single local newspaper market like Adelaide of a new newspaper. As this is currently possible, it is difficult to see how the new rules would deliver such an outcome when the current regime has not.

Although new delivery platforms are coming on line, in large part many new entrants in the online environment are fringe or niche players, especially in the powerful and influential arenas of news, current affairs and commentary. Given the new floors that are to be introduced, they are likely to remain that way if they are not subject to acquisition by the major media entities. The dominance of the old media players can be seen already in new media.

Share of internet news and advertising sites (unique viewers)

Fairfax	33.3%
News	23.9%
ABC	14.4%
PBL	12.9%
Seven Network	4.7%
Austereo	3.0%
TEN Network	2.0%
Rural Press	1.9%
SBS	1.4%
APN News and Media	0.9%
Crikey	0.8%
Southern Cross Broadcasting	0.7%
DMG	0.2%

Source: ACNielsen June 2005⁸

A robust independent media is crucial to a vibrant robust democracy.

Writing in *eJournal USA*, Ellen Hume observed:

If government is to be valued because it is accountable to the people, free and independent news media are essential to that process. That is why Thomas Jefferson, the primary drafter of the American Declaration of Independence, insisted that the U.S. Constitution include the public's right to free speech, a free press, and public assembly.

"Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter," he wrote in 1787.⁹

An independent media sector holds the powerful accountable to the people. It draws attention to issues that need addressing. It educates people enabling them to make informed political decisions and in connecting people with each other, it helps "to create the social 'glue' that binds civil society."¹⁰

But to be truly effective the media sector needs to be diverse. When the numbers of people who are able to engage in the public debate reaches critically low levels, democracy suffers. Introducing floors in the media sector will encourage that contraction. Rather than creating a policy framework that allows for a concentration of media resulting in fewer voices being heard in the public arena, the policy framework should foster greater competition and allow for new entrants as the Productivity Commission argued in its Broadcasting Report.

In 2000, the World Bank published a study into the causes and effects of global poverty. *Voices of the Poor: Can Anyone Hear Us?* presents detailed personal accounts from more than 60,000 people in 60 countries across five continents about the reality of living in poverty. It concludes "that poverty is much more than lack of income. Poverty also means having no 'voice' in influencing key decisions that affects their lives."¹¹

A diverse media sector offers Australians the capacity to participate in the public debate.

Consequently, the Alliance is opposed to any amendments to the cross-media ownership rules that might result in any reduction in the number of independently owned and controlled media entities in Australia and further entrenches the dominance of the major incumbents.

The Alliance is aware that the current cross-media ownership rules are going to become increasingly anachronistic after the transition from analogue to digital. However, they remain relevant now.

Most importantly, as the Productivity Commission pointed out, the cross-media ownership rules need amending but only after the barriers to entry that currently exist in broadcasting have been removed and the sector has been opened up to competition, "once a more competitive media environment is established".¹²

⁸ Cited in *Crikey.com* 27 February 2006

⁹ *Freedom of the Press*, Ellen Hume, *e-Journal USA: Issues of Democracy*, December 2005, see online at <http://usinfo.state.gov/journals/itdhr/1205/ijde/hume.htm>

¹⁰ *Freedom of the Press*, Ellen Hume, *e-Journal USA: Issues of Democracy*, December 2005, see online at <http://usinfo.state.gov/journals/itdhr/1205/ijde/hume.htm>

¹¹ *Voices of the Poor: New Study Offers Unique Human Insight Into Living With Poverty*, The World Bank, 14 March 2000 see online at

<http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20013937~menuPK:34463~pagePK:34370~piPK:34424~theSitePK:4607,00.html>

¹² *Broadcasting Report*, Productivity Commission, March 2000, page 3

Whilst the Alliance has concerns about the proposed changes to the foreign investment rules governing the media, for the reasons outlined above, of far greater concern are the changes to the cross-media ownership rules.

However, as noted in the submission made to DCITA earlier this year, the Alliance does not consider the case has been made to amend the foreign ownership rules in the manner proposed.

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MEDIA, ENTERTAINMENT & ARTS ALLIANCE

TO

**DEPARTMENT OF COMMUNICATIONS, INFORMATION TECHNOLOGY
AND THE ARTS**

REGARDING

**MEETING THE DIGITAL CHALLENGE – REFORMING AUSTRALIA’S
MEDIA IN THE DIGITAL AGE**

APRIL 2006

The Media, Entertainment & Arts Alliance

The Media, Entertainment & Arts Alliance (Alliance) is the industrial and professional organisation representing the people who work in Australia’s media and entertainment industries. Its membership includes journalists, artists, photographers, performers, symphony orchestra musicians and film, television and performing arts technicians.

The Media, Entertainment & Arts Alliance welcomes the opportunity to make a submission to the Department of Communications, Information Technology and the Arts (DCITA) in response to the discussion paper on media reform options, *MEETING THE DIGITAL CHALLENGE Reforming Australia's media in the digital age* (Discussion Paper).

During 2004 and 2005, the Alliance made submissions to a number of inquiries conducted by DCITA on matters that relate to the issues raised in the Discussion Paper.¹³ Additionally, submissions were made to other inquiries that also relate to issues raised in the Discussion Paper.¹⁴

The Alliance notes that "The Government proposes to develop a Digital Action Plan in partnership with stakeholders to expedite digital conversion, bring the simulcast period to an end and achieve analogue switchover"¹⁵ to be released this year. Given that the Government initially envisaged switching off analogue in 2008, it seems remarkably late in the day to only now be developing a plan. However, the Alliance notes that the Discussion Paper sets a series of preferred options that are likely to underpin the plan.

The Alliance also notes that some of the preferred options reflect the recommendations made in the recent report, *Digital Television: Who's Buying It?* tabled on 13 February 2006 by the House of Representatives Standing Committee on Communications, Information, Technology and the Arts following its inquiry into the Uptake of Digital Television in Australia. Others are in contrast to those set out in *Digital Television: Who's Buying It?* Many are not canvassed at all in the ECITA Committee report. Most notably, the ECITA Committee Inquiry did not address nor link reform of cross media and foreign ownership rules with the take-up of digital services.

In common with many commentators, the Alliance considers that the take-up of digital services to date has been slow and, in the absence of a plan that fosters competition and offers audiences enhanced diversity of content, is likely to remain unacceptably slow. For the reasons outlined in this and earlier submissions, the Alliance does not consider the preferred options identified in the Discussion Paper constitute a robust basis on which to build a Digital Action Plan.

Media ownership and control have been the subject of much debate throughout the past decade. The Alliance is of the view, for the reasons set out in this submission, that the preferred options set out in the Discussion Paper are not in the public interest, will serve to drive greater concentration of ownership, entrench incumbent players, reduce competition and reduce the diversity of voices able to contribute meaningfully to national debate.

The Alliance proposes the following digital action plan which would more than double the digital content available to consumers and drive the take-up of digital.

- Ending the moratorium on new commercial television licences and allowing for the allocation of a new licence for a commercial free to air service in the broadcasting services band spectrum.
- Keeping the decision-making power for the allocation of new commercial free to air television licences and for new services outside the broadcasting services band with the Australian Communications and Media Authority (ACMA).
- Allowing a national Indigenous television network on the second unallocated channel.
- Removing the requirement to simulcast in both HDTV and SDTV and requiring the free to air commercial television networks to use one of the two digital signals currently utilised for the HDTV quota and the SDTV simulcast as a multichannel with Australian content standards that currently apply being imposed on the multichannel service.
- Allowing the provision of data-casting services to be a commercial rather than mandated decision.
- Immediately removing the genre restrictions that are currently imposed on national broadcaster multichannelling and resourcing the national broadcasters in a manner that enables them to produce new Australian content for their primary and multichannel services.

¹³ Submissions to DCITA are listed at Schedule A.

¹⁴ Submissions to related inquiries are listed at Schedule A.

¹⁵ *MEETING THE DIGITAL CHALLENGE Reforming Australia's media in the digital age*, March 2006, page 7.

- Continuing the imposition of licence conditions in key regional commercial television markets to provide minimum levels of content on matters of local significance.
- Ensuring genuine competition between regional radio licensees through a requirement that, if following the sale of a licence, the program format changes from broad appeal to more limited appeal, a new additional commercial licence can be granted.
- Monitoring local content in other television licence areas and on regional commercial radio services and where necessary extending licence conditions relating to levels of local content.
- Announcing a firm switch-off date and phasing in integrated digital tuners in all television sets and phasing out the sale of analogue sets.
- Maintaining the current media-specific foreign ownership rules in the *Broadcasting Services Act 1992* and the newspaper-specific foreign ownership restrictions in the *Foreign Investment Policy* in the *Foreign Acquisitions and Takeovers Act 1975*.
- Maintaining the current cross-media rules.

1. A Roadmap to Digital Conversion

In 2000, the Productivity Commission observed:

“Australian broadcasting policy is the result of ... tradeoffs over the years. The outcome is a complex set of broadcasting policy *quid pro quos*, whereby various regulatory arrangements compensate broadcasters for meeting policy objectives. Many of these arrangements are anti-competitive. The resulting regulatory framework lacks transparency.”¹⁶

Switching to digital provides an important opportunity to address the problems identified by the Commission and to put in place an appropriate broadcasting framework for the 21st century.

The transition to digital will free up valuable spectrum, allowing the Government the opportunity to pursue the key objects of the Broadcasting Services Act, namely:

- (a) to promote the availability to audiences throughout Australia of a diverse range of radio and television services offering entertainment, education and information; and
- (b) to provide a regulatory environment that will facilitate the development of a broadcasting industry in Australia that is efficient, competitive and responsive of audience needs; and
- (c) to encourage diversity in control of the more influential broadcasting services; and
- (d) to ensure that Australians have effective control of the more influential broadcasting services, and
- (e) to promote the role of broadcasting services in developing and reflecting a sense of Australian identity, character and cultural diversity; and
- (f) to promote the provision of high quality and innovative programming by providers of broadcasting services; and
- (g) to encourage providers of commercial and community broadcasting services to be responsive to the need for a fair and accurate coverage of matters of public interest and for an appropriate coverage of matters of local significance ...¹⁷

Excessive media concentration and influence are a threat to diversity of views and are consequently a danger to democracy. The transition to digital offers the possibility of a future where many more voices can be heard. Seizing the opportunity to allow new entrants in the broadcasting market will deliver a genuine good for all Australians.

In 2000, the Government implemented a digital action plan that has demonstrably not worked.

Without a comprehensive digital conversion plan, Australia is in danger of falling behind the rest of the developed world. Without a plan that drives digital take-up and drives it quickly, Australia will be subjected to increased competition from overseas content currently being created to feed the proliferation of channels that are coming on line. Australia risks becoming an even smaller creative

¹⁶ *Broadcasting Report*, Productivity Commission, March 2001, page 55.

¹⁷ *Broadcasting Services Act 1992*, s3.

content player internationally than it already is. For example, the digital action plan in the United Kingdom has enabled the BBC to become the twelfth largest media player in the world. And without a robust digital conversion plan, Australians will be denied the benefits of the digital revolution.

It is not plausible that any one factor will drive take-up of digital services. Rather, a combination of factors will be needed if digital take-up is to reach market penetration at levels that will be necessary to allow for analogue services to end.

The Alliance considers that access to more content than is available on analogue free to air services will be crucial. When triple casting was mandated, the Government assumed that the enhanced picture and sound quality of digital services would be a key driver in the take-up of digital. This has not transpired as the take-up levels attest.

The Australian Competition and Consumer Commission (ACCC) explained why:

“It is widely recognised that digital TV as a delivery platform offers a number of benefits to consumers in terms of sharper picture quality and better sound quality et cetera. However, it appears that these features in and of themselves have not provided a sufficient value proposition for Australian consumers to make the investment in switching to digital at this time in any great numbers ... the ACCC’s research ... tends to suggest that the uptake of digital TV will flow from consumers being offered new and innovative content and services which are able to meet their preferences and needs.”¹⁸

The success of Freeview in the United Kingdom, where viewers now have access to more than 30 channels, demonstrates the importance of diversity of content offerings as being a key driver to digital take-up. Penetration rates in the United Kingdom stand in stark contrast to those in Australia.

In addition to channel choice, the other key driver identified by the UK regulator, Ofcom, is the availability of low cost receivers able to deliver superior picture and sound quality to that available in the analogue environment.

The Alliance also considers that a firm switch-off date, known by the general public, will be an important driver. To that end, and in order to achieve switch-off, the Government should consider mandating a phase-in of integrated digital tuners in all television sets and phasing out the sale of analogue television sets. To date there has been remarkably little marketing of digital television in Australia, by the government, the broadcasters, the manufacturers or the retailers. An exception has been Foxtel which has cleverly and successfully advertised programs available only in digital on its analogue service.

Thus key drivers can be seen to be:

- Channel choice and greater diversity of content available on the digital spectrum
- Adequately resourced national broadcasters able to broadcast new Australian content in the digital multichannelling environment
- Reasonably priced receivers
- A mandated switch-over date
- Consumer understanding
- A mandated phasing-in of integrated digital tuners in all television sets.

2. Enabling a Digital Environment

2.1.1 Fourth network moratorium

¹⁸ ACCC, transcript of evidence given on 10 August 2005 at the House of Representatives Standing Committee on Communications, Information, Technology and the Arts Inquiry into the uptake of Digital Television in Australia and cited in *Digital Television: Who’s Buying It?* page 45.

On the one hand, the Discussion Paper proposes that the moratorium on new commercial television licences, which expires on 31 December 2006, will not be extended. On the other hand, the decision-making power of ACMA to allocate new commercial free to air television broadcasting licences will be transferred to the Government and not exercised. Rather, the Government will conduct a review prior to the end of the simulcast period to determine whether a new licence should be allocated.

The Alliance supports the end of the moratorium on new commercial television licences but is opposed to the transfer of decision-making power from ACMA to the Government.

The Alliance has argued in many submissions that what drives digital take-up is greater diversity of content.

Allowing for a fourth free to air commercial digital licence with Australian content standards imposed in line with those currently imposed on the three commercial free to air networks would be a key start in offering consumers more choice in the digital environment than is available in the analogue environment.

In 2000, the Productivity Commission found that achieving “a more competitive and contestable broadcasting industry requires not just that spectrum be made available, but that new players be able to obtain it to provide services.”¹⁹ It found that the prohibition on new television services until the end of 2006 restricted competition and should be removed. Rejecting the networks’ arguments that restricted entry was justified, the Commission commented, “The industry has long justified restricted entry on the grounds that it is necessary to enable it to meet the higher costs of local content programming required for cultural policy purposes. The Commission is not satisfied that such compensation is justified; many industries incur higher costs in meeting government policy objectives, from health (pharmaceuticals) to environmental standards.”²⁰

The Productivity Commission also found that concentration in media can provide incumbents with market power that “may allow them to raise prices above competitive levels (for example for cover prices, advertising rates or subscription services), or to be less sensitive to consumer demands ... may also give incumbents power over related markets ... [and] may also limit the range of ideas and information available to the community.”²¹

The ACCC reached similar conclusions in its June 2003 *Report to Senator Alston, Minister for Communications, Information Technology and the Arts, on Emerging Market Structures in the Communications Sector* (ACCC Report), finding that the entry of new services would increase competition, foster innovation and efficiency and lead to increased program diversity and choice for consumers.²²

On the other hand, the incumbent broadcasters have argued that the introduction of a fourth network would adversely impact on levels of Australian content on television. Responding to the ACCC Report, the Nine Network and Network Ten argued that “Fragmentation of the mass free-to-air audience will inevitably lead to a decline in quality across free-to-air channels, including the primary service of each broadcaster” and went on to say that “Experience in the U.S. and the U.K. indicates that new free-to-air channels will not lead to an increase in free-to-air advertising revenue to offset their cost.”²³

¹⁹ *Broadcasting*, Productivity Commission, March 2000, page 21.

²⁰ *Ibid.*

²¹ *Ibid.*

²² *Report to Senator Alston, Minister for Communications, Information Technology and the Arts, on Emerging Market Structures in the Communications Sector*, ACCC, June 2003, Section 5, available online at www.dcita.gov.au.

²³ *Comments to the DCITA in relation to the Australian Competition and Consumer Commission report to Senator Alston, Minister for Communications, Information Technology and the Arts on Emerging Market Structures in the Communications Sector*, Nine Network Australia Pty Ltd and Network Ten Pty Ltd, July 2003.

Others think differently. In 2004, John Singleton and his Macquarie Media consortium indicated they would be willing to be bid for a licence and had modelling to demonstrate it could sustain 100 per cent Australian content providing that such levels of content were made a condition precedent to the acquisition of the licence.

Media commentators have been almost brutal in demolishing the arguments of the incumbent networks. Dr Terry Flew, head of Media and Communications in the Creative Industries Faculty at the Queensland University of Technology, did not mince words when he concluded in July 2004 that “In every sense other than the calculus of political advantage from supportive media mates, the decision to go ahead with a fourth commercial free-to-air television licence should be a no-brainer.”²⁴

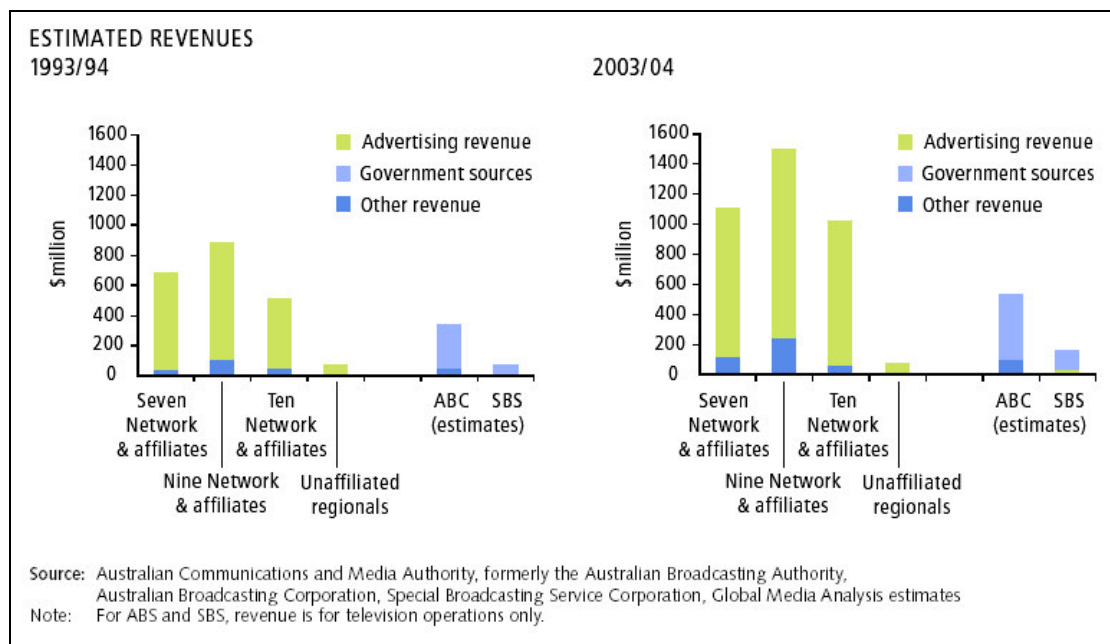
Those in favour of enabling new entrants argue that the commercial television advertising pie is not fixed and that comparisons with the United Kingdom and the United States are flawed in part because the markets in the three countries vary dramatically one from the other.

The Alliance is naturally most concerned that the entry of a new player not result in the outcomes warned of by the networks.

However, the Alliance is increasingly of the view that, providing transmission quotas remain in place and apply with equal force to new entrants, the evidence in the Australian market indicates that the advertising pie for television is not fixed.

Free to air television’s share of total advertising expenditure continues to be second only to newspapers. In 2004, it accounted for more than 35 per cent - \$3.1 billion. “It is also the preferred medium of national advertisers, accounting for 53 per cent of all such advertising.”²⁵

Estimated Revenues for free-to-air broadcasters: 1993/4 and 2003/4²⁶



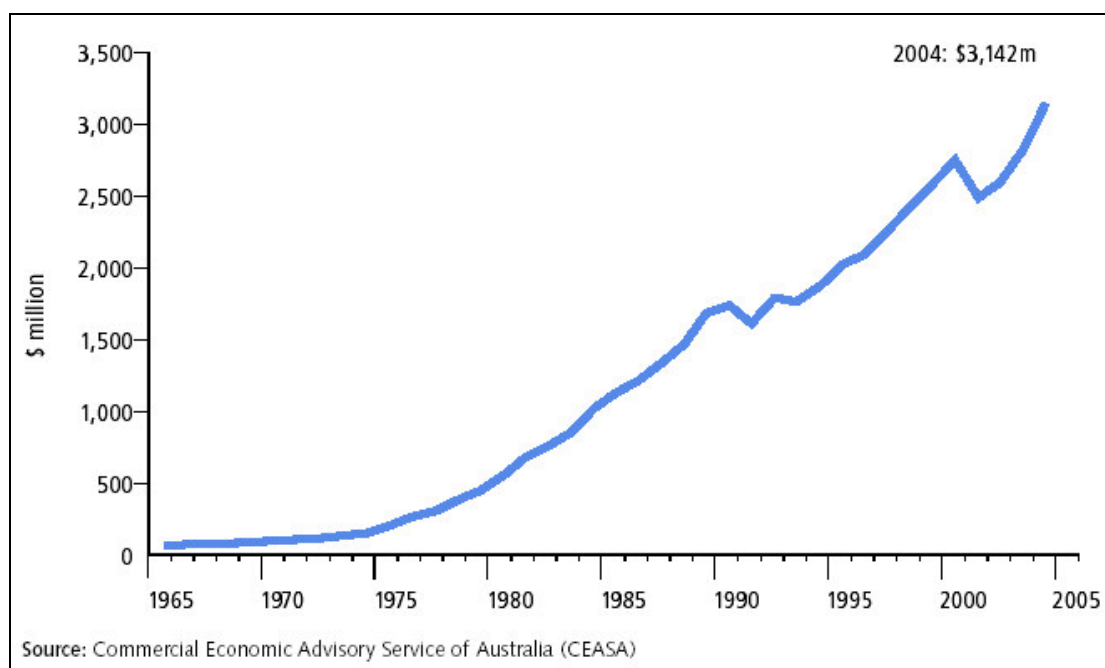
Apart from slight drops in 1992 and 2002, free to air commercial television’s share of advertising expenditure has grown steadily.

²⁴ A fourth commercial free-to-air TV network? Should be a no-brainer. Dr Terry Flew, On Line Opinion, posted 2 July 2004.

²⁵ Australia’s Audiovisual Markets, Australian Film Commission, page 48, available online at http://www.afc.gov.au/gtp/pdfs/markets_ftv.pdf

²⁶ Ibid, page 47.

Advertising Revenue – free to air commercial broadcasters²⁷



The Alliance is aware of modelling that indicates profitability of the incumbent networks would be seriously affected were a fourth network to enter the market. However, the Alliance is of the view that such modelling generally assumes a fixed advertising pie and, as the above tables indicate, that is clearly not the case. Such modelling also tends to assume the economy is fixed and GDP will not rise. Again, that is not the case.

As can be seen from the tables above, the launching of Network Ten in August 1964 into what was a much smaller media market did not see advertising expenditure on free to air television level out. Nor did the introduction of video recorders, the regional aggregation that followed the introduction of the legislation in 1987, SBS being allowed to seek sponsorship, the introduction of DVDs, pay television or the internet see advertising expenditure on free to air television flatten.

Further, although advertising figures for pay television have only been available since 2002, they too show a steady upward trend. In 2002, the sector secured \$67 million, \$93 million in 2003 and \$123 million in 2004.²⁸

It is difficult to see why at this point in Australia's history a new entrant could cause the loss of program quality and the loss of profitability that some commentators are claiming.

Further, it flies in the face of the Government's intention to increase the number of services available to Australians that will require advertising (or in some sectors sponsorship) to underpin their business model, such as open narrowcast services, community broadcasting and datacasting services or to augment their business model such as subscription services.

Alliance submissions to the Review of the Provision of Commercial Television Broadcasting Services after 31 December 2006 in October 2004, the Review of High Definition Television Quota

²⁷ *Australia's Audio-visual Markets*, Australian Film Commission, page 48, available online at http://www.afc.gov.au/gtp/pdfs/markets_ftv.pdf

²⁸ *Ibid.*

Arrangements in June 2005, the Review of the Duration of the Analogue Digital Television Simulcast Period in November 2005 and the Standing Committee on Communications, Information Technology and the Arts Inquiry into the Uptake of Digital Television in May 2005 provide further commentary on the advisability of allocating a fourth free to air commercial.

In short, the Alliance considers that a further free to air commercial broadcaster will be a critical driver in digital take-up and that arguments for the continued protection from competition are flawed and contrary to competition principles.

2.1.2 New digital services on broadcasting spectrum

The Discussion Paper proposes that two reserved digital channels of terrestrial spectrum be allocated as soon as possible in 2007 “for new digital services” including subscription television services, free to air narrowcasting services and datacasting services but excluding a new free to air commercial television service.

Datacasting licensees can provide information only programs, educational programs, interactive computer games, content in the form of text or still visual images, parliamentary broadcasts, ordinary electronic mail and internet content.

The Alliance considers the continuing emphasis on datacasting services is misplaced. To date, successful commercially viable datacasting services have not emerged. The tightly prescribed definition of datacasting has resulted in underutilised spectrum rather than services that could have assisted in driving take-up of digital. Rather than prescribing a service in legislation that appears after a number of years to have no appeal commercially on the part of providers or interest on the part of viewers, the spectrum could be put to better use by allowing the allocation of a licence for a service that does look more like a normal broadcasting service, offering content of interest to audiences and advertisers.

A fourth free to air commercial service and resourcing national broadcasters to enable them to multichannel and offer new content will clearly be more attractive to audiences.

The Alliance sees no reason to continue the experiment in datacasting, an experiment that has demonstrably failed. Snappy terminology like “snack television” is unlikely to make any difference.

No new television program formats have emerged since the 1950s when television was first introduced – traditional television continues to rely on a menu of news and current affairs, sport, drama, sketch comedy, children’s programs, light entertainment, arts programs, science programs, documentaries, quiz shows, game shows, infotainment, “how to” programs (garden shows, cooking programs and so on) and reality television.²⁹ Running times might vary, but the genres have remained the same – some children’s television series have episodes as short as five minutes, others run for half an hour, yet others an hour. Soaps used to be broadcast once a week until *Bellbird* – the first weekly stripped series. Production values have improved. But soaps and children’s programs have continued to be soaps and children’s programs just as they were when the format migrated from radio to television. Whilst some reality television programs like *Big Brother* have utilised a level of interactivity – SMS voting and so on – and whilst interactivity capacity is likely to expand in coming years, such activity can be seen more as enhancements than the creation of new innovative services.

Other program types envisaged for datacasting have proved to be more readily suited to the internet. For instance, the popularity of the Department of Meteorology website puts into question the likelihood that a finance model could be found to underpin weather forecasts as content on a datacasting channel.

That being said, the Alliance notes that the Discussion Paper envisages datacasting transmitter licensees being able to offer free to air narrowcast channels such as “religious, ethnic, or home

²⁹ Although often cited as a new genre, reality television programs have been around since *Candid Camera* which, like most television genre, started on radio. *Candid Microphone* started in the 1940s in the United States before commencing its long life on television in the 1950s.

shopping channels, or subscription TV services ... in addition to the types of services which could be currently provided under a datacasting content licence.”

National Indigenous Television (NITV), the organisation with carriage for the implementation of a new Indigenous broadcasting service, plans to build Indigenous production infrastructure building on Imparja’s Indigenous Community Television satellite transmission. The Alliance understands that NITV is also interested in being provided with one of the two reserved digital channels of terrestrial spectrum and acting as a channel multiplex. The Alliance considers that this proposal is worthy of support.

The Alliance considers that the best use of the two unallocated digital channels would be to allow a fourth free-to-air commercial network and an indigenous network rather than limiting both channels to datacasting, narrowcasting and subscription television.

If the two unallocated channels are restricted to datacasting, narrowcasting and subscription television – all effectively catering for niche audiences where the content on offer does not have broad appeal – axiomatically, they will have substantially less capacity to drive take-up of digital than would the licencing of the channels to services with broad appeal.

The Alliance also notes that “The Government would consider what, if any, obligations or restrictions should be placed on operators of these new digital services and the manner in which the channels should be allocated” having regard to those imposed on the commercial free to air broadcasters. The Alliance supports this approach.

Spectrum is a public asset and access to this asset comes with obligations. The Government is rightly inferring that such obligations should not be confined to the incumbent free to air commercial broadcasters alone.

Were a fourth commercial free to air network allowed to utilise the available unallocated spectrum, the obvious answer would be to impose the same content obligations by way of transmission quotas as currently exist in respect of the incumbent networks. However, in the absence of knowing the shape of the services that might be allocated licences of the kind the Government has in mind, it is difficult to know what the most appropriate measures might be. Nonetheless, new Australian originated programming should be the priority in determining how obligations accruing from access to spectrum are imposed.

The Alliance notes the questions raised in ACMA’s discussion paper, *Future use of unassigned television channels*.³⁰ In the interests of diversity of ownership, control and content, the Alliance considers the existing prohibition on free-to-air broadcasters controlling datacasting transmitter licences should remain. Similarly, no provider should be able to acquire both licences in any one area. The Alliance also supports the imposition of “use it or lose it” conditions, continuous use and minimum coverage areas. A very low cost channel broadcasting only intermittently or not at all will do nothing to enhance content diversity for consumers and would render a potential digital take-up driver ineffective.

2.1.3 New services on other platforms

The Government proposes legislating to transfer the decision making power for the allocation of new commercial free to air commercial television licences delivered outside the broadcasting services band – wireless, satellite, broadband and so on – from ACMA to the Government.

The Alliance is strongly opposed to the plan for the Government to assume the regulatory and licensing functions of ACMA. ACMA is the statutory authority established at arm’s length from Government to make such decisions. The Alliance does not consider that a case has been made to remove the licensing capacity from the communications and media regulator.

³⁰ *Future use of unassigned television channels*, ACMA, March 2006, pages 22 and 23.

The influence that the major media organisations have had on the decision making of successive governments is a matter of record. In order to ensure transparency and due process in decision making, the powers that the Government proposes to assume must remain with the regulator.

What is a little unclear in the Discussion Paper is whether programs delivered over the internet are broadcasting services or not.

On 27 September 2000, the then Minister for Communications, The Minister for Communications, Information Technology and the Arts, Senator the Hon. Richard Alston, issued a determination relating to the definition of a broadcasting service, “making it clear that Internet audio and video streaming are not broadcasting services”³¹.

In her speech to the ABN AMRO Conference on 6 April this year, the current Minister, Senator the Hon. Helen Coonan confirmed that ordinary streamed services over the internet should not be regulated. However, she went on to say that some services such as Internet Protocol Television (IPTV) could be regulated citing “*now Broadband TV*” in Hong Kong. “Whether or not these services would be regulated in Australia as ‘broadcasting services’ does not depend on the platform by which the services are delivered, but the nature of the services themselves. ACMA, as the regulator, within the bounds of the Broadcasting Services Act, currently determines this distinction and there are no plans to change that. Whether or not something constitutes broadcasting and requires a licence will depend on the particular circumstances of the service being offered, whether it is via IPTV, satellite, terrestrial or some other platform. For example, if somebody wants to deliver a new subscription TV broadcasting service, regardless of what platform they choose to deliver it over, they will need the appropriate licence.”³²

The Alliance supports this technology neutral approach to regulation.

Just what regulatory obligations might be appropriate will depend on the service.

In 2003, the Australian Film Commission released *Flexible Vision – A snapshot of emerging audiovisual technologies and services, and options for supporting Australian content*. The study canvassed 18 new forms of audiovisual content delivery: broadband websites, electronic program guides (EPGs), datacasting, personal video recorders (PVRs), digital film distribution, Internet via TV and walled gardens, digital film exhibition, narrowband Internet content, digital free-to-air multichannelling, peer-to-peer (P2P) networks, digital subscription television, satellite delivery, DVD/video hire and sale market, t-commerce, m-commerce and advertising, high-definition television, 2.5G and 3G cellular mobile services, interactive television, video-on-demand (VOD) and pay-per-view.

“Out of the 18 new delivery technologies, seven are currently regulated for local content purposes in at least one country outside of Australia. One other technology – digital film exhibition – is currently not regulated for content but is expected to have the same regulations imposed when the technology is eventually introduced. A further seven technologies are currently being examined by regulatory authorities in Europe, North America and Asia. Only three technologies – 3rd generation (3G) phones, digital film distribution, and peer-to-peer (P2P) networks – are currently unregulated to support local content or have yet to be examined as to regulatory options or support for local content.”³³

The study identified the major ways in which Australian content can be supported in these new and emerging services. Namely, government funding, levies, content obligations such as quotas, “must carry” and content access regimes, and promotion and positioning obligations.

³¹ *Internet video and audio streaming defined*, Media release, Senator Alston, 27 September 2000, available online at http://www.dcita.gov.au/Article/0,,0_4-2_4008-4_15292,00.html.

³² *Address to the ABN AMRO Conference*, Senator the Hon Helen Coonan, Minister for Communications, Information Technology and the Arts, 6 April 2006,

³³ *Flexible Vision – A snapshot of emerging audiovisual technologies and services, and options for supporting Australian content*, Australian Film Commission, November 2003 available online at http://www.afc.gov.au/downloads/policies/flexible%20vision_final.pdf.

The Alliance considers that access to new Australian content must continue to be the preeminent consideration in the regulation of new services.

2.2 Expanding Service Options for Existing Free to Air Broadcasters

2.2.1 Consequences of analogue switchover

2.2.1.1 Multichannelling – commercial broadcasters

The Discussion Paper flags that the current restrictions on the free to air commercial broadcasters being able to multichannel will continue until the end of the simulcast period with the caveat that the Government will reserve the right to reconsider the timing of the relaxation of these restrictions.

The Alliance considers that this flexibility is essential as it is likely it will need to be exercised in order to give audiences enhanced channel choice as a driver to the take-up of digital.

Similarly, the Alliance is pleased that the Government will explore appropriate regulatory arrangements including the introduction of Australian content and captioning obligations.

The Government will be somewhat constrained in the extent to which content obligations will be able to be imposed, given the concessions made in the Australia United States Free Trade Agreement (AUSFTA). However, if the Government restricts the extent to which a broadcaster is able to multichannel, an appropriate outcome should still be possible. For instance, if the multichannels are limited to the two channels currently used for HDTV and SDTV, the Government would be able to impose the same content obligations on one of the two additional channels.

The Alliance is aware that the current free to air broadcasters have differing views about wishing to multichannel.

However, given that access to a very valuable public asset like spectrum appropriately carries with it obligations and given how its use impacts on take-up of digital, the Alliance supports the Government requiring the free to air commercial broadcasters to utilise one of the channels currently used for simulcasting to be operated as a free to air multichannel with content obligations reflecting those on their primary channel.

2.2.1.2 Multichannelling – national broadcasters

The Alliance strongly supports the proposal to immediately abolish the genre restrictions that currently apply to national broadcaster multichannelling.

The Alliance is of the view that the national broadcasters would be the most effective drivers of digital take-up if they are resourced in a manner that enables them to multichannel broadcasting new Australian content across the full range of genres.

Whether they will be able to do so will depend on access to increased funds. New Australian drama broadcast by the ABC fell from 82 hours in 2001-2002 to three hours in 2004-2005, and the 82 hours in 2001-2002 was down from 260 hours of drama programming in 1996-1997.

In its submission to the DCITA ABC Funding Adequacy and Efficiency Review in November last year, the Alliance argued that the ABC is not currently adequately resourced to fulfil its charter obligations and unless this situation is rectified as a matter of urgency, it will have repercussions that could last for generations.

The ABC provides a comprehensive national television and radio broadcasting and online service on a budget approximately two-thirds that of the average Australian commercial free to air television station.

Its budget has declined by approximately 25 per cent in real terms over the past two decades.

In a study of public broadcasting released in 2001, the OECD found that “In terms of dollars per head of population, for example, the BBC’s budget was about 2.5 times the ABC’s”³⁴ with the ABC ranking second lowest in terms of revenue per capita of the 17 countries surveyed.

Unsurprisingly, the ABC has had to respond to budget constraints by producing less of those programs that are the most expensive to produce, specifically drama programs.

Notwithstanding the financial constraints within which the ABC operates, the Australian community rates its services very highly. About 74 per cent of Australians consider that ABC Television does a good job in terms of the number of shows it provides that they personally like to watch, compared with 47 per cent in respect of the commercial television broadcasters.

Of those who use the ABC’s website, 93 per cent rate it as good and only two per cent rate it as poor. The figures speak for themselves: Australians value their ABC.

The ABC must be resourced to take a leading role in digital free-to-air broadcasting. Without new funds it will be unable to do so. This was amply demonstrated by the short-lived *ABC Kids* and *Fly* and can be seen in the very low level of new programming on ABC2.

Were the ABC able to take a leading role in digital television and offer audiences a diverse range of new Australian programs not elsewhere available free to air, the ABC would be able to play a key role in driving the take-up of digital services.

In 2002, the Macquarie Bank found that additional funding of between \$200 and \$700 million per year was needed to bring ABC funding in line with its international peers. Since that time the BBC, for instance, has received further increases in its funding to accommodate the financing of additional programs for its range of digital services.

The BBC has played a central role in driving digital take-up in the United Kingdom. In so doing, it has become one of the largest audiovisual producers in the world, creating an enormous catalogue of intellectual property that it can exploit internationally.

The ABC should be supported so that it too can play a central role in driving digital take-up.

2.2.2 High Definition Television

The Discussion Paper proposes that the current HDTV quota of 1,040 hours per year be retained until the end of the simulcast period. However, as an interim measure the Government might remove the requirement that the HDTV version of a digital television service be a simulcast of the SDTV service commencing from 1 January 2007.

The Alliance supports the proposal to end the simulcast nature of the HDTV service from 1 January 2007. It would, as the Discussion Paper notes, “effectively allow FTA TV broadcasters to run one multichannel in HDTV in advance of switch-off”.

Importantly, it would provide enhanced channel choice for consumers and assist drive digital take-up. The Alliance does, however, consider that whilst there should be a digital simulcast of the analogue channel, it should be the commercial decision of the networks whether the one multichannel service be HDTV or SDTV. In the event that the Government does determine that utilising one channel for multichannelling is required to drive digital take-up allow each free to air broadcaster to run one multichannel, Australian content obligations that apply to their primary channel should be imposed from the outset.

³⁴ OECD Communications Outlook 2001 cited in *How Australia Compares*, Rodney Tiffen and Ross Gittens, Cambridge University Press, 2004, page 187.

Indeed, the Alliance considers that the Government should require the commercial free to air broadcasters to use one of their two digital channels as a genuine multichannel from 1 January 2007.

2.3 Media Ownership and Control

2.3.1 Foreign ownership

The Discussion Paper proposes that:

- the current media-specific foreign ownership rules in the Broadcasting Services Act be removed,
- the current newspaper-specific foreign ownership restrictions in the Foreign Investment Policy (FIP) under Foreign Acquisitions and Takeovers Act 1975 (FATA) be removed,
- the media be retained as a sensitive sector under the FIP, and
- proposals by foreign interests to directly invest in the media, irrespective of size, remain subject to prior approval by the Treasurer.

The Discussion Paper points to the United Kingdom, New Zealand and Germany as countries that do not have sector-specific restrictions on foreign investment in broadcasting or print.

The Alliance does not consider that the media landscape in these countries is comparable with Australia. In the United Kingdom, for instance, a very well-resourced BBC dominates the broadcast industry in a way that the public national broadcasters are unable to do in Australia. Levels of British content on the BBC stand in stark contrast to levels of Australian content on commercial free to air television and in even starker contrast to levels of local content on the ABC.

New Zealand, on the other hand, has woefully low levels of local content on television. Importantly, today there is not one significant commercial media player in New Zealand that is not Australian based.

The Discussion Paper then points to three countries that do restrict foreign ownership, namely the United States, Canada and France.

Rather than explaining why it is preferable to follow the lead of countries that do not regulate than those that do, the Discussion Paper simply concludes that given the existing safeguards in the FATA and FIP, the current television and newspaper specific foreign ownership restrictions be removed.

The Alliance does not believe a case has been made to do so.

One of the key objects of the Broadcasting Services Act is “to ensure that Australians have effective control of the more influential broadcasting services”. It does so for a very good reason. Removing the foreign ownership restrictions will lead inevitably to greater global concentration of media ownership. New Zealand is a good example. The absence of foreign investment media rules has meant the majority of programming is foreign, with increasing reliance on foreign news sources. Some countries have greater inbuilt protection from foreign programming by virtue of language barriers. But particularly in English language countries, media organisations are more vulnerable to take over by media organisations from larger countries. For New Zealand, it was Australia. For Australia it has been Canada and will more likely be the United States or the United Kingdom.

Any measures that lead to greater concentration of ownership and control rather than to greater diversity of voice are not in the national interest.

2.3.2 Cross-media transactions

The Discussion Paper proposes that the cross-media rules be amended to allow cross-media transactions to occur subject to there remaining a minimum of four commercial media groups in regional markets and five in mainland capital cities. Existing limits on broadcasting licences would be retained – a maximum of two commercial radio licences in a radio licence area, one television licence in a licence area and no more than 75 per cent national television reach. Public disclosure would be required when a media outlet reports on the activities of a cross held entity.

The Alliance believes that proposed changes to the cross-media rules are not in the public interest.

The Discussion Paper observes that “[t]he protection of diversity in the control of commercial broadcasters and newspapers remains an important regulatory objective of the BSA. However, despite the proliferation of new media which has created additional sources of information and opinion, commercial broadcasters and newspapers remain the most widely used and influential media sources.”

The Alliance agrees. Consequently, it is difficult to understand why the Government wishes to implement changes that would lead to great concentration.

Bob Peters of Global Media Analysis has pointed out that there are currently 101 separate radio markets in Australia, namely 5 metropolitan markets, 93 regional markets and three remote markets with 58.5 per cent, 39.1 per cent and 2.4 per cent of the national population respectively. “Among those 101 radio markets, consolidation can occur in each of the five metro markets and 39 of the regional markets. Those 44 radio markets account for the 83% of the national population.”³⁵

Peters found that with the new floor of four media owners, there is no potential for mergers in small sized regional radio markets.

Example A: Small-Sized Regional Radio Markets

Commercial Media Ownership in Small-Sized Regional Radio Markets								
Market Rank	Market	Owner 1	Owner 2	Owner 3	Owner 4	Owner 5	Total Owners	Potential Deals
		TV 1	TV 2	TV 3	Paper 1	Radio 1		
81	Mudgee, NSW	PRT	WIN	SBC		BO	4	0
82	Esperance, WA	PRT	WIN			MRR	3	0
83	Scottsdale, TAS		WIN	SBC		MRR	3	0
84	Karratha, WA	PRT	WIN			WAN	3	0
85	Merridin, WA	PRT	WIN			MRR	3	0
86	Katanning, WA	PRT	WIN			MRR	3	0
87	Roma, QLD	IMP		SBC		MRR	3	0
88	Bridgetown, WA	PRT	WIN			MRR	3	0
89	Longreach, QLD	IMP		SBC		RO	3	0
90	Charters Towers, QLD	PRT	WIN	SBC		MRR	4	0

Source: *Commercial Implications of the Discussion Paper on Media Reform Options*, Bob Peters³⁶

By contrast, Peters demonstrates the potential that exists for consolidation in medium sized regional radio markets.

³⁵ *Commercial Implications of the Discussion Paper on Media Reform Options*, a presentation by Bob Peters, Director, Global Media Analysis, delivered to Network Insight, *The Coonan paper on media reform: information session*, 12 April 2006 available online at http://www.networkinsight.org/verve/_resources/NII_Peters_12April06.pdf

³⁶ Ibid.

Example B: Medium-Sized Regional Radio Markets

Commercial Media Ownership in Medium-Sized Regional Radio Markets									
Market Rank	Market	Owner 1 TV 1	Owner 2 TV 2	Owner 3 TV 3	Owner 4 Paper 1	Owner 5 Radio 1	Owner 6 Radio 2	Total Owners	Potential Deals
41	Bega, NSW	PRT	WIN	SBC		Grant		4	0
42	Dubbo, NSW	PRT	WIN	SBC	RUP	BO	MRR	6	2
43	Griffith, NSW		WIN			MRR		2	0
44	Mandurah, WA	PRT	WIN	3 Perth		WC		6	2
45	Devonport, TAS		WIN	SBC		MRR		3	0
46	Tamworth, NSW	PRT	WIN	SBC	RUP	BO		5	1
47	Horsham, VIC	PRT	WIN	SBC		ACE		4	0
48	Burnie, TAS		WIN	SBC	RUP	MRR		3	0
49	Mildura, VIC	PRT	WIN		Lanyon	MRR	Elmie	5	1
50	Deniliquin, NSW	PRT	WIN	SBC	McPherson	RR		5	1

Source: *Commercial Implications of the Discussion Paper on Media Reform Options*, Bob Peters³⁷

Considerably more consolidation would be possible in the largest regional radio markets.

Example C: Largest Regional Radio Markets

Commercial Media Ownership in the Largest Regional Radio Markets												
Rank	Market	Owner 1 TV 1	Owner 2 TV 2	Owner 3 TV 3	Owner 4 Paper 1	Owner 5 Paper 2	Owner 6 Radio 1	Owner 7 Radio 2	Owner 8 Radio 3	Owner 9-11 TV4-6	Total Owners	Potential Deals
1	Newcastle, NSW	PRT	WIN	SBC	FXJ		AUE-MRR	BO			6	2
2	Gold Coast, QLD	PRT	NBN	SBC	NCP	NCP	MRR	HT		3 Bris	10	6
3	Sunshine Coast, QLD	PRT	WIN	SBC	APN	NCP	MRR	QMI		3 Bris	10	6
4	Canberra, ACT	PRT	WIN	SBC	RUP		AUE-ARN	CAP-GRT			6	2
5	Geelong, VIC	SEV	PBL	TEN	NCP	2 Melb	GRT		6 Melb		13	9
6	Gosford, NSW	SEV	PBL	TEN			MRR	DMG			5	1
7	Katoomba, NSW	SEV	PBL	TEN	NCP	FXJ	ARN		7 Sydney		12	9
8	Wollongong, NSW	PRT	WIN	SBC	FXJ		WIN	GRT			6	2
9	Hobart, TAS		WIN	SBC	NCP		MRR	GRT			5	1
10	Murwillumbah, NSW	PRT	NBN	SBC	APN	NCP	BO		3 Gold Coast	3 Bris	12	8

Source: *Commercial Implications of the Discussion Paper on Media Reform Options*, Bob Peters³⁸

In the two largest markets, the number of media owners could fall from the current 12 in Sydney to five and from the current eleven in Melbourne to five.

³⁷ *Commercial Implications of the Discussion Paper on Media Reform Options*, a presentation by Bob Peters, Director, Global Media Analysis, delivered to Network Insight, *The Coonan paper on media reform: information session*, 12 April 2006 available online at

http://www.networkinsight.org/verve/_resources/NII_Peters_12April06.pdf

³⁸ Ibid.

Example D: Metropolitan Radio Markets

Commercial Media Ownership in the Five Mainland Metropolitan Markets														
Market	Owner 1	Owner 2	Owner 3	Owner 4	Owner 5	Owner 6	Owner 7	Owner 8	Owner 9	Owner 10	Owner 11	Owner 12	Total	Potential
	TV 1	TV 2	TV 3	Paper 1	Paper 2	Radio 1	Radio 2	Radio 3	Radio 4	Radio 5	Radio 6	Radio 7	Owners	Deals
Sydney	SEV	PBL	TEN	NCP	FXJ	AUE	DMG	APN	SBC	MRN	BO	TAB	12	7
Melbourne	SEV	PBL	TEN	NCP	FXJ	AUE	DMG	ARN	SBC	PNW	3UZ		11	6
Brisbane	SEV	PBL	TEN	NCP		AUE	DMG	ARN-DMG	SBC	UTB			9	4
Perth	SEV	STV	TEN	WAN		AUE	DMG-ARN	ARN-DMG	SBC	GB-CAP			9	4
Adelaide	SEV	SBC	TEN	NCP		AUE	DMG	ARN					7	2

- Multiple consolidation transactions can occur in each of the metropolitan markets
- Only 2 consolidation transactions can occur in Adelaide

Source: *Commercial Implications of the Discussion Paper on Media Reform Options*, Bob Peters³⁹

In *Content, Consolidation and Clout: How will regional Australia be affected by media ownership changes?* Tim Dwyer, Derek Wilding, Helen Wilson and Simon Curtis examined the impact of media ownership changes in four regional areas – Wollongong, Townsville, Toowoomba and Launceston. They found that proposed floor of four media owners will not provide an adequate level of diversity in regional media, underestimates the importance of local daily newspapers and ignores the impact of media mergers on the local news culture. “In the markets we have examined it is clear that some mergers would result in a profound disruption to the news culture of those communities.”⁴⁰

The Alliance also considers that the proposed minimum number of players test confuses journalism with media.

As Margaret Simons argues in Crikey, “Journalism and the media are not the same thing. Media are the means by which audiences are delivered to advertisers. Journalism is supported by and enmeshed with media but has a different and older function ... new media (like craigslist) can do the profitable things – sell ads – without bothering about the journalism. Meanwhile a thousand news and current affairs blogs bloom, but so far most are concerned with opinion rather than reporting ... New platforms do not necessarily mean more journalism.”⁴¹

The proposed minimum number of players could easily result in media organisations requiring their journalists to serve all platforms – print, television, radio, their websites – a reduction in reporting and an increase in repackaging.

And the new platforms for news and current affairs are already dominated by the current players – the ABC, Ninemsn, and Fairfax and the emerging Yahoo!7.

Further, there appears to be a reliance on the existence of news and current affairs websites providing increased diversity for consumers. But as the Minister rightly points out, despite the proliferation of platforms, television and print media remain the dominant sources for Australians.

³⁹ Ibid.

⁴⁰ *Content, Consolidation and Clout: How will regional Australia be affected by media ownership changes?* Tim Dwyer, Derek Wilding, Helen Wilson and Simon Curtis, Communications Law Centre, 2005 reviewed in Crikey <http://www.crikey.com.au/articles/2006/04/04-1619.2509.print.html>

⁴¹ *Will there be enough journalists?* Margaret Simons, Crikey.com.au <http://crikey.com.au/articles/2006/03/15-1439-1008.print.html>.

The internet market research company Hitwise, compiles information on how people use the internet. Hitwise's data for the week ending 18 March 2006 reveals that 9.7 per cent of website visits were to search engines with just 5.4 per cent to news and media websites. "But where do users go once they have conducted their searches? Shopping, very largely, and to networking and entertainment sites. When they go looking for information, the traditional media sites are only one of a number of sources. Wikipedia is right up there at number 17 in the top 20 of the most popular sites visited by Australians. Meanwhile the top 'news and media' site was the Bureau of Meteorology – beating Ninemsn and The Age and Sydney Morning Herald online."⁴²

That greater media concentration will not occur if the proposed amendments are introduced flies in the face of the evidence. The media is currently continuing to consolidate to the extent it is able within the existing framework.

News Limited recently announced it was acquiring two of Queensland's independent Ipswich papers, the Westside Weekly and Ipswich's Own following approval by the ACCC and the Foreign Investment Review Board.

"The purchase adds to News's dominance in the Sunshine State when added to its dailies in Brisbane, Cairns, Gold Coast and Townsville and its Brisbane suburban Quest group. On the Packer side, Ninemsn – a joint venture between PBL and Microsoft – has just finalised the purchase of content provider HWW. The company produces mobile phone and other digital content, and is one of the largest third generation content providers to the Hutchison '3' mobile network. As companies like Telstra and Optus move towards utilising the 3G network – capable of carrying music, television and other multimedia – HWW is expected to become a valuable content provider. All this is great news for PBL, who now have the option of beaming Channel Nine content directly to mobile phones around the country, and News, whose domination of the Australian newspaper industry just increased by another (small) notch."⁴³

Meanwhile, Tim Hughes of the Macquarie Media Group, which already controls 86 Australian regional radio stations, making it the biggest holder of regional radio licences, in an interview with James Kirby, editor of Eureka Report, indicated MMG were looking to acquire more media outlets. "I think our regional radio stations, which are locally based, would fit very well with a regional television network, which is more of a national model."⁴⁴ Although saying they are not actively looking at present, given how steep the prices currently are, a relaxed cross media regime is likely to see MMG taking advantage and building on its current base.

History demonstrates that where regulation allows floors, the industry will default to the minimum. Thus a floor introduced to establish a minimum number of players will become the maximum.

Importantly, not all voices are equal. The Discussion Paper assumes that a radio station is as pervasive as say, the Seven Network, or News Limited or PBL. Obviously this is not the case and in arguing that the proposed floors will maintain diversity of voices the Discussion Paper has ignored the potential influence of the voices that will remain.

It is therefore difficult to see how dismantling the cross media ownership rules will lead to anything other than a further concentration of media ownership, and a substantial diminution in the number of voices in the media landscape. It is difficult to see how it can be in the interests of consumers rather than merely in the interests of media owners.

In its Television Equalisation Report of 1987, the Senate Select Committee considered ownership and control issues in these terms: "The commercial television industry has been traditionally guaranteed

⁴² *Online content provision: still anyone's game*, Margaret Simons, *Crikey*, 29 March 2006,

⁴³ *Moguls keep buying as media reform debate rolls on*, Michael Newhouse, *Crikey*, 5 April 2006.

⁴⁴ *Macquarie's Media Man*, James Kirby, *Eureka Report*, 29 March 2006,

<http://www.eureka.com.au/iis/iis.nsf/pages/6680AF76A96EA1AFCA25713F00838A9A?OpenDocument>

viability. However, there is a long-standing dispute over the exact meaning of this guarantee. The commercial television licensees have traditionally argued that ‘viability’ means ‘profitability’, whilst the regulatory authorities, including the Australian Broadcasting Tribunal, have treated viability as being the ability to operate in the market place – that is, to service a licence. According to this latter view, the object of protecting viability is to ensure the survival of the broadcasting system, not the survival of individual operators.”⁴⁵

The Alliance concurs with the latter view.

As Professor Quiggan commented in *The Financial Review*, “Looking at the proposal in detail reveals that the big win for the industry is the removal of restrictions on cross-media ownership and on foreign ownership. Not surprisingly, there is an industry consensus in favour of these changes, which can only increase the value of existing media assets.”⁴⁶

Cross media ownership rules should have one key purpose – to foster diversity, choice and competition. They must provide a framework for viability but should not be drafted to enhance the profitability of a limited number of incumbent media owners.

Regional services protections

The Discussion Paper proposes three protections for regional services:

- A legislated requirement for the continued imposition of licence conditions in key regional commercial television markets to provide minimum levels of content on matters of local significance.
- ACMA to ensure genuine competition between regional radio licensees through a requirement that, if following the sale of a licence, the program format changes from one of broad appeal to one of more limited appeal, it consider the allocation of a new additional commercial licence.
- ACMA and the Government will continue to monitor the provision of local content in other television licence areas and on regional commercial radio services. The Government may consider extending licence conditions relating to levels of local content to those markets if local content levels decline materially.

Whilst the Alliance supports the above proposals, they are not adequate to address the impact of consolidation of media players in regional areas for the reasons outlined above.

Timing

The Discussion Paper sets out two options for the timing of changes to media ownership reforms – immediately following automatic changes to the regulatory framework in 2007 that would also allow new licences for digital services on reserved spectrum to be allocated, or linked with the end of the simulcast period, in line with the Digital Action Plan.

The Alliance, as set out above, is opposed to the proposed changes to media ownership. Whilst not seeing any necessary linkage between amendments to the media ownership rules and the Digital Action Plan, the Alliance does consider that in the event consideration is to be given to changes in the media ownership rules, then that decision should be deferred to the end of the simulcast period and the landscape revisited at that time. If the timing were deferred, the Government would be in a position to review the impact of new media on the overall media landscape. In any event, the proposed amendments will result in increased concentration of media ownership, entrenchment of incumbents and decreased competition. As the Government consistently acknowledges in other industry sectors, increased competition drives productivity gains and it is difficult to see why in this one sector, the Government is walking away from its own competition policies.

⁴⁵ Television Equalisation, Report of the Senate Select Committee, March 1987, page 125.

⁴⁶ *Public missing out, again*, Professor John Quiggin, Australian Financial Review, 16 March 2006, and available online at <http://www.onlineopinion.com.au/view.asp?article=4274>

As noted above, it is not appropriate to introduce legislation that further protects incumbent players. Any changes to legislation and regulation should have as their overriding concern the interests of the general public and the Alliance considers that the general public are badly served by the proposed amendments.

In 2000, the Productivity Commission released its report on Broadcasting. It represented the most comprehensive review of broadcasting ever undertaken. Although recommending changes to foreign investment and cross media ownership rules, the Commission recommended a number of steps be taken, prior to implementing changes. Those steps included introducing a media-specific public interest test in the Trade Practices Act which “would apply to all proposed media mergers” to be administered by the ACCC and requiring the ACCC to seek input from the then Australian Broadcasting Authority “on social, cultural and political dimensions of the public interest” and the removal of regulatory barriers to entry in broadcasting together with the availability of spectrum for new broadcasters. In other words, the Commission was proposing changes only after the broadcasting market had been opened up and the barriers to entry for new players removed.

A decision to delay implementing any changes to foreign ownership and cross media rules to the end of the simulcast period would thus be more in line with the Productivity Commission’s recommendations. In other words, ensure that the landscape is right with barriers to entry removed before implementing change in a landscape that is not yet ready for such changes.

Attachment A

The Alliance has made submission to a number of inquiries in the past two years relevant to the current Inquiry.

Department of Communications Information Technology and the Arts:

1. Review of the Provision of Services other than Simulcasting on Free To Air Digital Spectrum, July 2004
2. Review of the Regulation of Content Delivered over Mobile Communications Devices, September 2004
3. Provision of Commercial Television Broadcasting Services after 31 December 2006, October 2004
4. Review of the Viability of Creating an Indigenous Television Broadcasting Service and the Regulatory Arrangements that should Apply to the Digital Transmission of such a Service using Spectrum in the Broadcasting Services Band, October 2004
5. A Review of the Viability of Creating an Indigenous Television Broadcasting Service and the Regulatory Arrangements that should Apply to the Digital Transmission of such a Service Using Spectrum in the Broadcasting Services Bands, October 2004
6. Review of Broadcasting Services Bands Spectrum - Identification and Structural Efficiency, December 2004
7. Review of High Definition Television Quota Arrangements, June 2005
8. Review of the Duration of the Analogue Digital Television Simulcast Period, November 2005
9. ABC Funding Adequacy and Efficiency Review, November 2005
10. Proposed Reforms to the Broadcasting Regulatory Powers of the Australian Communications and Media Authority, December 2005

The above submissions are all available on the DCITA website.

Standing Committee on Communications, Information Technology and the Arts:

Inquiry into the Uptake of Digital Television, May 2005

Available online at <http://www.aph.gov.au/house/committee/cita/digitaltv/subs/subs58.pdf>

Senate Environment, Communications, Information Technology and the Arts References Committee:

Inquiry into the Australian Communications and Media Authority, January 2005

Available online at http://www.aph.gov.au/senate/committee/ecita_ctte/acma/submissions/sublist.htm