

Media laws proclaimed

The Minister for Communications, Information Technology and the Arts, Senator Helen Coonan, recently announced that the next key elements of the government's media reform package would commence on Wednesday 4 April 2007. This date was fixed by proclamation as the commencement date for Schedule 2 to the *Broadcasting Services Amendment (Media Ownership) Act 2006*.

The changes introduced by proclaiming Schedule 2:

- removed the foreign ownership restrictions for commercial and subscription television interests
- removed the cross-media ownership restrictions relating to commercial radio licences, commercial television licences or associated newspapers (subject to certain safeguards)
- imposed disclosure obligations on commercial radio and television licensees and newspaper publishers with cross-media interests
- required ACMA to impose licence conditions from 1 January 2008 on commercial television licensees in regional aggregated Queensland, New South Wales, Victoria and Tasmania markets to broadcast a

minimum level of 'material of local significance'

- required ACMA to impose licence conditions from the date of commencement of Schedule 2 on regional commercial radio licensees that require licensees to maintain existing levels of local presence if the licence is subject to a 'trigger event'
- required ACMA to impose licence conditions from 1 January 2008 on regional commercial radio licensees to broadcast a minimum level of 'material of local significance' between 6.00 am and 6.00 pm on business days (ACMA is investigating whether the requirement for all regional radio licensees to broadcast 4.5 hours per business day of local content is

an appropriate level, and will report to the minister by 30 June 2007) and

- subjects regional commercial radio licensees to further local content obligations if a 'trigger event' occurs.

A 'trigger event' is a transfer of a regional commercial radio broadcasting licence; the creation of new registrable media group (where a regional commercial radio broadcasting licence is in the group); or a change in controller of a registrable media group (where a regional commercial radio broadcasting licence is in the group).

ACMA recently reported to the Minister on the current definition of a 'trigger event' in the *Broadcasting Services Act 1992*, in response to the

Minister's direction to investigate any potential to cause 'unintended consequences'.

The Minister's announcement of the proclamation date followed ACMA's completion of the practical requirements necessary for the proper implementation of Schedule 2 – the Register of Controlled Media Groups and the 'local presence' licence condition that only applies to regional commercial radio licensees after a 'trigger event'.

More information about media reform is on the ACMA website at www.acma.gov.au (go to For licensees & industry: Licensing & regulation > Media ownership & control > About media reform).

Register of Controlled Media Groups published

A major stage in the implementation of new media ownership regulatory arrangements was reached recently, with the publication of ACMA's new Register of Controlled Media Groups. The register provides new information to industry participants and to the community on the control of media groups in radio licence areas across Australia. It lists the media groups in each radio licence area, the media operations that form part of a group and the controllers of those operations.

The Register of Controlled Media Groups is a core component of the government's media reform package. The new media laws include a diversity test

that prohibits transactions that result in a reduction in numbers of separately-controlled media operations or media groups in a radio licence area below certain levels (or 'points').

A new points system requires that a transaction does not result in the number of media groups and independent media operations falling below certain levels. There must be at least five points in a metropolitan radio licence area and at least four points in a regional radio licence area. Essentially, if the number of points is already at or below that level, the new laws prohibit transactions that result in a reduction, although ACMA has the power to grant prior approval to prohibited

transactions on conditions which require that media diversity be restored within a prescribed period.

The register contributes to these new arrangements by listing all registrable media groups (consisting of two or more media operations) in each radio licence area in Australia. As a registrable media group attracts one point for its whole group—in contrast to an independent media operation, which itself attracts one point—companies who seek to transact should, in their own interests, be aware of the existence of any registrable media groups in the relevant licence areas.

More information related to the register will be available in the near

future. The next stage involves the publication of a supplementary report listing media operations in the licence areas that are not part of a media group, that is, independent media operations, as well as the controllers of those media operations. Some of this information has already been available to industry through its own intelligence and current ACMA reports such as *Current Controllers* and the *Associated Newspaper Register*. The supplementary report will provide this information in a single, comprehensive report for the first time. ACMA expects to publish the supplementary report in late April 2007.