

Media & Broadcasting Regulation

AUSTRALIAN DEMOCRATS ACTION PLAN
MEDIA & BROADCASTING
CORPORATE AFFAIRS

The Democrats recognise that the technological and market changes in the media industry over the last 10 years make it imperative that media law and regulation keep pace with that change.

The Democrats strongly support media diversity and independence. The Coalition Government's media reform package, passed in October 2006, did not deliver that. If we are to have media markets freed from oligopoly there must be policies to increase diversity of views and voices.

The Government's media reform package effectively reduced competition, reduced the diversity of voices in the media marketplace and created circumstances where media ownership could be increasingly concentrated in the hands of a few.

Although the Government's legislative changes increased the number of delivery platforms the reality is the message will remain the same and be sourced from fewer journalists and fewer owners.

Media diversity and independence are critical to the public debate and the media's role as the fourth estate in a democracy should be protected. Australians are not simply consumers of media 'product' they are citizens of a democracy. Therefore the regulation of the media industry is one of the building blocks upon which an effective democracy is maintained.

“Failure to protect a diversity of viewpoints is a failure to protect the necessary public debate that makes our democracy function”

Senator Andrew Murray
Democrats spokesperson
on Corporate Affairs

Our Action Plan – Media Ownership

- Support the further strengthening of the media regulatory body the Australian Communications and Media Authority (ACMA) to regulate competition in the marketplace;
- Recognise and appropriately regulate the telecommunications industry with respect to its role in the media market;
- Amend the Trade Practices Act (TPA) and the Broadcasting Services Act (BSA) to promote diversity and create real competition in the marketplace;
- Amend the TPA to ensure a media specific 'public interest' test is applied to media and telecommunication mergers;
- Amend the TPA to include divestiture provisions;
- Amend the TPA so that approval of foreign investment in media is overseen by the Parliament not the Treasurer.



Other ACTION PLANS are available online at
www.democrats.org.au

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The Issues

In drafting its 2006 media reform package the Government did not fully implement the recommendations of the Productivity Commission Report, 2000. The Commission recommended that the cross-media ownership rules should not be repealed or changed until the regulatory barriers to entry were removed. This included making spectrum available for new players; repealing restrictions on foreign investment, ownership and control; and amending the TPA to include a media specific public interest test being applied to mergers and acquisitions.

The need for a sceptical media has never been so crucial. The current Government maintains a tight grip on executive control of Parliament. It wields this power in many ways – using incumbency to manage information, refusing FOI requests, almost non-existent whistleblower protections, limiting accountability, and hamstringing a Senate regrettably in its control.

The first requirement in any matter of industry regulation is to protect competition. It is not credible for the Government to assert that the ACCC and the minister will control any proposed media mergers adequately, because there are insufficient safeguards in the TPA to ensure this.

The Government reduced safeguards by further amending the TPA to allow forum shopping and the application of different principles between the ACCC and the Australian Competition Tribunal. Without significant strengthening of the TPA, including section 46, divestiture provisions, and the addition of a media specific public interest test, any media market deregulation results in reductions in real competition and a greater concentration of media.

The Democrats also believe that changes to the cross-media ownership laws should not have happened until there was increased take up of new information sources provided by new technology. There is research to show that most people still receive their information and current affairs from the traditional sources of press, television and radio, with internet usage still lagging behind. The internet adds to diversity but does not substitute for 'old media'.

Media owners' and investors' self-interest must be tempered by the national and public interest. The media is not just another business.

The Government fails to recognise it is bad policy to introduce looser media concentration rules without simultaneously introducing legislation to bolster general competition law. They also fail to recognise that strengthening the TPA benefits competition in all other sectors too.



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