

SPECIAL BROADCASTING SERVICE CORPORATION (SBS)

Response to the *Draft Report: Review of the Australian Communications and Media Authority* May 2016

Introduction

SBS is a national public broadcasting service established under the *Special Broadcasting Service Act 1991* (SBS Act). Its principal function is to provide multilingual and multicultural radio, television and digital media services that inform, educate and entertain all Australians, and, in doing so, reflect and promote Australia's multicultural society (SBS Charter). SBS is subject to specific accountability mechanisms under the SBS Act as well as in respect of its role as an independent statutory authority.

As a media and communications service, SBS is also subject to other levels of regulation under the regulatory regime which applies to these services, including oversight by the ACMA in areas such as complaints about SBS content made under the SBS Codes of Practice, closed captioning obligations, and spectrum management.¹

SBS welcomes the opportunity to comment on this draft report, and the draft proposals.

Draft Proposals

Remit

SBS supports the ACMA's remit covering all layers of the communications market, as these layers are interdependent and together support public broadcasting.

Functions analysis

SBS supports the draft proposals relating to functions, while strongly suggesting that research and policy activities, such as those outlined in draft proposal 3 and draft proposal 4, are carried out in close collaboration with the ACMA.

SBS suggests that consideration of ACMA's role in the handling of code complaints be extended to cover online material, as this would reflect the organisation's agile focus, and would be reflective of the contemporary communications environment.

While the Classification Board is not responsible for SBS content, SBS is supportive in-principle of the Draft Proposal to merge the ACMA and the Classification Board, as it aligns with ACMA's objectives to be more agile. SBS reiterates its comments from the previous submission in August 2015. SBS suggested that softer regulation would be more appropriate for managing content standards, with some form of independent oversight to address community standards, as is the case for online and print media content. SBS values its independence in this area, and would not propose any change to the current process for classifications of SBS programming.

¹ Including: *Broadcasting Services Act 1992* (BSA); *Radiocommunications Act 1992*.

Objectives

SBS supports the Government providing the ACMA with overarching policy objectives, and would welcome the opportunity to contribute to the development of these objectives, where they relate to public broadcasters.

Governance

No comments provided.

Enhancing regulator performance

SBS sees the ACMA's independence from government as essential to its regulatory role, while welcoming the introduction of annual statements of expectations and intent between the Government and the ACMA, and would appreciate the opportunity to comment on these statements in advance of their implementation. SBS supports the public policy objectives outlined in the Draft Report. SBS suggests that 'freedom of speech' be viewed as a key policy objective, and that this be noted within either the objective on 'Access to services/participation in society' or the objective 'Diversity of voices'

SBS also supports legislative amendment to establish more timely decision-making, and to clarify for stakeholders the relationship between the ACMA's actions and its compliance and enforcement policy, particularly in relation to public broadcasters.

Resources

SBS supports the appropriate financial allocations to the organisation from the communications sector and would support evaluation of new business models and OTT services' role in contributing appropriately.

Regulatory reform

SBS supports an increase in self-regulation, and already self-regulates to a substantial degree, such as the position of an Ombudsman, who independently investigates code complaints.

SBS has noted the Principles guiding a regulatory reform process, and is supportive of the approach. We note that the government is currently in the process of two main regulatory reforms: Media Reform Bill 2016 and the Radiocommunications Bill 2016. SBS has made submissions to the inquiries on each of these matters² and, as stated in the SBS submission to the ACMA review in August 2015³, SBS supports a more flexible approach to regulation, including a commitment to reducing the regulatory burden on industry.

Next Steps

SBS would welcome opportunities to further discuss the report and draft proposals.

² SBS submission to Media Reform Bill 2016 <http://www.aph.gov.au/DocumentStore.ashx?id=c05ce382-e163-411d-b971-ae4ed3a061d4&subId=411170>

SBS submission to Radiocommunications Bill 2016 – available on request

³ SBS submission to ACMA Review August 2015 – available on request