

CLAYTON UTZ

Network Insight

The NBN and TV

Session 2: Policy and Legal Issues

Ownership and Control of Media

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Control and ownership of Media

- **Control and ownership rules apply to:**
 - commercial free to air television
 - commercial radio
 - newspapers
 - datacasting transmitters

- **The existing ownership and control restrictions include:**
 - **Commercial free-to-air television**
 - a person must not control more than one commercial television licence in the same licence area
 - a person must not control licences whose combined licence area population exceeds 75% of the population of Australia
 - **Commercial Radio**
 - a person must not control more than 2 radio licences in the same licence area;
 - **The 2 out of 3 rule**
 - a person must not control a television licence, radio licence and associated newspaper in the same licence area

- **Diversity Test**

- a transaction involving the control of commercial television licences, commercial radio licences and/or associated newspapers must not result in the number of diversity points in any licence area falling below 5 in metropolitan licence areas and four in other licence areas.

- **The NBN will impact on the consumption of media in Australia**
 - Will the rationale remain for regulating each of the existing regulated sectors or need to be changed?
 - eg the 75% audience reach rule
 - Will additional ownership and control regulations be required to regulate ownership and control of IPTV services provided over the NBN?
 - Level of influence on information and opinion
 - If you want to regulate overhaul existing regime which links to licence areas or somehow connect to licence areas

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