

EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Communications

Parliamentary Proceedings Broadcasting Act 1946

Parliamentary Proceedings Broadcasting Regulation 2016

Purpose

The *Parliamentary Proceedings Broadcasting Act 1946* (the Act) provides the statutory requirements for the Australian Broadcasting Corporation (the ABC) to broadcast and record the proceedings of the Australian Parliament. The Act establishes the Joint Committee on the Broadcasting of Parliamentary Proceedings, which consists of nine members of Parliament, who determine the days and periods on which proceedings of the Senate, the House of Representatives and a joint sitting shall be broadcast.

Section 17 of the Act provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters which, by the Act, are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act. Subsection 4(1) of the Act requires the ABC to broadcast Parliamentary proceedings from a medium wave (AM) radio station in each State capital city, in Newcastle and from other national broadcasting stations as prescribed.

The *Parliamentary Proceedings Broadcasting Regulations* (the Regulations) are due to sunset on 1 October 2016. Under Part 4 of Chapter 3 to the *Legislation Act 2003* (the Legislation Act), most legislative instruments sunset (that is, they are automatically repealed) on the 1 April or 1 October, whichever first occurs, 10 years after they are registered. The Regulations prescribe the national broadcasting station in the Australian Capital Territory known as 2PB for the purpose of paragraph 4(1)(b) of the Act. '2PB' is the call sign for the Canberra NewsRadio services. The effect of this is to require the ABC to broadcast proceedings of the Senate, the House of Representatives or a Joint Sitting from the prescribed station upon such days and during such periods as the Committee determines.

The *Parliamentary Proceedings Broadcasting Regulation 2016* (the new Regulation) will remake the Regulations. The purpose of the new Regulation is to safeguard continued free access through analogue radio broadcasts to Parliamentary proceedings in the ACT.

The new Regulation is a legislative instrument for the purposes of the Legislation Act and is subject to Parliamentary scrutiny and disallowance.

The new Regulation commences on the day after the instrument is registered on the Federal Register of Legislation.

Regulation Impact Statement

The Office of Best Practice Regulation (OBPR) has advised that a Regulation Impact Statement is not required (OBPR ID 21264) as the new Regulation does not impact on businesses, community organisations or individuals.

Statement of Compatibility with Human Rights

This statement of compatibility is prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. The purpose of the new Regulation is to continue to provide free access in the ACT to Parliamentary proceedings over analogue radio broadcasts.

This Regulation is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. This is because the Regulation does not negatively engage any of the applicable rights or freedoms, and does not raise any human rights issues.

The new Regulation will continue:

- to facilitate participation of listeners in the ACT to engage in Australia's cultural life in accordance with Article 15 of the *International Covenant on Economic, Social and Cultural Rights*;
- to promote freedom of expression in accordance with Article 19 of the *International Covenant on Civil and Political Rights* by ensuring that listeners in the ACT can seek and receive information and ideas of a political nature;
- to promote participation in the conduct of public affairs in accordance with Article 25 of the *International Covenant on Civil and Political Rights*;

by ensuring that listeners who rely on analogue receivers in the ACT can continue to access Parliamentary proceedings through radio broadcasts and, therefore, can seek and receive information about political and cultural issues.

Consultation

The Minister has consulted with the ABC and the Australian Communications and Media Authority on the measures contained in the new Regulation.

Details of the Regulation are set out in the Attachment.

Details of the *Parliamentary Proceedings Broadcasting Regulation 2016*

Section 1: Name

This section will provide that the title of the Regulation is the *Parliamentary Proceedings Broadcasting Regulation 2016*.

Section 2: Commencement

This section will provide for the Regulation to commence on the day after it is registered on the Federal Register of Legislation.

Section 3: Authority

This section will provide that the Regulation is made under the *Parliamentary Proceedings Broadcasting Act 1946*.

Section 4: Schedules

This section will provide that each instrument that is specified in a Schedule to the Regulation is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Section 5: Prescribed national broadcasting station

This section will prescribe national broadcasting station 2PB for the purposes of paragraph 4(1)(b) of the *Parliamentary Proceedings Broadcasting Act 1946*, in the Australian Capital Territory. '2PB' is the call sign for the Canberra NewsRadio services. The effect of this is to require the ABC to broadcast proceedings of the Senate, the House of Representatives or a Joint Sitting from the prescribed station upon such days and during such periods as the Committee determines.

Schedule 1 – Repeals

Clause 1: The whole of the Regulations

This clause will repeal the *Parliamentary Proceedings Broadcasting Regulations*, which are due to sunset on 1 October 2016.