

# New licence conditions imposed on regional commercial television broadcasters

## Background

The *Broadcasting Services Amendment (Media Ownership) Act 2006* revised the framework of controls over media ownership, and also imposed protections for regional news and local coverage.

**The ACMA has made two licence conditions that require commercial television broadcasters in Tasmania to broadcast a minimum amount of material of local significance from 1 January 2008.**

Examples of *material of local significance* would be: stories or news about people associated with the area, events that impact on the local community or organisations, or issues that arise in the area.

A licence condition requirement for regional television broadcasters on the eastern mainland to broadcast *material of local significance* had been in place since 1 February 2004. That local content licence condition, the *Broadcasting Services (Additional Licence Condition) Notice 7 April 2003*, applied to commercial television broadcasters in the licence areas of Regional Queensland, Regional Victoria, Northern New South Wales and Southern New South Wales., and it has now been revoked by the ACMA.

The ACMA has made a new licence condition, effective from 1 January 2008, to continue the previous local content requirements and extend them to licensees in Tasmania for the first time. The new licence condition does not materially alter the local content requirements for those licensees who were subject to the previous licence condition. The main reason for revoking the previous licence condition and making a new licence condition is to extend the local content requirements to Tasmanian licensees.

The ACMA has made an alternative licence condition regarding local content in Tasmania, with a sunset clause. Due to the low penetration rate of digital receivers in Tasmania (approximately 31% in 2007), Tasmanian Digital Television (TDT), a digital-only service, will be subject to alternative local content requirements for a limited transitional period. That transitional period extends from 1 January 2008 until 31 December 2012, or until switch-off of analog television services in its licence area, whichever occurs earlier. TDT will then be required to comply

with the same local content requirements as the other Tasmanian licensees.

## Local area and licence area

Local content is measured using a points system in the licence condition; points will accrue for each minute of material which directly relates to either the *local area* or *licence area* of the relevant broadcaster.

A *licence area* is a broad geographical area over which the licensee is authorised to broadcast its service. For the purposes of local content licence conditions, a *local area* may be either a smaller area within the licence area, or the licence area itself. For example, in the licence area of Regional Queensland TV1 there are seven local areas, such as Far North Queensland or Sunshine Coast. Local areas normally reflect local communities or markets within the licence area. Local area boundaries are described in terms of Census data according to Census Collection Districts and Local Government Areas.

For the purposes of the licence condition, the Tasmanian licence area (Tasmania TV1) is treated as one local area. So in the case of Tasmania, the local area and licence area are the same. This is consistent with current industry practice in Tasmania, where the main local news stories are broadcast across the entire licence area, rather than segregating the stories according to 'northern Tasmania' and 'southern Tasmania' audiences. Hence 'local' news essentially means news that directly relates to Tasmania, rather than mainland news or international news.

More information regarding the local areas and licence areas in relation to the local content licence condition can be found [here](#).

## Material of local significance

Broadcast material that is eligible to accrue points must directly relate to the local area or licence area of the relevant licensee.

In assessing the direct relevance of the material, the ACMA takes into consideration the subject and the manner in which the material is presented. For example, a news item regarding 'drought in Australia' could be of interest to viewers in a local area, but unless the material is presented in such a way as to relate the story directly to the local area or licence

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area, it would not be considered *material of local significance* for the purposes of the licence condition.

More information regarding material of local significance is published on the ACMA website and can be accessed [here](#).

## Consultation

The ACMA invited affected licensees and the public to make comments regarding the proposed new licence conditions prior to finalising them. During the consultation period from 27 August–21 September 2007, the ACMA received two formal written submissions from licensees. Comments made in these submissions were taken into consideration in finalising the licence conditions. Further information, including copies of the submissions received, can be found [here](#).

## Next steps and expected timing

The ACMA made the licence conditions on 8 November 2007, and they took effect on 1 January 2008.

## Further information

Requests for further information regarding the new licence conditions can be directed via email to [localTV@acma.gov.au](mailto:localTV@acma.gov.au) or in writing to:

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## Disclaimer (legal)

This publication is a general outline only. It is not legal advice. You should seek professional advice before taking any action based on its contents.

This fact sheet was formerly named *Media reform: Local content requirements for regional commercial television*.