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21 November 2007

Manager
Education and Telephone Content
Australian Communications and Media Authority
POP Box 13112, Law Courts
Melbourne VIC 8010

Dear Manager

RE: Draft Restricted Access Systems Declaration 2007

Commercial Radio Australia is the peak industry body representing 99% of Australia's free to air commercial radio broadcasters.

We would like to take the opportunity to comment on the *Draft Restricted Access Systems Declaration 2007* (draft **Declaration**). Commercial radio broadcasters have a particular interest in the draft Declaration as creators of content for commercial radio station websites including news, sport, weather, entertainment, competitions, podcasts and live streaming of program content.

It is of great importance to the commercial radio industry that the rules set out by the final Declaration are workable and not overly onerous.

Commercial radio broadcasters have concerns about certain aspects of the draft Declaration. If implemented in its current form, we are concerned that there is a very real risk of additional compliance and administrative burdens on radio stations at a time when a considerable additional burden has been already placed on 220 regional commercial radio stations through local content licence conditions.

The draft Declaration sets out the age verification controls that content service providers must have in place under the new *Communications Legislation Amendment (Content Services) Act 2007* in relation to R18+ and MA 15+ content that is provided through the **internet**, to mobile phones or convergent devices.

The key issue for us is that the Declaration does not impose overly onerous administrative and documentary obligations. We believe in its draft form that it does.

It should be noted, that the commercial radio industry fully supports the submission of Free TV Australia on this draft Declaration.

In particular, we would like to reiterate concerns on the following issues:

- 1. Age verification of people aged 15 to 17** – there is likely to be great difficulty in practice in age verifying someone as being 15 to 17 years of age - given that the two major forms of age verification, credit card and drivers licence, will almost always not be available.
- 2. Risk analysis** – the draft Declaration introduces a risk analysis obligation. This requires content providers to identify and then take action to address very broad risks including that someone could be using another person's ID.

Content providers are required to take action to exclude any such risks. This seems an impossible requirement to satisfy.

The commercial radio industry agrees with the Free TV Australia alternative proposal that once evidence is obtained of age there is then a presumption that a person is of relevant age unless there is some reason to suspect otherwise on the material provided or from later complaints.

- 3. Age verification plan and quality assurance measures** – the draft Declaration requires content service providers to maintain very detailed plans setting out the measures they will follow to ensure compliance. And this is in addition to a requirement to keep records of age verification regarding users that are granted access. This is an additional and unacceptable compliance burden for commercial radio stations in relation to their station websites.

Once again we agree with the Free TV Australia position that the age verification record keeping requirements will be sufficient to demonstrate compliance and that the age verification/quality assurance plans are not necessary and should only be imposed on companies found to be in systemic, recurring breach.

We would be happy to discuss with ACMA at any time but would like to reiterate that any additional compliance or administrative burdens imposed on radio stations would be unacceptable to the industry.

Yours sincerely

A handwritten signature in black ink, appearing to read "Joan Warner". The signature is fluid and cursive, with a large, sweeping initial 'J'.

Joan Warner
Chief Executive Officer