

ACMA PROPOSAL TO REMAKE THE BROADCASTING SERVICES (REMOTE INDIGENOUS COMMUNITY) DETERMINATION 2011

Submission by Commercial Radio Australia

Commercial Radio Australia (**CRA**) is the peak national industry body for Australian commercial radio stations. CRA represents the entire commercial radio broadcasting industry in Australia.

CRA welcomes the opportunity to comment on the ACMA proposal to remake the *Broadcasting Services (Remote Indigenous Community) Determination 2011* (**Determination**), as set out in its consultation paper dated January 2022 (**Consultation Paper**).

CRA has concerns about the addition of communities in which temporary community broadcasting licensees (TCBLs) representing indigenous licensees have commenced providing a service since the last Determination was made.

The ACMA is aware of CRA's opposition to the repeated use of TCBLs to extend the footprint of a single long-term licence while circumventing the planning and consultation mechanisms embedded in the BSA for longer term licences.

TCBLs allow new broadcasters to build skills before applying for a merit based long term community licence. They are allocated for a maximum of 12 months and cannot be renewed.¹ TCBLs are granted quickly, without consultation and with no assessment of impact on other local services.

Section 84(2) of the BSA prevents the ACMA from taking into account the nature and diversity of other broadcasting services available in the licence area when deciding whether to allocate TCBLs.

It is CRA's firmly held view that the holders of TCBLs – granted without reference to comprehensive consultation and planning criteria – should not benefit from any regulatory relief under the BSA. Such relief should be reserved for those who have satisfied the process under section 23 of the BSA, under which the ACMA is obliged to have regard to planning criteria, including the number of existing broadcasting services in the area.

Accordingly, CRA asks the ACMA not to proceed with its proposal to add to the Determination communities in which remote indigenous communities are represented only by licensees holding TCBLs. These communities are:

Queensland

- Coen
- Cooktown
- Normanton

¹ BSA, section 92G.

New South Wales

- Wilcannia

Western Australia

- Ardyaloon/Bardi/One Arm Point (listed separately in the current determination)
- Mount Magnet
- Mullewa
- Roebourne & Karratha
- Tjirrkarli (listed under the Northern Territory in the current determination)

Northern Territory

- Pine Creek
- Tennant Creek

We would be pleased to meet to discuss this further if that would be of assistance to the ACMA.

Commercial Radio Australia