

29 August 2022

The Manager
Community Broadcasting and Safeguards Section
Australian Communications and Media Authority
PO Box Q500
QUEEN VICTORIA BUILDING NSW 1230

Online submission via <https://www.acma.gov.au/have-your-say>

ARN SUBMISSION ON CONSULTATION 27/2022 CHANGING 4CRB'S COMMUNITY OF INTEREST ("CONSULTATION PAPER")

Stakeholder

1. This submission is made by Australian Radio Network Pty Limited ACN 065 986 987 ("ARN") on behalf of its subsidiary Hot Tomato Australia Pty Limited ACN 100 626 739, broadcasting as "102.9 FM Hot Tomato", which holds the regional commercial radio broadcasting licence 4HTB SL1150463 in Gold Coast RA1 ("Hot Tomato"). Hot Tomato will be directly affected by the ACMA's decision on the Consultation Paper.
2. ARN welcomes the opportunity to comment on the Consultation Paper.

ARN opposes the proposed change to community interest

3. In response to the issue for comment "...the request from Gold Coast Christian & Community Broadcasting Association Ltd (4CRB) to change the community interest it represents from 'senior citizens' to 'general geographic'" ARN records that it strongly opposes this proposed change on the following bases:
 - (a) that such a change would not benefit the community of Gold Coast RA1 because the change could be detrimental to the senior citizens currently served by 4CRB who would lose the focus on their needs, and because the change is not required by the wider community who are already well served;
 - (b) that such a change would likely be detrimental to the wider radio industry by undermining the general public appeal category that is the preserve of commercial licences; and
 - (c) that such a decision by the ACMA would be inconsistent with sections 15 and 84(2) of the *Broadcasting Services Act 1992 (Cth)* as discussed in detail by Commercial Radio & Audio ("CRA") in its submission of 29 August 2022 regarding this Consultation Paper.

Support for Commercial Radio & Audio's submission

4. ARN has had the benefit of reading the submission made by CRA. ARN fully supports and agrees with the concerns raised, the arguments elucidated, and the conclusions reached by CRA in that submission.

Community purpose should have a limited focus

5. In addition to those points canvassed by CRA, we submit that there is clear legislative intention that community radio should have a limited focus, making a proposal for "general geographic" in clear conflict with the purpose of section 15 of the *Broadcasting Services Act 1992 (Cth)*. The following excerpts taken from clause 15 of the *Explanatory Memorandum* to the *Broadcasting Services Bill 1992* (repeated in the *Revised Explanatory Memorandum*) demonstrate that a community licence is intended to be narrow either by its focus on a geographical subset or by being limited in appeal, and that a community licence should be considered equivalent to a not for profit narrowcast in this regard:

- (a) *"This category of service is essentially the same as the "public" broadcasting services provided under the 1942 Act. The change in name is to highlight the emphasis on these types of services being community-based, that is, provided to meet the needs of a local community, or of a particular sector of the community."* (emphasis added)
- (b) *"Community broadcasting services are distinct from open narrowcasting services in that community services must be provided for a community purpose and must make provision for some community participation in the provision of the service, and are prohibited from carrying any advertising."*

The ACMA is welcome to contact Sarah Hook, Senior Legal Counsel – ARN Regional, if it would like to discuss any of the above issues in more detail.