

**GOLD COAST CHRISTIAN & COMMUNITY BROADCASTING ASSOCIATION LTD  
(4CRB): Change to community of interest**

**ACMA Consultation Paper**

**August 2022**

Commercial Radio and Audio (**CRA**) is the peak industry body representing the interests of commercial radio broadcasters throughout Australia. CRA represents the entire Australian commercial radio industry, with 261 member stations, of which 220 are in regional and remote areas.

CRA welcomes this opportunity to respond to the ACMA's consultation paper on 4CRB's request to change to its community interest from 'senior citizen' to 'general geographic'.

Commercial radio plays a vital role in ensuring that Australian local communities have access to local news, community announcements and emergency event information, as well as entertainment. No other platform offers such a range of live, local and Australian voices within such a diverse range of communities.

CRA strongly opposes the proposed change to 4CRB's community interest for the following reasons:

1. "General geographic" is not a "community purpose" for the purposes of section 15(a) of the BSA. The parameters of Gold Coast RA1 apply to all stations operating in that area – including commercial stations – and are not an additional 'geographic' restriction. Accordingly, there is no special geographical community interest being offered by 4CRB.
2. The criteria set out in section 84(2) of the *Broadcasting Services Act 1992* (**BSA**) are not satisfied. 4CRB has failed to demonstrate the nature of the 'need' intended to be filled by the proposed community service, which is not currently being met by existing local commercial broadcasters. There is no need for another general service within Gold Coast RA1.
3. Allowing such a broad undefined purpose is likely to have the effect of allowing 4CRB to broadcast a pseudo commercial radio service. This is contrary to the distinction between community and commercial licences outlined in sections 14 and 15 of the BSA.
4. Allowing another commercial radio service into the already well served and competitive Gold Coast market would have a significant impact on commercial broadcasters who paid tens of millions for their commercial broadcast licences and are already facing significant challenges due to the dominance of digital platforms, fragmentation of the advertising market, Covid19 and recent floods and bushfires.

5. Allowing a change of purpose from a narrow community purpose (Senior Citizens) to an extremely broad purpose (General Geographic) could set a precedent for other community broadcasters, further undermining Australia's commercial radio industry.

**Recommendation:**

**The ACMA should refuse 4CRB's request to change its community interest from 'senior citizen' to 'general geographic'.**

**1. "General geographic" is not a "community purpose" for the purposes of section 15(a) of the BSA**

Sections 14(a) and 15(a) of the BSA make a clear distinction between the content expected from community broadcasters and from commercial broadcasters. It is evident that community licensees are not expected or entitled to broadcast programming that is intended to appeal to the general public:

- section 15(a) of the BSA provides that community licensees are only entitled to broadcast services that are '*provided for community purposes*'; and
- section 14(a) of the BSA provides that commercial radio broadcast services are those that are '*intended to appeal to the general public*'.

The proposed switch to 'general geographic' offers no distinction between 4CRB and the commercial broadcasters operating within Gold Coast RA1.

The geographic parameters of Gold Coast RA1 apply to all stations operating in that area – including commercial stations – and are not an additional 'geographic' restriction. Accordingly, there is no special geographical community interest being offered by 4CRB.

**All commercial and community radio broadcast licences are limited by geography. The Gold Coast commercial and community radio licences all cover the same specified area - Gold Coast RA1. 4CRB's proposal that 'general geographic' is a genuine community interest is not persuasive when all radio operators are governed by the same restriction.**

**2. The criteria set out in section 84(2) of the BSA are not satisfied**

Section 84(2) of the BSA sets out criteria that the ACMA must take into account when considering a request to change a community interest. This includes:

- the extent to which the proposed service would meet the needs of the community within the relevant licence area;
- the nature and diversity of the interests of that community;
- the extent to which the proposed service would provide material of local significance; and
- the nature and diversity of other broadcasting services available within the licence area.

There is no convincing evidence offered by 4CRB of the nature of a 'need' intended to be filled by the proposed community service, which is not currently being met by existing Gold Coast broadcasters.

The Gold Coast RA1 licence area already contains 6 other commercial and community radio stations:

- 4CAB (community - Christian)
- 4MET (community – youth)
- Gold Coast Community Radio (community – over 50s)
- 4GLD (commercial)
- Hot Tomato (commercial)
- 4SEA (commercial)

The current community interest attached to 4CRB's licence is 'senior citizens'. This is a specific demographic which is not targeted by any other permanent licence holders in the Gold Coast licence area.

4CRB currently plays an important role in serving senior citizens on the Gold Coast. CRA understands that 4CRB has recently published an advertisement celebrating 4CRB's #1 ranking in the 65+ age bracket in the CBAA radio survey.

A switch from 'senior citizens' to a 'general geographic' community interest will mean that the over 65 demographic on the Gold Coast RA1 Licence area will be deprived of its top rating station. No other permanently licensed Gold Coast station targets this demographic.

### **3. Allowing such a broad undefined purpose is likely to have the effect of allowing 4CRB to broadcast a pseudo-commercial radio service**

There is a significant risk that, if the community interest change is permitted, 4CRB will simply provide commercial style content that duplicates local commercial radio offerings and does not reflect a particular community interest or purpose not otherwise served.

This threatens to blur the distinction between community and commercial radio broadcast services - contrary to the intended distinction between community and commercial licences outlined in sections 14 and 15 of the BSA - and deprives the local community of a diverse offering of audio content.

Currently, 4CRB's program guide is currently heavily skewed towards older listeners (Ben Fordham, "Memories", Gospel, Health Matters). 4CRB's website describes itself as follows:

*4CRB is a not for profit, easy listening, community radio station based on the Gold Coast, Queensland, Australia. They have been broadcasting now since 1984 and primarily direct to the 50+ age group. 4CRB offers Christian music on a narrow cast community license.*

Here is an extract of 4CRB's current program schedule:



4CRB

89.3FM

# 4CRB PROGRAM GUIDE

P: 07 5520 8888

E: mail@4crb.com

W: www.4crb.com

Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
5:00 AM	Breakfast with Barry	Breakfast with Barry	Breakfast with Barry	Breakfast with Barry	Breakfast with Barry	Welcome Saturday	Easy Listening Music
6:00 AM						Kickstart your Saturday with Wayne	Gospel Program
7:00 AM							
8:00 AM							
9:00 AM	Talk - Medical Matters	Talk - The Law & You	Talk -Lifestyle	Services Australia & Finance Forum	Talk - Law Talks	The Travel Hour	Easy Listening Music
9:30 AM	Easy Listening	Easy Listening	Easy Listening	Easy Listening			
10:00 AM		Talk - Whats Your Car Worth	Talk - Politial Interviews	Talk - The Judge	Talk - Ask the Doctor		
10:30 AM	Easy Listening	Easy Listening	Easy Listening	Easy Listening	Easy Listening	Ben Fordham Weekend Edition	
11:00 AM	Ben Fordham Highlights Program	Ben Fordham Highlights Program	Ben Fordham Highlights Program	Ben Fordham Highlights Program	Ben Fordham Highlights Program		
12:00 PM	Easy Listening Afternoon	Easy Listening Afternoon	Easy Listening Afternoon	Easy Listening Afternoon	Easy Listening Afternoon	Easy Listening Afternoon	
1:00 PM							
2:00 PM							
3:00 PM							
4:00 PM	Drive Time	Drive Time	Drive Time	Drive Time	Drive Time	Rock 'n' Roll Show	Country Music Program
5:00 PM							
5:30 PM	9 Gold Coast News	9 Gold Coast News	9 Gold Coast News	9 Gold Coast News	9 Gold Coast News	Saturday Night Memories	Magic Memories
6:00 PM	Magic Memories	Magic Memories	Magic Memories	Magic Memories	Magic Memories		Waltz & Instruments Galore
7:00 PM							
8:00 PM	Smothe Jazz	Songs of Stage & Screen	Magic Memories	Magic Memories	Magic Memories		
9:00 PM	Gospel Music & Talk	Gospel Music & Talk	Gospel Music & Talk	Gospel Music & Talk	Gospel Music & Talk	Gospel Music & Talk	Gospel Music & Talk

However, there are indications that, from May 2022, 4CRB has begun to expand its offerings, perhaps as a precursor to its proposed change of format. **Annexure A** is an extract from the 4CRB Facebook page, showing a number of comments on the 4CRB Facebook page about 4CRB's "new" music format.

**CRA is concerned that 4CRB is currently attempting to move into a more general commercial format and that the application to ACMA to change its community interest is being made to support that move, rather than because 4CRB's audience has organically evolved.**

#### **4. Allowing another commercial radio service into the already well served and competitive Gold Coast market would have a significant impact on commercial broadcasters**

It is important that the distinctions between community and commercial licences are maintained. This achieves the diversity of services intended by the legislators of the BSA. It also protects the investment of the commercial radio licensees, bearing in mind the vast difference in cost between community and commercial licensees.

Commercial radio broadcasters pay substantial amounts in licence fees, as well as being the subject of content requirements such as Australian music quotas and, in regional areas, local content quotas and additional content and operational requirements after a trigger event.

Significant challenges are currently being faced by commercial radio broadcasters, particularly in regional areas, which have been affected by floods, Covid 19 and bushfires.

Commercial radio broadcasters are trying to maintain their markets in an era of rapid technological change and increasing dominance by digital platforms, such as Facebook and Google.

The ACCC concluded in its Digital Platforms Inquiry that Google and Facebook both have substantial market power in a number of markets and '*this power is unlikely to erode in the short to medium term*'.<sup>1</sup>

In this environment, where existing commercial radio stations are struggling to compete with natural disasters and the dominance of digital platforms, it would be highly damaging to allow a change in community interest that effectively permits 4CRB to operate a pseudo commercial service on the Gold Coast, particularly where no need for the change of interest has been demonstrated.

The ACMA is welcome to contact Sarah Kruger, Head of Legal & Regulatory Affairs at CRA, if it would like to discuss any of the above issues in more detail.

Commercial Radio & Audio

29 August 2022

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<sup>1</sup> Pages 8 and 9, ACCC Digital Platforms Inquiry Final Report.