



Australian
Communications
and Media Authority

Chair and Agency Head

Ms Lyn Beverley
Committee Secretary
The Senate Environment and Communications Legislation Committee
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Dear Ms Beverley

**ACMA submission to the inquiry into the Communications Legislation Amendment
(Regional Broadcasting Continuity) Bill 2024**

The Australian Communications and Media Authority (the ACMA) is Australia's regulator for telecommunications, broadcasting, some online content and radiocommunications. Our purpose is to maximise the economic and social benefits of communications infrastructure, services and content for Australia.

I appreciate the opportunity to provide input to the Senate Environment and Communications Legislation Committee inquiry into the Communications Legislation Amendment (Regional Broadcasting Continuity) Bill 2024 (the RBC Bill).

As the national regulator for broadcasting, we are strongly committed to promoting the availability to audiences throughout Australia of a diverse range of broadcasting services, and providing a regulatory environment that facilitates the development of a broadcasting industry that is efficient, competitive and responsive to audience needs (paragraphs (3)(1)(a) and (b) of the *Broadcasting Services Act 1992* (the BSA)).

This submission focusses on the regulatory decisions that would fall to the ACMA should the RBC Bill be enacted.

Service deficiency declarations

The RBC Bill proposes to amend the BSA to give the ACMA the power to declare an area to be service deficient in the circumstances where there has been a material reduction in the number of commercial television broadcasting services provided terrestrially in that area (Part 1 of Schedule 1 to the RBC Bill).

On 30 June 2024, Mildura Digital Television Pty Ltd (MDT) ceased transmitting the 10 services in Mildura/Sunraysia TV1. MDT surrendered its broadcasting services licence and associated transmitter licence on 1 July 2024. Following the closure, viewers in Mildura only have access to the 10 channels through streaming.

If the RBC Bill passes, the ACMA will consider whether to propose that it declare Mildura/Sunraysia TV1 to be a service deficient area. Doing so would give viewers in this area access to the Viewer Access Satellite Television (VAST) service. Because a service deficiency declaration is a legislative instrument, the ACMA is required to undertake such consultation as it considers appropriate, and is reasonably practicable, prior to making such a declaration. Following a consultation period, the ACMA would review submissions received and decide whether to make the declaration. A process of this nature may take 3-4 months.

Transmitter consolidation declarations

The RBC Bill proposes to amend the *Radiocommunications Act 1992* (Radcomms Act) to allow commercial television broadcasting service licensees to nominate, and for the ACMA to declare, that one of their transmitter licences is taken to authorise the operation of one or more transmitters for transmitting services provided under the relevant broadcasting service licences. The ACMA may, by legislative instrument, make rules about transmitter consolidation requests and declarations. The Minister may direct the ACMA in the exercise of its powers in making the transmitter consolidation rules (Part 2 of Schedule 1 to the RBC Bill).

The ACMA will consider whether it is necessary to make rules before accepting nominations from commercial television broadcasting licensees wishing to consolidate transmitter arrangements. It would be open to the ACMA to make rules at a later date if it considers such rules are warranted or it is directed to do so by the Minister.

A transmitter consolidation declaration is not a legislative instrument so there is no need for the ACMA to consult prior to making it. The ACMA would consider any consolidation nomination it receives within a reasonable timeframe.

Variations to television licence area plans

The RBC Bill proposes to amend section 26A of the BSA to make clear that the ACMA can allot a channel to more than one broadcaster in a television licence area plan (TLAP) (Part 3 of Schedule 1 to the RBC Bill).

If the ACMA makes a transmitter consolidation declaration, it would consider whether to propose varying the TLAP for the relevant area to reflect the transmitter consolidation arrangements.

As TLAPs are legislative instruments, the ACMA is required to undertake such consultation as it considers appropriate and is reasonably practicable. Following an appropriate consultation period, the ACMA would review submissions received and decide whether or not to make the variation. A process of this nature may take 3-4 months.

I hope this information is useful to the Committee. We would be happy to provide further information as its Inquiry progresses.

Yours sincerely

Gréina Chapman

Acting Chair

18 July 2024