

Committee Inquiries Question on Notice

Environment and Communications

Communications Legislation Amendment (Regional Broadcasting Continuity) Bill 2024

IQ24-000054

Division/Agency: DIV - Online Safety Media and Platforms

Hansard Reference: Written (23 July 2024)

Topic: Broadcasting service bands licences

Karen Grogan asked:

Noting evidence from Free TV Australia (Submission 1, pp. 19–20) and references in the explanatory memorandum to “two or more” broadcasting services bands licences (e.g. p. 15):

- a. Can you please clarify whether the bill would permit a transmitter licence to be ‘consolidated’ in relation to two or more broadcasting licences, or would it be limited to two broadcasting licences? Can you please explain this approach?
- b. Are any updates to the explanatory memorandum or bill required to provide clarity on this point?

Answer:

The measures contained in Parts 2 and 3 of Schedule 1 to the Communications Legislation Amendment (Regional Broadcasting Continuity) Bill 2024 (the Bill) are intended to enable broadcasters to implement more efficient arrangements for operating their transmission networks.

Proposed section 102AE (item 11 of the Bill) would permit the licensees of 2 transmitter licences allocated under subsection 102(1) of the *Radiocommunications Act 1992* to request that the Australian Communications and Media Authority (ACMA) declare one of those 2 licences to be a ‘consolidated licence’, on which all relevant broadcasting services are provided, where it is satisfied that it is appropriate in all the circumstances to do so.

A ‘two-to-one’ change in transmission arrangements was implemented by the relevant licensees in the licence areas of Mount Gambier/South East TV1 and Riverland TV1 in April this year. These provisions would enable the ACMA to make a declaration in relation to the relevant transmitter licences in these licence areas, and for any other proposals that may come forward in the future.

These provisions would also permit further consolidation to take place between a transmitter licence declared to be a ‘consolidated licence’ and any other applicable transmitter licence. Any such additional consolidation would be subject to the ACMA making a further declaration, where it is satisfied that it is appropriate in all the circumstances to do so.

Infrastructure, Transport, Regional Development, Communications and the Arts

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If such a declaration were to be made, this would effectively permit a 'three-to-one' consolidation of transmitter licences, should the relevant licensees wish to pursue this type of change to their transmission networks and licensing arrangements. This is why the Explanatory Memorandum to the Bill refers to 'two or more broadcasting licences' on page 5. The Australian Government will consider the need for any clarifications to the Explanatory Memorandum following the Inquiry process and any recommendations of the Committee.

More broadly, the Bill is not seeking to make more substantive changes to the licensing framework for transmitter licences used to transmit broadcasting services, including any proposals to split and distribute the channels from various broadcasting licensees across various transmitter licences. Legislative changes of this nature would be complex and would require further analysis and consultation with affected parties, including other broadcasters, transmission and infrastructure providers and consumers.