

Proposed local presence licence condition for regional radio

ACMA has proposed a local presence licence condition requiring regional commercial radio licensees to maintain existing levels of local presence in their licence areas in certain circumstances.

The proposed condition requires a licensee affected by a 'trigger event' to maintain the existing level of local presence, which is defined in terms of the staffing levels and production facilities that existed in the licence area in the three-months before the trigger event. It also provides some flexibility for broadcasters in the way that they comply with the local presence requirement.

A trigger event is a transfer of a licence, formation of a new registrable media group (which

includes a commercial radio broadcasting licence) or change of controller of a registrable media group (which includes a commercial radio broadcasting licence). Regional commercial radio licensees would be required to keep ongoing records of their existing levels of local presence and to report on licences affected by a trigger event.

The proposed condition is part of the new obligations on regional commercial radio licensees introduced by the *Broadcasting Services Amendment (Media Ownership) Act 2006*. The aim is to ensure regional and rural communities throughout Australia receive programs about matters of local significance and that a local

presence is maintained.

ACMA must have a local presence licence condition in place from the date of proclamation of Schedule 2 of the Act. The requirement to maintain the existing level of local presence commences with this proclamation and applies only to regional commercial radio licences affected by a trigger event. The associated record-keeping requirements come into effect on the date specified in the local presence licence condition.

ACMA is also working on other elements of the government's media reform package that affect regional commercial radio licensees—including a review of the trigger event definition and the development

of a local content licence condition. More information about progress on these matters is on the ACMA website.

ACMA sent the proposed licence condition to all regional commercial radio licensees and invited comments on the proposed condition from interested parties. Comments closed on 14 March 2007. The proposed condition was also published in the Commonwealth Gazette and on the ACMA website at www.acma.gov.au (go to For licensees & industry: Licensing & regulation > Media ownership & control > About media reform).

Guidelines for narrowcasting television services proposed

Narrowcast television has significant potential to offer Australian audiences a broader choice of digital niche television programming. ACMA recently released draft guidelines for the types of services that may be provided as narrowcasting television services under the *Broadcasting Services Act 1992*.

Narrowcasting services are broadcasting services that have a more targeted audience than a commercial broadcasting service, such as by being pitched to a special interest group or providing programs that appeal to a niche audience, or being intended for limited locations, broadcast during a limited period or to cover a special event. The draft guidelines set out ACMA's proposed approach to deciding whether a broadcasting service falls into a narrowcasting category.

Allocation of spectrum for two

new national digital television services—channel A and channel B—was provided for in legislation passed in October 2006. Channel A will be able to be used for free-to-air datacasting, narrowcasting and community television that can be received on a standard digital television receiver. Channel B can be used for a wider range of services, including mobile television. Neither channel can be used to provide a commercial broadcasting service or subscription television service that can be received by a domestic digital television receiver. Proposed technical, licensing and allocation arrangements for the channels were released in December 2006.

Once finalised, the narrowcasting television services guidelines will assist those contemplating providing such services on the two new digital channels, as well as those who wish

to provide such services on other platforms.

There are legal penalties for providing broadcasting services without the appropriate licence. Prospective providers of narrowcasting television services are strongly encouraged to seek a binding opinion from ACMA under section 21 of the *Broadcasting Services Act*, on the category into which their proposed service falls. An opinion will be effective for a minimum of five years if the service remains substantially the same.

Submissions on the draft guidelines closed on 9 March 2007. The paper, *Narrowcasting services on television – Guidelines and information about open narrowcasting television and subscription television narrowcasting services*, and a fact sheet, *Media reform – guidelines for*

narrowcasting television services, are on the ACMA website at www.acma.gov.au (go to For licensees & industry: Licensing & regulation > Media ownership & control > About media reform). Information about how to apply for a section 21 opinion is also on the ACMA website.

