

The ACMA launches local content audit following licence breaches

The ACMA issued remedial directions to three licensees of the Super Radio Network in May after finding they each breached a condition of their licence by failing to broadcast three hours of local content on 8 September 2009.

All regional commercial radio licensees are subject to a licence condition that requires them to broadcast a minimum amount of local content (in these cases, three hours) on each business day. The three licensees in question had claimed that their licence condition was met by the broadcast of the *Grant Goldman Breakfast Program* for each of the licence areas. The ACMA found that the *Grant Goldman Breakfast Program* broadcast on 8 September 2009 did not contain three hours of content that could be considered material of local significance for any of the three licence areas.


Having regard to the seriousness of the breaches, the ACMA has directed each licensee—the regional stations 2HC Coffs Harbour, 2EL Orange and 2PM Kempsey—to report to the ACMA on a periodic basis as to how it is now meeting its local content requirements. The stations will also be required to implement a rigorous training program to ensure that all staff are aware of and know how to deliver on their licence obligations.

‘These remedial directions will address the issues raised by the investigations and are designed to better ensure future compliance by the licensees,’ said Chris Chapman, Chairman of the ACMA.

The ACMA has also commenced, more broadly, an audit to assess licensees’ compliance with local content obligations. The audit will focus on local content obligations, including minimum service standards for local news and other information for affected licensees. The audit will include a representation of licensees and licence areas across Australia.

‘Given that the local content obligations have now been in force for over two years, it is timely to examine licensee compliance more broadly,’ said Mr Chapman.

Where the ACMA is satisfied that a commercial radio broadcasting licensee has breached or is breaching a condition of its licence, the ACMA may direct the licensee under section 141 of the *Broadcasting Services Act 1992* (the BSA) to ensure the licensee does not breach that condition, or is unlikely to breach that condition, in the future.

If a licensee does not comply with a notice under section 141, the ACMA may commence proceedings in the Federal Court to seek orders that a pecuniary penalty be imposed on the licensee. It is also an offence under section 142 to engage in conduct that contravenes a requirement of the remedial direction. 

For more information about commercial regional radio obligations, visit the ACMA website at www.acma.gov.au (go to: For the public: Content & advertising > Broadcasting: Broadcasting content regulation > Radio content regulation > Regional local content protections).

For the full investigation reports, go to About ACMA: Publications & research > Publications > Broadcasting publications > Broadcasting investigations reports > Radio operations investigations > Radio operations – NSW commercial radio investigations.

