



COMMUNITY
BROADCASTING
ASSOCIATION OF
AUSTRALIA

6 February 2015

Manager
Broadcasting Carriage Policy Section
Australian Communications and Media Authority
PO Box Q500 Queen Victoria Building
SYDNEY NSW 1230
Attention: Tony George

Dear Sir/Madam

**PROPOSAL TO REMAKE THE RADIOCOMMUNICATIONS LICENCE CONDITIONS
(TEMPORARY COMMUNITY BROADCASTING LICENCE) DETERMINATION 2003**

Thank you for the opportunity to comment on the ACMA proposal to remake the Radiocommunications Licence Conditions (Temporary Community Broadcasting Licence) Determination 2003 (TCBL Licence Determination).

I write on behalf of the Community Broadcasting Association of Australia (CBAA).

The CBAA is the peak body for community radio broadcasting in Australia. Nationally, over 350 permanently licensed community radio services provide significant public benefit. In addition there are currently over 80 temporary community broadcasting licensees.

The CBAA notes that the existing TCBL Licence Determination expires on 1 April 2015 and that ACMA proposes to remake the instrument with minor changes, ensuring its on-going effect is preserved.

We agree that the amendments proposed seem intended to streamline and simplify the expiring TCBL Determination and do not seem to change the current regulatory obligations for TCBL licensees.

The CBAA considers the provision of temporary community broadcasting licenses a useful tool that, where there is no overlap with existing community broadcasting services, can be used to prudently develop diversity in broadcasting through provision of services ahead of when ACMA may otherwise consider allocating a new or further permanent licence/s.

Draft Determination 2015

We note that the proposed Licence Determination 2015 is consistent in scope and purpose with the previous Determination: to set out conditions to which a transmitter license issued under Section 101A of the Radiocommunications Act 1992, in accordance with licences issued by the ACMA (a temporary community broadcasting licence) is subject.

Commencement and Revocation

We note that Part 1, Section 3 revokes the previous TCBL Determination 2003 and Section 2 registers the TCBL Determination 2015. Presumably it will be registered before 1 April 2015.

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Interpretations and Definitions

We note that under Part 5, Interpretation, a number of definitions have been removed to align with deletion of subsequent sections, now referenced in their respective relevant instruments rather than repeated in the TCBL Determination. We consider this an appropriate simplification and do not see any intended change in effect or meaning.

Conditions

We note an amendment to subject temporary community broadcasting licences to Parts 3 and 4 of the Radiocommunications Licence Conditions (Apparatus Licence) Determination 2003 as a simplified means to ensure consistency in applying electromagnetic energy human exposure regulatory requirements.

Technical Planning Guidelines

We note the proposed Determination removes the specific note that a temporary community broadcasting licensee must comply with the Technical Planning Guidelines. We take it that clause 108A (1) (d) of the Radiocommunications Act would apply irrespective and therefore that temporary community broadcasting licensees must still comply.

Permitted communications

We note no change.

Harmful interference

We notice the proposed Determination uses clearer language in Section 8 (1) (a) through to (c) to state that a temporary community broadcasting licensee must not cause interference to commercial, community, national or open narrowcasting services (other than a low power open narrowcasting service) with the licence area (or the coverage area mentioned in the licence) of the respective community, national or open narrowcasting services.

The previous form of words could be interpreted to require no interference be caused within the coverage area of the temporary community broadcasting station. The change is an improvement.

Issue or renewal at certain times

We note deletion of the section relating to 'drop through' allocations in the BSB under Section 34 (1) of the Broadcasting Services Act 1992. Its removal is a useful simplification.

Electromagnetic radiation requirements, Exceptions to the ARPANSA standard, and Records

We note that the sections dealing with operation of transmitters in accordance with EME exposure levels, compliance documentation and records has been deleted. Instead, reference has been made to Parts 3 and 4 of the Radiocommunications Licence Conditions (Apparatus Licence) Determination 2003 in Part 6, Conditions, of the TCBL determination 2015.

Conclusion

We agree that the proposed Determination simplifies and streamlines the provisions of the TCBL Licence Determination. Once again, thank you for re-making the Determination and the opportunity to comment.

Yours sincerely



Jon Bisset
General Manager