

# Regional television local content investigation 2013

## Consultation paper

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# Contents

<b>Background</b>	<b>1</b>
Ministerial Direction	1
Investigation outline	1
Current local content requirements	2
History of local content requirements	3
<b>Invitation to comment</b>	<b>4</b>
Issues for discussion	4
Making a submission	5
Effective consultation	5
Publication of submissions	5
Release of submissions where authorised or required by law	6



# Background

The purpose of this paper is to facilitate public comment surrounding the investigation of regional television local content requirements being undertaken by the Australian Communications and Media Authority (the ACMA).

## Ministerial Direction

In June 2013, the ACMA was directed by the [Broadcasting Services \(Material of Local Significance – Regional Aggregated Commercial Television Broadcasting Licences\) Direction 2013](#) to investigate the operation and effectiveness of section 43A of the *Broadcasting Services Act 1992* (the BSA) and, in doing so, consider:

- > the importance of material of local significance to people in regional areas of Australia
- > whether people in regional areas of Australia have adequate access to material of local significance via commercial television broadcasting services
- > the impact on people living in regional areas of Australia of recent and significant changes (if any) to the broadcast of material of local significance
- > how access to material of local significance can be maintained and enhanced for people living in regional areas of Australia
- > whether other sources of local (or regional) information are available to people living in regional areas of Australia
- > the economic circumstances facing commercial television broadcasting licensees operating in regional areas of Australia
- > whether section 43A should be extended to apply to commercial television broadcasting licensees operating in specified additional regional areas.

The Ministerial Direction defines regional areas of Australia as all areas listed in section 43A of the BSA (Regional Queensland, Northern New South Wales, Southern New South Wales, Regional Victoria, Eastern Victoria, Western Victoria and Tasmania) and all other licence areas that are not metropolitan licence areas. The metropolitan licence areas are the licence areas of Brisbane, Sydney, Melbourne, Adelaide and Perth.

The Ministerial Direction requires the ACMA to complete its investigation within six months of the date of the Direction. Consequently, it must be completed by **29 December 2013**.

## Investigation outline

In order to investigate the questions posed in the Ministerial Direction, the ACMA will undertake research and consultation including:

- > seeking public comment on the provision of local content in regional areas of Australia
- > consulting with regional commercial television licensees, seeking information about the provision of local content
- > commissioning a quantitative survey of people in regional areas of Australia, exploring attitudes and behaviour towards local content
- > examining television ratings data for local news bulletins in regional areas of Australia

- > undertaking analysis around the economic circumstances of regional broadcasters and the capacity of regional commercial television broadcasters to provide local content
- > considering case studies on the availability of local content in regional areas of Australia across a variety of different media sources
- > examining the operation and effectiveness of current local content obligations affecting commercial television licensees in Regional Queensland, Northern New South Wales, Southern New South Wales, Regional Victoria, Eastern Victoria, Western Victoria and Tasmania.

## Current local content requirements

Section 43A of the BSA requires the ACMA to have in place a licence condition that requires commercial television licensees in seven regional aggregated licence areas to broadcast minimum levels of material of local significance to each local area within their licence area. As noted above, the regional aggregated licence areas specified in the BSA are Regional Queensland, Northern New South Wales, Southern New South Wales, Regional Victoria, Eastern Victoria, Western Victoria and Tasmania.

The *Broadcasting Services (Additional Television Licence Condition) Notice 8 November 2007* defines local areas for each of the regional aggregated licence areas. In most cases, these are smaller areas within the licence area (for example, within the licence area of Regional Queensland TV1 there are seven local areas). However, in Tasmania, the licence area and the local area are one and the same. Local areas generally reflect local communities or former smaller television and advertising markets within the licence area.

The licence condition defines material of local significance (local content) to include:

- > material that relates to people or organisations in the area
- > material that relates to the activities of people or organisations in the area
- > material that relates to issues that arise in the area
- > material that deals with the effects in the area of an event that occurs elsewhere
- > material that deals with people, organisations, events or issues that are of particular interest to people in the area, in a way that focuses on the interests of people in the area
- > material that:
  - > relates to a political matter or a matter of current affairs
  - > is in the form of discussion by, or statements or commentary from, people in the area
- > material about a sporting event that involves a person or team from the area
- > material about a sporting event that involves a person or team from a nearby area, whose principal support base includes the area, or a significant part of the area
- > material about market conditions that closely affect a major business activity in the area, such as prices of a commodity in an area where that commodity is produced on a significant scale
- > material about an individual in whom people in the area are particularly interested because of an association with the area, such as the individual's having grown up, or lived, in the area.

Material of local significance does not include advertising or sponsorship matter, unless it is a community service announcement.

Each affected licensee must accumulate at least 90 points of material of local significance per week within each local area and at least 720 points in each local area over a six-week period—an average of 120 points per week. Material relating directly to the local area or licence area attracts one point per minute and news relating directly to the local area attracts two points per minute. At least 50 per cent of the points accumulated in a local area over a six-week period must be for material that relates directly to the local area.

## History of local content requirements

Between 1989 and 1992, a number of regional areas that had received television services from monopoly providers were aggregated into four larger areas (Regional Queensland, Northern New South Wales, Southern New South Wales and Regional Victoria). The reasons for this aggregation were to:

- > provide three commercial television services in most of regional Australia
- > ensure that commercial television services in regional areas were comparable to those in capital cities
- > create larger more viable television markets in regional Australia
- > encourage competition between regional television station operators.

In 2001, the former Australian Broadcasting Authority (ABA) commenced an investigation into the adequacy of local content levels in regional areas. It was sparked by community concerns about the closure of news bureaus by Southern Cross Broadcasting in Canberra, Cairns, Townsville, Darwin and Alice Springs and the cutting of local news bulletins in Canberra, Newcastle and Wollongong by Prime TV. The investigation focused on the four aggregated markets.

Following the investigation, a licence condition was imposed on broadcasters in the licence areas of Northern New South Wales, Southern New South Wales, Regional Victoria and Regional Queensland, requiring them to meet local content obligations. In determining to impose requirements on these markets and not the smaller, non-aggregated markets, the ABA had regard to population size and density, profitability and costs associated with broadcasting local content.

In 2008, as part of the changes introduced by the *Broadcasting Services Amendment (Media Ownership) Act 2006*, the licence condition became a statutory requirement, rather than something that was at the discretion of the ACMA. The local content requirements were also extended to Tasmania.

# Invitation to comment

## Issues for discussion

The ACMA invites comment from both organisations and individuals who live, or have lived in regional areas, on the provision of local content in regional areas of Australia.

Individuals are encouraged to respond to the questions below based on their own experiences, to help us understand the significance of local content to people in regional areas. Where available, submitters are encouraged to provide evidence in support of any claims made in submissions.

In particular the ACMA is seeking comment on the issues raised in the Ministerial Direction, specifically:

1. What are the local information needs of people in regional areas of Australia?
  - > How important is local information?
  - > What are the benefits of local information being available?
  - > What kind of local information is important?
2. How important are sources of media such as local newspapers, radio and the internet (including social media) in providing access to local information in regional areas of Australia?
  - > Is local information available on these sources in regional areas? Where relevant, please provide specific examples of alternative sources of local content that you have found helpful/useful.
3. How important is commercial television in providing access to local information in regional areas of Australia?
  - > What are the differences between accessing local information on commercial television compared to other sources?
  - > Is commercial television more important than other sources of local information? If so, why?
4. Have there been any significant changes to the delivery of local information in regional areas of Australia in recent times?
  - > Has the amount of local information available increased or decreased?
  - > If there have been changes, what are the impacts?
5. Do people living in regional areas of Australia have adequate access to local information?
  - > Do people in regional areas of Australia that are not subject to commercial television local content requirements have adequate access to local information?
  - > Are the current commercial television local content requirements in Regional Queensland, Northern New South Wales, Southern New South Wales, Regional Victoria and Tasmania providing adequate access to local content? If not, why?

6. How can access to local information best be maintained and enhanced in regional areas of Australia?
  - > Does the availability of local information on other platforms make requirements for commercial television redundant?
  - > Are local content requirements for regional commercial television broadcasters still relevant in their current form?
  - > What are the issues impacting on the delivery of local information on commercial television in regional areas of Australia (if known)?
  - > What are the issues impacting on the delivery of local information on other platforms (if known)?
  - > What are the current economic circumstances facing commercial television broadcasters in regional Australia (if known)?
7. What, if any, local content obligations should be extended to other regional areas in Australia? Which regional television licence areas should this include and why?

## Making a submission

The ACMA invites interested parties to make submissions to the regional television local content investigation. Submissions should be made:

By email: [localcontentreview@acma.gov.au](mailto:localcontentreview@acma.gov.au)

By mail: Manager  
Television Local Content Investigation  
Content Monitoring and Review Section  
Australian Communications and Media Authority  
PO Box Q500  
Queen Victoria Building NSW 1230

The closing date for submissions is **Tuesday 20 August 2013**.

Electronic submissions in Microsoft Word or Rich Text Format are preferred.

### Effective consultation

The ACMA is working to enhance the effectiveness of its stakeholder consultation processes, which are an important source of evidence for its regulatory development activities. To assist stakeholders in formulating submissions to its formal, written consultation processes, it has developed the following guide: [Effective consultation—The ACMA's guide to making a submission](#). This guide provides information about the ACMA's formal written public consultation processes and practical guidance on how to make a submission.

### Publication of submissions

In general, the ACMA publishes all submissions it receives. The ACMA prefers to receive submissions that are not confidential. However, the ACMA accepts that a submitter may sometimes wish to provide information in confidence. In these circumstances, submitters are asked to identify the material over which confidentiality is claimed and provide a written explanation for the claim.

The ACMA will consider each confidentiality claim on a case-by-case basis. If the ACMA accepts a claim, it will not publish the confidential information unless authorised or required by law to do so.

#### **Release of submissions where authorised or required by law**

Any submissions provided to the ACMA may be released under the *Freedom of Information Act 1982* (unless an exemption applies) or shared with other Commonwealth Government agencies or certain other entities under Part 7A of the *Australian Communications and Media Authority Act 2005*. The ACMA may also be required to release submissions for other reasons including for the purpose of parliamentary processes or where otherwise required by law (for example, under a court subpoena). While the ACMA seeks to consult submitters of confidential information before that information is provided to another party, the ACMA cannot guarantee that confidential information will not be released through these or other legal means.