

8 September 2022



Media Reform Branch

Online Safety, Media and Platforms Division
Department of Infrastructure, Transport, Regional Development, Communications and the Arts
GPO Box 2154
CANBERRA ACT 2601

Submission to the Broadcasting Service Exclusion Determination Consultation Paper

Communications Alliance welcomes the opportunity to make a submission to the Broadcasting Service Exclusion Determination Consultation Paper.

The consultation paper seeks feedback on a proposal to remake the *Broadcasting Services ("Broadcasting Service" Definition—Exclusion) Determination 2019* (the Determination) for a time-limited period before it expires on 18 September 2022.

The *Broadcasting Services ("Broadcasting Service" Definition—Exclusion) Determination 2019* has the effect of excluding certain types of online media services from regulation - specifically online television simulcasts, online radio stations, and live-streaming on social media and other digital platforms from the definition of 'broadcasting service' in the *Broadcasting Services Act 1992*, meaning that internet services of this type have not been subject to broadcasting regulation.

It appears almost certain that the Government will remake the Determination given the very short timeframe (ten days) between the end of consultation and the expiry of the Determination leaves no room to implement an alternative solution. The alternative solutions proposed in the paper namely, letting the Determination expire, or drafting legislative amendments to the definition of 'broadcasting service' are not viable options. The former because of uncertainty for industry, and the latter because there is simply not enough time. In summary, we agree that remaking the Determination in identical form will provide certainty for industry while the broader regulatory reforms are developed and progressed.

The paper foreshadows regulatory reform to deal with the treatment of broadcasting and live-streaming services.

It is critical that any reforms and additional regulation are developed in close consultation with affected stakeholders. We welcome the Government's commitment to engage further with industry in the coming months on a broader reform agenda, and the principles, priorities and process that could guide and shape this work.

We agree that this will be a multi-year exercise, and would welcome guidance from the Government on its proposed timeframe for progressing these reforms and whether they intend to do so in this term of Government – this should then inform how long the Determination should be remade for.

We do not seek confidentiality for this submission

For any questions relating to this submission please contact John Stanton on 0434 318 777 or at stanton@commsalliance.com.au