

25th June 2020

Graham Webb

President

HH CRA (Harmony FM).

TO

Mr Rasmussen

President HRCA (Hawkesbury Radio)

We take note of your latest communication dated 24th June 2020.

We sent two emails to HRCA in the past weeks, HRCA did not respond to our emails, I must express we copied the ACMA in on these communications.

Our second email we dealt with your request to meet with all entities at the Deerubbin Centre in Windsor. Our committee met in response to your request and decided the following.

We concluded it was not necessary to be in person due to the fact these types of meetings become heated. Another reason was a response to social distancing.

We thought it is much easier to organise the meeting in ZOOM and if any person became argumentative, we could dismiss them from the room. This is a sensible approach to take and a discussion could have taken place. You totally ignored our request and came back with an email stating all have not responded to your email.

HH CRA believe HRCA are not a suitable applicant for a long-term licence and should not be taking away airtime from other TCBL holders.

We will explain our reasons employing relevant legislation...

Broadcasting Services Act 1992

The ACMA must not allocate a temporary licence if it is satisfied that an applicant is not a 'suitable applicant' or a 'suitable licensee'. The ACMA may consider an applicant is not a suitable applicant if it is satisfied that allowing an applicant to provide a temporary community broadcasting service would lead to a significant risk of:

- > an offence against the Act or the regulations being committed
- > a breach of a civil penalty provision occurring
- > a breach of the licence conditions occurring.

These situations may arise, for example, when an applicant has previously held a licence (whether a long-term licence that has not been renewed or a temporary licence) and has not complied with licence conditions and/or undertaken required compliance measures.

Sections 92C(2) and 92D of the Act.

We further believe HCRA were ONLY granted a TCBL because no TCBL's were ready to go to air at the time HCRA's licence was not renewed. This would have left the 89.9 FM spectrum on dead air in November 2017.

We will be making a request to the ACMA to revoke the TCBL of HCRA under Section 92J (1) (a) of the BSA 1992.

Further

Under Part 6A of the *Broadcasting Services Act 1992* (the BSA), a person may apply to the ACMA for a TCBL. These licences give aspirant broadcasters the opportunity to develop broadcasting skills, prior to any merit-based allocation of planned long-term community broadcasting licences.

We believe the above legislation is relevant in NOT granting HCRA a TCBL.

ACMA has requested the present TCBL's to discuss merging because the Windsor RAI is congested with too many TCBL's. We at HHCRA have concluded due to the above legislation it would not be beneficial to merge with HCRA. We suggested HCRA the following. HHCRA are willing to accept members of HCRA to join with HHCRA and that we would offer many of HCRA's presenters' airtime under the HHCRA umbrella. Mr Rasmusen, we have received many requests from HCRA's presenters to join HHCRA and seek airtime. Somewhere around fifty percent of HCRA's presenters have already contacted us.

I suggest you look closely at the letter from ACMA requesting TCBL's merge you will also see the following...

The ACMA's preferred model for TCBL timing options in Windsor RA1 is one which is

most responsive to audience needs, reflects cooperation between TCBL holders, and

encourages participation in the services. In determining the timing conditions for temporary licences, the ACMA may also have regard to the following matters:

- fair access to airtime for all temporary licence holders (for example, a balance of peak and non-peak listening periods, including weekends)
- the provision of quality of service through adequate broadcast periods (for example, broadcast periods of no less than four hours duration)
- practical operational matters (for example, convenient changeover times)
- listener needs (for example, continuity of service and access to broadcasts of particular relevance to listeners in the licence area)
- the interests of the community interest represented by a licensee in hearing broadcasts at particular times (for example, regular Sunday broadcasting may be important for Christian communities while other communities may be interested in one-off sporting events)
- submissions by temporary licence holders on their particular needs (for example, periods when they have access to transmission facilities, or, their desire to provide programming during particular periods to meet local community needs)
- giving temporary licence holders the opportunity to develop their broadcasting skills and programming expertise, as well as to gain an audience base and build community support for their service
- the broadcasting experience of the temporary licence holder, including experience as a long-term and temporary community broadcaster
- the aspirant's history of compliance with codes of practice and licence conditions during previous long-term or temporary community broadcasting licences
- other such matters as are relevant on a case-by-case basis.

We do not believe HRCA (Hawkesbury Radio) are a suitable applicant for a long-term Community Broadcast Licence or a Temporary Community Broadcast Licence.

We do not believe under the key points the ACMA has expressed in their email request as highlighted HCRA is a viable amalgamation.

Please consider our request in HCRA members and presenters merging with HHCRA.

Thank you

Graham Webb

President HHCRA Harmony FM.