

# **Notices of deemed compliance**

## Australian content: for regional/remote commercial television broadcasting licensees

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# Executive summary

The *Broadcasting Services Act 1992* (BSA) establishes the Australian content regulatory framework for commercial television broadcasting licensees (licensees) and includes Australian content quota requirements.

The BSA also recognises that there are differences between licensees operating in metropolitan and regional or remote licence areas. In practice, regional and remote licensees rely on metropolitan licensees for much of their content, which is provided through program affiliation agreements.

The number and type of multi-channels provided by regional and remote licensees can be determined by infrastructure capacity and/or by affiliation agreements.

In 2020, the BSA was amended to recognise that regional and remote licensees can find it difficult to satisfy the Australian content obligations. This is because they have limited or no control over the programming provided on the multi-channels they broadcast, particularly if they carry a reduced number of multi-channels for commercial or technical reasons.

Under the BSA, regional and remote licensees can be deemed compliant with multi-channel quota obligations if they provide the ACMA with a notice that meets relevant conditions set out in subsection 121H(1) of the BSA. The ACMA must publish a copy of the notice on the ACMA's website.

A similar deeming provision can apply under section 16 of the [Broadcasting Services \(Australian Content and Children's Television\) Standards 2020](#) (ACCTS). The [Explanatory Statement](#) to the ACCTS indicates that the deeming provision was introduced to protect regional and remote licensees, which may have limited control over programming retransmitted under an affiliate agreement.

This paper consolidates the notices given to the ACMA under subsection 121H(1) of the BSA for 2023. No notices were given to the ACMA under section 16 of the ACCTS for 2023. The notices relate to regional and remote licensees that have met the relevant conditions for deemed compliance.

# Deemed compliance

The Australian content transmission quotas in the BSA require licensees to transmit:

1. Australian programs<sup>1</sup> for at least 55% of all programming broadcast between 6 am and midnight on their primary television services; and
2. at least 1,460 hours of Australian programs between 6 am and midnight across their suite of non-primary television services (multi-channels).

The Australian content points requirement in the [ACCTS](#) provides that licensees must broadcast at least 250 points of first release Australian programs each calendar year. The programs must be from selected genres (Schedule 1 of the ACCTS) and may be broadcast across all primary and non-primary broadcast channels.

In order for regional and remote licensees to rely on deemed compliance provisions, the licensee must have broadcast:

- for the multi-channel quota, no less than the total number of hours of Australian programs broadcast on the equivalent multi-channel by the metropolitan commercial television broadcasting licensee, during targeted viewing hours in the calendar year; and
- for the ACCTS points requirement, no less than the amount of first release Australian programs broadcast by its metropolitan affiliate on the latter's equivalent channel/s, during the same year.

In 2023, the ACMA assessed 3 notices from regional and remote licensees as meeting the conditions for deemed compliance with the BSA multi-channel quota. No notices were assessed for deemed compliance with the ACCTS quota. A summary of these notices is set out in Table 1 below, with a copy of the notices provided in the Schedules to this document.<sup>2</sup>

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<sup>1</sup> An 'Australian program' defined under the ACCTS is one that is produced under the creative control of Australians. This may include having Australian producers, directors, writers, and cast.

<sup>2</sup> Schedules 1 to 3 have been prepared for the purpose of publication on the ACMA's website under subsection 121H(2) of the BSA.

**Table 1: Deemed compliance under section 121H of the BSA, 2023**

Section 121H of the BSA provides for a regional/remote commercial television broadcasting licensee that operates under an affiliate agreement with a metropolitan licensee to be deemed compliant with its Australian content transmission quota obligations for secondary channels (multi-channels) for a calendar year. Deemed compliance requires specific information to be reported to the ACMA (subsection 121H(1)(b)) and that the hours of Australian programs the regional licensee broadcasts be the same as (or more than) the amount broadcast by its affiliate metropolitan commercial television broadcasting licensee on the latter's equivalent channels during the same year.

Schedule no.	Licence no.	Licence area	On-air ID	Regional multi-channels broadcast	Hours transmitted by regional/remote licensee on multi-channels	Metro licensee	Hours transmitted by metro licensee on equivalent multi-channels
1	<a href="#">2898</a>	Remote Central & Eastern Australia TV1	IMPARJA	9Go!, 9Gem	1,327.49	TCN Sydney	1,324.82
2	<a href="#">1130135</a>	South Eastern Australia TV3	9 (VAST)	9Go!, 9Gem	1,327.49	TCN Sydney	1,324.82
3	<a href="#">1130136</a>	Northern Australia TV3	9 (VAST)	9Go!, 9Gem	1,327.49	TCN Sydney	1,324.82

# Schedules

## Schedule 1

Notice that the regional/remote commercial television licensee wants to rely on section 121H of the <i>Broadcasting Services Act 1992</i>	
Period commencing	1 January 2023
Period ending	31 December 2023
Licence number	2898
Licence area	Remote Central & Eastern Australia TV1
On air ID	IMPARJA
Confirm the above regional/remote commercial television broadcasting licensee wants to rely on section 121H to be deemed compliant with the Australian content transmission quota (Yes/No)	Yes
Specify the metropolitan commercial television broadcasting licensee for the purposes of section 121H	TCN (Nine Sydney)
Specify the total number of hours (in decimal format) of Australian programs that were transmitted by the above regional/remote commercial television broadcasting licensee during targeted viewing hours on secondary commercial television broadcasting services	1,327.49
Specify the total number of hours (in decimal format) of Australian programs that were transmitted by the above metropolitan commercial television broadcasting licensee during targeted viewing hours on the equivalent secondary commercial television broadcasting services	1,324.82



## Schedule 2

Notice that the regional/remote commercial television licensee wants to rely on section 121H of the <i>Broadcasting Services Act 1992</i>	
Period commencing	1 January 2023
Period ending	31 December 2023
Licence number	1130135
Licence area	South Eastern Australia TV3
On air ID	9 (VAST)
Confirm the above regional/remote commercial television broadcasting licensee wants to rely on section 121H to be deemed compliant with the Australian content transmission quota (Yes/No)	Yes
Specify the metropolitan commercial television broadcasting licensee for the purposes of section 121H	TCN (Nine Sydney)
Specify the total number of hours (in decimal format) of Australian programs that were transmitted by the above regional/remote commercial television broadcasting licensee during targeted viewing hours on secondary commercial television broadcasting services	1,327.49
Specify the total number of hours (in decimal format) of Australian programs that were transmitted by the above metropolitan commercial television broadcasting licensee during targeted viewing hours on the equivalent secondary commercial television broadcasting services	1,324.82

### Schedule 3

Notice that the regional/remote commercial television licensee wants to rely on section 121H of the <i>Broadcasting Services Act 1992</i>	
Period commencing	1 January 2023
Period ending	31 December 2023
Licence number	1130136
Licence area	Northern Australia TV3
On air ID	9 (VAST)
Confirm the above regional/remote commercial television broadcasting licensee wants to rely on section 121H to be deemed compliant with the Australian content transmission quota (Yes/No)	Yes
Specify the metropolitan commercial television broadcasting licensee for the purposes of section 121H	TCN (Nine Sydney)
Specify the total number of hours (in decimal format) of Australian programs that were transmitted by the above regional/remote commercial television broadcasting licensee during targeted viewing hours on secondary commercial television broadcasting services	1,327.49
Specify the total number of hours (in decimal format) of Australian programs that were transmitted by the above metropolitan commercial television broadcasting licensee during targeted viewing hours on the equivalent secondary commercial television broadcasting services	1,324.82