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

Dear Sir/Madam

**DECLARATION OF PRIMARY COMMERCIAL TELEVISION BROADCASTING SERVICES –  
MILDURA/SUNRAYSLIA TV1 LICENCE AREA**

Free TV Australia represents all of Australia's commercial free-to-air (FTA) television broadcasters. Free TV welcomes the opportunity to comment on the Australian Communications and Media Authority's (the ACMA's) consultation paper *Declaration of Primary Commercial Television Broadcasting Services*.

Whilst the paper primarily addresses the ACMA's proposed approach to declaration of a primary service in the Mildura/Sunrayslia TV1 licence area, ACMA's proposed approach will be of relevance to all commercial free-to-air television broadcasters.

As noted by the ACMA, the concept of a primary service in a licence area after switchover is an important part of the regulatory framework for digital commercial free-to-air television services. Free TV agrees that the declaration of a primary service is necessary to provide certainty in respect of the regulatory obligations applying to each service provided by a broadcaster after the end of the simulcast period.

This is because of the different regulatory obligations which apply to multi-channels as compared to the core (or primary) channels. Different levels of regulation apply as regards to Code of Practice obligations, the anti-siphoning scheme, captioning requirements and the Australian and Children's content quotas. Free TV has also recently made submissions to Government which support a continuation of a distinct regulatory approach to multi-channels.

We therefore support early action by the ACMA to identify its approach to the declaration of primary services under clause 41G of Schedule 4 to the *Broadcasting Services Act 1992*.

*The ACMA's proposed approach*

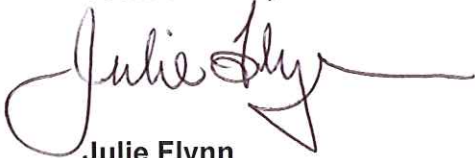
Free TV supports the ACMA's proposal to declare a primary service for each commercial television broadcasting licence that delivers a simulcast of an analogue service. Free TV also supports the ACMA's proposal to declare the service that is currently the core service to be the primary service.

We note ACMA proposes to identify the primary service by its on-air tag. This would seem the most appropriate and transparent approach, however care will need to be taken to revisit arrangements should there be a change in branding for particular services. Free TV notes this

could easily be managed as between the ACMA and the affected broadcaster and that ACMA has the power to amend a primary services declaration if required.

Thank you again for the opportunity to provide comment on these issues.

Yours sincerely

A handwritten signature in dark ink, appearing to read "Julie Flynn", with a long horizontal flourish extending to the right.

**Julie Flynn**  
**CEO**