

8 September 2022

Media Reform – Online Safety, Media and Platforms Division
Department of Infrastructure, Transport, Regional Development,
Communications and the Arts (the **Department**)

Dear Sir/Madam

Re: ASTRA Submission – The Broadcasting Service Exclusion Determination Consultation Paper

ASTRA welcomes the opportunity to comment on the *Broadcasting Service Exclusion Determination Consultation Paper* (the **Paper**) that seeks feedback on a proposal to remake the *Broadcasting Services (“Broadcasting Service” Definition - Exclusion) Determination 2019* (known as the **Alston Determination**).

ASTRA is the peak body representing the STV industry in Australia. ASTRA’s members include television operators, independent content companies, technology companies and the industries that support them. ASTRA manages codes of practice and represents the industry with regulators and Government.

ASTRA’s members, deliver products and content across a range of platforms, including via traditional satellite and cable broadcasting, linear online streaming of channels, mobile applications and video on demand via IP.

Given that legacy regulation of media services varies according to the method of transport of a service, ASTRA’s members effectively manage a range of differing regulatory obligations for the same or similar services delivered in different ways.

To this end, ASTRA members value the certainty provided by the Alston Determination, when coupled with the other elements of the definition of ‘broadcasting service’ contained in the *Broadcasting Services Act 1992*. When managing regulatory compliance for a diverse range of services, certainty is of particular value. Certainty is also of great value in the development of innovative and new products, as it allows for appropriate business and risk planning.

For these reasons, we support the proposal in the Department’s Paper to remake the Alston Determination on the same terms; and we recommend that this be remade for a period of five years.

We note the ongoing public debate regarding the appropriate regulatory framework for media services in a converged environment and we acknowledge the Government’s commitment to a program of work to modernise media regulations. As such, it is important that regulated entities continue to have certainty as the Government’s regulatory reform proposals are considered and progressed. A five-year duration for the new instrument recognises that the modernisation of Australia’s media regulation will be a long-term reform process requiring careful consideration.

Thank you again for the opportunity to provide feedback on the review. If you have any queries or would like to discuss the issues raised in this submission, please contact me at

[REDACTED]

Yours sincerely

[REDACTED]

On behalf of ASTRA