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14 May 2018

Mr Wayne Poels  
Executive Director  
Office of Best Practice Regulation  
Department of the Prime Minister and Cabinet  
1 National Circuit  
BARTON ACT 2600

Email: [Helpdesk-OBPR@pmc.gov.au](mailto:Helpdesk-OBPR@pmc.gov.au)

Dear Mr Poels

**Re: Digital Radio Multiplex Transmitter Licences (Decision-Making Criteria) Determination 2008 (OBPR ID: 23634)**

We write regarding the Digital Radio Multiplex Transmitter Licences (Decision-Making Criteria) Determination 2008 (the instrument), which, as per the *Legislation Act 2003*, are scheduled to sunset on 1 October 2018. The Australian Competition and Consumer Commission (ACCC) has reviewed the need for the instrument and considers that it should be remade without significant amendment.

The ACCC certifies that the instrument is operating effectively and efficiently. The ACCC does not consider that a Regulation Impact Statement is required for this regulation to be remade. The proposed changes to the instrument and the explanatory statement are not significant.

The assessment that the regulation is operating effectively and efficiently has been informed by a review to determine whether the instrument is still 'fit for purpose' and consultation with stakeholders.

The ACCC commenced a public consultation process on 23 March 2018 inviting submissions on the proposed repeal of the existing instrument and remaking of a new instrument (with no significant changes proposed). Submissions endorsed the ACCC remaking the instrument in substantially the same form as the sunseting instrument. The ACCC made minor changes to the instrument's explanatory statement in response to issues raised.

We acknowledge that OBPR will publish this letter for transparency purposes. If you have any queries about this advice, please contact Ifa Rushdi on (03) 9658 6401 or email [digitalradio@accc.gov.au](mailto:digitalradio@accc.gov.au) .

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rayne de Gruchy', with a horizontal line extending to the right.

Rayne de Gruchy  
Chief Operating Officer