

ACMA five-year spectrum outlook 2022-27 and 2022-23 work program

CBAA comments on draft for consultation

April 2022



1. Introduction

- 1.1 The Community Broadcasting Association of Australia (CBAA) welcomes the opportunity to provide comments on the consultation draft of the ACMA Five-Year Spectrum Outlook 2022-27 with a specific focus on the work program for the upcoming year 2022-23.
- 1.2 The CBAA is the peak body for community broadcasting licensees in Australia.
- 1.3 At the time of writing, 450+ not-for-profit community radio broadcasters deliver over 500 services on AM, FM and DAB+ digital radio across Australia.
- 1.4 Community radio broadcasters play a vital role in connecting and informing communities - providing services with significant public benefit, including a diverse mix of social and cultural interests, specialist talks and music, and high levels of local content and presentation.
- 1.5 Community interests addressed include Indigenous services, radio reading services for the print disability community, youth, seniors, LGBTQIA+, religious and faith-based services, ethnic language and multicultural radio, specialist music, educational and general geographic services.
- 1.6 In metropolitan areas there are a greater number of specific community interest services. In regional and rural communities, community radio stations more frequently provide diverse programming covering broad community interests under a general geographic licence, with a high number of Indigenous services in remote locations.
- 1.7 Community analogue radio stations operate overwhelmingly in the VHF-FM band and in the majority of towns and cities across Australia, with approximately 75% located in regional and remote areas, and 25% across metropolitan locations.
- 1.8 Community digital radio services operate under long-term licensing arrangements in Sydney, Melbourne, Brisbane, Adelaide, Perth, with services now also operating in Canberra, Hobart and Darwin. A total of 50 licensees are currently providing over 55 free-to-air community digital radio services to listeners.
- 1.9 Community digital radio services for the Gold Coast area are under implementation, with further regional areas and development now a priority to be addressed.
- 1.10 Community television services operate in Melbourne and Adelaide, with access to broadcast band spectrum for delivery of free-to-air digital television services being subject to renewal under repeated consecutive short-term arrangements.
- 1.11 Guiding principles underpin community broadcasting Codes of Practice and the contribution of community services to media diversity and social inclusion.
- 1.12 Community broadcasting licences are issued pursuant to and in promotion of the objects of the Broadcasting Services Act 1992 (BSA).

2. Scope of comments

- 2.1 The CBAA comments are purposefully brief, and focussed primarily on optimising established planning frameworks and broadcasting, and specifically in regard to the immediate-term planning priorities for spectrum planning and licensing.
- 2.2 The CBAA appreciates that the ACMA has limited resources, and the Five-Year Spectrum Outlook (FYSO), updated on a yearly basis, provides a framework to plan resource commitments and requirements, not only in regard to telecommunications and general radiocommunications use cases, but also in regard to free-to-air radio and television broadcast spectrum and service planning.
- 2.3 The draft proposed optimisation activities for 2022-23 are listed on Pages 50-51 of the ACMA Consultation Paper, with further elaboration in regard to broadcasting, radio and television, on Pages 51-53.

3. Broadcasting - radio planning priorities

Remote area planning

- 3.1 The CBAA notes that the ACMA draft FYSO proposes to consult further on proposals for variations to the Remote Central and Eastern Radio LAP in Q4 2022, and on the Remote Western Australia Radio LAP in Q3 2022. The CBAA supports that priority.

Radio LAP variation for AM to FM conversion to prompt DRCP

- 3.2 The CBAA notes that the ACMA draft FYSO proposes to consult on proposals for variations in a number of radio licence areas to facilitate AM to FM conversions, and that this may include Moree, Gunnedah, Tamworth, Lismore, Mudgee, Young, Parkes and Wangaratta.
- 3.3 The ACMA notes that proceeding with developing and consulting on each variation depends upon the relevant (existing and primarily commercial radio AM) licensees making timely and strategic business decisions on available implementation options.
- 3.4 Alongside this focus on specific licence areas, in December 2021 the ACMA published a discussion paper outlining draft planning principles for AM to FM conversions in regional areas. The CBAA provided extensive comments in response.¹
- 3.5 In the interests of efficient and enhanced broadcast spectrum and service planning outcomes, the CBAA reiterates its request that:
- in every case where the ACMA proceeds to develop and consult on a Radio LAP variation, and, in particular where that is to effect AM to FM conversion, that the ACMA also consult and publish the relevant Digital Radio Channel Plan (DRCP), and declare a Foundation Licence.
- 3.6 The CBAA notes that the ACMA already has the basis for each relevant DRCP in final draft included within the national digital radio allotment plan: part of the output and work of the industry-based Digital Radio Planning Committee, chaired by the ACMA.
- 3.7 On Page 53, the ACMA Draft FYSO suggests work is to be commenced for AM to FM conversions in further regional licence areas (competitive commercial markets).
- 3.8 Before and alongside this work commencing, the CBAA urges the ACMA to re-convene the Digital Radio Planning Committee, being an appropriate forum to ventilate and consider radio planning issues, including issues in regard to continuation or conversion of AM, as well as FM and digital services.

Add specific DRCP consultation locations during 2022-23

- 3.9 The ACMA draft FYSO at Page 50 proposes to consult on the DRCP for licence areas where the incumbent broadcasters have committed to rollout digital radio in 2022, with timing driven by demand from broadcasters. The period cited in the project priority column as '2022' should be amended to say '2022 or 2023'.
- 3.10 There is demand for free-to-air digital radio services in a number of priority locations to be initiated by the community sector. The CBAA has arrangements to facilitate and support implementation and operation of services provided by community radio licensees.
- 3.11 To address this demand, and avoid further implementation delays, the CBAA reiterates its request that the ACMA add the following as specific locations and priorities for action, with updated timelines across 2022-23:
- Wollongong, DRCP consultation Q3-Q4 2022
 - Gosford, DRCP consultation Q3-Q4 2022
 - Katoomba, DRCP consultation Q3-Q4 2022, and, given overlap, potentially Lithgow
 - Campbelltown, DRCP Q3-Q4 2022
 - Newcastle, DRCP consultation, Q3-Q4 2022
 - Northern Tasmania: Launceston DRCP consultation in Q1-Q2 2023, with, potentially, Scottsdale, Devonport and Burnie considered alongside.
 - Cairns, DRCP consultation Q1-Q2 2023
 - Geelong, DRCP consultation Q1-Q2 2023

¹ March 2022, CBAA response to the ACMA consultation on proposed principles for planning AM to FM conversions in regional licence areas, December 2021.

- 3.12 The CBAA again notes that the ACMA already has the basis for each relevant DRCP in final draft included with the national digital radio allotment plan, part of the output and work of the industry-based Digital Radio Planning Committee, chaired by the ACMA.
- 3.13 Alongside finalisation of each of these DRCPs, the CBAA expects the ACMA would declare a Foundation Licence for each area and invite applications in order that the eligible community broadcasters may initiate digital radio services.
- 3.14 While not necessary to progress DRCP consultation and finalisation, the CBAA requests the ACMA consider deeming issues in regard to community radio in these licence areas.

Brisbane, Gold Coast and neighbouring areas

- 3.15 During 2021-22 the ACMA published decisions to vary the Brisbane Digital Radio Channel Plan (DRCP), published the Gold Coast DRCP and issued a corresponding Foundation Category 1 licence.
- 3.16 The changes providing for improved digital radio coverage across Brisbane are welcome and being implemented during 2022. The implementation of digital radio services on the Gold Coast is also occurring during 2022.
- 3.17 The CBAA reiterates that radio licence areas neighbouring both Brisbane and the Gold Coast be prioritised for DRCP consultation.
- 3.18 As outlined in previous comments to the ACMA^{2 3} the CBAA position is that—due to overlap, service outcome and spectrum efficiency considerations—planning to enable digital radio in neighbouring radio licence areas is an appropriate priority.
- 3.19 To address this, the CBAA suggests that the ACMA add the following as specific priorities for action during 2022-23:
- Nambour, DRCP consultation Q1 2023
 - Murwillumbah and Lismore, DRCP consultation Q1 2023

Perth / Mandurah and Adelaide

- 3.20 During 2021 the ACMA published a paper on the potential for re-planning analogue radio services in Perth, following clearance of VHF Band II television in Bunbury.
- 3.21 The CBAA provided extensive comments in response⁴, as did a number of community broadcasting licensees that may be potentially and directly affected.
- 3.22 The ACMA is considering these responses, along with responses from national and commercial broadcasters.
- 3.23 The ACMA Draft FYSO, on Page 53, refers to further 'targeted consultation with commercial radio broadcasters and the ABC to gather feedback on the potential to replan the Perth FM radio band'. The CBAA expects this text to be amended to make explicit that the community broadcasting sector will also be consulted.
- 3.24 In addition to that specific amendment, the CBAA notes the existing operation of digital radio in Perth, as a free-to-air option alongside AM and FM.
- 3.25 The CBAA also notes there are constraints on the number of community digital radio services able to be delivered within the limited amount of capacity reserved or available.
- 3.26 This is especially acute in Perth—as well as Adelaide—where there is only the one Foundation Category 1 digital radio multiplex in operation.
- 3.27 There is inefficient use of spectrum in Mandurah, south of Perth, where, without deeming, no community radio services are eligible to take up digital radio multiplex capacity.
- 3.28 There is strong demand in Adelaide for further community digital radio services, and a better mix of service outcomes is possible in Perth / Mandurah.

² October 2020, CBAA comments in regard to the September 2020 ACMA Consultation to vary the DRCP covering Brisbane and add the Gold Coast.

August 2021, further CBAA comments in regard to second ACMA consultation, July 2021.

³ August 2020, CBAA comments in regard to the ACMA Consultation on Expansion of digital radio to regional Australia, Proposed principles for licence area deeming.

⁴ June 2021, CBAA comments on the ACMA options paper, FM broadcasting services band in the Perth RA1 licence area. Published on ACMA website, August 2021.

- 3.29 The CBAA has identified options and is finalising arrangements to support the implementation and operation of an additional digital radio multiplex in each location, Adelaide and Perth.
- 3.30 Therefore, the CBAA reiterates and updates its request that the ACMA add the following as specific priorities for action during 2022-23:
- Adelaide, re-assess spectrum options to add digital radio multiplex as from Q3 2022, leading to a revised DRCP and consultation Q1 2023.
 - Perth / Mandurah, re-assess spectrum options to add digital radio multiplex and/or improve spectrum efficiency and service outcomes as from Q3 2022, leading to a revised DRCP and consultation Q1 2023.

Supporting technology trials

- 3.31 The ACMA Draft FYSO cites a current radio broadcasting planning priority to support trials of new broadcasting technology.
- 3.32 There are currently regional trials relating to Digital Radio Mondiale (DRM) technology, noting DRM has an uncertain and long implementation timeframe in terms of consumer receiver availability, particularly in vehicles.
- 3.33 The CBAA has identified options, assembled the resources, and finalised arrangements to support the implementation of trials of DAB+ technology on a small-scale basis, and in the immediate term.
- 3.34 The trials involve use of spectrum allocations overlaid upon on the current digital radio allocations, based on low-power re-use.
- 3.35 The CBAA seeks ACMA support for small-scale DAB+ digital radio trials, based in Sydney, and with commencement during 2022-23.

4. Broadcasting - television planning priorities

- 4.1 Following the Media Reform Green Paper and subsequent work, the ACMA draft FYSO notes that the ACMA will undertake complementary technical research to support possible future work on television channel replanning and licensing.
- 4.2 The CBAA made detailed and extensive comments in relation to the Media Reform Green Paper, relating to both interim and ongoing provision of free-to air community television and radio services within both the existing and a restacked digital television channel planning and licensing framework.⁵
- 4.3 The CBAA highlighted that the spectrum used for provision of existing community television services in Adelaide and Melbourne was not identified nor able to be used for any alternative purpose in the immediate term.
- 4.4 In 2021, the arrangements for the existing Adelaide and Melbourne community television services to operate within the existing television channel arrangements were extended for a further period of 3 years.
- 4.5 The CBAA outlined options relevant to possible new shared multiplex arrangements, demonstrating options that provide for the inclusion of community radio and television services delivered within shared digital television multiplex arrangements.
- 4.6 The ACMA draft FYSO notes that the ACMA will undertake preliminary work on the licensing options and explore possible parameters and solutions for channel planning relevant to possible new shared multiplex arrangements.
- 4.7 As the peak body representing the free-to-air licensed radio and television broadcasting services, the CBAA expects to be consulted and actively engaged in this ACMA work relating to licensing and channel options, both in the lead-up and subsequent to any restack objectives being set by the government.

⁵ May 2021, CBAA comments on the Media Reform Green Paper - Modernising television regulation in Australia - circulated by the Department of Infrastructure, Transport, Regional Development & Communications, November 2020.
<https://www.infrastructure.gov.au/sites/default/files/documents/mrgp-community-broadcasting-association-of-australia.pdf>

5. Broadcasting - future delivery

- 5.1 The CBAA is keen to engage further with the ACMA on all options in regard to the future delivery of radio and television.
- 5.2 The CBAA reiterates that free-to-air broadcasting has core characteristics that set it apart from other delivery options, and/or that would require legislative and regulatory intervention for other delivery options to emulate.
- 5.3 The free-to-air broadcast model:
- does not require the user to pay - including for data;
 - is highly spectrum efficient, scales to many simultaneous users; and
 - enables the public to receive services on commonly available equipment, with no ongoing payment required for use, and no sign-in required.
- 5.4 As digitisation of media continues, these core characteristics are critical, especially where other delivery methods require one-to-one connectivity with its attendant costs, and increased risks around:
- listener (or viewer) security and privacy;
 - provision of listener (or viewer) data for third-party or gatekeeper use; and
 - listener (or viewer) commodification and/or targeted marketing.

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