



COMMUNITY
BROADCASTING
ASSOCIATION OF
AUSTRALIA

12 May 2023

Spectrum Licensing Policy Section
Australian Communications and Media Authority
PO Box 13112
Law Courts
Melbourne VIC 8010

To the Manager,

ACMA Five-Year Spectrum Outlook 2023-28 and 2023-24 work program: CBAA comments on draft for consultation

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 2023-28 with a specific focus on the work program for the up-coming year 2023-24.
- 1.2 The Community Broadcasting Association of Australia 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 As recognised in the National Cultural Policy *Revive: a place for every story, a story for every place*, community broadcasting is a vital part of the Australian media landscape, providing a voice for underrepresented and underserved communities.
- 1.5 Community broadcasting is also recognised for its key role in emergency resilience, local engagement and as a platform for original Australian content and music.
- 1.6 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.
- 1.7 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.
- 1.8 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.
- 1.9 Community digital radio services operate under long-term licensing arrangements in Sydney, Melbourne, Brisbane, Adelaide, Perth, with services now also operating in Canberra, Hobart, Darwin and the Gold Coast. A total of 53 licensees are currently providing over 62 free-to-air community digital radio services to listeners.
- 1.10 Community digital radio services for the Gold Coast area were implemented in 2022, and further development of metropolitan services and implementation in regional areas is now being addressed.

- 1.11 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.
- 1.12 Guiding principles underpin community broadcasting Codes of Practice and the contribution of community services to media diversity and social inclusion.
- 1.13 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 As in previous years, 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, both in regard to telecommunications and general radiocommunications use cases, and in relation to free-to-air radio and television broadcast spectrum and service planning.
- 2.3 The draft proposed optimisation activities for 2023-24 are listed on Pages 52-53 of the ACMA Consultation Paper, with further elaboration in regard to broadcasting, radio and television, on Pages 54-57.

3. Broadcasting - radio planning priorities

Remote area planning

- 3.1 The CBAA notes that ACMA proposes to consult further on proposals for variations to the Remote Central and Eastern Radio LAP in 2023 and 2024, and finalise the Remote Western Australia Radio LAP in 2023. The CBAA supports that priority.
Radio LAP variation for AM to FM conversion
- 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 now includes both solus and competitive commercial radio licence areas.
 - (a) Solus licence areas may include: Invernell, Moree, Gunnedah, Lismore, Young, Parkes and Wangarratta.
 - (b) Competitive licence areas may include: Albury, Canberra, Dubbo, Maryborough, Murwillumbah, Muswellbrook, Newcastle, Sale and Warragul.
- 3.3 The ACMA notes that proceeding with developing and consulting on each variation depends upon the relevant licensees making timely and strategic business decisions on available implementation options.
- 3.4 Importantly, the CBAA underlines Principle 3 of the ACMA Principles for planning AM to FM conversions in regional licence areas¹, which makes plain there will be no replanning of existing services unless agreed between affected broadcasters. The CBAA is aware that brokering agreement with community broadcasters is a relevant factor, and therefore a necessary prerequisite for planning, in a number of identified licence areas.
- 3.5 As noted in previous correspondence and submissions, including in relation to AM to FM conversion planning principles in regional areas, the CBAA requests that the ACMA adopt a policy 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, if not

¹ September 2022, Principles for planning AM to FM conversions in regional licence areas, ACMA, Principle 3.

already published, the ACMA also consult and publish the relevant Digital Radio Channel Plan (DRCP), with a view to declaring 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 The CBAA takes this opportunity to again urge the ACMA to re-convene meetings of the Digital Radio Planning Committee, and/or to convene a newly constituted group to act as a forum to ventilate and consider radio planning issues.

Add specific DRCP consultation locations during 2023-24

3.8 At Page 53, the ACMA draft FYSO has a priority to consult on DRCPs for licence areas where the incumbent broadcasters have committed to rollout digital radio. The CBAA is pleased to see that priority set out in inclusive terms in the tabulation on Page 53.

3.9 The CBAA requests that the ACMA review the text of its current radio broadcasting planning priorities to be inclusive and consistent with Page 53, so that the text on Page 54 would then read:

- making digital radio channel plans for regional DAB+ where an incumbent commercial, community, or national broadcaster has committed to a rollout.

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.

3.10 To address this demand, the CBAA updates its request that the ACMA anticipate and add the following as specific locations and priorities for action, with updated timelines across 2023-24:

- Wollongong, DRCP consultation Q1 2024
- Gosford, DRCP consultation Q1 2024
- Katoomba, DRCP consultation Q4 2023, and, given overlap, potentially Lithgow
- Campbelltown, DRCP Q1 2024
- Newcastle, DRCP consultation, Q1 2024
- Northern Tasmania: Launceston, DRCP consultation in Q4 2023, with Scottsdale, Devonport and Burnie considered alongside. Further comments, below.
- Cairns, DRCP consultation Q1 2024
- Geelong, DRCP consultation Q1 2024

3.11 As noted above, 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.

3.12 Alongside finalisation of each of these DRCPs, the CBAA expects the ACMA would either issue Scientific Licences or else declare a Foundation Licence for each area and invite applications in order that the eligible community broadcasters may initiate digital radio services.

3.13 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

3.14 During 2021-22 the ACMA published decisions to vary the Brisbane Digital Radio Channel Plan (DRCP). The ACMA also finalised the Gold Coast DRCP and issued a corresponding Foundation Category 1 license.

3.15 The changes providing for improved digital radio coverage across Brisbane are welcome and are being implemented during 2023. The implementation of community and commercial digital radio services on the Gold Coast occurred during 2022, with the national broadcaster implementation expected during 2023.

- 3.16 The CBAA reiterates that radio licence areas neighbouring both Brisbane and the Gold Coast be prioritised for DRCP consultation.
- 3.17 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.
- 3.18 To address this, the CBAA suggests that the ACMA also anticipate and add the following as specific priorities for action during 2023-24:
- Murwillumbah and Lismore, DRCP consultation Q4 2023
 - Nambour, DRCP consultation Q1 2024

Perth / Mandurah and Adelaide

- 3.19 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.
- 3.20 The CBAA provided extensive comments in response⁴, as did a number of community broadcasting licensees that may be potentially and directly affected.
- 3.21 The ACMA published the outcome of its considerations in September 2022, and the ACMA draft FYSO has a priority timeline of Q1 2024 regarding variations to the Perth Radio LAP to give effect to ABC AM to FM conversions and other requests.
- 3.22 Taking a broader view of free-to-air radio planning and listener outcomes, in addition to AM to FM conversion/s, the CBAA notes the existing operation of digital radio services in Perth, as a free-to-air option alongside AM and FM.
- 3.23 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.
- 3.24 This is especially acute in Perth – as well as Adelaide - where there is only the one Foundation Category 1 digital radio multiplex in operation.
- 3.25 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.
- 3.26 There is strong demand in Adelaide for further community digital radio services, and a better mix of service outcomes is possible in Perth / Mandurah.
- 3.27 The CBAA has identified options and finalised arrangements to support the implementation and operation of an additional digital radio multiplex in each location, Adelaide and Perth.
- 3.28 In Q1 2023, the CBAA provided the ACMA details of these arrangements and a commitment to implement an additional digital radio multiplex in Adelaide.
- 3.29 Therefore, the CBAA updates its request that the ACMA add the following as specific priorities for action during 2023-24:
- Adelaide, assess spectrum options to add a digital radio multiplex, leading to a revised DRCP and consultation Q3 2023.
 - Perth / Mandurah, assess spectrum options to add digital radio multiplex as from Q4 2023, leading to a revised DRCP and consultation Q1 2024.

Supporting technology trials

- 3.30 The ACMA draft FYSO cites a current radio broadcasting planning priority to support trials of new broadcasting technology.

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.

- 3.31 Regional trials relating to Digital Radio Mondiale (DRM) technology were conducted in 2022, noting DRM has an uncertain and long implementation time-frame in terms of consumer receiver availability, particularly in vehicles.
- 3.32 The CBAA has identified options, assembled the resources, and finalised arrangements to support the implementation of trials of DAB+ technology, including on a small-scale basis, and in the immediate term.
- 3.33 In Q1 2023, the CBAA provided the ACMA details of these arrangements and a commitment in respect of adding an additional digital radio multiplex in Sydney.
- 3.34 The trials involve use of spectrum allocations overlaid upon the current digital radio allocations, based on low-power re-use.
- 3.35 Therefore, the CBAA updates its request that the ACMA add the following as a specific priority for action during 2023-24:
- Sydney, assess spectrum options to add a digital radio multiplex and issue a scientific licence Q3 2023.
- 3.36 In Q2 2023, the CBAA provided the ACMA details of arrangements and a commitment in respect of implementing a digital radio multiplex in Northern Tasmania: Launceston, across one small-scale site and one main site.
- 3.37 Therefore, the CBAA requests that the ACMA add the following as a specific priority for action during 2023-24:
- Northern Tasmania: Launceston, assess spectrum options to add a digital radio multiplex and issue a scientific licence Q3 2023.

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 near 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, due for extension/renewal June 2024.
- 4.5 Factors under consideration, including by way of the Future of Broadcasting Working Group, clearly indicate that the spectrum used for the provision of existing community television services in Adelaide and Melbourne is not identified or able to be used for alternative purposes for at least another 5-year period.
- 4.6 The existing community television licensees deserve certainty of their legitimate and ongoing status as providers of free-to-air television and broadcasting services.
- 4.7 Therefore, the CBAA requests that the ACMA add the following as a specific priority for action during 2023-24:
 - Adelaide and Melbourne, consider the extension of licensing of spectrum used for community television and broadcasting services for a further 5-year period, Q4 2023.
- 4.8 The CBAA has 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.
- 4.9 The ACMA draft FYSO notes that the ACMA is undertaking preliminary work on the licensing options to explore possible parameters and solutions for channel planning relevant to possible new shared multiplex arrangements.
- 4.10 As the peak body representing the free-to-air licenced radio and television broadcasting services, the CBAA expects to continue 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.

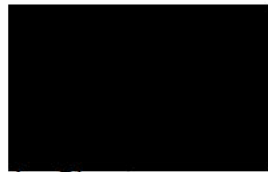
⁵ May 2021, CBAA comments on the Media Reform Green Paper – Modernising television regulation in Australia – circulated by the Department of Infrastructure, Transport, Regional Development & Communications, November 2020.

<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.

To arrange a meeting to discuss matters raised in this submission or otherwise related to the FYSO, please do not hesitate to contact, CBAA's Head of Advocacy and Communications, Reece Kinnane at [REDACTED] or via [REDACTED].



Jon Bisset
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