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The Manager
Broadcasting Carriage Policy Section
Spectrum Management Policy Branch
Australian Communications and Media Authority
PO Box 78
BELCONNEN ACT 2616

bcp@acma.gov.au



COMMUNITY
BROADCASTING
ASSOCIATION OF
AUSTRALIA

PROPOSED VARIATION TO TASMANIA DIGITAL RADIO CHANNEL PLAN - LAUNCESTON

I write on behalf of the Community Broadcasting Association of Australia (CBAA) in relation to the consultation paper published by the Australian Communications and Media Authority (ACMA) on 1 September 2023 regarding a proposed variation to the Tasmania Digital Radio Channel Plan (DRCP) which seeks to:

- Allot and reserve frequency channels;
- Determine licence types; and
- Add technical specifications for Digital Radio Multiplex Transmitters (DRMTs)

for the Launceston RA1 licence area.

The ACMA proposes to use the technical specifications for the channels allotted for both DRMT licences (category 1 and category 3) in the indicative regional allotment plan for Launceston.

Main site power, Mt Barrow 20 kW ERP

The proposed DRCP technical specifications include use of a primary transmit site at Mt Barrow, with a nominal power of 5 kW ERP.

While the CBAA supports inclusion of the Mt Barrow site in the Tasmania DRCP, the CBAA requests ACMA revise the technical specification for the Mt Barrow transmit site to be a nominal 20 kW ERP.¹

As part of trial documentation to the ACMA, the CBAA provided predicted coverage results using 20 kW ERP overlaid on the Launceston RA1 licence area, noting the percentage of population with coverage within the Launceston RA1 licence area as being 90.4%. Further modelling and other practical implementations can also be provided.

The use of 20 kW ERP will provide an appropriate and robust grade of reception across the Launceston RA1 licence area.

Prediction modelling shows coverage at the best grade of reception² when using 20 kW ERP as being 80-90% of the total population coverage within the Launceston RA1 licence area, whereas, at 5 kW ERP that number drops very significantly to 27-31%. In short, use of 5 kW ERP is not sufficient.

The existing Tasmania DRCP specifies 20 kW ERP for Hobart, using Mt Wellington, and accordingly, implementations of free-to-air DAB+ digital radio services already on-air in Hobart use 20 kW ERP.

The nature of services and legitimate listener expectation for coverage and proper reception in Northern Tasmania is at least equivalent, if not more extensive, compared to Hobart.

The Tasmania DRCP should include the technical specification for the Mt Barrow site at 20 kW ERP for these reasons, and be included at 20 kW ERP at this juncture and from the outset, so as to provide a more certain basis for implementation planning and investment.

¹ Relevant information and prediction modelling of coverage from Mt Barrow was provided by the CBAA as part of material submitted to the ACMA in April 2023, and again in June 2023, and which resulted in the ACMA issuing a Scientific Assigned Apparatus Licence to the CBAA subsidiary company, Free Digital Radio PL, in July 2023 for the purpose of digital radio trials in Launceston on DAB Block 9D, and on-air in August

² 70 dBuV/m

Sites specified in the DRCP

As well as specifying the Mt Barrow main transmit site at 20 kW ERP in the Tasmania DRCP at this juncture, there is the question of which other lower power transmit sites to specify.

It is understood that not all transmit sites specified in the DRCP need be implemented on-air.

It is also understood that, while all transmit sites must be licensed, there is some flexibility required for in-fill and coverage augmentation, and that not all low power co-channel in-fill and coverage augmentation transmit sites need to be specified in a DRCP.

Given two trial digital radio services are on-air from the Ann Street site, and anticipating Ann Street may become a permanent transmit site, it may be useful to specify the Ann Street site in the DRCP.

Conversely, if Ann Street were to become a permanent transmit site, that the Juliana Street, West Launceston site is not required. Therefore, listing Juliana Street in the DRCP would be redundant. That may not matter.

There is also another site at West Launceston, Brougham Street, that has been explored, which, if used, would obviate the need for the Ann Street and Juliana Street sites.

Beyond the Launceston town in-fill site/s, there are other parts of the Launceston RA1 that may benefit from co-channel low power in-fill. Mt George may be useful in respect of coverage across George Town and the upper parts of the Tamar Valley. Sites in the Northern Midlands and Meander Valley area may also be useful.

Each of these co-channel low power sites would need case-by-case assessment as to whether they are a useful augmentation to existing coverage, and, if so, whether they then require inclusion in the DRCP via this or a later variation, or are able to be licensed without inclusion in the DRCP.

Declare Foundation Category 1 DRMT licence

It is possible and, in some cases appropriate, that a category 3 (ABC and/or SBS) DRMT licensee or a category 1 (Commercial and/or Community) DRMT licensee have the prerogative to build transmission infrastructure as a singular initiative.

However, building and implementing proper permanent transmission infrastructure for digital radio services is often facilitated by a collaborative approach. There are engineering and cost advantages through shared antenna systems and shared transmission facilities.

The pathway foreshadowed by the ACMA in the consultation paper is to facilitate a way forward to permanent licensing of a category 3 DRMT licence only, leaving aside permanent licensing of a category 1 DRMT licence for later consideration. This is not appropriate in this case.

The consultation paper notes that the ACMA is not aware of interest in a category 1 DRMT licence by the owner of both Launceston commercial broadcasting licenses, ARN. That may well be activated as a result of demonstrated interest to provide digital radio by the ABC and community broadcasters.

Irrespective, the ACMA is already aware there is strong interest by the community broadcasting sector. That point has been clearly made in documentation leading to the ACMA issuing the CBAA subsidiary company Free Digital Radio, a scientific licence for the Launceston area.

Alongside establishing Free Digital Radio, and commencing digital radio trials, the CBAA is preparing to act as the promoter to establish the Digital Representative Company (DRC) and, also, if necessary, the Joint Venture Company (JVC) for Launceston.

Establishing the DRC is in anticipation of the relevant and overlapping community broadcasters being deemed by the ACMA using its powers under subsection 8AD(3) of the Broadcasting Services Act. As outlined below, the CBAA expects deeming determinations for Launceston RA2 and Hobart RA4 can be near immediate, and with parallel or faster timing than the DRCP.

Therefore, the ACMA can be assured there is a commitment to rollout permanent digital radio services, and take steps to declare the category 1 DRMT licence proposed in the DRCP to be a Foundation Category 1 DRMT licence, which would enable an eligible JVC to be allocated the licence.

Deeming of community broadcasting licence areas

There are no community broadcasting licensees automatically eligible in Launceston to provide digital radio services.

That is because no community broadcasting licensees in the Launceston operate with the exact same licence area footprint as the Launceston RA1 commercial radio licence area.³

However, and especially in the case of Launceston, this is a small step to resolve, by the ACMA using its deeming powers under subsection 8AD(3) of the Broadcasting Services Act (BSA).

The CBAA sees no reason why the ACMA ought not quickly make a decision to deem the two licence areas used by three of the existing community broadcasting licensees be taken to be the same as Launceston RA1 for the purposes of digital radio.

The population overlap of the two licence areas (Launceston RA2 and Hobart RA4) with Launceston RA1 is all but total, at over 96%.

Therefore, any consultation, if necessary, on this determination can be expedited.

The consultation paper mentions the two community broadcasting services operating analogue services using the Licence Area RA2: Launceston Community FM Group Inc. (7LTN, City Park Radio) and Launceston Christian Broadcasters Inc. (7WAY).

The consultation paper omits mention of the Launceston Radio for Print Handicapped service. It operates with over 96% overlap across Launceston RA1 using the Licence Area Hobart RA4.

The CBAA requests that the ACMA give immediate consideration to a determination under subsection 8AD(3) of the BSA to deem the Launceston RA2 and Hobart RA4 licence areas for the purposes of digital radio. This would facilitate the formation of a Digital Representative Company for Launceston.

The CBAA expects the above-mentioned deeming determinations for Launceston RA2 and Hobart RA4 can be near immediate, and with parallel or faster timing than the DRCP.

There are also other community broadcasters operating with overlap to Launceston RA1. These include: Tamar FM Inc. using the George Town RA1 Licence Area; as well as the planned but unallocated licence for Northern Midlands RA1; and a TCBL allocated to the Meander Valley area.

The CBAA expects deeming for the other community broadcasting licence areas overlapping or within the Launceston RA1 would require more time and consideration.

Digital radio trials

The consultation paper notes that the ACMA issued a scientific licence to the ABC under section 100 of the Radiocommunications Act on 29 June 2023 for the purpose of digital radio trials.

While not stated in the consultation paper, the ACMA also issued a scientific licence under section 100 of the Radiocommunications Act on 12 July 2023 to the CBAA subsidiary company, Free Digital Radio PL for the purpose of digital radio trials.⁴

The ABC trial licence is for DAB Block 9C.

- The DAB Block identified in the indicative regional allotment plan for the category 3 (ABC and/or SBS) DRMT licence in Launceston is different, DAB Block 8B.

The Free Digital Radio PL trial licence is for DAB Block 9D.

- The DAB Block identified in the indicative regional allotment plan for the category 1 (Commercial and/or Community) DRMT licence in Launceston is the same, DAB Block 9D.

Both trial licensees have transmissions on-air in Launceston, with the Free Digital Radio trial operating since early August.

³ Whilst accepting that is the current framework, the CBAA maintains a long-standing view that planning digital radio based on the historic licence area footprints of commercial radio is problematic. In many cases the commercial radio licence area footprints are not a good match for relevant community radio licence areas or national (ABC and/or SBS) coverage areas.

⁴ https://web.acma.gov.au/rrl/register_search_main_page licence number 12120212/1

Parts of the trial transmission infrastructure are being shared by the ABC and Free Digital Radio. Costs for implementation and operation of those parts of the transmission infrastructure are being shared by the ABC and Free Digital Radio. Costs for other parts are being met separately.

The ABC and Free Digital Radio explored use of several transmit sites for trial purposes, bearing in mind long-term implementation purposes, including: Mt Barrow; and Juliana Street, West Launceston, both being nominated in the proposed Tasmania DRCP. Sites at Brougham Street, West Launceston; and Ann Street, East Launceston, were also explored.

At this stage, the trial licences are issued for, and have transmissions operating from, the Ann Street site. The Ann Street site is an ABC studio facility.

The CBAA and the ABC are acting positively and collaboratively in this matter. Participation by the owner (ARN) of both commercial radio existing licensed services has been invited and continues as an open invitation.

Both digital radio trial transmissions are on-air with multiple services using test signals and "looped" audio content. The CBAA accepts that some technical aspects of trial research can be assessed with content of that nature.

However, both digital radio trial transmissions on-air in Launceston have legitimate reasons for transmission of broadcast service content, including to engage in demographic and receiver behaviour research, and in relation to listening and reception in vehicles.

In June 2023 the ACMA revised its policy framework in regard to use of scientific licences, and now prohibits transmission of broadcast service content on digital radio trials.

The revised policy framework for scientific licensing and digital radio trials is a matter within the remit of ACMA's discretion. There is no legislative barrier that prohibits transmission of broadcast service content. In fact, transmission of broadcast service content has been the usual practice to date, including for digital radio trials initiated well after the commencement of permanent digital radio services in Australia.

At page 4 of the consultation paper, the ACMA makes clear its intention in proposing to vary the Tasmania DRCP is two-fold:

- (1) To authorise the ABC's transmission of its broadcasting services as part of the trial; and
- (2) Allow the permanent commencement of digital radio services in Launceston.

On point (2), the CBAA fully supports steps being taken to vary the Tasmania DRCP in a way that provides technical specifications that are fit and proper for infrastructure to provide permanent digital radio services relevant to Northern Tasmania.

However, on point (1), there may be a failure of policy or process, as the current policy framework expressly prohibits transmission of broadcast services under a trial licence, and a trial licensee cannot transmit broadcast service content.

Perhaps point (1) means to say that the ACMA will make an exception to its recently revised policy framework on scientific licensing for digital radio trials. In that case, the ACMA has no need to rely on the making of a DRCP, it can simply amend its own policy framework, forthwith.

Alternatively, perhaps point (1) means to say that the scientific licence will be no longer relevant and be replaced by a permanent category 3 DRMT licence. In that case, the service is no longer a trial, it is a permanent service.

Yours sincerely



Jon Bisset
Chief Executive Officer