

ACMA five-year spectrum outlook 2024-29 and 2024-25 work program

CBAA comments on draft for consultation

May 2024

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 2024-29 with a specific focus on the work program for 2024-25.
- 1.2 The Community Broadcasting Association of Australia is the peak body for community broadcasting licensees in Australia.
- 1.3 More than 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. Community broadcasting is recognised for its role in emergency resilience, and as a platform for original Australian content and music.
- 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 DAB+ 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 54 licensees are currently providing over 63 free-to-air community digital radio services to listeners.
- 1.9 Community digital radio services for the Gold Coast area were implemented in 2022, and further development of metropolitan services and implementation in further regional areas is now being addressed.
- 1.10 Trials of DAB+ digital radio services are on-air in Launceston, Northern Tasmania, alongside the intention to introduce permanent DAB+ digital radio services in the near term.
- 1.11 Trials of low-power DAB+ digital radio services are under-build and soon to commence on-air in Sydney. The trials are to explore options for multiplex transmission arrangements, alongside the intention to address current wide-coverage capacity and service limitations, and pathways for community radio services currently not yet on-air using free-to-air DAB+ digital radio delivery.
- 1.12 Community television services operate in Melbourne and Adelaide, with access to broadcast band spectrum for delivery of free-to-air digital television services being previously subject to renewal under repeated consecutive short-term arrangements requiring regular legislative attention, and now at the discretion of the ACMA.
- 1.13 Guiding principles underpin community broadcasting Codes of Practice and the contribution of community services to media diversity and social inclusion.
- 1.14 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 focus 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 2024-25 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 radio planning

- 3.1 The CBAA notes that the ACMA proposes to consult on proposals for variations to the Remote Western Australia Radio LAP in Q4 2024. The CBAA supports that priority.

Perth and Melbourne radio planning

- 3.2 The CBAA notes that the ACMA proposes to consult on variations to the Perth Radio LAP in Q4 2024.
- 3.3 If possible, the CBAA would prefer the consultation be undertaken earlier, in Q3 2024, and notes there are potential consequential impacts to several community broadcasters as a result of the ABC requests, as well as other requests of long-standing.
- 3.4 The CBAA requests that the Perth radio planning and consultation process consider:
- AM, FM and also DAB+ digital radio service and capacity across Perth as well as;
 - neighbouring radio licence areas, including Mandurah and Bunbury; and
 - provide permanence to a number of long-term but otherwise still temporary community broadcasting licensees, as well as to resolve digital radio deeming across those areas. See further comments below.
- 3.5 The CBAA notes that the ACMA proposes to consult on variations to the Melbourne Radio LAP in Q2 2025. The CBAA supports that priority.

Radio LAP variation for AM to FM conversion

- 3.6 The CBAA notes that the ACMA 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.
- Solus licence areas may include: Lithgow, Inverell, Moree, Gunnedah, Young and Parkes.
 - Competitive licence areas may include: Albury, Atherton, Bunbury, Canberra, Coffs Harbour, Dubbo, Kempsey, Maryborough (Bendigo), Maryborough (Qld), Murwillumbah, Muswellbrook, Newcastle, Orange, Sale, Toowoomba and Warragul.
- 3.7 The CBAA notes the addition of Lithgow and the omission of Lismore and Wangaratta, compared to the 2023-24 work plan priorities for solus licence areas. Consultation on the Wangaratta Radio LAP is explicitly prioritised in the 2024-25 work plan. The CBAA is aware of ongoing consultations, and it may be relevant to re-insert Lismore as part of Footnote 44.
- 3.8 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.
- 3.9 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 re-planning 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.

Radio LAP variation to trigger publication of DRCP

- 3.10 Consistent with 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 already published, the ACMA also consult and publish the relevant Digital Radio Channel Plan (DRCP), with a view to declaring a Foundation Licence.
- 3.11 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.

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

Priority to consult and make DRCP

- 3.12 Page 53 sets out a priority for the ACMA to:
- consult on DRCPs for the licence areas where broadcasters have committed to rollout digital radio, with timing being driven by demand from broadcasters.
- 3.13 The CBAA supports that priority.
- 3.14 Page 55 has text related to that priority, but narrows the focus to commercial licensees and national broadcasters, omitting community broadcasters.
- 3.15 The CBAA requests that the text be generalised and made consistent with Page 53, so that the text on Page 55 would then read:
- making digital radio channel plans for regional DAB+ for licence areas where a broadcaster has committed to rollout digital radio.

Specific DRCP consultation locations during 2024-25

- 3.16 There is demand for free-to-air digital radio services in a number of locations, with demand driven by community sector broadcasters. The CBAA has arrangements to facilitate and support the implementation, delivery and operation of digital radio services provided by community radio licensees.
- 3.17 To address this demand, the CBAA requests that the ACMA anticipate the following as specific locations and priorities for action, with timelines across 2024-25:
- Northern Tasmania, Launceston: revisit the Launceston DRCP and licensing during 2024, with Scottsdale, Devonport and Burnie considered alongside. Further comments, below.
 - Gosford
 - Newcastle
 - Wollongong
 - Katoomba, and, given overlap, potentially Lithgow
 - Campbelltown
 - Cairns
- 3.18 As previously noted, at 3.11, 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.

Deeming for community broadcasting

- 3.19 The CBAA requests the ACMA prioritise deeming of community radio in licence areas with demand driven by community broadcasters, and especially where digital radio services are already on-air in trials, or may be anticipated in the context of AM to FM conversions.

Brisbane, Gold Coast and neighbouring areas

- 3.20 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.
- 3.21 The changes providing for improved digital radio coverage across Brisbane are welcome, and are being implemented during 2024. The implementation of community and commercial digital radio services on the Gold Coast occurred during 2022, with the national broadcaster implementation expected in May 2024.
- 3.22 The CBAA reiterates that radio licence areas neighbouring both Brisbane and the Gold Coast be prioritised for DRCP consultation.
- 3.23 As outlined in previous comments to the ACMA^{2 3} the CBAA suggests that the ACMA anticipate the following as specific priorities for action during 2024-25:
- Murwillumbah and Lismore
 - Nambour

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.

Perth, Mandurah, and neighbouring areas

- 3.24 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.
- 3.25 The CBAA provided comments in response⁴, as did a number of community broadcasting licensees potentially and directly affected.
- 3.26 The ACMA published the outcome of its considerations in September 2022, and the ACMA now has a priority during 2024-25 to consult on variations to the Perth Radio LAP to give effect to ABC AM to FM conversions, and other requests.
- 3.27 Wide coverage free-to-air DAB+ digital radio services already operate across Perth, alongside AM and FM, and so already provide an alternative option to AM in the metropolitan areas. Facilitating the extension of the DAB+ option to include the neighbouring areas is relevant.
- 3.28 That said, there are current constraints on the number of community digital radio services able to be delivered within the limited amount of capacity reserved or available.
- 3.29 This is especially acute in Perth⁵ where there is only the one Foundation Category 1 digital radio multiplex in operation, compared to two in Sydney, Melbourne and Brisbane.
- 3.30 The CBAA has identified options and finalised arrangements to support the implementation and operation of an additional digital radio multiplex in Perth, which also has relevance to the neighbouring areas, including Mandurah and Bunbury.
- 3.31 In concert with Perth radio planning, the CBAA requests that the ACMA add the following priorities during 2024-25:
- Perth: assess spectrum options to add a DAB+ digital radio multiplex
 - Mandurah: assess options for deeming, as, without deeming, no community radio services are eligible to take up existing digital radio capacity, which represents inefficient use of spectrum.
 - Bunbury, Collie, Harvey, Margaret River: assess options for deeming, and permanent licensing for long-term temporary community broadcasters.

Adelaide radio planning

- 3.32 As with Perth, in Adelaide there are constraints on the number of community digital radio services able to be delivered within the limited amount of capacity available.
- 3.33 There is clear demand in Adelaide for further community digital radio services.
- 3.34 The CBAA has identified options and finalised arrangements to support the implementation and operation of an additional digital radio multiplex in Adelaide.
- 3.35 In Q1 2023, the CBAA provided the ACMA with initial details of these arrangements and a commitment to implement an additional digital radio multiplex in Adelaide.
- 3.36 The CBAA requests that the ACMA add the following priorities during 2024-25:
- Adelaide: assess spectrum options to add a DAB+ digital radio multiplex.

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.

⁵ As well as Adelaide.

Northern Tasmania, Launceston, supporting technology trials

- 3.37 The ACMA cites a current radio broadcasting planning priority to support trials of new broadcasting technology.
- 3.38 Regional trials relating to Digital Radio Mondiale (DRM) technology were conducted in 2022. DRM has an uncertain and long implementation time-frame in terms of consumer receiver availability, particularly in vehicles.
- 3.39 In Q2 2023, with more immediate service and listener outcomes in mind, 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 limited coverage site and one main site. The trial commenced on-air in Q3 2023.
- 3.40 The Launceston trial is in collaboration with the ABC. There are two separate trial licences and two separate multiplexes on-air. An intention of this collaboration was to share costs for both parties, and ensure efficient use of resources.
- 3.41 The ACMA published an initial DRCP for Launceston in November 2023, with a minor amendment in December 2023.
- 3.42 Both the ABC and the community sector have made clear there is broadcaster demand to implement DAB+ digital radio on a permanently licensed basis in Launceston, Northern Tasmania in the near term.
- 3.43 Submissions were made to the ACMA by or on behalf of the ABC, commercial and community broadcasters as part of an initial consultation on the Launceston DRCP.
- 3.44 The ACMA has indicated that the Launceston DRCP, as published in late 2023, is a first step, subject to further revision. The DRCP as published may require adjustments in terms of the nominated the main site and repeater sites, and radiated power.
- 3.45 The ACMA has not yet taken steps to declare a Foundation Category licence, nor addressed deeming of community broadcasters.
- 3.46 The CBAA requests that the ACMA add the following priority for action across 2024-25:
- Northern Tasmania, Launceston:
 - Assess options for deeming of community broadcasters as an immediate priority.
 - revisit the Launceston DRCP and licensing during 2024, with Scottsdale, Devonport and Burnie considered alongside.

Sydney, supporting technology trials

- 3.47 In Q1 2023, the CBAA provided the ACMA details of arrangements and a commitment in respect of adding an additional DAB+ digital radio multiplex in Sydney as a trial.
- 3.48 The Sydney trial involves low-power re-use of an adjacent licence area spectrum channel allocation overlaid upon the current Sydney DAB+ digital radio allocations.
- 3.49 The Sydney trial is under final implementation and commissioning, commencing on-air status in Q2 2024.
- 3.50 The research objectives of the trial are extensive, and include:
- to demonstrate operation of as an overlay on existing wide-coverage transmission facilities;
 - exploration of the coverage and impacts of alternate transmission parameters, and antenna polarisation options;
 - impacts on in-car reception;
 - general coverage and listening patterns;
 - road tunnel coverage, and in-car listening patterns;
 - test bed for next generation multiplexing systems and facilities;
 - test bed for receiver behaviour, including in-car receivers, with varying numbers of services and service configurations.
 - Options to address current wide-coverage capacity and service limitations, and pathways for community radio services currently not yet on-air using free-to-air DAB+ digital radio delivery.
- 3.51 The CBAA is pleased that the ACMA has an ongoing priority to support trials of new broadcasting technology and looks forward to working constructively with the ACMA as the trial moves through the various stages of research.

4. Broadcasting – television planning priorities

- 4.1 The ACMA is conducting a technical research program and other activities to prepare for channel replanning activities, if required, to support possible future government policy decisions that may require replanning and licensing of television channels.
- 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.⁶
- 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 Community television services have been previously subject to license renewal under repeated consecutive short-term arrangements requiring regular legislative attention, and until Q1 2024, legislation had the licenses falling due for extension in June 2024.
- 4.5 As a result of recent legislative changes, the continuation of the existing community television services is ongoing at the discretion of the ACMA until there is an alternative requirement for spectrum.
- 4.6 Community television licensees and services deserve certainty of their legitimate and ongoing status as providers of free-to-air television and broadcasting services.
- 4.7 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.
- 4.8 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.
- 4.9 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 the 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. Broadcasting – future delivery

- 5.1 The CBAA remains keen to engage further with the ACMA on all options in regard to the future delivery of free-to-air 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 that would require significant 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.

⁶ 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>