



COMMUNITY
BROADCASTING
ASSOCIATION OF
AUSTRALIA

Proposal to deem a licence area for community digital radio broadcasting in Hobart

Comment on the ACMA consultation paper

AUGUST 2019

1. Introduction

- 1.1 The Community Broadcasting Association of Australia (CBAA) welcomes the opportunity to respond to the ACMA consultation paper; Proposal to deem a licence area for community digital radio broadcasting in Hobart.
- 1.2 Pursuant to subsection 8AD(3) of the BSA, the ACMA is of the preliminary view to deem the Hobart RA3 community radio licence to be the same as the Hobart RA1 commercial radio licence area for the purpose of providing digital radio services for the following reasons:
- It will help ensure the efficient use of the radiofrequency spectrum by maximising the utilisation of multiplex capacity.
 - There is sufficient connection between the community (Hobart RA3) and commercial (Hobart RA1) radio licence areas (via population overlap and relevant community interest of licence).
 - It will help maintain and develop diversity in the Australian broadcasting system in the transition to digital broadcasting.
- 1.3 The CBAA fully supports the ACMA proposal to deem the Hobart RA3 licence area to be the same as the Hobart RA1 licence area for the purposes of digital radio.
- 1.4 The result of deeming will be that the single Hobart RA3 licensee, Edge Radio, will then be considered a designated community licensee and therefore have access to capacity reserved for community broadcasters on the Foundation Category 1 Hobart digital radio multiplex transmitter.
- 1.5 The CBAA considers the reasons underpinning the ACMA proposal to be sound, well supported by evidence, and consistent with other relevant broadcast legislation where the measure of 30% (population) overlap is considered significant, and the threshold point at which licence areas can be considered as one in terms of community impact.
- 1.6 The CBAA fully endorses as fact the ACMA observations that:
- the target community served by the licence—youth—does not differ in any substantial way between the Hobart RA3 licence area and the Hobart RA1 licence area; and that
 - the service provided by the licensee, 7EDG Edge Radio, to the Hobart RA3 licence area will be of value to the youth in the wider Hobart RA1 licence area.

2. Efficient use of spectrum

- 2.1 The ACMA has noted that the objects of the Radiocommunications Act require the efficient allocation and use of radiofrequency spectrum to maximise overall public benefit, and to make adequate provision of the spectrum for use by community radio services.
- 2.2 The CBAA agrees that deeming of the Hobart RA3 licence area will help ensure the efficient use of the radiofrequency spectrum by maximising the utilisation of multiplex capacity.
- 2.3 The number of designated community broadcasting licensees for the Hobart RA1 licence area will increase from three to four, with a consequent increase in services provided and more efficient use of the available capacity and allocated spectrum.
- 2.4 As per the legislated framework, community digital radio services share a limited amount of reserved capacity (two-ninths) on each Foundation digital radio multiplex. As of start-up day, commercial broadcasters operating on the same digital radio multiplex are entitled to a full one ninth of digital radio multiplex capacity in respect of each existing analogue licence.
- 2.5 As the ACMA has noted, typically this means each community broadcaster operates within a substantially lesser amount of digital radio multiplex capacity than each commercial broadcaster's standard capacity entitlement.
- 2.6 The Hobart digital radio multiplex has excess capacity above the standard access entitlements afforded to commercial broadcasters and capacity reserved for community broadcasters.

Community broadcasters

- 2.7 The Hobart RA3 licensee, Edge Radio, is keen to participate in digital radio broadcasting servicing a youth community interest.
- 2.8 The other designated community broadcasting licensees in Hobart, 7HFC, 7RPH and 7THE, are supportive of the inclusion of Edge Radio in digital radio broadcasting.
- 2.9 Participation of Edge Radio in digital radio will mean the capacity on the multiplex that is reserved for community broadcasting, on a shared basis, will then be shared across four not three community broadcasters.
- 2.10 Recognising the role and relevance of Edge Radio to the broader Hobart community, community broadcasters are therefore approaching the opportunities of digital radio in a way that expands options to develop and improve services in the interests of the full community, ahead of prioritising maximising capacity to individual services.

Other broadcasters

- 2.11 The commercial broadcasters in the Hobart RA1 digital radio multiplex remain unaffected in terms of capacity access by the participation of Edge Radio. The same amount of overall capacity is reserved on the multiplex for community broadcasting irrespective of whether Hobart RA3 is deemed or otherwise.
- 2.12 The national broadcasters operate on an entirely separate Category 3 digital radio multiplex and so are also unaffected at a practical level by the participation of Edge Radio.
- 2.13 The service provided by Edge Radio is distinctive in character as a local youth service, and complements the role of other commercial or national radio services. Commercial and national broadcasters certainly may provide services relevant to the youth community, but that does not replicate or change the need for a community-based and participatory youth media service in Hobart.

3. Sufficient connection and overlap of licence areas

- 3.1 The CBAA supports the rationale outlined by the ACMA that there is an established basis to consider a 30% population overlap as significant for the purposes of deeming in relation to digital radio.
- 3.2 There is consistency in this with Broadcast Services Act legislation where a threshold of 30% population overlap is used to decide when two licence areas can be considered as one for various purposes.¹
- 3.3 As noted, Hobart RA3 is wholly located within the Hobart RA1 licence area. It covers the entire Hobart local government area and most of the neighbouring Clarence local government area. This area accounts for 31% of the population of the Hobart RA1 licence area.

¹ The ACMA paper cites:

- Section 38A of the BSA treats two licence areas as one if more than 30 per cent of the licence area population of a licence area is attributable to an overlap area (for the purpose of considering additional commercial television licences in single markets).
- Section 38B of the BSA allows the ACMA to determine that two licence areas are one for the purpose of this section if more than 30 per cent of the licence area population of a licence area is attributable to an overlap area (for the purpose of considering additional commercial television licences in two-station markets).
- Section 39 of the BSA defines an excessive overlap area as one where more than 30 per cent of the licence area population is attributable to an area that overlaps with the licence area of another commercial radio broadcasting licence (for the purpose of considering additional commercial radio licences in a single market).
- The rules in Part 5 of the BSA apply as if two licence areas are one when more than 30 per cent of the licence area population of a licence area is attributable to an overlap area (for the purpose of control of commercial broadcasting licences and datacasting transmitter licences).

Existing CBAA policy on overlap

- 3.4 The CBAA has a long-standing set of policy positions in relation to radio digitisation, including on the matter of deeming. These have been articulated in various forums and submissions, including in submissions to legislated reviews conducted into digital radio.²
- 3.5 To summarise relevant points from CBAA submissions:
- (a) Analogue radio requires an individual transmitter for each service whereas DAB+ digital radio combines services from a number of broadcasting licensees into a multiplex transmitter, a separately licensed DRMT.
 - (b) The digital radio framework contemplates planning and rollout based on designated BSA radio licence areas, effectively equating to commercial radio licence areas.
 - (c) Digital radio, using DAB+ technology, relies on shared multiplex transmission infrastructure. Shared infrastructure brings about a need to align coverage of each participating broadcaster.
 - (d) Coverage of national analogue radio services does not necessarily align with commercial or community broadcasting licence areas. In regional areas many community broadcasting services have licence areas which intersect and overlap but may not fully align with commercial broadcasting service areas.
 - (e) While there may be benefit through infrastructure sharing and service planning based on a common building block approach, the planning metric of commercial radio licence areas is a pragmatic approach and should not be (mis)taken as being the only basis or consideration required to determine what digital radio services should be available in an area.
 - (f) There may be locations where community broadcasting services or national broadcasting services might be an appropriate first step. As a point of policy principle, it would be productive for mechanisms to be considered to ensure neither is prevented.
 - (g) Under section 8AD of the BSA or under a determination made by the ACMA, a radio broadcasting licensee is considered a designated community digital broadcasting licensee if its licence area is the same as, or 'deemed' to be the same as, the relevant commercial radio broadcasting licence area.
 - (h) That this issue would arise in regional areas was a key reason the ACMA was conferred the power under subsection 8AD(3) of the BSA to deem that specified licence areas of a radio broadcasting licence be taken to be the same as the designated BSA licence area.
 - (i) The concept of deeming in the existing legislation thus provides the flexibility required to ensure an appropriate mix of services is provided on each DRMT.
 - (j) The CBAA submits that, for planning and policy guidance, any community service within or overlapping the designated BSA licence area be in consideration for standard access entitlements; while any community service that overlaps the designated BSA radio licence area by greater than 25%, in either population or geography, be deemed eligible for standard access entitlements.
- 3.6 The CBAA maintains these policy positions and therefore supports deeming of the Hobart RA3 licence for digital radio purposes.

Digital coverage of Hobart RA1

- 3.7 The Foundation Category 1 Digital Radio Multiplex Transmitter (DRMT) licence is planned on the basis of coverage of the entire Hobart RA1. Even though there would be significantly less than 100% coverage of the licence area, the allocation of the DRMT licence denies provision of any other digital radio licences.
- 3.8 The Hobart RA1 extends significantly beyond the reach of the single DRMT transmitter installed atop Mt Wellington, including to population centres up the east coast of Tasmania.
- 3.9 The Hobart digital radio implementation will have well less than 100% coverage of the Hobart RA1 licence area, both in terms of geography and population.

² Community Digital Radio, Creating diversity, Extending choice, June 2014. CBAA submission in relation to reviews conducted into digital radio under section 215B of the Broadcasting Services Act 1992, and section 313B of the Radiocommunications Act 1992.

- 3.10 In what might be a shortcoming of the framework, there is no requirement that a DRMT licensee provide digital radio coverage across all of the BSA licence area. In the case of Hobart RA1, the implementation is by way of a main transmit site at Mt Wellington. There are no in-fill transmission facilities.
- 3.11 While there are no current plans evident, perhaps there will be some in-fill to at least match the Category 3 implementation, which has two in-fill sites operating to support coverage in the urban areas of Hobart.
- 3.12 Less likely, even in the medium term, is the provision of in-fill and extension sites to provide coverage across the significant and remaining areas of Hobart RA1.
- 3.13 Factoring the reduced coverage footprint of the digital implementation as compared to Hobart RA1 makes an even more compelling case to deem the Hobart RA3 licence area to be the same as the Hobart RA1 licence area for the purposes of digital radio.

4. Maintaining and developing diversity in the transition to digital broadcasting

- 4.1 The ACMA notes that deeming of Hobart RA3 and Edge Radio will help maintain and develop diversity in the Australian broadcasting system in the transition to digital broadcasting.
- 4.2 The CBAA supports this as a key outcome and consistent with the objects of the BSA that require the ACMA to maintain and, where possible, develop diversity, including public and community and indigenous broadcasting, in the Australian broadcasting system in the transition to digital broadcasting.³
- 4.3 Community radio services make a valuable contribution to media diversity and local content including news and local community information, Australian music and arts, and social and cultural issues, activities and community events.
- 4.4 General geographical community radio licensees primarily provide a broad-ranging format with specialist music and talks programs reflecting a diverse range of community interests. Services licensed to specific community interests provide a critical focus point for Ethnic CALD and multicultural communities, youth and seniors, Indigenous First Nations and Torres Strait Islander communities, religious interests, RPH radio reading services, educational, LGBTI+ communities, and cultural and specialist music interests.
- 4.5 In addition to supporting diverse community interests and providing local content produced and presented by members of local communities, community radio stations as independent NFP organisations provide a unique environment for participation and skills development in broadcasting and media production, accredited training, and organisational and management skills relevant to broader social enterprises and cultural industries.
- 4.6 Edge Radio as a community radio licensee serving a youth community interest is a prime example of providing this combination of both an important and culturally relevant local youth broadcasting service to the Hobart community, and providing an organisational environment for participation, skills development, training and community engagement for young people involved with the Edge Radio service.
- 4.7 As a youth broadcaster Edge Radio complements other radio services in Hobart, with a strong focus on local and Australian music, local and national issues relevant to the youth community, and a unique range of locally produced programs.
- 4.8 Edge Radio is also an active participant in the broader community radio sector and broadcasts some nationally produced programs including the sector's national current affairs program, The Wire. Edge has also collaborated with Melbourne youth broadcaster, SYN Media, as part of the SYN Nation project - an innovative youth media project established in 2014 with support from the Community Broadcasting Foundation and the Telstra Foundation that has forged links with youth communities in a range of regional community radio stations.
- 4.9 These, and other factors, support the deeming of Edge Radio for digital radio purposes in Hobart. The role of youth services at a local community level makes a vital contribution to the diversity of broadcast services, the engagement of young people in broadcast media, training, and social and cultural issues, and provides extensive benefits to both the youth community and the broader Hobart community.
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³ Broadcast Service Act, paragraph 3(1)(n)