



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON COMMUNICATIONS,
INFORMATION TECHNOLOGY AND THE ARTS

(Subcommittee)

Reference: Community broadcasting

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HOUSE OF REPRESENTATIVES

**STANDING COMMITTEE ON COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE
ARTS**

Wednesday, 13 September 2006

Members: Miss Jackie Kelly (*Chair*), Ms Owens (*Deputy Chair*), Mrs Bronwyn Bishop, Mr Garrett, Mr Hayes, Mr Johnson, Mr Keenan, Mr Laming, Mr Ticehurst and Ms Vamvakinou

Members in attendance: Mr Keenan, Miss Jackie Kelly and Mr Ticehurst

Terms of reference for the inquiry:

To inquire into and report on:

- The scope and role of Australian community broadcasting across radio, television, the internet and other broadcasting technologies;
- Content and programming requirements that reflect the character of Australia and its cultural diversity;
- Technological opportunities, including digital, to expand community broadcasting networks; and
- Opportunities and threats to achieving a diverse and robust network of community broadcasters.

WITNESSES

**LEVY, Ms Jennifer, Manager, Community Broadcasting, Department of Communications,
Information Technology and the Arts..... 1**

**PELLING, Dr Simon, Acting Chief General Manager, Content and Media Division, Department
of Communications, Information Technology and the Arts..... 1**

Subcommittee met at 9.38 am

LEVY, Ms Jennifer, Manager, Community Broadcasting, Department of Communications, Information Technology and the Arts

PELLING, Dr Simon, Acting Chief General Manager, Content and Media Division, Department of Communications, Information Technology and the Arts

CHAIR (Miss Jackie Kelly)—I declare open this public hearing of the House of Representatives Standing Committee on Communications, Information Technology and the Arts inquiry into community broadcasting. The inquiry arises from a request to this committee by Senator the Hon. Helen Coonan, the federal Minister for Communications, Information Technology and the Arts. Written submissions were called for and 130 have been received to date. The committee is now conducting a program of public hearings and inspections. This hearing is the 10th for the inquiry.

I welcome representatives from the Department of Communications, Information Technology and the Arts. Although the committee does not require you to give evidence under oath, I should advise you that these hearings are formal proceedings of the parliament and consequently warrant the same respect as proceedings of the House itself. It is customary to remind witnesses that the giving of false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament. Do you wish to make a brief statement in relation to your submission or some introductory remarks?

Dr Pelling—No, thank you.

Ms Levy—No.

CHAIR—Jennifer, how many people work for you in your area?

Ms Levy—I have four people who work for me. At the moment I am doing the implementation of the Indigenous television service as well, so there is one person who works to me directly on that. I have three people who work on general—

CHAIR—What is the age of those three people?

Ms Levy—I have not asked them their age.

CHAIR—What about experience—are they fresh out of uni?

Ms Levy—No, they are all experienced public servants. They have been in the department for probably 10 or 15 years.

CHAIR—All three of them?

Ms Levy—Three of them.

CHAIR—Is there anyone with recent industry experience?

Ms Levy—Yes. We have a guy called Craig Little who started about a month ago. He has worked for a station in Sydney. He has developed some online resources for media under our online program that the government funds. It is implemented through CBAA.

CHAIR—So you have got four people: one person is doing Indigenous TV, one is doing your internet—

Ms Levy—No. Craig is working with the person who does a lot of our administrative support. At the moment he is organising a bit of a symposium with community broadcasters in Sydney that we are going to have at the end of October to talk about digital radio issues. We have quite a major funding agreement with CBF. We have another lot of minor funding agreements arising out of the sale of the NTN. So a lot of it is administrative work in terms of developing and managing those funding agreements, responding to ministerial correspondence, working on new policy proposals and so on.

CHAIR—So if a community broadcaster has an issue which they write to the minister about, how is that actioned? You then go out to them?

Ms Levy—It would really depend on what it was about. If it had an implication for ACMA, we would go formally to ACMA to ask them for advice about what they had done about the matter. If it was a complaint or something like that, we would get formal advice.

CHAIR—How many people in ACMA work on community broadcasting?

Ms Levy—I do not know. You would really have to ask them.

Dr Pelling—You would need to ask ACMA that. I do not know. Because they would have—

CHAIR—So you have no built relationships with ACMA—someone that you deal with all the time? Do you have a point of contact in ACMA?

Ms Levy—Yes, but it is a formal point of contact with ACMA for any kind of ministerial correspondence needs. We have a relationship with several people around, say, community TV issues and things like that.

CHAIR—In ACMA?

Dr Pelling—Yes. ACMA's structure is based around areas that deal with licensing, areas that deal with planning of spectrum and areas that deal with community relations type issues and so on. For example, if an issue came up in regard to a spectrum allocation issue, we would talk to people in the area who deal with spectrum allocation, and if there was something relating to a licensing issue, we would talk with a different group.

CHAIR—And how do you find that person?

Dr Pelling—We have very cordial relationships with ACMA on the whole.

CHAIR—So is it as though they are in the department anyway, would it be easier if they were in the department anyway or do you think it works well?

Dr Pelling—There are things that ACMA does that are not things you could do in the department. It is a statutory authority with its own particular role.

CHAIR—But if it wasn't?

Dr Pelling—That is fairly hypothetical. At the moment our whole legal system for licensing systems for broadcasting is predicated on having an independent statutory regulator, so it is not as though you can suddenly—

CHAIR—But we are just taking back the television licensing authority from ACMA to the minister.

Dr Pelling—No, all that is happening there is that the minister will have the capacity to conduct a review, make a decision and instruct ACMA in regard to the planning and allocation of the licence. So ACMA will still do the actual licence.

CHAIR—But if you can do it for one broadcast channel you can do it for others in the community.

Dr Pelling—That is right. In theory, you could do it for other forms of television; you could do it for radio services. For example, you could give government roles in all of those things. At the end of the day that would be a matter for the government. It imposes layers of things.

CHAIR—So, again, when you deal with ACMA, who do you deal with? Is it just a pig in a poke? Is there a phone number that you ring or do you actually have built relationships?

Dr Pelling—There are a number of people at my level—division head level—in ACMA who I deal with on a fairly regular basis. I deal with a colleague regarding inspection planning issues and a number of issues relating to, for example, the government—

CHAIR—How frequently would you correspond with him?

Dr Pelling—Emails and phone calls two or three times a week. My counterpart—

CHAIR—How long has he been with ACMA? Longer than you?

Dr Pelling—I would imagine that he has been there the best part of two decades, although I am not absolutely sure. He has been around longer than I have been doing broadcasting, which goes back to 1998.

CHAIR—So are you dealing with anyone within ACMA with recent broadcasting industry experience?

Dr Pelling—In the sense of actually having been—

CHAIR—In the industry.

Dr Pelling—operating in the industry?

CHAIR—Community or—

Dr Pelling—I do not. There are quite likely to be people—

CHAIR—How many people work under you? Jennifer sits out here somewhere with you.

Dr Pelling—Jennifer is in my division, which has in total 40-odd people. We have areas that deal with digital broadcasting—digital radio and television conversion.

CHAIR—But not for community broadcasting? Does that area deal with community broadcasting?

Dr Pelling—Yes, community digital conversion.

CHAIR—Does your area deal with the community digital conversion?

Dr Pelling—We are all together. Jen's office is just down the corridor from the person who runs the digital TV branch. With anything that we do on community broadcasting in the digital sense, the person who is doing digital radio will come and talk to Jen or the person who is doing digital TV will come—

CHAIR—But it kind of got dropped off the digital conversion, didn't it, somehow there?

Dr Pelling—That is because the government has not made a decision yet. The minister said that it would be done in the context of the digital action plan and so on.

CHAIR—It has been 10 years. So no-one has ever written to the minister suggesting a digital conversion for community television?

Dr Pelling—The industry has. In fact, the government has an election commitment to do it going back to the last election and even before. Probably at the previous election there was something in the Liberal Party platform.

CHAIR—And no-one in the department has actioned that?

Dr Pelling—We have provided a number of advices to the government about community broadcasting conversion going back a number of years. But at the end of the day it is a matter for the minister to decide what to do.

CHAIR—Have those advices varied over the years or has it always been the same advice?

Dr Pelling—It is true to say that the advices have probably varied, because the context has been different. For example, when we first started talking about conversion of community

broadcasting when Senator Alston was the minister—and at that stage it particularly related to television—it was in the context of the early stages of television and it was seen as a matter that would be dealt with later in the process. With the current government, as you know, the minister has put out the media policy discussion paper and made a subsequent announcement about the media package and the decision to implement a digital action plan. The most recent briefing that we provided to them in regard to television was in the context of government decisions about the digital action plan.

CHAIR—Let us deal with television first. What is your preferred option for community television moving to the digital spectrum?

Dr Pelling—We have given advice to the minister on a range of options, basically, which cut across different things like the issue of whether or not there should be an analog-digital simulcast and how long that should be for if you have one, the issue of government support for the sector to convert to digital and the issue of how you might best use the spectrum that is available. As you know, the minister yesterday announced some decisions about the allocation of two spare channels of broadcasting spectrum.

CHAIR—Neither of them were for community broadcasting.

Dr Pelling—No.

CHAIR—So where is community broadcasting going to go?

Dr Pelling—Community broadcasting is still on the agenda, and the minister is still looking at that.

CHAIR—Where do you suggest community broadcasting could go?

Dr Pelling—There are two broad sets of options for community broadcasting. One option would be to convert them in channel, and there are different possibilities about that.

CHAIR—There is no simulcast period.

Dr Pelling—With no simulcast period. That is what we would colloquially refer to as a hot swap.

CHAIR—Digital take-up would need to get up to 50 per cent, because they would like to have an audience and if they switched to digital they would have no consumers.

Dr Pelling—That would involve reaching a decision about a point at which that happens in terms of the numbers of people.

CHAIR—Either way, that option would be a disastrous one for community television.

Dr Pelling—Obviously there would be a timing issue that would have to be managed. The other set of options relate to simulcast, and that is where you leave them on channel 31—there are currently four permanent community television broadcasters—and you give them enough

capacity to do standard definition service on another piece of spectrum, which would be, for example, one of the two unallocated channels.

CHAIR—No, they have gone; they went yesterday. So where to now?

Dr Pelling—The minister has announced that, for example, channel A would be provided for free to air in home services, so there would still be capacity prior to the allocation of that for the government to decide on a model which involved making channel A available to the community. The minister would still have the capacity to go back to her colleagues and seek a change.

CHAIR—Would you impose on ACMA a licensing condition as a ‘must carry’ for channel 31?

Dr Pelling—That is one option you could certainly impose. You could require that ACMA sell channel A with a condition that it give a certain amount of capacity to community television.

CHAIR—But say they do not do that. If the commercial stations say, ‘No, I don’t want to carry that,’ what is another option?

Dr Pelling—You can make it a licence condition.

CHAIR—But what is another option?

Dr Pelling—Basically, the spectrum that is available are those two channels and the channel they are on in basically all of the cities. So the decisions will revolve around whether you make the decision about doing a hot swap on their channel or whether you require or give them the capacity to negotiate with one of the other providers to provide a standard definition service in digital.

CHAIR—They have been spectacularly unsuccessful so far, even in getting it on Fox or something like that. What makes you think the purchasers of channel A want them either?

Dr Pelling—There is a community service on Fox. It is not one of the ones—

CHAIR—It is Fox’s own community service.

Dr Pelling—On Foxtel, yes.

CHAIR—Based on information we have got, it is not very well-regarded in the community broadcast sector. It is just seen as another channel for Fox labelled ‘community’.

Dr Pelling—All I am saying to you is that there are those options. At the end of the day, the minister is going to have to decide which ones she will want to pick.

CHAIR—So you never gave advice that you are flushing channel A and you have not considered community television?

Dr Pelling—We have given advice on all sorts of things with regard to this. We have tried to give as broad advice as possible on all of the options for community television, which include the pros and cons of the different options.

CHAIR—I am sorry, Simon and Jennifer. The bells are ringing for a division in the House.

Subcommittee adjourned at 9.53 am