

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Budget Estimates May 2017

Communications Portfolio

The Australian Communications and Media Authority

Question No: 164

The Australian Communications and Media Authority

Hansard Ref: Written, 01/06/2017

Topic: TCBL/CBL applications – J-AIR

Senator Abetz, Eric asked:

It has been suggested that the following non-technical themes have emerged in all the ACMA rejections for TCBL/CBL applications from J-AIR:

- There is no demonstrated need for an additional long-term community broadcasting service in Melbourne;
- New aspirants in well-served metropolitan areas such as Melbourne often seek to represent narrow niche community interests or replicate community interests that are already being met by other community broadcasting services in a licence area.

1. How did ACMA arrive at these arguments when each application was supported with data from the reports on the Melbourne and Sydney Jewish Communities conducted by Monash University's Australian Centre for Jewish Civilisation, and letters of support from community leaders, school principals and both State and Federal Parliamentary representatives. Are these not demonstrating "need for an additional long-term community broadcasting service in Melbourne"?
2. Does ACMA consider the Jewish Community of Melbourne seeking to "represent narrow niche community interests" or an application for a TCBL/CBL "replicate community interests that are already being met by other community broadcasting services in a licence area" by 3ZZZ and SBS broadcasting 3 hours and 2 hours of Hebrew/Jewish/Yiddish content per week respectively?

Answer:

Australian audiences benefit from a diverse range of broadcasting services, all of which are established under the *Broadcasting Services Act 1992*. This range includes community broadcasting services – which are operated on a not-for-profit basis for community purposes. To ensure that community licensees operate as intended, they are required to comply with relevant rules and regulations including a licence condition that requires them to continue to represent community interest. A licensee's community interest is determined at licence allocation. Frequently, licensees represent the 'general community interest' of their particular licence area, however other community interests currently licenced include, but are not limited to, print handicapped, religious, education, music, youth, senior citizens, and ethnic.

Before a long term community broadcasting licence is allocated, the broadcasting services bands in the relevant area must first be planned and provision made in the plan for one or more community broadcasting services.

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In planning the broadcasting services bands the Australian Communications and Media Authority (ACMA) must have regard to the objects of the *Broadcasting Services Act 1992* (the Act) and the planning criteria set out in section 23 of the Act. The planning criteria include: demographics; the social and economic characteristics within the licence area; the number of existing broadcasting services and the demand for new broadcasting services within the licence area; technical restraints relating to delivery or reception of broadcasting services; and the demand for radiofrequency spectrum for services other than broadcasting services. Additionally, the ACMA must have regard to the economic and efficient use of the radiofrequency spectrum.

In effect the ACMA must balance demands on broadcasting services bands spectrum for national broadcasting, commercial broadcasting, community broadcasting and for narrowcasting uses (including for temporary special events).

The Melbourne Radio Licence Area Plan, which commenced in April 2012, establishes 18 Licence Areas that are serviced by a total of:

- > 11 commercial services;
- > 7 national services;
- > 2 high powered narrowcasting services; and
- > 25 community services.

The last of the available long term community radio broadcasting licences were allocated in December 2001.

The Licence Area Plan was last amended in 2011 to allow for a change to the technical specifications of a commercial radio service and to update the licence area definitions by reference to 2006 census data rather than 2001 census data.

The ACMA is aware that there is political and community support for a radio station that serves and supports Melbourne's Jewish community. The ACMA is also aware that other community groups (including representatives of the Macedonian, Italian and Indian communities) have expressed an interest in acquiring a community broadcasting licence.

However, the FM frequency band in the Melbourne Radio Licence Area is densely planned. No spectrum suitable for an additional wide area service is available.

A small 'residual' amount of spectrum suited to local area / low power services remains available in the Melbourne Licence Area. Because that spectrum is of limited utility and likely to be of limited appeal to aspirant broadcasters or narrowcasters, it has not been included in the Melbourne Licence Area Plan. However, the ACMA has the discretion to review the Melbourne Licence Area Plan at any time, including with a view to determining whether this spectrum should be planned and, if so, the purpose or purposes for which it should be planned.

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Separately, the ACMA has set aside a small sub-band which has been made available for the provision of low power open narrowcasting services. There are approximately 100 open narrowcasting licences issued for use across the Melbourne Radio licence area – including that currently leased by J-Air and used to deliver services to the Jewish community.

Although all planned community broadcasting licensees in the Melbourne region have been allocated, community broadcasting licensees are subject to a licence condition requiring them to encourage participation in their service including by involving members of their licence area community in the operations of the service, and in the selection and provision of programs. Accordingly even where no spectrum or ‘new’ licence is available, community groups can still broadcast programming that contributes to serving their community’s needs, via an established community broadcasting service. Such community groups, would, necessarily, be meeting the interests of a ‘narrower’ section of the community in respect of which the community broadcasting licence has been allocated (for example, a particular geographic area’s community of interest or a general ethnic community of interest).