



29 September 2020

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600

Via email: ec.sen@aph.gov.au

Dear Chair and Committee members,

I write regarding the Radiocommunications Bills 2020 introduced to the House of Representatives in August and referred to the Committee on 3 September 2020.

To present our perspective on the Bills, the Community Broadcasting Association of Australia (CBAA) wishes to provide the Committee with our earlier submission made to the Department of Infrastructure, Transport, Regional Development and Communications in July 2020, responding to their consultation paper and exposure draft of the Radiocommunications Legislation Amendment (Reform and Modernisation) Bill. In doing so, we have sought to provide value to the Committee's deliberations and a starting point for our further engagement with the Committee.

The attached submission outlines CBAA's key comments about the Radiocommunications Bills. The scope of comments is primarily intended as high-level initial commentary focussed on the policy intentions that sit behind the Bill and any effects to broadcasting and community broadcasting.

We thank you for your time in considering our submission. Please do not hesitate to contact me for further information.

Kind regards,

Jon Bisset
Chief Executive Officer



COMMUNITY
BROADCASTING
ASSOCIATION OF
AUSTRALIA

Radiocommunications Legislation Amendment Bill

Submission in relation to the consultation paper and exposure draft
Community Broadcasting Association of Australia

JULY 2020

Radiocommunications Legislation Amendment Bill

Comments by the Community Broadcasting Association of Australia (CBAA) in relation to the consultation paper, explanatory notes and exposure draft of the Radiocommunications Legislation Amendment (Reform and Modernisation) Bill, issued by the Department of Infrastructure, Transport, Regional Development and Communications

July 2020

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1. Introduction

- 1.1 The Community Broadcasting Association of Australia (CBAA) welcomes the opportunity to submit comments in relation to the consultation paper released by the Department of Infrastructure, Transport, Regional Development and Communications in June 2020.
- 1.2 The consultation paper relates to the explanatory notes and exposure draft of the Radiocommunications Legislation Amendment (Reform and Modernisation) Bill.
- 1.3 In 2015, the Government announced it would repeal and rewrite the Radiocommunications Act. In 2017 the Government released a partial exposure draft of a Bill for a completely re-written Radiocommunications Act. After consideration of views expressed in that consultation process, the Government decided in October 2019 that, rather than completely rewriting the legislation, it would instead pursue targeted amendments, as part of an overall incremental approach.
- 1.4 Accordingly, the draft Bill as circulated in June 2020 is intended to implement the Government's commitment in October 2019 to progress a set of targeted amendments to, but not fully replace, the existing Radiocommunications Act 1992.
- 1.5 The draft amendments seek to:
 - replace the Objects of the Radiocommunications Act.
 - provide for the Minister to issue Ministerial policy statements to guide the ACMA in performance of its spectrum management functions, with scope for such statements to be either broad or deal with specific issues.¹
 - clarify aspects of roles of the Minister and the ACMA, with the Minister to have less involvement in spectrum management decisions shifting responsibility to the ACMA, and toward a general pattern with less legislative prescription and more discretion for the ACMA.
 - introduce a legislative requirement for the ACMA to prepare and publish an annual work program in relation to its spectrum management functions and powers, with a detailed work program for the up-coming financial year and an outlook over a five-year horizon.
 - reduce regulatory barriers between spectrum and apparatus licences.
 - introduce a replacement framework to empower the ACMA to determine technical regulation through equipment rules.
 - increase the scope for use of accreditation out-source ACMA spectrum management functions.
 - provide a range of tools and powers to give the ACMA greater flexibility to address issues of non-compliance and reduce prevalence of equipment that can be used to cause interference.
 - provide the ACMA with information gathering powers that are proportionate and consistent with other regulatory bodies.
 - repeal unused provisions, including some related to broadcast and datacasting.

¹ The Minister retains a broad power under the Australian Communications and Media Authority Act 2005 to direct ACMA in relation to the performance of its functions and exercise of its powers. The Minister also retains specific directions and powers under the Radiocommunications Act. Ministerial policy statements would not have the same force as directions.

2. Background and community broadcasting

- 2.1 The Community Broadcasting Association of Australia is the peak body for community broadcasting in Australia.
- 2.2 CBAA represents licensed community broadcasters. Nationally, over 350 (and a further 93 temporary) not-for-profit community radio services provide significant public benefit: a diverse mix of cultural and specialist talks, educational, music, Indigenous, radio reading services for the print disability community, youth, seniors, LGBTQIA+, religious, ethnic language and multicultural radio, and general community access services.
- 2.3 In metropolitan areas, there are a greater number of specific community interest services; and 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.
- 2.4 Community radio stations operate in the majority of towns and cities across Australia, with 76% located in regional and remote areas, and 24% across metropolitan locations.
- 2.5 Guiding principles underpin the contribution services make to media diversity and social inclusion, including to:
- Promote harmony and diversity and contribute to an inclusive, cohesive and culturally diverse Australian community.
 - Pursue the principles of democracy, access and equity, especially for people and issues not represented in other media.
 - Enhance the diversity of programming choices available to the public and present programs that expand the variety of viewpoints broadcast in Australia.
 - Demonstrate independence in programming as well as in editorial and management decisions.
 - Support and develop local arts and music.
 - Increase community involvement in broadcasting.
- 2.6 Community broadcasting licences are issued pursuant to and in promotion of the objects of the Broadcasting Services Act.
- 2.7 The allocation of a community broadcasting licence under Part 6 of the Broadcasting Services Act (BSA) is linked to section 102 of the Radiocommunications Act, which requires the ACMA to issue transmitter licences to access the Broadcasting Services Bands (BSBs).
- 2.8 Transmitter licences are issued as Apparatus Licences and aligned with the BSA licence term of five years.
- 2.9 Community radio stations therefore make significant use of radiofrequency spectrum.
- 2.10 Community radio services reach the public by way of freely available reception equipment.
- 2.11 The majority operate in the VHF FM Broadcast Services Band, 87.5-108 MHz; some operate in the MF AM Broadcast Services Band, 526.5- 1606.5 kHz; and a significant number now operate using capacity within shared Category 1 Digital Radio Multiplex Transmitter licences operating in a slice of the Broadcast Service Band otherwise and hitherto used for VHF television, 174-230 MHz.
- 2.12 There are also some services provided over VAST, and so occupy a small share of the spectrum designated for that purpose using Ku band satellite spectrum.
- 2.13 In addition to the Broadcast Services Band spectrum necessary to reach the public, community broadcasters necessarily make use of a limited amount of other spectrum.
- 2.14 Community radio, for example, has a current, on-going and critical need for use of spectrum within the 845-849 MHz band for fixed point-to-point links from their studio facilities to the transmitter site. The 849-852 MHz part of this band was recently re-allocated, with the remaining 845-849 MHz re-stacked.
- 2.15 The requirement and use of this band for specific radio distribution related purposes has been recognised in spectrum band planning and licencing instruments (RALIs).
- 2.16 While community television licensees now have an uncertain status, the CBAA continues to advocate the public policy principles that underpin community broadcasting generally and makes comment accordingly.

3. Scope of comments and consultation

- 3.1 The scope of comments provided in this submission is limited and primarily intended as high-level initial commentary focussed on the policy intentions that sit behind the Bill and any effects to broadcasting and community broadcasting.
- 3.2 Given the scale of consultation documentation and exposure draft Bill it is not possible to be declaratory in terms of support or otherwise for all aspects of the Bill. Understandably, internal community sector considerations are still in process.
- 3.3 We note that the Government will seek to finalise a version of this Bill to introduce to Parliament as soon as possible.
- 3.4 We also note the Department is open to contact and discussion with stakeholders where any additional information or clarification is needed.
- 3.5 The CBAA has had long term constructive involvement with the departmental, industry and public policy considerations and consultations leading to this point.
- 3.6 After a first run review of the proposed amendments set out in the Bill the CBAA sought confirmation from the Department that the current set of amendments making up the Bill is not focused or intended to impact upon broadcasting service objectives, policy or planning, or its associated spectrum and licensing conditions and allocations as set out in the current legislation.
- 3.7 The Department has confirmed that the draft Bill is not intended to amend the licensing arrangements for broadcasters, and does not propose to integrate the management of broadcasting spectrum into the broader spectrum management framework.
- 3.8 The Department further adds that steps have also been taken to preserve the existing arrangements for broadcasters. For example, while the Minister's power to designate parts of the spectrum for spectrum licences under section 36 is to be repealed, the protections for the broadcasting services bands that section 36 contains are to be moved to section 39, so that the same protections remain in place.
- 3.9 Further, while the draft Bill contains amendments that will empower the ACMA to implement some new arrangements for the renewal of apparatus licences, those apparatus licences related to broadcasting services have been excluded from the operation of these arrangements.
- 3.10 The Department has expressed the view that broadcasters, along with all spectrum users, are also likely to benefit from other parts of the Bill, including a statutory obligation on the ACMA to consult on its work program and to report on the outcomes, and greater enforcement and compliance powers for the ACMA to deal with interference.
- 3.11 Taking on board these assurances, as broadcasting makes use of radiocommunication spectrum there are some overlaps with broadcasting, and community broadcasting, which, in part, are set out in this submission.

Digital Radio, Digital Television and Online

- 3.12 Broadcasters rely on access to designated Broadcast Services Band spectrum. Analogue and perhaps especially digital and multiplexing allocation and licensing, while not the direct focus of this set of amendments is heavily integrated in the Radiocommunications Act, and so relevant comments in relation to digital radio and digital television as well as delivery of free-to-air via online are reiterated and updated in Sections 8-10 of this submission.

Datacasting

- 3.13 Schedule 9 of the Bill repeals the datacasting transmitter licence framework. This framework has not been used to date.
- 3.14 Items 1 deals with Section 5 of the Radiocommunications Act, Definitions and repeals a number of definitions related to the datacasting transmitter licence framework.
- 3.15 While the CBAA agrees that a number of definitions are specific to datacasting, it does not agree that includes the definition of a 'community television broadcasting service'.
- 3.16 The CBAA notes that the existence of community television licences is established in the Broadcast Services Act, under Part 6.
- 3.17 As discussed in Section 9 of this submission, there has been ongoing uncertainty around the allocation of spectrum for community television and, while a definition in the Radiocommunications Act itself may not be material, its deletion seems unnecessary and triggers concerns.

4. Objects of the Acts

- 4.1 The CBAA considers radio-frequency spectrum is a valuable public resource and a major contributor to economic and social well-being and is pleased that the Government's commitment and intention in undertaking change is not simply or only to maximise economic return but also to maximise social return from spectrum.
- 4.2 Overall the CBAA considers that the simplified Objects set out in the Bill may not detract from the policy objectives of the current Radiocommunications Act. The Objects of the (amended) Act would be:
- to promote the long-term public interest derived from the use of the spectrum by providing for the management of the spectrum in a manner that:
 - facilitates the efficient planning, allocation and use of the spectrum; and
 - facilitates the use of the spectrum for
 - commercial purposes; and
 - non-commercial purposes (including defence, public safety and community purposes); and
 - supports the communications policy objectives of the Commonwealth Government.
- 4.3 The CBAA seeks confirmation that the intention of the words 'communications policy objectives of the Commonwealth Government' extends to include and embrace the policy objectives for broadcasting, as expressed in the Broadcasting Services Act, including its own objects.
- 4.4 The CBAA understands and seeks confirmation that the new legislative environment being ushered in by the Radiocommunications Legislation Amendment Bill 2020 is not intended to alter broadcasting policy objectives.
- 4.5 The Objects of Broadcasting Services Act 1992, include, inter alia:
- to promote the availability to audiences throughout Australia of a diverse range of radio and television services offering entertainment, education and information.
 - to provide a regulatory environment that will facilitate development of a broadcasting industry that is efficient, competitive and responsive to audience needs.
 - to encourage diversity in control of the more influential broadcasting services.
 - to promote the role of broadcasting services in developing and reflecting a sense of Australian identity, character and cultural diversity.
 - to promote the availability to audiences throughout Australia of television and radio programs about matters of local significance.
 - to promote the provision of high quality and innovative programming by providers of broadcasting services.
 - to encourage providers of commercial and community broadcasting services to be responsive to the need for a fair and accurate coverage of matters of public interest and for an appropriate coverage of matters of local significance.
 - to encourage providers of broadcasting services to respect community standards in the provision of program material.
 - to encourage the provision of means for addressing complaints about broadcasting services.
 - to ensure that providers of broadcasting services place a high priority on the protection of children from exposure to program material which may be harmful to them.
 - to ensure the maintenance and, where possible, the development of diversity, including, public, community and indigenous broadcasting, in the Australian broadcasting system in the transition to digital broadcasting.
- 4.6 Also relevant is section 15, where the definition of a community broadcasting service includes sub-section (c) to provide programs that:
- are able to be received by commonly available equipment; and
 - are made available free to the general public.
- 4.7 Section 14 has an equivalent provision relating to commercial broadcasting.

5. Broadcasting Services Bands & Ministerial Policy Statements

- 5.1 Under the section 31 of the Radiocommunications Act 1992 the Minister has designated parts of the radiocommunications spectrum as being (primarily) for broadcasting services, known as the Broadcasting Services Bands (BSBs).
- 5.2 The Minister empowers the ACMA to plan, and the ACMA prepares Licence Area Plans in accord with section 26 of the Broadcasting Services Act. In doing so the ACMA is to promote the objects of the Broadcasting Service Act using a mix of commercial, community and national broadcasting services.
- 5.3 The Minister has power to reserve capacity for community and national broadcasting services under section 31 (1) of the Broadcasting Services Act.
- 5.4 Digital radio licensing is structured somewhat differently, primarily due to fact that each Digital Radio Multiplex Transmitter (DRMT) is able to carry many content services and so a different approach that does not tie a single content service to a single licence for spectrum access is required. DRMT licences operate within designated BSB spectrum.
- 5.5 National broadcasters derive rights for BSB spectrum access not through the Broadcasting Service Act but through the relevant Acts of the national broadcasters, the Australian Broadcasting Corporation Act and the Special Broadcasting Service Act.
- 5.6 In 2017, the full re-write of the Radiocommunications legislation proposed to do away with designated Broadcast Services Bands, and instead rely on Ministerial Policy Statements. The CBAA expressed a high degree of concern at the lack of certainty inherent in that arrangement.
- 5.7 Now, in 2020, the exposure draft Radiocommunications Legislation Amendment Bill is not intended to amend the licensing arrangements for broadcasters. and does not propose to integrate the management of Broadcasting Services Band spectrum into the broader spectrum management framework.
- 5.8 There is a flexibility and therefore a lack of certainty and detailing, around the process of development, permanence or time-length, revocation and re-issuance of Ministerial Policy Statements, and also the extent to which they might be binding on the ACMA.
- 5.9 That is not the level of certainty and permanence that characterises designation of spectrum as BSBs.
- 5.10 The need for long-term certainty in relation to bands being allocated on a primary basis for broadcasting is fundamental.
- 5.11 The CBAA considers certainty of spectrum to be designated for broadcasting purposes is essential, and ought only be able to be amended by a process of legislative change.
- 5.12 It is appropriate that broadcasting has certainty of spectrum access. Broadcasting is different to other uses of radiofrequency spectrum. It is an activity that underpins cultural and social cohesion. It enables and contributes to democratic dialogue and must exercise a set of responsibilities, adhere to Codes of Practice and conform to broadcast regulations.
- 5.13 The important and enduring public policy objectives of broadcasting are captured in the objects of the BSA, and to underline these outcomes the BSA requires that broadcast services be made available on a free-to-air basis and on freely available reception equipment.
- 5.14 These policy objectives clearly contemplate social and economic barriers to reception of primary broadcast services are intended to be zero, or so low that they do not cause or be subject to a social divide. There should be no barrier from either subscription fees or on-going data charges levied on public users.
- 5.15 There is also a significant investment that has been made by the public in reception equipment that cannot be set aside. While broadcasting may be challenged, it has an inherent public policy role that informs key broadcasting outcomes and the role of community broadcasting services.
- 5.16 That said, as a further mechanism for the Minister to provide guidance to ACMA, it is certainly possible that Ministerial Policy Statements could extend to include some specific broadcasting related matters.

6. Miscellaneous comments - by Item or Section

- 6.1 In addition to the broad set of issues canvassed in this submission, a number of discussions and clarifications on points of detail have occurred with the Department since the Exposure Draft Bill was released on 24 June, including:
- Schedule 1, Items 24 and 25, regarding transitional arrangements affecting conditions of apparatus licences and conditions of transmitter licences for temporary community broadcasters.
 - Schedule 9 of the Bill, which repeals the datacasting transmitter licence framework. This framework has not been used to date. Items 2-40 repeals or omits multiple sections but seems to have missed the repeal of Section 102 (3) which would appear to be then redundant.
 - Schedule 3, a number of Items deal with renewal of Apparatus Licences, inserting a new draft Section 103A into the Act which provides the ACMA power to include a renewal statement in an apparatus licence. The ACMA will not be able to include a renewal statement in licences issued under sections 101A, or 102, or a digital radio multiplex transmitter licence.
 - Schedule 9, Item 15 deals with Section 108 (A) (1)(b)(i), to do with temporary community broadcasting, to remove a reference to Section 293 of the Act, which has previously been repealed, and replaces this with a reference to section 60 of the ACMA Act, which permits the ACMA to impose charges for services that it provides.
 - And numerous other matters.
- 6.2 In regard to ACMA charges. The CBAA can provide its preliminary view that it would be inappropriate in most cases for community broadcasters to be levied with charges, whether based on cost recovery by the ACMA or otherwise.
- 6.3 As community based not-for-profit organisations, this is likely to severely disadvantage the situation of community broadcasters.
- 6.4 Cost recovery would clearly be inappropriate if changes were required as a result of broader factors and not at the initiative of the broadcaster concerned.

7. Other comments - Studio-to-Transmitter linking

- 7.1 Community radio broadcasters make extensive use of spectrum within the 845-849 MHz band for fixed point-to-point links from their studio facilities to the transmitter site. The 849-852 MHz part of this band was recently re-allocated, with the remaining 845-849 MHz re-stacked..
- 7.2 The requirement and use of this band for specific radio distribution related purposes has been recognised in spectrum band planning and licencing instruments (RALIs).
- 7.3 Community radio broadcasters are currently undergoing a change process to find linking solutions within the reduced portion of the band, 845-849 MHz.
- 7.4 It is critical that at least this band is retained for studio to transmitter linking.
- 7.5 The spectrum pricing for this special purpose band is based on administrative tax formulas. It is critical that any change to spectrum pricing does not disadvantage community radio broadcasting users.
- 7.6 The CBAA is acutely aware that this band sits alongside bands that have been purposed for mobile broadband. It is not a like-for-like situation, given the criticality of this band and its specific technical structure for STL purposes. Accordingly, opportunity costs that relate to mobile broadband use patterns are not relevant.
- 7.7 Other, higher frequency, bands may be available for studio to transmitter linking but many of these are not suited to longer path lengths and/or already have spectrum pricing such as to make them completely unaffordable for community broadcasting purposes.

8. Other comments - Digital radio

- 8.1 The framework for digital radio across both the Broadcasting Services Act and the Radiocommunications Act differs markedly from the framework in place for analogue radio and digital television planning and licensing.
- 8.2 This is primarily due to the fact that each Digital Radio Multiplex Transmitter (DRMT) is able to carry many content services and so a different approach that does not tie a single content service to a single licence for spectrum access is required. DRMT licences operate within designated BSB spectrum.
- 8.3 The current Radiocommunications Act sets out in legislation the corporate structures required for holders of DRMT licences. Standard access entitlements to digital radio capacity within the overall total of the multiplex are set out for holders of eligible licences under the Broadcasting Services Act. There is an inter-relationship with the ACCC with the intent that access to the shared infrastructure be based on a set of pricing principles and on a non-discriminatory basis.
- 8.4 While the framework is prescriptive and may not be perfect it has worked reasonably well in practice. The legislated basis of the framework provides a level of certainty for engagement and investment in infrastructure and service development.
- 8.5 The CBAA would be very concerned by any removal from legislation of key aspects that provide certainty for service delivery, including access entitlements and capacity reserved for community broadcasting.
- 8.6 The Digital Radio Planning Committee (DRPC) chaired by the ACMA has considered a range of planning matters, including proposals to streamline corporate aspects of the legislative framework.
- 8.7 The DRPC has also considered a number of approaches to improve efficient use of existing multiplex capacity, including draft legislative adjustments to standard access entitlements.
- 8.8 There is a range of mechanisms within the existing legislative framework that provide flexibility and options for more efficient use of spectrum and improved service outcomes within the existing spectrum assigned for digital radio purposes.
- 8.9 The CBAA would be pleased to discuss these mechanisms and platform development options further in order to facilitate effective outcomes within existing legislation.

9. Other comments - Digital television

- 9.1 In previous submissions to the Department on Spectrum Reform the CBAA advocated that community television licensees be permitted to make on-going use of spectrum beyond what was then a closure deadline set at 31 December 2015.
- 9.2 The on-going use of the spectrum by community television was not denying its use by others, either for technology trials of new technology television, or for non-broadcast purposes. That remains the case.
- 9.3 Since that time, community television licensees have had their access to spectrum extended on a short-term basis a number of times.
- 9.4 While the extensions are welcome, they have been granted in a manner that is not conducive to on-going certainty for community television and that has seriously impacted viability.
- 9.5 Some community television broadcasters have ceased use of free-to-air broadcast spectrum altogether. Others have endured but face an uncertain status into the future.
- 9.6 Where current community television broadcasting licensees have a Broadcast Services Band licence, under the Radiocommunications Act, the ACMA has issued a radiocommunications transmitter licence for transmitting the broadcasting service.
- 9.7 The Apparatus Licence makes use of a full 7MHz of spectrum, yet as a licence condition, community television broadcasters are limited to broadcast a single Standard Definition (SD) service on a free-to-air basis, with no use of latent capacity permitted by others.
- 9.8 Use of a full DVB-T 7MHz RF channel, capable of 23Mbps data capacity, to carry a single Standard Definition television service is not efficient use of spectrum.
- 9.9 In part, this situation comes about due to the one-to-one relationship between a broadcast service licence and a radiocommunications transmitter licence for digital television broadcasting. That remains an issue for further exploration with potential options for reform.
- 9.10 The situation of community television would be assisted if there were to be increased certainty about its on-going access to radiofrequency spectrum. It would be useful to pursue options for reform to enable a more permanent solution.
- 9.11 The CBAA notes, for digital radio broadcasting, that sufficient flexibility has been developed within the Broadcasting Services Act and the Radiocommunications Act to enable shared use by different broadcast licensees of a common RF transmission channel. The concept of separate 'multiplex' DRMT licence was developed for transmission, and all broadcast licensees are entitled and/or reserved access, with a related access and pricing regime overseen by the ACCC. This model may be worth exploring as one option to facilitate shared use of television multiplexes.
- 9.12 In the medium-term, new technology television provides scope for further spectrum efficiency and carriage of many more services within existing radiofrequency television channel constructs.
- 9.13 Meanwhile, unless and until it is genuinely needed for trials or other purposes, there seems little reason, where community television licensees are still operational using radiofrequency spectrum that this be able to continue with at least some level of increased certainty.
- 9.14 Community television operators have established an online presence. While this is useful and a valuable activity, it is not free-to-air to the public and is not sitting side-by-side as a complementary platform to enable broader reach and facilitate on-demand services. It is not a replacement for free-to-air broadcast access to the community.

10. Other comments - Broadcasting and online delivery

- 10.1 Broadcasting has public policy objectives that have been discussed in more detail elsewhere and which include an enduring commitment to outcomes facilitated by community broadcasting.
- 10.2 To reiterate, the Broadcasting Service Act has as one of its primary objects 'to ensure the maintenance and, where possible, the development of diversity, including, public, community and indigenous broadcasting, in the Australian broadcasting system in the transition to digital broadcasting'.
- 10.3 The Broadcasting Services Act sets out that broadcast services must be able to be received by commonly available equipment and be made available free to the general public.
- 10.4 The social and economic barriers to reception of primary broadcast services are clearly intended to be zero, or so low that they do not cause or be subject to a social divide. There is no barrier from either subscription fees or on-going data charges levied on public users.
- 10.5 While it could be argued that online devices, including internet connected 'radios' and 'televisions', are commonly available, reception of services and programs delivered via online is not free. Even if content is made available without barrier or subscription there are significant data charges for FTA radio and television usage patterns.
- 10.6 Also worth noting is that the non-profit, community-based governance and ownership structures are central and defining characteristics of legitimate community broadcasting organisations, and those matters do not apply to internet online only operators. Neither does broadcast content requirements, Codes of Practice, legislation or regulation that applies across all broadcasters apply to any online content providers.
- 10.7 Alongside the on-going provision for digital radio broadcast delivery that has been discussed, and the carriage of community television that is sought, the CBAA suggests it is time for the complementary role of online delivery of broadcast services to be properly recognised as part of legislative reform.
- 10.8 The CBAA suggests consideration be given to amend the Broadcasting Services Act, the Radiocommunications Act and other related legislation to require telecommunications carriers, internet service providers and mobile network operators to treat services provided by holders of Broadcast Service Licences as non-metered data, available within customer plans but also without need for a customer plan.
- 10.9 This would ensure equity and be more closely in accord with the need for broadcast services to be made available free to the general public.
- 10.10 The CBAA does not in any way suggest this as a replacement for free-to-air broadcasting.
- 10.11 Broadcasting remains the mainstay method by which live services can be delivered on a free-to-air basis and on freely available equipment without limitation.
- 10.12 In one view, digital television services can be available to all Australians courtesy of the VAST platform, especially in remote and some regional areas where there is no terrestrial digital television available.
- 10.13 Similarly, legislating in this manner would ensure provision of at least a primary set of radio services being available to all Australians on a free-to-receive basis.
- 10.14 The question of whether and when digital radio broadcasting platforms will then provide for mainstay live delivery will become less relevant.
- 10.15 In the absence of a DAB+ digital radio broadcast solution in an area, the quality of service and delivery efficiency issues would rest with the mobile and terrestrial broadband platform providers to resolve in a manner of their choosing, whether by use of multicast techniques or otherwise.