8 September 2008

Mr Chris Chapman
Chairman
Australian Communications and Media Authority (ACMA)
Level 15 Tower 1, Darling Park
201 Sussex Street
SYDNEY NSW 2000

CC: Ms Jonquil Ritter, Executive Manager National Licensing and
Allocations Branch
Ms Phyllis Fong, Manager Proactive Advice and Information Section
Mr Christopher Roberts, Manager Allocations Administration Section

Dear Mr Chapman

_channels for ABC Radio Services in Victoria and Queensland._

I write to express the concern of the Community Broadcasting Association of
Australia (CBAA) at proposals of the Australian Communications and Media
Authority (ACMA) to change the frequencies of community radio stations in
the Bendigo, Colac and Geelong areas of Victoria and the Townsville area of
Queensland. Please note that this is an open letter distributed to members of
the CBAA and will be made available online.

The CBAA is surprised that there has been minimal consultation between
ACMA and the stations concerned regarding this proposal, given the
considerable impact the proposed change would have on each radio service
and the community. The technical and human resources required to
undertake such a change, the costs of re-branding, and the impacts on the
continuity of audience and sponsorship cannot be underestimated.

The process of public comment initiated by ACMA is also a rapid one:
community radio stations will want to consult properly with their
communities and, in volunteer-run organisations, this may take more time
than allowed by the current end date of 19 September 2008.

A key policy issue for the CBAA is that a number of community radio stations
have been selected to surrender their frequency rather than all sectors being
invited to contribute solutions to a licence area planning issue. The current
process gives the appearance that community broadcasters are not being
treated as an equal among all sectors.
The CBAA makes the following additional points in proposing that all community stations retain their current frequency allocations:

1. All four community radio stations were established in good faith under an ACMA-devised Licence Area Plan (LAP) for a community purpose. The CBAA believes that ACMA should adhere to its own LAP.

2. In reviewing the LAP and its functioning over time, the CBAA believes ACMA needs to examine a solution that would include the commercial, community, and national broadcasting sectors. Community broadcasters should not be asked to sacrifice a frequency prior to a wider review.

3. It is understood that SBS Radio may also want regional spectrum in the future. If so, our point above is particularly pertinent.

4. Under ACMA’s proposal, four stations will surrender a high-power frequency for a markedly lower-power frequency. Under licensing regulations, any frequency proposed for a station must be appropriate for its needs. In other words, the station must be able to broadcast to its entire licence area. The CBAA believes that the regulatory authority must actively preserve this fundamental benchmark in determining an appropriate frequency. We believe that, without a wider examination, ACMA’s proposed frequency changes may mitigate against the ability of the four stations to broadcast clearly and fully to their licence areas.

5. By relegating the four community stations to a lower-power frequency without fully exploring the issues raised above, ACMA is seriously undermining a key objective in the Broadcasting Services Act 1992 (the Act) which is to promote a diversity of radio services in a licence area. The stations are delivering core community broadcasting services in their licence areas.

6. Two stations are operating on a Temporary Community Broadcasting Licence (TCBL). The CBAA believes that, with regard to one particular station, ACMA should have initiated a permanent licensing process well before now. We do not believe the station should be penalised because this has not occurred. In terms of any temporary community broadcasting licensee we reiterate the points made above: the regulatory authority must actively preserve and apply the fundamental benchmark in determining the frequency appropriate to a station’s broadcasting needs.
Following a wider review – and the examination of options relating to the commercial, community, and national broadcasting sectors – should a community service be required to change frequency as a final option, these conditions must be met:

1. That the frequency allocated by ACMA is appropriate to each licensee’s needs. In other words, it will have the power and range to broadcast to and be received by all in its licence area. In addition there should be no technical interference from or to the licensee’s signals, thus ensuring the community broadcasters can still fulfil their community interest provisions under the Act.

2. On behalf of the potentially affected stations, the CBAA requires a future-proof guarantee by ACMA that if a frequency allocated to each is appropriate now it will remain so in future ACMA planning and no other service can commence which could technically impact on the licensee.

3. A nominated organisation will be legally responsible for rapidly rectifying any future interference to, or from, the licensees’ signals at no cost to the licensee.

4. The Federal Government would determine a funding allocation for any community radio station affected by ACMA decisions on frequency changes to enable the station to:
   - Cover costs for technical and other resources to facilitate frequency change.
   - Cover resource costs of re-branding all station signage including direction signs, stationery, logos and other collateral; re-branding promotion, through various media channels, to the community (in multiple languages where required); website content and any other administration involving the frequency change.
   - Cover all human resource costs in excess of normal station operations, to facilitate the above.

The CBAA is deeply concerned at this proposal, which appears to single out the community radio sector to effect a solution to a LAP issue identified by ACMA. We maintain that a proper policy solution lies in an examination that includes all radio sectors. We would welcome discussions with ACMA as soon as practicable to further discuss the points above. Please contact me on (02) 9318 9600 should you require any further information.

Yours sincerely,

Craig Liddell
ACTING GENERAL MANAGER