Explanatory Paper

Revised Draft Variation to Licence Area Plan for Bendigo Radio – No.1 of 2009
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Call for Submissions

Submissions on the matters raised in this Explanatory Paper may be made to the Australian Communications and Media Authority (ACMA) as follows:

By email: iais@acma.gov.au

By mail:  Revised Draft Variation No.1 of 2009 to LAP for Bendigo Radio
Broadcast Planning Section
Australian Communications and Media Authority
PO Box 78
BELCONNEN ACT  2617

By fax:  (02) 6219 5347

Please quote file reference 2007/1602 in your reply.

Any enquiries concerning matters raised in this document should be directed to Mr Christopher Roberts on (02) 6256 2856.

The closing date for submissions is 5.00pm, Friday, 17 July 2009.

All submissions received will be made available for public inspection on the ACMA website. ¹ (www.acma.gov.au)

Previous submitters please note that you do not need to re-submit your views as previous submissions will be taken into account when ACMA makes its final decision in relation to this matter.

¹ Note that any submission marked “In Confidence”, “Confidential” or similar, cannot be considered by the ACMA in finalising the LAP variation.
Explanatory Note

This explanatory note accompanies the revised draft LAP variation for Bendigo.

In August 2008, ACMA commenced public consultation on a proposal to vary the LAP for Bendigo Radio to make the frequency 89.5 MHz available for the ABC NewsRadio (3PNN) service and frequency 101.5 MHz available for a community radio broadcasting service.

Currently, three temporary community broadcasters share these two frequencies. The frequency 89.5 MHz is occupied on a time-share basis by Fresh FM 89.5 FM and Phoenix FM, while 101.5 MHz is occupied by Central Victorian Gospel Radio.

ACMA called for submissions by 19 September 2008. It received 54 submissions opposing the proposal from the three temporary community broadcasters and their supporters. The submissions came from the affected broadcasters, community members and organisations, broadcasting industry groups, the local council and the local Federal Member of Parliament.

ACMA received three submissions in favour of the proposal. One submission was from the ABC and the others were from community members interested in receiving the PNN service.

Having regard to the material before it, including the submissions received after the publication of the August 2008 Explanatory Paper, ACMA has revised its proposal.

Legislative Framework

ACMA prepares LAPs under subsection 26(1) of the Broadcasting Services Act 1992 (the BSA). LAPs determine the number and characteristics, including technical specifications, of broadcasting services in particular areas of Australia with the use of the broadcasting services bands. ACMA may vary LAPs under subsection 26(2) of the BSA.

Section 23 of the BSA imposes specific obligations on ACMA when carrying out its planning functions, including, amongst other things, that ACMA is required to perform its functions in a way that promotes the objects of the Act, including the economic and efficient use of the radiofrequency spectrum.

The object of most obvious importance to ACMA’s powers in relation to section 26 of the BSA is that at paragraphs (a) of subsection 3, that being:

\[ \text{to promote the availability to audiences throughout Australia of a diverse range of radio and television services offering entertainment, education and information.} \]

Section 27 of the BSA provides that ACMA must make provision for wide public consultation when considering whether to make or vary a LAP.
Preliminary View - National and Community Radio

ACMA proposes to make the following channel capacity available for a national service in Bendigo to operate on:

- 89.5 MHz from Southern Cross Site MOUNT ALEXANDER with a maximum effective radiated power of 10 kW (omni-directional).

ACMA proposes to make the following channel capacity available for community radio broadcasting services at Bendigo to operate on:

- 101.5 MHz from Broadcast Tower MOUNT ALEXANDER with a maximum effective radiated power of 1kW (omni-directional);
- 105.1 MHz from CETV Site, Specimen Hill Reservoir SPECIMEN HILL with a maximum effective radiated power of 150 W (omni-directional); and
- 106.7 MHz from CETV Site, Specimen Hill Reservoir SPECIMEN HILL with a maximum effective radiated power of 150 W (omni-directional).

ACMA proposes that the community radio licence areas, Bendigo RA4 and RA5 be defined using 2001 Census boundaries.

This revision deals with the provision of spectrum for two additional community radio services in Bendigo.

To address the expressed demand and support for more than one additional community radio broadcasting service in Bendigo, ACMA has undertaken supplementary planning to identify further spectrum availability in the area.

Further engineering work revealed that two low-power FM frequencies, 105.1 MHz and 106.7 MHz, are potentially available for community broadcasting at a maximum effective radiated power (ERP) of 150 W. Coverage predictions indicate that good signals would be available within the Bendigo City area and possibly somewhat further afield.

ACMA wrote to the affected temporary community broadcasters in Bendigo in February 2009 seeking their comments on the proposal of making these additional low power frequencies available in Bendigo for the provision of community radio broadcasting services.

Phoenix FM has indicated that it would not be unhappy with one of the low power FM frequencies in the event that it was an unsuccessful applicant in the process allocating a licence authorising a long-term community radio broadcasting service on the higher power spectrum. Fresh FM and Central Victorian Gospel Radio object to any proposal that might result in them having to move to a frequency that would only provide their services to the City of Bendigo.

ACMA’s preferred option for promoting the objects of the Act at section 3 (a), (f) and (g), including the economic and efficient use of the radiofrequency spectrum, is to make available three additional community radio services in Bendigo, using medium and low power (one 1 kW and two at 150 W) FM frequencies.
There are three community groups active in Bendigo, in that they have, or are currently operating on, temporary community broadcasting licences (TCBLs). In this regard it should be noted that TCBL’s confer no rights and do not indicate any ACMA preference for a group to be granted a long-term community radio broadcasting licence. Nonetheless, it is an indicator that, if three long-term radio licences were made available for allocation, it is likely that the licences would be taken up. Taking into consideration the type of formats these aspirant groups propose (Christian, sport, multicultural and specialist music and general geographic), it is likely that additional community radio services would add to the diversity of radio services on offer in Bendigo.

In addition, these types of new services are likely to have a positive effect on innovative programming (s.3(f)) and coverage of matters of local significance (s.3(g)).

The introduction of an additional national radio service would mean that Bendigo listeners would have a diverse range of national services on offer.

ACMA now seeks comment on its revised draft proposal.

The previous draft variation documentation and submissions received are available on ACMA’s website at: www.acma.gov.au.

Please note that all submissions received previously, as well as in relation to this revised draft proposal, will be taken into account when ACMA makes its final decision in relation to this matter.