Explanatory Paper

Draft Variation No.1 of 2009 to Licence Area Plan for Spencer Gulf North Radio
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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:  lãis@acma.gov.au

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

By fax:   (02) 6219 5347

Please quote file reference 2009/916 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)

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

ACMA proposes to make channel capacity available for a community radio broadcasting service at Port Augusta to operate on:
- 89.1 MHz from Major Radio Site Trig Point Mount Brown 20km South of QUORN with a maximum effective radiated power of 50 Watts (omni-directional); or
- 89.1 MHz from ETSA Utilities site 23 km north of Quorn MT ARDEN with a maximum effective radiated power of 4 Kilowatts (omni-directional).

ACMA proposes that the community radio licence area Port Augusta RA1 licence area be defined in terms used in the 2001 census.

ACMA proposes that the Spencer Gulf North commercial and Port Pirie, Yorke Peninsula and Whyalla community radio licence areas also be redefined in terms used in the 2001 census.

Umeewarra Aboriginal Media Association (Umeewarra) has been operating on a temporary community broadcasting licence (TCBL) in Port Augusta since 2006, using the frequency 89.1 MHz at a Maximum Effective Radiated Power (ERP) of 50 Watts. This frequency was made available through a ‘drop through’ of spectrum under section 34 of the Broadcasting Services Act 1992 (BSA).

Prior to this Umeewarra operated a service at the same location under an open narrowcasting licence, also under the section 34 ‘drop through’ arrangement.

Umeewarra has expressed an interest in providing their temporary community broadcasting service under a long-term community radio broadcasting licence.

Although TCBLs confer no right nor indicate any ACMA preference for a group to be granted a long-term community radio broadcasting licence, given Umeewarra’s expression of interest the ACMA is of the view that if a long-term community radio broadcasting licence were to be made available at Port Augusta, it is likely that it would be taken up. In order for a long-term community radio broadcasting licence to be made available, the ACMA must first designate a licence area for the licence and vary the LAP.

Alternate transmitter site

Currently Umeewarra operates its TCBL service from a transmitter site located on Mt Brown. However, Umeewarra has indicated in its expression of interest for a long-term community radio broadcasting service, that if it were successful in obtaining such a licence, it would prefer to operate that service from Mt Arden with an increased ERP of 4 kilowatts.

Engineering analysis undertaken confirms that the frequency 89.1 MHz is available to be operated at the higher power level from Mt Arden and that it would provide greater coverage to the wider Port Augusta area, than that provided under the current TCBL.

ACMA proposes to include technical specifications in the LAP such that the new community radio broadcasting service for the Port Augusta licence area would be able to be transmitted from either the Mt Brown and Mt Arden sites. ACMA believes that this will ensure that: (a) the successful applicant for the long-term community radio broadcasting licence will be able to provide a service to the proposed coverage area; and (b) a further variation to the licence
area plan will not be required if the successful applicant wishes to change transmitter location from Mt Brown to Mt Arden.

The specification for the Mt Arden service also contains a special condition that limits the commencement of transmission from that site until after any transmission from Mt Brown has ceased operation.

**Discussion**

In performing its functions under Part 3 of the BSA, the ACMA is to promote the objects of the Act including the economic and efficient use of the radiofrequency spectrum, and have particular regard to the criteria set out in section 23 of the BSA.

Given there is interest in a permanent community radio service being provided in the Port Augusta area, the ACMA is of the view that the economic and efficient use of the spectrum and the objects of the Act, particularly that at section 3(a)\(^2\) are likely to be promoted by making channel capacity available for a permanent community radio service in Port Augusta.

The proposed changes are set out in a new Schedule 5 and Attachments 5.1, 5.2 and 5.3 in the Draft Variation to the LAP for Spencer Gulf North Radio – No 1 of 2009. The Draft Variation also makes some minor amendments to correct drafting errors and updates the licence area definitions so that the licence area populations are defined in accordance with the 2001 Census Data.

To give effect to the proposed changes ACMA also proposed to amend the Frequency Allotment Plan (FAP) and to designate a licence area for the proposed new community radio broadcasting licence in accordance with section 29 of the BSA.

**Consultation**

In performing its functions under sections 24, 25, and 26 of the BSA the ACMA must make provision for wide public consultation. The ACMA is also required to keep a record of, and make available for public inspection, all advice received and all assumptions made by the ACMA.

Submissions are invited on the proposed draft variation to licence area plan for Spencer Gulf North Radio.

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\(^2\) To promote the availability to audiences throughout Australia of a diverse range of radio and television services offering entertainment, education and information.