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Call for Submissions

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

By email:  lais@acma.gov.au

By mail:   Draft Variation to the Griffith LAP
           Broadcast Planning Section
           Australian Communications and Media Authority
           PO Box 78
           BELCONNEN ACT 2616

By fax:    (02) 6219 5347


Contact details for submissions:

Email:  lais@acma.gov.au
Telephone: Nicole Brown on (02) 6256 2821
Facsimile: (02) 6219 5347

The closing date for submissions is 5.00 pm Friday 15 January 2010.

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

¹ Note that any submissions marked “In confidence”, “Confidential” or similar, will not be considered by the ACMA in finalising the LAP variation.
Explanatory Paper

This Explanatory Paper accompanies the draft variation to the Licence Area Plan for Griffith Radio – No. 1 of 2009 (the draft variation).

The ACMA generally considers variations to licence area plans (LAPs) in response to submissions made to it or on becoming aware of technical issues that need to be addressed.

The ACMA has received two submissions in regard to the Griffith LAP. In summary, the submissions request that the ACMA consider:

- increasing the maximum transmission power and antenna height of the Narrandera community radio broadcasting service and extending the Narrandera RA1 licence area; and
- making channel capacity available for a high powered open narrowcasting service in Griffith.

These requests are discussed in detail below.

The draft variations also make some minor amendments to improve and simplify drafting, correct drafting errors and remove obsolete information. They further propose updates to the licence area definitions in the LAPs so that the licence areas are defined in accordance with the 2006 Australian Bureau of Statistics (ABS) Census data.

Legislative Framework

The 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. The ACMA may vary LAPs under subsection 26(2) of the BSA.

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

The object of most obvious significance to the ACMA’s powers in relation to section 26 of the BSA is that at paragraph (a) of subsection 3(1), 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 the ACMA must make provision for wide public consultation when considering whether to make or vary a LAP.
Preliminary View – Community Radio – Narrandera

The ACMA is proposing to vary the technical specifications of the FM transmitter of the planned community radio broadcasting service under service licence number SL1130099, at Narrandera.

It is proposed to change the frequency, antenna height and the maximum effective radiated power (ERP) of the FM transmitter. It is proposed the transmitter operate on 91.1 MHz from Quarry Tower Narrandera at a maximum ERP of 150 W and an antenna height of 35 metres (m) with an omni-directional (OD) antenna pattern.

The ACMA also proposes that the Narrandera RA1 licence area be extended to include the nominal transmitter site and update that new definition against 2006 census data.

The Licence Area Plan for Griffith Radio (Griffith LAP), determined in December 2001, made available channel capacity available for an FM community radio broadcasting service to operate in the Narrandera region on frequency 92.3 MHz.

Spirit FM began operating in 2004 under a temporary community broadcasting licence (TCBL) on frequency 92.3 MHz with a maximum ERP of 10 W and an antenna height of 25 m.

In July 2007, Spirit FM requested that the ACMA consider increasing the maximum ERP of its service to extend its service to take in the entire Narrandera town and immediate surrounds.

The broadcasting engineering analysis conducted by the ACMA indicated that any increase in the ERP of frequency 92.3 MHz would likely cause interference to a commercial FM radio broadcasting service in Wagga Wagga. Therefore, an alternative FM frequency, 91.1 MHz, was identified that could operate at a maximum ERP of 150 W.

In February 2008, Spirit FM was issued an apparatus licence under the Radiocommunications Act 1992 (the Radcoms Act), and given access to the broadcasting services bands spectrum by a determination made under section 34(1)(g) of the BSA. The licence authorised Spirit FM to conduct a three month test transmission to check whether the use of 91.1 MHz at 50 W would cause second harmonic interference to the reception in Narrandera of the national television broadcasting service (ABGN7) originating from the Murrumbidgee Irrigation Area.

No interference complaints were received by the ACMA or Spirit FM during the test period. Therefore, a 12 month TCBL was issued on 1 May 2009 for the service to operate on 91.1 MHz, but with a reduced maximum ERP of 50 W to avoid any signal overspill beyond the currently defined licence area.

Spirit FM subsequently submitted a request to increase the height of its antenna from 25 m to 35 m to supplement coverage to the proposed larger licence area.

Engineering analysis by the ACMA’s broadcast engineers indicate that increasing the antenna height from 25 m to 35 m is not likely to cause interference to any existing radio or television broadcasting services in the area.

The ACMA is also proposing to increase the Narrandera RA1 licence area by one collection district to ensure the nominal transmitter site is included in the LAP.
Conclusion

The ACMA considers that the proposal to extend the licence area of Narrandera RA1 and the broadcast area of the Narrandera community radio broadcasting service is likely to promote the objects of the BSA. Community broadcasting in general, contributes to diversity (paragraph 3(1)(a)) in a licence area and can also provide for an increase in the broadcast of matters of local significance (paragraph 3(1)(g)).
The ACMA is proposing to make channel capacity available for a high powered open narrowcasting radio (HPON) service at Griffith to operate on 90.3 MHz from Griffith City Council Water Tower, Scenic Drive GRIFFITH with a maximum effective radiated power (ERP) of 1,000 Watts (1kW) with an omni directional (OD) antenna pattern.

The Licence Area Plan for Griffith Radio (Griffith LAP), determined in December 2001, made available channel capacity available for two FM commercial radio broadcasting services along with one community radio broadcasting service to operate in the Griffith region. There are currently no planned high power open narrowcasting (HPON) services in the Griffith LAP.

Gumnut Nominees Pty Ltd (Gumnut Nominees), which operates the ‘Rete Italia’ network under 10 HPON licences throughout Australia, has made a submission to the ACMA requesting that the ACMA make available an HPON radio service for the Griffith area.

The ACMA has identified a vacant frequency, 90.3 MHz, which could operate at a maximum ERP of 1 kW. There is some potential for this frequency to cause second harmonic interference to a commercial television service (MTNAMN6) that originates from the Murrumbidgee Irrigation Area. Although the ACMA is of the belief that interference to this service is negligible, it would be the responsibility of the licensee of the proposed HPON service to make the necessary changes to the service should interference become an issue.

The ACMA uses a price-based allocation system to allocate HPON licences which have been made available in LAPs. Licences are allocated to the highest bidder, or if there is only one applicant the licence is allocated at the reserve price (subject to the requirements of the BSA or the Radcoms Act (as applicable) and the determination which governs the system). Allocation only occurs after payment in full by the successful bidder for the HPON licence.

If Gumnut Nominees were successful in the allocation process they intend to broadcast an Italian language service.

Conclusion

The ACMA is of the preliminary view that making channel capacity available for a HPON service in Griffith is likely to promote the objects of the BSA, in particular the availability of a diverse range of radio services (paragraph 3(1)(a) of the BSA).
Preliminary View – Licence Areas

The ACMA proposes that the existing radio broadcasting licence areas Griffith RA1, Griffith RA2 and Hay RA1 in the Griffith LAP be redefined by using 2006 Census boundaries, but otherwise remain unchanged.

The licence areas for the commercial and community radio broadcasting in Griffith, Hay and Narrandera (Griffith RA1, Griffith RA2 and Hay RA1) are currently described using boundaries from the 1996 census count. The Australian Bureau of Statistics (ABS) has now made available to the ACMA the most recently published census count (2006), as prepared by the Australian Statistician.

Therefore, the ACMA proposes that the licence areas in the Griffith LAP be redefined using 2006 census boundaries, but otherwise remain unchanged.
Preliminary View – Minor Amendments

The ACMA proposes to update attachments in the Griffith LAP to correct drafting errors.

The ACMA proposes to make amendments to each of the schedules and each of the attachments that contain the characteristics, including the technical specifications, of the broadcasting services in the Griffith area.

The proposed amendments delete and insert information, included for reference only, that does not form part of the Griffith LAP and which may be obsolete or create confusion.

The ACMA does not intend these minor amendments to significantly alter any existing rights and obligations.

The changes to Attachment 1.2, Attachment 1.3, Attachment 1.4, Attachment 1.5, Attachment 1.6, Attachment 1.7, Attachment 1.8, Attachment 1.9, Attachment 1.10, Attachment 2.2 and Attachment 3.2 include the removal of the words “ – December 2001” from the headings. The information was included for ease of reference only but may be confusing.

The nominal location information has also been updated in Attachment 1.2, Attachment 1.3, Attachment 1.4, Attachment 1.5, Attachment 1.6, Attachment 1.7, Attachment 1.8, Attachment 1.9, Attachment 1.10, Attachment 2.2 and Attachment 3.2 to reflect the actual current transmitter site name. This information has been updated for ease of reference only and does not signify a change to the broadcast site for the transmitters.

The site tolerance has also been updated in Attachment 1.2, Attachment 1.3, Attachment 1.4, Attachment 1.5, Attachment 1.6, Attachment 1.7, Attachment 1.8, Attachment 1.9, Attachment 1.10, Attachment 2.2 and Attachment 3.2 to refer to the Broadcasting Services (Technical Planning) Guidelines 2007, rather than referring to the “Technical Planning Guidelines”. This information has been updated to ensure the Griffith LAP refers to the full title of this relevant legislative instrument.