SUMMARY

1. ACMA has converted a licence originally planned for community broadcasting (855 kHz in Bunbury) into an HPON. This is a pattern that ACMA should adopt to assess the use of frequencies in other parts of Australia where community broadcast licences have failed.
2. ACMA should strive to release more frequencies for additional lower power HPONs in other towns in Southwest WA, where LPONs are currently not permitted because of the SSW3 exclusion zone.
3. ACMA should address the shortage of LPONs in the southern regions of the greater Perth metropolitan area, by allowing new applications inside the southern boundaries of the Perth medium density zone which overlap with northern arc of the SSW3 Bunbury protection radius.
4. ACMA should move from experimentation to action on the question of using Digital Radio Mondial (DRM) for AM radio frequencies, including MF-NAS frequencies.
5. ACMA must ensure that the variation to the LAP in Bunbury allows for an FM frequency to be reserved for any future applications for an SBS Radio Retransmission licence application in Bunbury.

1/ Converting a Community Broadcast Licence to an HPON:

As the Explanatory Paper states:

"855 kHz was planned as a community radio broadcasting service, but has been unallocated in the Bunbury LAP since November 1996. Rather than allow the frequency to remain unused, the ACMA is considering whether to alter the category of service from a community radio broadcasting service to an open narrowcasting service."

This 'conversion' of an unused or lapsed community radio broadcasting service into an HPON service is a pattern that I would like to see ACMA replicate in many towns across Australia, where community radio broadcasting services have failed to get going or have faltered and ceased operating.

I am in favour of 855 kHz being converted from a community licence to an HPON licence that can operate from the nominal site in Wireless Rd [a site currently used by Radio West and North West radio for commercial AM radio broadcasts].

If this 855 kHz frequency had attracted aspirant community broadcasters to apply to use it, there might have been an opening to include multi-lingual programs within the community radio format. This clearly has not happened over the past 14 years, so ACMA has done the responsible thing in making this frequency available for some other usage. (see comment about SBS Radio below)
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Meanwhile, I would like to congratulate ACMA for responding to the submissions commenting on the Draft Variation for Perth RA1 released in April, by finding a new FM frequency for Radio Ellenbrook, who can now apply for a TCBL frequency in the Swan Valley area.

2/ HPONs - the case for releasing more in the Southwest.

I would argue that ACMA needs to explore the option of releasing still more frequencies for HPONs with about 10W to 50W power in towns in the Southwest of WA, since there is currently no opportunity for aspirant narrowcasters to apply for LPONs inside the Bunbury SSW3 Exclusion Zone (see LPON Planning Model http://www.acma.gov.au/webwr/_assets/main/lib310196/lpon_planning_model_2008.doc). This would enhance the diversity of radio services available in a region that has been rather poorly served by ACMA's earlier LAP priorities. This Draft LAP variation is a big improvement, but more needs to be done.

There is a clear need for more HPONs in small, medium and large sized regional towns across the southwest region of WA (and the rest of Australia), so that aspirant narrowcasters can get access to radio spectrum with more 'grunt' than the one watt that is provided by a Low-Power Open Narrowcasting (LPON) licence. LPONs are valuable elements in the broad makeup of the FM radio services available in Australia, but as has already been stated, none are available inside the SSW3 protection radius extending for 150 Km from Mt Lenard. The same is true for 150 km radius from NBN3 in Newcastle and for other protection radii s listed in the LPON Planning Model chart for Channel 3 television stations.

Even so, in most small to medium sized towns, there is usually only scope for two LPON frequencies (88.0 and 87.6 MHz) to operate and be able to provide meaningful coverage in a town. Adding more FM HPONs with from 10W to 50W power, will help narrowcasting services to increase everywhere in Australia and especially in the southwest of WA, and will ensure that ONC services continue if the LPON system is not permitted to exist passed 2013, although I sincerely hope ACMA does decide to allow LPONs to remain well into the future. This is one way of making use of the FM-band spectrum that is freed up when analogue TV switchover is complete - part of the yield from the so-called 'Digital Dividend'.

I also submit that if only one party is applying to ACMA for the release of a new HPON frequency in a given area, then ACMA should require the licence to be offered through a Price-based Allocation (PBA) process, IF and ONLY IF there has been another applicant lodging a request for a new frequency in the same area at the same time. This is how the LPON system works - ACMA receives applications for new frequencies in an area, and if there is more than one applicant for the same frequency (or different frequencies that clash), THEN the two parties bid in an PBA auction to determine who gets the licence.

This is fairer than the situation where an aspiring narrowcaster seeks a new HPON frequency from a variation to the Licence Area Plan, only to have the said frequency released by ACMA and offered for auction on the open market. Such licences are then often captured by a party - commonly a commercial broadcaster who is sometimes seeking to stifle competition in their market - who can outbid the other original applicant in the auction. Changing the way HPONs are released in an LAP variation would be a welcome reform in the manner by which HPON frequencies are discovered and allocated. More groups would try to find new vacant BSB frequencies, hoping that when they are approved by ACMA as HPONs, they can get the licence at the reserve price without needing to automatically go to auction when there is no other party seeking the licence.

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3/ LPON Exclusion Zone around Bunbury

The objectives of Broadcast Services Act (BSA), which are to make available throughout Australia “a diverse range of radio (and television) services and the economic and efficient use of radio spectrum,” would be better served if new LPON applications were allowed immediately inside the boundaries of the Perth medium density area. Paragraph 23(c) of the BSA requires the ACMA to "have regard to the number of existing broadcasting services and the demand for broadcasting services within a licence area, within neighbouring licence areas and within Australia generally.” (Explanatory Paper, Draft Variation for Licence Area Plan for Perth radio, No. 1 of 2010, Page 5).

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

The object of most obvious relevance to the ACMA's powers in relation to section 26 of the BSA is that at paragraph (a) of subsection 3(1), that being:


to promote the availability to audiences throughout Australia of a diverse range of radio and television services offering entertainment, education and information."


There remains an LPON exclusion zone extending for 150 Km from SSW3 Channel 3 TV broadcast site near Bunbury WA. This protection radius is preventing the allocation of new LPON services in the densely populated urban areas into the southern suburbs of Perth, Fremantle, Rockingham, Melville, Cockburn, Armadale, Gosnells. This is most unfair for people like me who are conscientious users of LPONs, apart from the fact that I reside near this area, and would like to hear and / or use LPONs in this zone.


I recommend ACMA truncate this radius so that LPON applications can be received for areas anywhere inside the Perth medium density zone boundaries, which almost correspond to the Perth RA1 boundaries. This is a bare minimum request, since my preference would be to see the SSW exclusion radius reduced by 30%, so as to allow LPON applications to be lodged for many other towns in the Southwest of WA. Doing so will enable these significant urban populations of Western Australia to have the benefit of new LPON services. My research has revealed that SSW3 engineers are barely aware of this protection of their TV transmissions on Channel 3, so why continue with it in areas that are not within their licence area anyway? There are a few LPONs permitted within this zone, but they are only operating on a special dispensation from ACMA. Free up the spectrum and expect to receive up to a dozen new LPON applications inside the medium density zone!

ACMA's protection radius around Bunbury Channel 3 TV is negating BSA objectives by being so large as to prevent the emergence of new viable LPON services in the greater metro area of Perth on the southern side of the Swan River. The demand for new LPON services cannot be realised within this superfluous outer northern fringe of the SSW3 exclusion zone radius. Protecting higher-tier broadcasters such as commercial television from interference is justified under the BSA. But the protection radius around Mt Lennard near Bunbury is too large and ACMA can modified it as requested here, without adverse effect on the Channel 3 transmission within the SSW3 licence area. Similar protection radii around NBN3 in Newcastle and another around Wollongong in NSW, have

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been modified and had sectors cut out of them to allow LPONs to operate in the Blue Mountains and Penrith near Sydney. Why can't the same thing be done here in Bunbury to allow more LPONs to operate in Perth and Fremantle and Armadale and Rockingham? Is it really so hard to do?

Regardless of ACMA's response to my previous comments on this issue in an earlier submission on the Draft Variation for the Perth LAP (see link below), I respectfully submit AGAIN that the ACMA is not upholding these BSA principles in regards to the availability of LPON FM services between Rockingham, Armadale, Gosnells and Fremantle - cities that are all outside the Bunbury RA1 boundaries. There are three and a half years left until 2013 when the analogue TV stations in this area complete the switchover to digital, and LPONs are due to expire. And while I sincerely urge ACMA to continue with the LPON system beyond 2013, with some useful structural and regulatory modifications, ACMA should free the spectrum NOW and let operators seeking to use LPONs in Perth make the most of the time remaining.


4/ Digital Radio Mondial for AM frequencies:

"In 2005, the ACMA announced that it may restrict access to AM spectrum for possible future use by Digital Radio Mondiale (DRM) digital radio technology in regional Australia."

(p. 8)

I would like to see ACMA actually introduce some working DRM digital radio technology using suitable AM-band frequencies somewhere in Australia. ACMA is holding onto some AM frequencies for DRM trials and testing, denying spectrum access for other analogue radio services in the process. Isn't it time ACMA actually did more to encourage the introduction of DRM digital radio into Australia?

The roll-out of DAB+ digital technology in some regions appears to be working quite well if sales of DAB+ radio receivers is anything to go by. DRM has the potential to reinvigorate AM-band broadcasting, especially in regional areas, and I think the timetable for introducing this technology needs to be clearly stated as soon as possible. ACMA should also give an indication of whether or not narrowcasters will be permitted to become digital radio broadcasters in the near future.

5/ SBS Radio relay in Bunbury

While I generally agree with all the preliminary views expressed in the Explanatory Paper released by ACMA, I believe ACMA needs to reform the licence area plan so that there is scope for finding a frequency, preferably FM, for which a local organisation can apply to be used to retransmit SBS Radio in the Bunbury RA1 as well.

I am certain that there is a case for ACMA to plan for the option for another FM frequency with a power allocation sufficient to cover Bunbury City, as well as Eaton and Australind, in any proposed LAP variation in Bunbury RA1. An SBS Radio satellite relay service, using a retransmission licence owned by a local organisation based in Bunbury, most probably a local government agency, is certainly needed in Western Australia's second most populous urban area. I have already approached the Bunbury City Council in regards to this proposal, and the response was that they might like to explore the idea further. It should also be noted that the Multicultural Services Centre of WA

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(MSCWA Inc see http://www.mscwa.com.au) has opened a branch office in Bunbury, which is indicative of the growing need for support services for the developing multicultural community.

An FM signal operating at between 50W and 500W, broadcasting from an existing FM broadcast site east of Bunbury using a directional radiation pattern, is likely to be sufficient to cover Bunbury city, Eaton, and Australind. This is what ACMA must now be prepared to try to find so that the 70,000+ residents of these towns can enjoy the multicultural radio services provided by SBS. And perhaps a similar service could emerge in Busselton as well, if frequencies are made available by ACMA.

As difficult as it might be, ACMA needs to reserve a frequency for an SBS radio retransmission service as well, in anticipation of receiving an application for a retransmission licence submitted by an organisation that is seeking sponsorship through the SBS Self-help Radio Subsidy Scheme. I acknowledge that there are technical and planning challenges in using frequencies in the lower FM-Band, because of potential interference with Channel 3 TV in Bunbury and Channel 5 TV in Mandurah, which use the lower and middle portion of the VHF-band II respectively for analogue television transmissions. But these analogue TV broadcasts are going to cease in 2013. Perhaps it is now possible to plan for this transition and allocate new FM frequencies in Bunbury knowing that the likelihood of interference will be limited and short lived.

The best course of action now is for ACMA to find and retain an FM frequency with 50 to 500 watts power to be available for an application to retransmit SBS radio from nominal broadcast premises in Wireless Rd. There is a 50W HPON in Perth using omnidirectional radiation pattern which allows for a satisfactory (admittedly barely satisfactory) signal coverage across much of the Perth metro area. The same should be true using 50W in Bunbury, although a higher power would be better.

If after lobbying ACMA, there remains no scope to get even a 50W FM licence, then the next best available option now might be to apply for the proposed 855 kHz HPON in Bunbury. If nothing else can be found in Bunbury to give SBS Radio a decent frequency, then this HPON might be about as good an option that an SBS Radio partner could ever want or hope for, until analogue TV services are switched off in 2013.

AMCA has managed to find a few FM frequencies for use as service translators for commercial radio operators seeking better coverage in the Southwest. And ACMA also found a new FM frequency for the Radio Ellenbrook aspirant community broadcaster in Perth, while still managing to release the 90.5 FM HPON. I therefore challenge ACMA to reserve an FM frequency for a future application for an SBS Radio retransmission licence, and application that is likely to be submitted this year.

Sincerely,

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