

Other community broadcasting sector issues

- 5.1 This chapter examines other issues affecting the community broadcasting sector, including:
- the move to digital
 - transmission fees
 - other technologies
 - radio for the print handicapped.

The move to digital broadcasting

- 5.2 The Minister for Communications, Information technology and the Arts announced the framework for the introduction of digital radio in October 2005.¹
- 5.3 CBAA stated that, at that time:
- ... the Government made a series of commitments that make community broadcasting an essential part of the framework for digital radio in Australia, on a basis affordable for the sector.²
- 5.4 CBF stated that the announcement of the Australian Government's Digital Radio Framework in October 2005 changed several key industry

1 <www.minister.dcita.gov.au/media/media_releases/framework_for_the_introduction_of_digital_radio>, accessed 3 May 2007.

2 CBAA, *submission no. 61*, p. 30.

assumptions about the process and has shifted the time-frame for implementation from the horizon to the foreground.³

5.5 CBF outlined the state of play surrounding the move to digital:

- Digital radio is viewed as a supplementary platform to analogue rather than as a replacement.
- A limited amount of digital spectrum is guaranteed for wide-area community radio services to be introduced in metropolitan areas. This is a lesser amount than that available to commercial and national services and will not be sufficient to translate all existing wide-area analogue services. Jointly, wide-coverage community broadcasters in any metropolitan market will have access to 128kbps per analogue service up to a maximum of 256 kbps per available multiplex on the basis that they collectively determine how this is to be shared.
- Wide area community broadcasters may jointly participate in the management of multiplex ensembles and hold the associated spectrum licenses in each market.
- New services adding to the diversity of services currently available and new innovative functions associated with those services (record & rewind, streamed text, play list information and still images) are expected to drive listener take-up. Accordingly simulcasting of existing services is not required.
- Planning for localised (suburban) and non-metropolitan services will be considered at a later stage.⁴

5.6 CBAA also discussed the digital conversion process:

The framework outlines a staged rollout, with digital radio to be implemented in metropolitan areas as soon as practicable. The Government has also urged broadcasters to trial digital radio in regional areas so that technical and other issues can be resolved. The Government will then consider what financial support is necessary to expand digital radio into rural and regional Australia.⁵

5.7 CBAA added:

The Government's framework is built around digital radio being a supplement to existing radio services in Australia rather than a replacement technology, as it is with television. In the long term, should digital radio supplant the place of analogue radio in common use then the community sector would expect the

3 CBF, *submission no. 114*, p. 28.

4 CBF, *submission no. 114*, p. 28.

5 CBAA, *submission no. 61*, p. 31.

Government to hold true to the full extent of its commitments and ensure sufficient digital capacity is provided to carry the full range of existing community broadcasters.⁶

- 5.8 Submissions to the inquiry have generally indicated that most community broadcasting stations are not yet considering the move to digital broadcasting.
- 5.9 Indeed, some stations cannot yet afford digital production facilities for their stations. For many stations, the move to digital is many years away and well beyond current station budgets.
- 5.10 Melbourne's 3CR stated that the possibilities of digital radio are yet to be fully explored as it struggles to implement other much needed technologies.⁷
- 5.11 Melbourne's 3CR explained that it cannot begin to think about the move to digital broadcasting, as it can barely afford digital production technology:
- ... we have struggled to equip our station with up-to-date technology due largely to financial constraints ... our on air system continues to be reliant on [cartridges] which are extremely old and problematic and funding has restricted us in replacing the system ... the transition from reel to reels to digital recording and editing has been slow and costly and continues to be implemented ... [other] opportunities have not yet been taken up due to hardware and technical limitations unable to be overcome due to financial restraints.⁸
- 5.12 Eastside Radio in inner Sydney is in a similar situation:
- It would be our dream to broadcast in digital. At the moment we do not even have computers in our studios and we do not even have digital editing. We are constantly asked when will we be able to have online streaming and pod casting. The sad realisation is that new technology require new equipment and training which of course costs money. We do not have the funds to explore such venture at the moment ...⁹

6 CBAA, *submission no. 61*, p. 32.

7 3CR, *submission no. 26*, p. 4.

8 3CR, *submission no. 26*, p. 4.

9 Eastside Radio, *submission no. 9*, p. 3.

- 5.13 Western Victorian station 3WAY FM summarised its position with regard to digital conversion:

We are relieved that the coming digital revolution is not seen as a replacement technology, as our location and resource base will probably mean we are a considerably long way from being able to make the change. We are fairly firmly rooted in the analogue mode into the immediate future.¹⁰

- 5.14 CBAA suggested that the sector would need financial support for the move to digital:

There is a reasonable expectation that the Government would underscore its guarantee of digital capacity by assisting with the cost of linking and transmission aspects necessary to effect use of digital capacity.¹¹

- 5.15 Melbourne's 3ZZZ stated that its ability to broadcast in digital will be limited without:

... the proviso that the Federal Government provide funding for the community broadcasting sector as the cost of migration to the new technology is far beyond our ability to afford it.

- 5.16 AFMN stated that each station supports the move to digital, however:

... each needs to find or generate the considerable funds necessary to make the change. It is expected that for many years after the introduction of digital broadcasting, it will be necessary to continue broadcasting in FM analogue to service those listeners who have not bought or cannot afford to buy digital receivers. This poses challenges for community radio because the costs involved in the transition to digital radio transmissions are likely to be considerable.¹²

- 5.17 Upper Goulburn FM stated that the cost of conversion would be too great:

... the migration for us to digital without significant injection of funds for both infrastructure and ongoing transmission costs ... would be horrific.¹³

10 3WAY FM, *submission no. 30*, p. 3.

11 CBAA, *submission no. 61*, p. 31.

12 AFMN, *submission no. 40*, p. 5.

13 UGFM, *submission no. 44*, p. 4.

5.18 Melbourne's 3RRR discussed the need for financial support:

The sector is very accustomed to generating funding ... digital infrastructure for transmission has to be 100 per cent funded or the community broadcasting sector will slowly disappear. That does not have to be funding delivered in a short period; it could be delivered over a 20-year period with metro to regional to rural and remote.¹⁴

5.19 CBF suggested that the move to digital will require a change in outlook for some community broadcasters:

The parameters of the Digital Radio Framework set a considerable challenge to the metro-based community radio sector to reorganise from a large group of avowedly independent organisations providing separate services to a collective producing a range of new, innovative services.¹⁵

5.20 CBF added that the greater challenge will be for the sector to:

... establish the infrastructure for those new services and find the ongoing resources for program production. Clearly the current major sources of income for community radio services in metropolitan areas – sponsorship, subscriptions, and donations could only be developed in line with listener take-up of the new digital medium.¹⁶

5.21 Noosa Community Radio raised concerns about licensing arrangements under the new digital broadcasting regime:

... in this region, only 4 digital licenses will be issued, and us being a community radio station, have no chance of securing at least one of those licenses against the bigger commercial stations. There would appear to be an inequality in the distribution of same, rendering community radio as not even in the running, to obtain one of these licenses.¹⁷

5.22 Family Radio is also concerned that the community radio sector will be disadvantaged with respect to commercial radio services:

The concern is based on much speculation that a different set of rules may be implemented for community operators and may lead

14 3RRR, *transcript of evidence 24 May 2006*, p. 8.

15 CBF, *submission no. 114*, p. 29.

16 CBF, *submission no. 114*, p. 29.

17 Noosa Community Radio, *submission no. 73*, p. 4.

to the [nobbling] of our ability to deliver digital services with the same technical integrity as the commercials.¹⁸

5.23 CBF summarised the move to digital issue:

Until the many operational issues surrounding community broadcasting access to digital spectrum are resolved, the prospect of digital transition must be regarded as both one of the sector's greatest opportunities and threats. From the Foundation's perspective early clarification of the Australian Government's funding support for digital infrastructure, associated program production, aggregation, distribution and other operational costs would be of great assistance in ensuring that the sector engages effectively with the challenge presented by new and converging technologies.¹⁹

5.24 FSG sought \$2 458 000 in 2007-08 for funding support for the first year of the first phase of digital radio implementation.²⁰

5.25 FSG indicated that this amount was for estimated capital and operational transmission costs for the first year implementation, as supplied to DCITA by the CBAA in October 2006.²¹

5.26 FSG also indicated that additional capital and operational costs for the second year of implementation (main VHF site in each city plus full hub costs) would total \$5.633 million.²²

Committee comment

5.27 The Committee noted that many submissions did not provide extensive comments on the conversion to digital broadcasting. The Committee was surprised that several key submissions did not elaborate on the issue. This indicated that broadcasters are not considering the move to digital as an urgent issue for the immediate future.

5.28 The Committee understands the barriers faced by many smaller community broadcasters in terms of being able to afford the move to digital broadcasting.

18 Family Radio, *submission no. 36*, p. 6.

19 CBF, *submission no. 114*, pp. 29-30.

20 FSG, *exhibit no. 11*, p. 14.

21 FSG, *exhibit no. 11*, p. 14.

22 FSG, *exhibit no. 11*, p. 14.

- 5.29 The Committee appreciates how difficult it can be for stations to raise revenue for current services. The Committee recognises that obtaining additional funds for digital conversion will be particularly difficult.
- 5.30 The Committee is pleased to note that the Australian Government has made a significant commitment in the 2007-08 Budget for digital radio rollout. A commitment of \$10.5 million has been made to help community and national broadcasters establish digital radio infrastructure.
- 5.31 However, the Committee must make comment of its surprise at the 2007-08 Australian Government commitment to digital radio conversion at this time. While supportive of the funding, the Committee notes that many community radio stations are facing more immediate issues, with infrastructure and equipment replacement needed as a priority before thought is given to digital conversion. If the funding for digital conversion is to be effective, the Committee reiterates the importance of increasing core and targeted funding beginning in 2007-08, as recommended earlier.

Transmission fees

- 5.32 A key threat for the community broadcasting sector is further pressure on viability through marked increases in transmission site access fees charged by commercial providers.²³
- 5.33 CBAA stated that only 69 per cent of community broadcasters enjoy reception coverage on par with other broadcasters in their areas.²⁴
- 5.34 CBAA also stated that with 60 per cent of stations leasing their transmission site and/or facilities from a third party, the increasing cost of transmission is a major concern.²⁵
- 5.35 CBAA provided some background on transmission for the sector:
- Since the Government's sale of the National Transmission Network for \$650m in 1999 to *NTL Australia Pty. Ltd.* ... which has since become Broadcast Australia ... the community broadcasting sector has progressively been exposed to full commercial pricing of access to privately owned transmission infrastructure. While commercial media can pass these costs on to advertisers and public broadcasters' transmission costs are supported from the

23 CBAA, *submission no. 61*, p. 42.

24 CBAA, *submission no. 61*, p. 42.

25 CBAA, *submission no. 61*, p. 42.

public purse the community sector is faced with a substantial increase in transmission infrastructure costs as a percentage of total operating costs with little opportunity to defray them through increased turnover.²⁶

5.36 CBAA added:

The consolidation of transmission infrastructure as a result of the introduction of digital broadcasting only threatens to further exacerbate this process.²⁷

5.37 CBAA acknowledged the Australian Government's assistance with the problem:

The Government recognised this problem and has addressed it to some extent by the introduction of a Transmission Access Fund, which subsidises the costs of transmission for community broadcasting stations. However, the high costs of transmission remain an ongoing concern for community broadcasters.²⁸

5.38 CBAA discussed the control of transmission sites and the increase in fees:

We have a good relationship with [Broadcast Australia], but boy, do they know how to charge fees. I use the words advisedly; I would not accuse them of being monopoly operators, but what is the next step back from a monopoly? I am not an economist, but they do have the vast majority of viable sites and they paid a reasonably stiff figure for them – over \$600 million back in 1997. But they are extracting very good economic rents for the use of those sites ... we have tracked the site access fees paid between 2002-03 and 2003-04 and, sadly, transmission site access fees went up by 54 per cent in that one year.²⁹

5.39 CBAA explained that many of the site access agreements came up for renegotiation in 2003-04:

The net result was a 54 per cent hike in fees. Our claim, and it would stand up to some investigation and empirical testing, is that the fees charged by the commercial providers of sites are arguably outpacing the underlying costs.³⁰

26 CBAA, *submission no. 61*, p. 42; CBAA, *transcript of evidence 31 May 2006*, p. 5.

27 CBAA, *submission no. 61*, p. 42.

28 CBAA, *submission no. 61*, p. 42.

29 CBAA, *transcript of evidence 31 May 2006*, p. 6.

30 CBAA, *transcript of evidence 31 May 2006*, p. 6.

- 5.40 When asked if the increase in fees was significantly disadvantaging the sector, 3RRR stated:

Yes, it is pushing a lot of the sector ... after the NTA was sold and privatised, a lot of the little stations in regional areas had much higher transmission costs for analog ... for new stations like FBI in Sydney and SYN, they are on turnkey and a lot of the transmission is \$75,000 to \$95,000 a year just in site fees. That is not power, operating costs or transmitter maintenance; it is just a site fee to be there. Those are costs that stations like Triple R and others in the early days never had. Those stations have had those sorts of costs from day one ... at the moment analog transmission for new stations ... are around \$80,000 a year, and that is fairly heavily discounted from their standard commercial rates.³¹

- 5.41 Melbourne's 3RRR discussed the history of transmission arrangements:

In a number of capital cities, those early stations were on commercial sites at a relatively minimal cost basis. My old station, RTR in Perth, for instance, had that same arrangement whereby it had no transmission site fees other than its power. Things have changed around the country, and, when that was re-examined two or three years ago, its site fees were changed and are now close to \$100,000 a year. Triple R is still under its original agreement. It is up on the Channel 7 tower at Mount Dandenong ... but we still do not get charged a site fee. At some point something called Melbourne FM facilities, which is an amalgamation of commercial services, will say: 'Why has this little thing been happening on the tower for the last 30 years?' And, at the point someone says that we will have to pay a lot more in transmission site fees. It is one of those idiosyncratic things where we are just quietly ticking along for as long as we possibly can.³²

- 5.42 A number of submissions shared concerns about significant increases in transmission fees, and how those costs would be met in the future.

- 5.43 PMBA stated:

The sale of the Government owned National Transmission sites has caused a rapid rise in costs to community broadcasters who have their transmitters located on these sites. Our own fees have nearly tripled since the sale. It has been good to see the recent increases in subsidies available to community broadcasters who

31 3RRR, *transcript of evidence 24 May 2006*, p. 17.

32 3RRR, *transcript of evidence 24 May 2006*, p. 17.

must pay these increased fees and it is vital to our continued operation that these subsidies keep pace with expected future increases.³³

5.44 Coral Coast Community Radio stated:

... transmission costs (rent for our tower space) being increased to market rates ... would impose severe financial pressure on our organization.³⁴

5.45 ArtSound FM suggested that:

Care must be taken to ensure that community radio stations have access to broadcasting sites at reasonable rates which reflect their not-for-profit status. We recommend that action be taken to ensure that commercial operators of national broadcasting sites do not discriminate against or exclude any licensed community broadcaster wishing to gain access to prime transmission sites now effectively monopolised by commercial operators.³⁵

5.46 Melbourne's 3MBS suggested a different approach to operating transmission sites:

3MBS' experience of analogue transmission facilities has also underlined the need to have control over transmitters. We would argue that the government enable community broadcasters to operate digital transmission facilities collectively, rather than exposing community stations to third party or commercial arrangements.³⁶

5.47 CBAA recommended that core and targeted funding support should be indexed in key areas of rising cost such as transmission site access and transmission technology access.³⁷

33 PMBA, *submission no. 121*, p. 4.

34 Coral Coast Community Radio, *submission no. 95*, p. 6.

35 ArtSound FM, *submission no. 28*, p. 4.

36 3MBS, *submission no. 71*, p. 4.

37 CBAA, *submission no. 61*, p. 42.

Committee comment

- 5.48 The Committee is of the opinion that the community broadcasting sector, a not-for-profit sector, should not be exposed to significant increases in transmission fees.
- 5.49 The Committee notes that the Australian Government provides a significant amount of funding to the sector to subsidise transmission costs. However the sector will cease to exist if transmission costs continue to escalate at current rates. This will result in the Australian Government having to increase its subsidisation of transmission costs unless an alternative is reached.
- 5.50 The Committee understands that private companies may charge market prices for their services, however the Committee is surprised by the particularly significant increases that not-for-profit community broadcasters have had to face in recent times.
- 5.51 The Committee notes the success of Community Service Obligations in other sectors in ensuring equity and access for community organisations. The Committee notes the option that the Australian Government has to make transmission for community broadcasting a Community Service Obligation. There is also concern that transmission access is an issue that warrants investigation.
- 5.52 The Committee recommends that an investigation be conducted by the Australian Government to determine if recent fee increases have been fair on community broadcasters, what charges should be levied against not-for-profit community broadcasters in the future, and to determine if any particular competition issues need to be addressed.

Recommendation 12

The Committee recommends that the Australian Government conduct an investigation examining:

- increases in transmission fees for not-for-profit community broadcasters
- the impact of transmission fee increases on community broadcasters
- ways to monitor and regulate transmission fee increases for community broadcasters
- the potential for transmission for community broadcasters to be made a Community Service Obligation
- transmission access issues for community broadcasters
- any competition issues concerning transmission.

Other technologies

5.53 CBAA discussed the use of other technologies by community broadcasters:

Innovative use of online technologies is well-established in the sector and the internet is well-used both as a resource base for information and programming but increasingly as an alternative or supplementary delivery platform via streaming and/or downloads (podcasting).³⁸

5.54 CBAA elaborated:

Community broadcasting stations were amongst the first to take up internet streaming. More recently, stations such as 2FBI have made free podcasts available to listeners and subscribers. These services complement analogue technologies and expose community radio to an international audience.³⁹

38 CBAA, *submission no. 61*, p. 13.

39 CBAA, *submission no. 61*, p. 13.

5.55 The ACT Government also discussed new technologies:

The growth of new communications technologies, in conjunction with the emergence of more efficient digital distribution media, presages a new era of broadcasting, and communications. The Internet and 'pod-casting' are transforming conventional ways of receiving programming and distant radio stations, and other program sources are available to Australians in ever growing numbers.⁴⁰

5.56 Many stations that made submissions to the inquiry indicated that they stream their services to the internet.⁴¹

5.57 For example, Melbourne's 3MBS stated that it operates a streaming service, allowing:

... people around the world to listen to the Australian musicians broadcast by the station. Listeners to the streaming service have registered from Europe, North America and Asia.⁴²

5.58 Many Indigenous community broadcasters, particularly the regional network hubs, city stations and the more developed remote stations, take advantage of the internet:

4K1G in Townsville and CAAMA in Alice Springs stream their programming via the internet and are reaching a vast audience. Many communities are and many others want to access new technologies.⁴³

5.59 New and developing technologies are used differently by particular community groups. Noosa Community Radio stated:

We have recognized that as youth are more involved with computerized technology, they tend to listen to radio that is streamed via the Internet.⁴⁴

40 ACT Government, *submission no. 122*, p. 4.

41 3RRR, *submission no. 110*, p. 2; 96five FM, *submission no. 36*, p. 4; Rainbow FM, *submission no. 18*, p. 3; 4BAY FM, *submission no. 11*, p. 4; SYN, *submission no. 126*, p. 4; Narrabri Shire Community Radio, *submission no. 48*, p. 2; 4EB FM, *submission no. 54*, p. 2; 4MBS, *submission no. 84*, p. 2; Light FM, *submission no. 77*, p. 3; TUNE! FM, *submission no. 81*, p. 3; Western Radio Broadcasters, *submission no. 21*, p. 5;

42 3MBS, *submission no. 71*, p. 2.

43 AICA, *submission no. 72*, p. 3.

44 Noosa Community Radio, *submission no. 73*, p. 3.

5.60 AFMN also discussed changing demographics and new technologies:

Internet streaming/podcasting ... is a developing technology and in time a substantial audience will develop but many listeners/supporters of the fine music network have not had the necessary technical background to access program material in this way. This will change as the current generation of computer literate people move into retirement.⁴⁵

5.61 Brisbane's 4EB FM also discussed changing audience and technology:

New services such as Podcasting and digital broadcasting will be sought after by the younger segment of 4EB's listenership and will be a large part of 4EB's future. However, there has been a very small financial return from the investment in new technologies with changes in radio listenership patterns being much slower than the changes in technology.⁴⁶

5.62 SYN discussed technological developments in its submission:

New technologies have completely changed audience's media consumption patterns. We believe that cross-platform productions can increase our volunteer involvement and pioneer new technologies and that community broadcasting has the potential to pioneer and be the incubator of many new ideas within digital broadcasting in Australia.⁴⁷

5.63 SYN explained that media literacy for young people is as important as traditional literacy:

It gives students critical understanding and active participation, developing critical and creative abilities. The media is the major socializing influence in our society and the main means of cultural expression and communication: to become an active participant in public life necessarily involves making use of the modern media.⁴⁸

5.64 SYN elaborated on the value of community broadcasting for young people:

As online technologies invariably involves media, posting a blog on a website, creating a video or radio piece to be heard by others, is essential for young people to engage more with school and society in general. Community broadcasting is capable of

45 AFMN, *submission no. 40*, p. 5.

46 4EB FM, *submission no. 54*, p. 2.

47 SYN, *submission no. 126*, p. 10.

48 SYN, *submission no. 126*, p. 10.

providing organizational supports and structures to support this type of social connectedness.⁴⁹

5.65 SYN discussed its streaming and podcasting services:

SYN currently simulcasts the radio broadcast on the internet and podcasts a number of flagship programs ... this has taken a great deal of organisational and structural ground work and support from SYN and is still under resourced and really in its emerging stages ... we are keen to continue and build our podcasting capabilities over the next 12 months.⁵⁰

5.66 SYN also discussed digital content distribution and new media developments:

SYN is exploring opportunities to create unique content for new forms of media. There is certainly a rise in interest from our community in access to blogging, podcasting and general digital media creation. SYN is also exploring utilising mobile phone technologies to create video content for its television productions and audio for its radio programs.⁵¹

5.67 Sydney's 2SER considered the emergence of new technologies as both an opportunity and a threat to the sector:

The challenge [is] to fund the development of websites, audio on demand and streaming services, podcasting and cross-platform content, whilst maintaining and developing traditional broadcasting infrastructure, and to provide for the migration to digital radio broadcasting, is colossal.⁵²

5.68 Sydney's 2SER discussed the importance of new services:

In order to maintain its relevance and to meet the growing expectations of media-savvy listeners, 2SER, and the sector, must be able to offer, and proffer from, these new services. 2SER's long-term survival is predicated upon its ability to do so.⁵³

5.69 Sydney's 2SER acknowledged the benefits of new services:

... these services provide stations with the ability to increase interaction with listeners, to increase community participation and

49 SYN, *submission no. 126*, p. 10.

50 SYN, *submission no. 126*, p. 10.

51 SYN, *submission no. 126*, p. 10.

52 2SER, *submission no. 118*, p. 5.

53 2SER, *submission no. 118*, p. 5.

to increase the listener base and thus potentially increase subscription and sponsorship income streams ...⁵⁴

5.70 However, 2SER also considered new technologies as a threat:

Their proliferation is leading to a fragmentation of both audience and sponsorship/advertising budgets, so the mainstays of income generation for the majority of stations, listener subscription and sponsorship, are also threatened.⁵⁵

5.71 ACB also considered the development of podcasting and the convergence of broadcasting and the internet as both an opportunity and a threat to the sector. ACB suggested that:

... funds should be allocated to explore these technologies allowing community broadcasters to become pro-active in making the best use of this development.⁵⁶

5.72 Eastside Radio is concerned that new technologies may cost too much for smaller broadcasters:

We are constantly asked when will we be able to have online streaming and podcasting. The sad realisation is that new technology requires new equipment and training which of course costs money. We do not have the funds to explore such venture at the moment ...⁵⁷

5.73 Artsound FM discussed the benefits of new technologies, but re-emphasised the value of local community broadcasting:

... the internet and podcasting techniques are transforming the conventional ways in which consumers receive their programming. Distant radio stations, and other program sources, whether domestic or international, private or public, are now available to Australians in ever growing numbers. But community radio will always hold up a mirror to the local community and provide recognizable voices and artists. Australians are entitled to as much choice in programming as changing technologies and technical distribution arrangements enable them to receive. However, 'choice' for Australians would be meaningless unless it

54 2SER, *submission no. 118*, p. 5.

55 2SER, *submission no. 118*, p. 5.

56 ACB, *submission no. 106*, p. 14.

57 Eastside Radio, *submission no. 9*, p. 3.

also continues to include programming which reflects local community cultural heritage ...⁵⁸

Committee comment

- 5.74 The Committee is impressed by the number of community broadcasters embracing new ways for broadcasting their important services. There is no doubt that streaming to the internet, podcasting and other technologies will greatly enhance community broadcasting.
- 5.75 The Committee is disappointed that the new era of broadcasting utilising other technologies was not greatly emphasised by stations in their submissions to the inquiry.
- 5.76 The Committee understands that some stations may struggle with the cost of introducing new technologies at their stations. However, the Committee also recognises that some stations with very modest budgets have introduced broadcasting techniques such as internet streaming, which has benefited their station and extended their services to a wider audience.
- 5.77 The Committee notes that the opportunity for broadcasters to share content has escalated immensely with digital distribution. The Committee strongly encourages community broadcasters to become creative and innovative in the use of new technologies.

Radio for the Print Handicapped

- 5.78 Vision Australia stated that utilisation of the internet for RPH delivery can:
- enable listeners to access live content where AM radio is not accessible
 - enable listeners to access content as audio on demand providing more timely and convenient access and increasing the opportunity for maximum use to be made of the content
 - showcase this specialized broadcasting format to the world.⁵⁹
- 5.79 RPH stations are able to provide their services as they each hold a print disability radio licence under Section 47 of the *Copyright Act 1968* (the Copyright Act).⁶⁰

58 Artsound FM, *submission no. 28*, p. 3.

59 Vision Australia, *submission no. 107*, p. 9.

60 2RPH, *submission no. 101*, p. 4.

5.80 Sydney's 2RPH explained:

Holding these licences ensures that 'the making of a sound broadcast of, or of an adaptation of, a published literary or dramatic work does not constitute an infringement of copyright in the work ...' [Section 47A(1) of the Copyright Act]. This simplifies much of our operations by reducing what would otherwise be a huge overhead to clear copyright.⁶¹

5.81 Vision Australia explained that the primary barrier to utilisation of the Internet for RPH delivery is:

... current copyright provisions which do not automatically allow flow on of arrangements currently available to RPH broadcasters ... currently this provision does not apply to RPH programming on general community radio stations or to RPH content delivered via the Internet.⁶²

5.82 Sydney's 2RPH pointed out that the Copyright Act does not exempt RPH service providers from copyright obligations should they wish to make their services available on the internet as a streaming audio service, or if they wished to provide audio content via a telephone service.⁶³

5.83 Vision Australia discussed barriers that its services face:

Though RPH content is delivered via analogue radio, we are mindful that the need of the 'community' of interest' will be better served through such delivery pathways as the internet and digital radio. We look to the Commonwealth Government to help us overcome barriers to full utilisation of the digital technologies. These barriers include current copyright provisions, uncertainty about spectrum availability for digital transmission, and the need for funding to achieve transition to digital transmission.⁶⁴

5.84 The Attorney-General conducted a review of the Copyright Act in 1998. That review considered copying for people with disabilities, and commented on other forms of transmission:

The Committee notes that it is possible for services for people with a print disability to be transmitted online – for example, over the internet – as well as broadcast as radio programs. These services may also attract a wider audience than just those people with a

61 2RPH, *submission no. 101*, p. 4.

62 Vision Australia, *submission no. 107*, p. 9.

63 2RPH, *submission no. 101*, p. 4.

64 Vision Australia, *submission no. 107*, p. 8.

print disability. In this situation, the Committee considers that the 'sole purpose' test should also apply to such transmissions.⁶⁵

5.85 Sydney's 2RPH commented that while this report raised the issue of delivery of RPH services over the internet, no action was taken at that time.⁶⁶

5.86 Sydney's 2RPH explained its rationale for seeking to stream their service to the internet:

It is our view that such a streaming service would be listened to predominantly by persons with a print handicap who lived outside the primary coverage area of existing RPH transmitters, or in poor reception pockets. As such it would provide a valuable service to this class of people. While there is no doubt that such a streaming service could also be listened to by some persons without a print handicap, the same situation already exists with our present radio broadcasts.⁶⁷

5.87 Sydney's 2RPH added:

The issue of the extent to which such broadcasts would be listened to by people overseas should not, in our view, be a major practical concern.⁶⁸

5.88 Sydney's 2RPH discussed its preference for the broadcasting of its service:

We would prefer an arrangement in regard to print handicapped services in Australia, which enabled direct access to RPH radio services by internet streaming technology and which did not require costly, complex and difficult to manage registration/eligibility processes. i.e. an internet streaming arrangement that mirrored the present RPH radio services, but extended to all persons in Australia.⁶⁹

5.89 Sydney's 2RPH added:

The issue of streaming our programming over the internet is an important medium term objective for 2RPH. Without some resolution of the matters raised in this section of our submission

65 Attorney-General's Department, *Simplification of the Copyright Act 1968*, September 1998, <www.ag.gov.au/agd/WWW/clrHome.nsf/Page/Overview_Reports_Simplification_of_the_Copyright_Act:_Part_1>, accessed 3 May 2007.

66 2RPH, *submission no. 101*, p. 4.

67 2RPH, *submission no. 101*, p. 4.

68 2RPH, *submission no. 101*, p. 5.

69 2RPH, *submission no. 101*, p. 5.

we could be severely restricted in the range of programming we might deliver in this way.⁷⁰

5.90 While the *Copyright Amendment Act 2006* was passed in late 2006, it appears that this amending Act did not consider the issue of internet streaming for RPH services.⁷¹

5.91 Vision Australia's submission recommended that:

... the Commonwealth Government amend the Copyright Act provision in Section 47 A of a statutory licence for RPH licensees to be extended to encompass delivery over the Internet and on general community licensed stations by accredited RPH program makers.⁷²

Committee comment

5.92 The Committee is concerned that vital RPH services may not be available to those Australians that need them.

5.93 There may be a significant number of Australians that are not able to receive RPH radio broadcasts. There may also be a substantial number of people that prefer to listen to broadcasts on their computer, or download broadcasts to listen to at a later time.

5.94 The Committee is of the opinion that the provisions of the statutory licence under the Copyright Act should be extended to non-RPH community broadcasters, provided that those broadcasters are utilising material from accredited RPH content providers.

5.95 The Committee is of the opinion that RPH services should be broadcast on the internet.

5.96 The Committee understands that an appropriate statutory licence is required for the broadcast of RPH services on the internet. The Committee recommends that the Australian Government amend the Copyright Act to allow RPH services to be broadcast on the internet, either as a streamed broadcast or downloadable files.

70 2RPH, *submission no. 101*, p. 5.

71 Copyright Amendment Act information sheet, <www.copyright.org.au/news/newsbytopic/changesnews/u27261>, accessed 3 May 2007; <www.aph.gov.au/Senate/committee/legcon_ctte/copyright06/index.htm>, accessed 3 May 2007.

72 Vision Australia, *submission no. 107*, p. 10.

Recommendation 13

The Committee recommends that the Australian Government amend the *Copyright Act 1968*, extending the Section 47A statutory licence to enable community radio broadcasting licensees to broadcast sound material that is provided to those broadcasters by approved Radio for the Print Handicapped organisations.

Recommendation 14

The Committee recommends that the Australian Government amend the *Copyright Act 1968*, creating a new statutory licence to:

- enable Radio for the Print Handicapped service providers to stream material on the internet
- enable Radio for the Print Handicapped material to be made available by way of download from Radio for the Print Handicapped websites.

This new statutory licence should be available to:

- print disability or Radio for the Print Handicapped licensees
- community radio broadcasting licensees, but only for material for which the expanded Section 47A relates.

