

**GOVERNMENT RESPONSE TO THE REPORT,  
LOCAL VOICES: INQUIRY INTO REGIONAL RADIO,**

**BY THE**

**HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON  
COMMUNICATIONS, TRANSPORT AND THE ARTS**

**MINISTER FOR COMMUNICATIONS,  
INFORMATION TECHNOLOGY AND THE ARTS**

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**COMMONWEALTH GOVERNMENT RESPONSE TO THE  
HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON  
COMMUNICATIONS, TRANSPORT AND THE ARTS REPORT  
*LOCAL VOICES: INQUIRY INTO REGIONAL RADIO***

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## INTRODUCTION

The Government welcomes the Committee's Report, which contains a comprehensive and informative assessment of the regional radio industry and some of the major issues which it faces. It proposes a range of recommendations spanning the two major themes which arose during the course of the inquiry; access to radio services, and content issues focussing on commercial radio services and the impact of networking on localism. The Report also examines the role of regional radio in emergency situations, and the potential application of digital radio broadcasting for the benefit of regional and remote areas of Australia.

The Government has taken a number of initiatives since the release of the Committee's report aimed at improving access to radio services in regional and remote Australia. These include the introduction of a commercial radio blackspots program, and a request that the Australian Broadcasting Authority (ABA) conduct a review of the planning and licensing framework for remote commercial radio services including whether the provision of commercially viable services is feasible under the current arrangements.

In relation to content and the provision of local news and information services by commercial radio broadcasters, the Government notes the Committee's recognition that achievement of such objectives has to be considered in the light of a changing broadcasting environment and broadcaster concerns about commercial viability. The Government however, remains committed to localism in regional radio and television.

The Broadcasting Services Amendment (Media Ownership) Bill 2002 (the Bill) currently before Parliament places local news requirements on regional radio. Radio broadcasters granted an exemption from the ownership and control provisions of the *Broadcasting Services Act 1992* will be required to maintain existing levels of local news and information, or where these are already less than the prescribed minimum,

commence (within six months) broadcasting a minimum number of bulletins each week which adequately reflect matters of local significance.

Radio stations will have the ability to meet the adequate coverage standard on a cumulative basis by providing six or more regular bulletins that, when considered together, adequately reflect matters of local significance.

Broadcasters subject to these conditions will be required to report periodically to the ABA on their performance in relation to local news and weather reporting, local community service announcements, and emergency warnings.

Government amendments to the Bill also strengthen safeguards for local radio services by prohibiting contracts and arrangements which limit or restrict the program format of commercial radio services. The amendments are designed to address a situation where contractual limitations on the program format of a commercial radio service reduce competition for audience and advertisers, particularly for the benefit of an incumbent commercial radio broadcaster.

The Minister has issued a general direction to the ABA to revisit licence area plans in markets where the on-sale of a licence has resulted in a reduction in the number of services of broad general appeal, with a view to issuing an additional commercial radio licence.

The following document details the Government's response to the recommendations made by the Committee.

### **Recommendation 1**

**As a matter of high priority, the Minister for Communications, Technology and the Arts should establish a Radio Black Spots Program. The Program should be established along similar lines to the Television Black Spots Program. The program should apply to national and commercial radio services. First priority should be given to attempting to ensure all communities with 50 or more households have access to the most locally relevant ABC Local Radio Service and at least one commercial radio service.**

The Commercial Radio Blackspots Program (the Program) was a Coalition election commitment funded from the 2002-03 Budget. The Program recognises the needs of Australians in regional and remote areas who are currently poorly served by commercial radio. This \$5m Program will run for three years and deliver new or improved commercial radio services to nominated regional and remote communities where it has not been commercially viable for licensees to provide coverage.

Only commercial services are to be funded under this program. However, the Government notes that in late 2000, the ABC established a radio program to assist around 50 communities gain access to a locally relevant ABC Local Radio service through the establishment of a self-help retransmission service. To be eligible, communities must (i) be located north of the Tropic of Capricorn and within 250km from the coast; and (ii) not have terrestrial access to radio services. Up to \$50,000 is available for site establishment and the purchase of equipment and up to \$25,000 for the replacement of obsolete equipment.

### **Recommendation 2**

**The ABC should commit to the establishment of a 10kW AM transmitter at Meekatharra, Western Australia, as a replacement for the short wave service that the ABC withdrew in 1994. If necessary, the Government should finance this project specifically in the 2002-03 Budget.**

The National Transmission Agency (NTA), which was responsible for providing all national broadcaster transmission services prior to April 1999, took the decision to cease transmission of this service in 1994 in consultation with the ABC. The ABC concurred with the decision to cease transmissions for a range of reasons including:

- the high costs involved in upgrading the more than 50 year old facility at Hamersley in Perth (\$800,000 in 1994) and meeting ongoing operational costs (\$300,000 pa in 1994);
- concerns that the short wave services interfered with other services in the Hamersley region; and
- a desire to promote the Remote Area Broadcasting Service (RABS) which allowed Australians living outside transmitter range to receive signals from ABC and SBS radio and television, as well as a range of commercial and community broadcasting services rather than a single service.

The ABC has advised that, prior to the shutdown, a trial closure of the short wave service was run to gauge the likely response to a more permanent closure. Complaints were received from approximately 27 homesteads, as well as a few people who travelled in the service's coverage area.

In relation to the proposed 10kW Meekatharra AM radio service, the ABC has advised that:

- it would cover only a very small proportion of the people who were previously covered by the short wave service; and
- it does not appear to cover many, if any, of those people who actually complained about the closure of that service in 1994.

International agreements to which Australia is a party may preclude any increase in the power beyond the 10kW limit proposed. The Australian Broadcasting Authority (ABA) has advised that it would be difficult to determine a suitable high power medium wave channel to operate in the Meekatharra area. If it was able to find a suitable frequency, this would need to be done in consultation with neighbouring countries to ensure interference problems are not created in those countries. Even if a higher power limit such as 50kW could be agreed to internationally, the ABC has advised that this would be unlikely to cover many more of those affected by the short wave service closure.

The ABA estimates that the coverage radius of a 10 kW service would be 60 km, whereas a 50 kW service would have a coverage radius of about 80 km. The area is sparsely populated, therefore the stationary population covered by such a service may be limited. However, a medium wave service would provide mobile reception within the area. The actual population is difficult to estimate, as the minimum units of population measurement, Census collection districts, cover such large areas in the most sparsely populated parts of the country. The ABC has advised that approximately 1600 permanent residents could receive the proposed 10kW AM service. Around 1400 of these residents are already served by the ABC's two FM radio services at Meekatharra (Regional Radio on 106.3 MHz and Radio National on 107.9 MHz).

In December 2001 the ABC estimated that it would require approximately \$300,000 to initially establish the proposed AM service, after which time it would require \$80,000-\$100,000 per annum to meet operational costs. These service costs are considered high when it would provide a service to less than 200 people that are not already served. The ABC has also noted that the proposed service would not be able to replicate the coverage of the former short wave service. The majority of the people affected by the closure of that service would still need to rely on Direct-to-Home or self-help retransmission based access to ABC radio services irrespective of whether the proposed Meekatharra service proceeded.

Accordingly, the Government does not agree with the recommendation that it should finance this project.

### **Recommendation 3**

**The Minister for Communications, Information Technology and the Arts should prepare amendments to the *Broadcasting Services Act 1992* to enable communities in the RCRS zones which do not consider the service that they receive is adequate in terms of local relevance to be able to apply to retransmit another service, following the conduct of the audit process described in Chapter 3.**

The Government recognises that many remote communities do not have access to a commercial radio service. The Government considers that the Commercial Radio Blackspots Program which was formally announced in the 2002-03 Budget (refer also to Recommendation 1) could help to address this issue in many remote centres.

At the Minister's request the ABA is conducting a review of the remote commercial radio services (RCRS), and in particular whether the provision of commercially viable services is feasible under the current RCRS arrangements. The ABA will consider the committee's suggestion in the context of its review.

### **Recommendation 4**

**The Minister for Communications, Information Technology and the Arts should prepare amendments to the *Broadcasting Services Act 1992* to establish an additional category of broadcasting service relating to Indigenous broadcasting services.**

In 2002 there were around 200 local radio stations around the country either producing their own or receiving Indigenous programming.

The Government currently gives the Community Broadcasting Foundation (CBF) \$669,000 per annum to support community broadcasting for the benefit of Indigenous people.

The CBF divides funding for Indigenous broadcasting into three categories.

- *Program Grants* - programs funded under this category need to be balanced so as to include discussion on Indigenous issues/Indigenous social/cultural/political events and Indigenous music.
- *Development Grants* - studio equipment has been funded under this category.
- *Special Projects Grants* - funding has been provided under this category to support the National Indigenous Radio Service (NIRS).

The remote Indigenous broadcasting services (BRACS) program provided funding for the establishment of broadcasting facilities in remote communities. In 2002 the CBF widened the eligibility criteria for Indigenous grants to include BRACS.

The Government recognises the desire of Indigenous Australians to have access to a relevant broadcasting service. Under the *Broadcasting Services Act 1992*, a review of the concept of an Indigenous television service is due before 2005. That review is the appropriate vehicle for consideration of this issue.

## **Recommendation 5**

**The Minister for Communications, Information Technology and the Arts should direct the Department of Communications, Information Technology and the Arts to develop, in consultation with the ABA, RPH Australia, Radio for All Australians and other relevant organisations, a national strategy to ensure that people in non-metropolitan Australia have access to radio services for the print handicapped.**

The Government has demonstrated a substantial commitment to print handicapped community broadcasting services. In addition to the provision of spectrum free-of-charge to these services, Radio for the Print Handicapped Australia (RPH Australia) was directly provided with \$383,860 by the Commonwealth to assist with transmission costs in 2002-03. This is in addition to \$286,175 provided to the RPH sector by the Community Broadcasting Foundation during the same period.

The Australian Broadcasting Authority (ABA) is aware of the important role of RPH services within the community radio sector and understands the financial constraints on community organisations. It has extended the coverage of RPH services in regional areas in two ways - by awarding additional community licences to RPH organisations and by expanding the coverage of existing RPH licensees.

As part of its licence area planning process, new regional licences have been granted to serve the print handicapped in Albury, Bendigo, Geelong, Mildura, and Shepparton. These stations are in addition to RPH services available in all capital cities except Darwin. All these stations are autonomous, but are linked through their representation by RPH Australia and adherence to that body's special criteria.

When planning new community services, the ABA cannot show spectrum capacity as available specifically for new RPH services, but must consider all applications from eligible community groups on their merits. However, the ABA is also able to plan for translators (additional transmitters) for existing RPH services. In December 2001, the ABA finalised the licence area plans (LAPs) for Tasmania. The Tasmanian LAPs acknowledge the local interest in improving the availability of RPH services. The ABA made FM channel capacity available for the Hobart 7RPH service to extend its service into Launceston. Similarly, in March 2002, the ABA extended the Melbourne licence area for 3RPH to enable delivery of the service in the adjacent licence areas of Warragul and Warrnambool. This ABA policy actively facilitates extension of RPH services and recognizes the unique nature of the RPH community of interest, which is less specific to particular geographical areas than other types of community service.

RPH Australia provides a satellite service free of charge to community radio stations that wish to provide programs for the print handicapped. The service is also used by an increasing number of general community stations in regional areas that are taking satellite programs for re-broadcast, or accessing funding from RPH Australia to produce their own local programming. The satellite service is provided via ComRadSat, the national community radio satellite service that has been developed with assistance from the Government's Community Radio Infrastructure and Multicultural funding initiative. The Government has maintained this initiative in the 2002-03 Budget.

### **Recommendation 6**

**The Minister for Communications, Information Technology and the Arts should establish a station manager employment and training scheme for the community broadcasting sector to allow community broadcasters to participate in accredited training courses. The scheme should be based on a self-help model in which Commonwealth funds are made available on a dollar for dollar basis to match locally generated funds. The level of Commonwealth funding should be capped at \$5,000 per station.**

The Community Broadcasting Association of Australia (CBAA) and the National Ethnic and Multicultural Broadcasters' Council (NEMBC) have both been recognised as Registered Training Organisations (RTOs) by the Australian National Training Authority when it endorsed a national Film, TV, Radio and Multimedia Industry Training Package using the Australian Quality Training Framework (AQTF).

The AQTF is a set of nationally agreed standards to ensure the quality of vocational education and training services throughout Australia. The framework ensures that all RTOs and the qualifications they issue are recognised throughout Australia. The AQTF was introduced in July 2001, which makes the CBAA one of the first organisations registered as an RTO under it.

The Government has also made a commitment to maintain the existing levels of funding for the community broadcasting sector in real terms, including community broadcasting infrastructure and multicultural funding.

In general training is the responsibility of the relevant sector. Requests for additional funding for training are made from time to time and considered by the Government as appropriate.

### **Recommendation 7**

**The Minister for Communications, Information Technology and the Arts should prepare amendments to the *Broadcasting Services Act 1992* to require all non-metropolitan commercial, community and narrowcast radio services to identify the originating source of programming when giving their call signs.**

**The ABC Board should determine that ABC regional radio services identify the originating source of programming when giving their call signs.**

The Government supports the principle that local radio audiences should not be misled about the source of broadcast material where that material originates in another licence area. The Government considers if it is necessary to impose new requirements upon radio broadcasters it would be better to do so through existing mechanisms, for example through the Commercial Radio Codes of Practice which is currently being reviewed, or by means of the regulatory powers already available to the ABA rather than by legislative amendment.



The Government recognises that there has been some concern about the increase in networking in some regional commercial radio stations and the decline in local content on the radio. The Government is also mindful of the need to ensure that any additional regulation will not pose a significant compliance burden and affect the viability of existing radio stations.

In relation to community broadcasting, the commitment and support of local community groups to their stations is a defining feature of regional community radio. The majority of community stations already strongly project their local identity and the Government does not support any further statutory obligations on community stations. The issue of identifying the origin of broadcast material has been considered by the sector.

The CBAA is responsible for operating the Community Radio Satellite (ComRadSat) service which is a national radio satellite service available to community radio stations. Under the CBAA's Requirements for Core Programs (Section C, point 4) the programmer is required to acknowledge both the CBAA and their station in any programs that are broadcast on ComRadSat.

Call signs are used by the ABC to identify the station to which listeners are tuned. When networking, individual station call signs are broadcast, usually through automation, in synchronisation with other local stations. For the ABC, which provides more than one radio service, call signs are also an essential means of differentiating between networks (eg Local Radio and Radio National), thereby avoiding confusion among audiences.

However, in the ABC's view, the relationship between ABC Local Radio stations and their communities is such that listeners are familiar with their station's personalities and program schedule. The ABC's audience know, by the content, when they are listening to networked regional or national programming, a live broadcast or a broadcast direct from their local station. The ABC identifies the source or location of programming as and when necessary – mostly in cases where unusual circumstances apply to a broadcast, where a program is travelling, during an Outside Broadcast, or where the nature of the content itself requires attribution.

However the Government considers that requiring ABC Radio to identify originating sources of programming when broadcasting call signs, could serve to confuse listeners and create a perception that a program is based on the location of its broadcast point rather than its content.

The Government notes that ABC Radio became aware of frustration expressed by Committee members at ABC Local Radio's use of the term "you're listening to your local ABC" and acknowledged that it could be considered confusing. As a result, the ABC no longer uses the phrase. ABC Local Radio now relies on the more functional and straightforward station name eg 1233 ABC Newcastle or ABC Capricornia (the broader Rockhampton region).

Additional funding provided to the ABC in the 2001-02 Budget has enabled the ABC to expand its resources in regional Australia through the recruitment of 50 new program makers. In addition, two new regional stations will be launched in the Great

Southern region of Western Australia and Ballarat and the placement of a rural reporter in Katherine establishes a new regional presence for the ABC in the Northern Territory. The rollout of these new positions will deliver approximately 10,000 hours of additional local programming per year, reducing the current level of networked material.

### **Recommendation 8**

**The Australian Broadcasting Authority should continue its survey of program formats on an ongoing basis ensuring that it identifies the source and degree of local news and community content.**

**The Minister for Communications, Information Technology and the Arts should prepare amendments to the *Broadcasting Services Act 1992* to require commercial radio licensees to report their program delivery operations and details of program formats to the ABA on an annual basis.**

**The Australian Broadcasting Authority should publish this material in full disaggregated according to licence areas.**

The Government agrees that it is important to collect data about commercial radio programming on a regular basis. In 2000-01, the ABA conducted its first survey of commercial radio program formats. The first two years of survey results suggested that radio program format characteristics are relatively stable. While regular data collection is important, the ABA considered that the survey could be conducted on a bi- or triennial basis. Accordingly, the ABA has now commenced planning to repeat the survey, including ways of maximising the survey response rate. Results should be available in mid 2003.

The Government does not consider that amendments to the *Broadcasting Services Act 1992* (BSA) are required. Section 168 of the BSA allows the ABA to 'inform itself in any manner it thinks fit', provided that the procedure adopted is efficient and promotes the due administration of the Act. Licensees usually provide information on a voluntary basis: for example, financial information is collected from commercial television and radio licensees annually and is published as the Broadcasting Financial Results.

Program format information cannot be published by licence area under the ABA's current survey methodology, which is directed at monitoring radio program trends. The ABA has advised that publishing survey material by licence area would require a compulsory census collection rather than the current approach. This would increase the reporting requirements for licensees and would be more costly for the ABA. Confidentiality considerations in the current survey will also restrict the publication of information for individual licence areas.

The Government will consult further with radio broadcasters and the ABA about ways of obtaining program format information in a cost effective and administratively straightforward manner and about the potential to make public the information received.

### **Recommendation 9**

**The Minister for Communications, Information Technology and the Arts should direct the ABA following the completion of the LAP process to conduct an audit of licence areas to determine the degree to which the planning process has provided for localism and diversity and the level of community satisfaction with the services in their area.**

**The Minister should ensure adequate resources are provided to the ABA to enable it to complete the audits within a reasonable time frame.**

The Government will consult with the ABA about cost-effective ways to monitor community views about broadcast programs in their areas.

Following a recommendation in the Committee's June 2000 report, *Regional Radio Racing Services*, the Australian National Audit Office (ANAO) completed a performance audit of the ABA's planning and licensing functions. The report made seven specific recommendations to improve the business planning, risk management and efficiency of the planning and licensing functions. The ABA welcomed the report and agreed to recommended actions.

In December 2001, with the completion of 'Group 5' radio licence area plans, the ABA completed the task of preparing licence area plans for radio services throughout Australia. With the objective of increasing the number and diversity of radio services available to Australians, the ABA's planning process resulted in nearly one thousand new national, commercial, community and narrowcast services becoming available around Australia. Planning for digital and analog television and variation to existing licence area plans for radio is continuing. The ABA is currently assessing the outcome of the planning process and released a report on radio planning in December 2001 entitled *The Planning of Radio Services Australia-wide October 1992-December 2001*.

The Government does not support a formal audit process of the current LAP outcomes in relation to localism and diversity and the level of community satisfaction with the services in their area. ABA resources would be put to more effective use focussing on subsequent licence area planning activity responding to the specific needs of individual communities.

### **Recommendation 10**

**The Minister for Communications, Information Technology and the Arts should direct the ABA not to issue any further new commercial licences in regional areas, following the completion of the LAP process, until an audit of that licence area has been completed.**

In regional areas, additional commercial radio services were recently auctioned in the Gold Coast and Nambour. No other commercial radio services are currently planned to be made available in regional areas by price based allocation. All new commercial licences shown as available in Group 5 regional licence area plans will be issued to incumbent broadcasters under s.39 of the BSA, which entitles commercial radio

licensees operating in single station markets to obtain a second commercial radio licence.

The Government considers that the ABA should be able to amend LAPs and award new licences in accordance with an ordered process of LAP reviews. Government amendments to the Broadcasting Services Amendment (Media Ownership) Bill 2002 prohibit contracts and arrangements restricting the program format of commercial radio stations. As a complement to these amendments, the Minister has issued a general direction to the ABA to revisit licence area plans in markets where the on-sale of a licence has resulted in a reduction in the diversity of services of broad general appeal, with a view to issuing an additional commercial radio licence.

See response to Recommendation 9 for audit of licence areas.

### **Recommendation 11**

**The Minister for Communications, Information Technology and the Arts should prepare amendments to the *Broadcasting Services Act* to make provision for a test of commercial viability to be included, following the completion of the LAP process, before the issue of new licences.**

**The Minister for Communications, Information Technology and the Arts should ensure that the ABA is provided with adequate resources to develop and implement the test.**

The Government acknowledges the importance of a sustainable commercial radio sector and the commercial viability of existing broadcasters.

The Government notes that a requirement for a commercial viability test was present in previous legislation and was not included in the BSA because it was considered that such a formal test impeded the issuing of new licences by providing incumbents with an avenue of appeal on an issue which was difficult to objectively assess.

Under the current LAP process, the ABA is required to give consideration to a range of issues prior to deciding on the issue of any additional commercial licences. The planning criteria in s.23 of the BSA provide for the ABA to give consideration to a range of technical, social and economic characteristics when determining each licence area plan. The impact on the existing commercial broadcasters of a new entrant is a key issue taken into consideration by the ABA during its planning, including the likelihood of any impact on the appropriate coverage of matters of local significance. In making final planning decisions, the ABA is required to achieve a balanced outcome in taking account of these issues.

### **Recommendation 12**

**The Minister for Communications, Information Technology and the Arts should prepare amendments to the relevant legislation to extend the boundaries of the Broadcasting Services Bands part of the spectrum to encompass the frequencies used for s.40 licences.**

The Government does not support the extension of the Broadcasting Services Bands (BSB) part of the spectrum to encompass the frequencies beyond the top of the AM band which are currently used by operators of s.40 commercial radio licences.

The Government notes that during the inquiry there were some concerns that the operators of s.40 services were able to obtain commercial licences at a price much less than that for a commercial licence issued through price based allocation under s.36 of the BSA. The Government is concerned that by extending the BSB, those licensees will receive a windfall gain and other aspirant commercial operators will have been denied the opportunity to bid for the licences at auction.

Recognising concerns that the practice of delivering a s.40 commercial radio service in the frequencies adjacent to the top of the AM band without the normal licensing considerations which apply to commercial operators in the BSB is inequitable, the Government has decided to limit the use of such licences and has directed the Australian Communications Authority to impose additional conditions on all MF NAS apparatus licences issued for the transmission of a s.40 service in the frequency band 1606.5 kHz to 1705 kHz. The additional conditions came into effect on 6 November 2002 and prohibit the use of MF NAS licences for delivering a commercial radio service unless the relevant MF NAS licence and the associated s.40 licence were issued before 6 November 2002. Existing s.40 licensees which have not commenced a service on a licensed MFNAS transmitter are provided a 'grace' period of 12 months in which to implement that service.

### **Recommendation 13**

**The Minister for Communications, Information Technology and the Arts should prepare amendments to the *Broadcasting Services Act 1992* to restrict narrowcast licences to a particular format and for open narrowcast licensees to require permission from the ABA before substantially changing the format.**

Open narrowcasting services, which are provided under the class licence provisions of the *Broadcasting Services Act 1992* (BSA), are services whose reception is limited by one of the criteria set out at s.18 of the BSA. These include being targeted to a special interest group, being provided in a limited time period or location, or by providing programs of limited appeal.

The open narrowcasting category is intended to encourage the development of niche broadcasting services that might otherwise not be available in a market, thereby increasing the overall diversity of free-to-air broadcasting services.

In order to more closely monitor the operation of narrowcasting services, the ABA has recently varied the class licence under which open narrowcasting radio services

are provided by imposing additional conditions on these services. The additional conditions require narrowcasters to give the ABA a written statement explaining how reception of their service is limited in the context of the requirements for narrowcasting: effectively, a description of the format of their service. They are also required to provide a further statement if there is a significant change to the manner in which reception of the service is limited (ie, if there is a format change). The ABA will publish this information on its website. Information of this sort about narrowcasting services has not previously been available in any form.

The ABA is confident that collecting this type of information and making it publicly available will help to raise the level of public awareness and scrutiny of narrowcasting services, and that this in turn will assist in ensuring that such services are provided in accordance with the requirements of the BSA.

The additional conditions apply to narrowcasters using a high power open narrowcasting licence, or a network of low power open narrowcasting licences. The ABA has also recently issued an information package, *Narrowcasting for radio: guidelines and information about open and subscription narrowcasting radio services*, the aim of which is to provide existing and prospective providers of narrowcasting services, and other interested persons, with a concise overview of the place of narrowcasting services in the scheme of the broadcasting legislation. In particular, the information package aims to provide a clear exposition of:

- the requirements for narrowcasters under the BSA, including those requirements clarified in two notices previously issued by the ABA;
- the differences between narrowcasting services and commercial broadcasting services; and
- the matters that the ABA has regard to when it is deciding which category of service a broadcasting service falls into.

#### **Recommendation 14**

**The Minister for Communications, Information Technology and the Arts should prepare amendments to the *Broadcasting Services Act 1992* with the object of requiring broadcasters to take responsibility for:**

- **ensuring the contact details for the relevant State Emergency Service contact person in the area are known to all relevant broadcasting staff at all times;**
- **any emergency service announcements considered necessary by an accredited emergency service organisation or other such body are broadcast; and**
- **providing to accredited emergency service organisations up-to-date contact details for staff with the authority to interrupt programmed radio services (particularly pre-recorded, automated and networked services) in order to broadcast emergency service announcements.**

See joint response below for Recommendations 14 and 15.

### Recommendation 15

**The Minister for Communications, Information Technology and the Arts should prepare amendments to the *Broadcasting Services Act 1992* to require:**

- **that, as a condition of any broadcasting licence, broadcasters maintain properly developed emergency response plans; and**
- **the Australian Broadcasting Authority to regularly audit the emergency response plans maintained by broadcasters and check that the procedures in place would allow programmed services to be interrupted in the event of an emergency.**

The Government does not consider that amendments to the BSA are required to address the concerns raised during the inquiry in regard to relaying emergency services information to the public, as Commercial Radio Australia (the Federation of Australian Radio Broadcasters) and the ABA have already taken action to address this problem. A new code, within the Commercial Radio Code of Practice, is aimed at consolidating existing practices and experience of commercial radio stations into a minimum standard and covers response procedures to be followed by commercial radio stations in the event of an emergency.

The ABA registered the new code on 6 December 2001. The code requires commercial radio broadcasting licensees to:

- implement, in consultation with appropriate emergency and essential service organisations, a set of internal procedures to enable the timely and accurate broadcast of warnings and information relating to an existing or threatened emergency;
- designate a contact officer during business and non-business hours for all matters related to the code;
- review and, where necessary, update their procedures annually.

The incorporation of these requirements in the industry's code of practice rather than in legislation is consistent with the co-regulatory nature of the legislative framework established by the BSA. The Government considers that the requirements imposed by the code of practice should be sufficient to meet the concerns raised in the Committee's report. Nevertheless it is noted that any breaches of the code of practice may be the subject of complaint in accordance with procedures set down in the commercial radio industry code of practice and the BSA. If the ABA is satisfied that a code of practice is not providing appropriate community safeguards for a matter it may determine a mandatory standard in relation to the matter. Legislation may be considered if these procedures do not prove effective to ensure that communities are provided with necessary information in emergency situations.

The codes were developed as part of an extensive consultation process between the ABA and Commercial Radio Australia, as well as input from the general public. During the code's development both the ABA and Commercial Radio Australia contacted the various State Emergency Services and the Bureau of Meteorology and encouraged their input.

Commercial Radio Australia has commenced a full review of the Commercial Radio Codes of Practice and the new emergency code will be examined in this context. The review is not expected to be completed before mid-2003.

In July 2002, the Australian Broadcasting Authority released a report into the adequacy of the provision of local news and information by commercial television broadcasting licensees in the aggregated regional television markets of regional Queensland, northern NSW, southern NSW and regional Victoria. The report recommended that the Federation of Australian Commercial Television Stations (FACTS) should develop a code of practice relating to the provision of emergency information. The FACTS Code is currently under review, and the provision of emergency information will be addressed in the review.

As an additional requirement for the provision of emergency information in regional areas by commercial broadcasting licensees, the Government's Broadcasting Services Amendment (Media Ownership) Bill sets out that licensees subject to a cross media exemption certificate would be required to meet minimum service standards for local news and information. These minimum standards would require licensees to broadcast warnings as and when asked to do so by emergency services agencies.

The Government does not believe that it is necessary to legislate to require the provision of emergency information by either the ABC or the community broadcasting sector.

The ABC considers the provision of emergency information to be a core function of the Corporation, carried out primarily by ABC Local Radio, as evidenced in the December 2001 – January 2002 NSW bushfires, and the January 2003 NSW, ACT and Victorian bushfires. One of ABC Local Radio's key strategic objectives for the next three years is to be "responsive to events in our local communities and flexible and immediate in our coverage". Comprehensive Emergency Plans are in place for each Local Radio station. These Plans are co-ordinated at State/Territory level. In addition to this, all ABC Local Radio staff have access to their respective emergency procedures including electronic access through the ABC intranet and a Local Radio shared server. All emergency contact lists are updated on a regular basis, both internally and with the relevant emergency authorities.

Each station reviews and updates its plan at least annually in consultation with the relevant emergency authorities. ABC Local Radio representatives participate regularly in meetings with emergency authorities.

With regard to the community broadcast sector, the Government notes that the community broadcast sector has been active in providing emergency information, particularly in rural areas. In regional areas the majority of community stations do not have paid staff and rely on the commitment and dedication of local volunteers. The Government therefore does not support the imposition of mandatory requirements of this nature upon a sector which relies on largely volunteer inputs.

In November 2001, Emergency Management Australia (EMA) informed peak emergency management bodies in each State and Territory of the outcomes of the Regional Radio Industry Inquiry. EMA recommended that, although the Inquiry did



not place any obligations upon Emergency Service Organisations, it would be good corporate citizenship for them to offer to assist regional and rural broadcasters with the development of emergency response plans.

The Government will continue to monitor the situation closely.

### **Recommendation 16**

**The Minister for Defence, in conjunction with the Ministerial Council of Emergency Service Ministers, should develop protocols to ensure that radio and television station managers (or their delegates) are represented on local and regional State Emergency Service Committees and disaster response coordinating organisations.**

The Government recognises that a range of emergency and essential service organisations will be relevant for each licence area. As a general guide, emergency or essential service organisations include Police, Fire, Rural Fire, Ambulance, State Emergency Service (SES), water, port or health authorities and the Bureau of Meteorology. Existing codes require the licensee and appropriate emergency or essential service organisations in the licence area to jointly identify, develop and maintain effective lines of communication.

A licence area may also have an Emergency Management Committee/Counter Disaster Council or equivalent organisation formed under State/Territory legislation, which is responsible for issuing guidelines to identify key emergency organisations and procedures for broadcasting emergency information.

The emergency management community recognises the importance of, and strongly supports the inclusion of, local radio and television station managers on emergency management committees. However, as a Ministerial Council of Emergency Services Ministers does not presently exist, and recognising that prime responsibility for the protection of life, property and the environment rests with States and Territories, Emergency Management Australia (EMA) passed consideration of Recommendation 16 to State and Territory peak emergency management organisations. This action acknowledges the different hazardscape in each State and Territory and the varied utilisation of regional radio broadcasters during emergencies and disasters. This will ensure any ensuing protocols are tailored to meet local arrangements.

It should also be noted that responsibility for emergency management within the Federal Government was transferred from the Minister for Defence to the Attorney-General in November 2001. This transfer of responsibility was mandated by the Machinery of Government changes which followed the 2001 Federal Election.

**Recommendation 17**

**The Minister for Communications, Information Technology and the Arts should consider whether it would be appropriate to specify in legislation that, where broadcasting facilities are damaged in an emergency situation and where there is an expectation that broadcasters transmit emergency service announcements, telecommunications providers should give priority to repairing damaged equipment, infrastructure or links to essential broadcasting equipment**

The Government recognises the importance of ensuring that all communications infrastructure, including telecommunications and broadcasting facilities are repaired as a priority in emergency situations.

The Government does not consider that it is appropriate for any further legislative amendments to be developed to address this issue, as Part 16 of the *Telecommunications Act 1997* already contains general provisions requiring the telecommunications industry to supply services for the purposes of the management of natural disasters. The industry also has self-regulatory arrangements addressing the provision of services during emergencies.

States and Territories have the primary responsibility for developing emergency management capabilities. Emergency service organisations are encouraged to enter into commercial contractual relationships with telecommunications service providers to ensure arrangements are in place to meet the day-to-day requirements of emergency service organisations.

The telecommunications industry, in partnership with the Australian Communications Authority, the Australian Communications Industry Forum and the emergency management sector, has developed the 'Communication Support for Emergency Response' Industry Guideline (ACIF G596:2002) that outlines how carriers and carriage service providers will respond during emergencies. The ACIF Guideline, released earlier this year, is intended to apply on a case by case basis in situations where arrangements for the provision of pre-planned emergency telecommunications services have been exhausted.

**Recommendation 18**

**The Minister for Communications, Information Technology and the Arts should ensure that some of trials that are proposed for digital radio broadcasting are conducted in regional and remote areas. The Minister should stipulate the trials take into account the fortuitous coverage areas of AM services as a basis for the new digital service footprints or coverage areas.**

The Government notes that Commercial Radio Australia is in the process of commencing trials of digital radio services in Sydney. Commercial Radio Australia has advised the Government that it also intends to undertake digital radio trials in regional Australia. These trials will not only address the transmission of digital radio services, but also the consumer demand for such services.

The Government is supportive of the proposed trials, including in regional and remote areas, and has asked the ABA and ACA to facilitate the temporary availability of spectrum for these trials.

Trialing of digital radio technologies are at too early a stage to stipulate coverage parameters or 'service footprints'.

#### **Recommendation 19**

**In the context of these trials, the Minister for Communications, Information Technology and the Arts should also consider the potential application of the hybrid satellite/terrestrial technology being promoted by AsiaSpace with particular attention to the provision of radio services to moving vehicles.**

The Government is considering a range of applications of digital radio services in Australia, including those involving satellite delivery of services.

Given the slower than expected start up of digital radio overseas, it is the Government's view that business cases for terrestrial, satellite and hybrid applications of digital radio are still developing. It is anticipated that the proposed Commercial Radio Australia digital radio trials and the continuing penetration of different applications overseas will contribute to a better understanding of the most suitable technology for Australia.

The Department of Communications, Information Technology and the Arts will continue to monitor the development of commercial hybrid satellite/terrestrial radio services overseas with a view to their potential application in Australia.

#### **Recommendation 20**

**The Minister for Communications, Information Technology and the Arts should ensure that the community, Indigenous, Radio for the Print Handicapped broadcasters are included at all stages in the planning and implementation of digital radio.**

The proposed digital radio trials involve commercial and national radio broadcasters and the results will be shared with the wider radio sector.

The Government recognises that any eventual planning and implementation of digital radio will need to involve the full range of community interests in broadcasting, including Indigenous and Radio for the Print Handicapped broadcasters.