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Senator the Hon Kate Lundy
Chair
Joint Standing Committee on the National Capital and External Territories
PO Box 6021
Parliament House ACT 2600

ACMA file reference: ACMA2009/13

Dear Senator,

Inquiry into the changing economic environment in the Indian Ocean Territories

Thank you for your letter of 29 October 2009, which raised a number of issues regarding radio services available to Christmas Island. I am writing to provide you with a response to the questions in your letter. These are outlined at Appendix A.

Should you have any follow-up questions, please contact John Skinner on 02 9334 7911 or john.skinner@acma.gov.au.

Yours sincerely

Chris Chapman
Chairman

Appendix A

1. What would be the procedure and costs associated with granting and making available a new community broadcasting licence to the residents of Christmas Island?

The ACMA is responsible for planning the use of the 'broadcasting services bands' that are used by free-to-air radio and television services. Community radio services are initially planned in one of two ways. First, spectrum may be made available for temporary periods, under section 34 of the *Broadcasting Services Act 1992* (the BSA) for temporary community broadcasting purposes. Second, provision for long-term community broadcasting services is made by varying the relevant Licence Area Plan (LAP) under section 26 of the BSA.

Once a community broadcasting service is shown as available in a LAP, the ACMA may make available a long-term community broadcasting licence for allocation. Note that it is not necessary for there to be an existing temporary community broadcasting licence (TCBL) for the ACMA to take steps to vary a LAP. However, TCBLs are often used to enable local communities to develop broadcasting skills and programming expertise before the ACMA considers whether to vary the relevant LAP.

The Christmas Island RA1 licence area in the Remote Western Australia Radio LAP makes spectrum available for one long-term community radio broadcasting service on Christmas Island. The licence for the 102.1 MHz and 105.3 MHz frequencies planned for a community broadcasting service is allocated to Christmas Island Community Radio Association Inc to serve the community interest of the general geographic area of Christmas Island. (The original licensee, Radio VLU2-FM Announcers Association Inc, changed its name to Christmas Island Community Radio Association Inc in September 2004.) During the process of renewing the licence in November 2007, the licensee indicated that it rebroadcasts the ABC Regional Radio service when there is no local programming. In 2007, the licensee indicated that it was broadcasting local programming for about 25 hours per week. In the process of preparing this correspondence, the ACMA has been unsuccessful in contacting the licensee to confirm that these arrangements are continuing. There is currently no other spectrum planned for another community radio broadcasting service on Christmas Island.

Note that it is a condition on community broadcasting licences that the licensee must encourage members of the community to participate in the operations of the service and in the selection and provision of programs. Persons interested in providing programming ideas or presenting a program on the existing community service should contact their local community broadcasting station.

Alternatively, an aspirant group interested in providing its own community radio broadcasting service may identify an additional, unused frequency in the area that may be used to provide such a service. As a guide, ACMA Form B12 (application for a transmitter licence) provides the sort of information that is required. To identify suitable spectrum, the group may secure the assistance of a qualified broadcast engineer or consultant. The Community Broadcasting Association of Australia (CBAA), the industry group that represents the community broadcasting sector, may assist in identifying an appropriate person for this purpose. The CBAA can be contacted on (02) 9310 2999.

If spectrum is identified, details such as the proposed transmission site, expected transmission power and the proposed area of coverage should be provided to the ACMA in ACMA Form B12. The ACMA assesses the application to determine whether or not the spectrum can or should be used to provide a temporary community broadcasting service. For example, the transmission power required to provide a certain level of coverage might be excessive and cause interference to existing services.

For an aspirant group to be able to hold a TCBL, it must be a not-for-profit company formed in Australia or in an external Territory and it must represent a community interest. For example, the aspirant group may choose to represent the community interest of senior citizens on Christmas Island. Information about TCBLs is available in the ACMA's *Temporary Community Broadcasting Licence Guidelines* as well as in ACMA Form B42 (application for a temporary community broadcasting licence).

The TCBL Guidelines and ACMA Forms B12 and B42 can be accessed by going to the ACMA's website (<http://www.acma.gov.au>) and following the pathway: Home > For the public: Consumer & community advice > Broadcasting: Community broadcasting > Community broadcasting codes of practice, forms and guidelines.

Where an aspirant group decides to pursue applying for a TCBL, any costs incurred through the application process e.g. in identifying spectrum, seeking access to a broadcasting site or purchasing a transmitter, are at its own risk. Aspirant groups should contact the CBAA for assistance regarding these matters. The only ACMA cost associated with the issuing of a TCBL is the cost of an apparatus licence. This is identified on the *Apparatus Licence Fee Schedule* on the ACMA website and is currently \$33 per annum. Identification of a frequency for a TCBL does not necessarily mean that the frequency would be made available for community broadcasting purposes.

A couple of further observations should be made. First, the population of Christmas Island is very small.¹ Locally-based community broadcasting has, on rare occasions, proved itself capable of operating in communities of this size, but any expansion of the number of community broadcasting services should take account of the feasibility and capacity of sustaining multiple services in such a small community. Second, there is already a 'general community purpose' community service licensed to serve Christmas Island. In these circumstances, if it were to make spectrum available for another community broadcasting service, the ACMA might prefer to allocate a licence that proposes to meet a special-interest community interest rather than another 'general community purpose'.

The ACMA is available to discuss the underlying issues that have given rise to the interest in community broadcasting on Christmas Island. There may be other ways to address these concerns.

2. What telecommunications infrastructure would be required for Christmas Island if a new broadcasting licence were to be granted?

There are two radio broadcasting facilities established on Christmas Island which provide national, commercial and community broadcasting services through broadcasting and re-transmission facilities. The national services provide ABC radio national (both in AM-MF and FM) and JJJ programs, while the re-transmitted commercial radio broadcasting services carry content of 6FMS (north-western WA) to Christmas Island.

The two established FM broadcasting sites on Christmas Island are:

- (a) Broadcast site Drumsite; and
- (b) Broadcast site Rocky Point.

The following radio and television broadcasting services are available on Christmas Island:

¹ Christmas Island has a population of 1,346 persons, according to the 2006 Census.

Category	Call sign	Type	Licensee	Frequency / Channel
Community	6RCI	Radio	Christmas Island Community Radio Association.	102.1 MHz 105.3 MHz
Retransmission (National)	6ABCRN	Radio	Attorney-General Department / Territories Office Perth	1422 kHz 97.3 MHz
Retransmission (National)	6JJJ	Radio	Attorney-General Department / Territories Office Perth	100.5 MHz
Retransmission (Commercial)	6FMS	Radio	Attorney-General Department / Territories Office Perth	98.9 MHz 106.9 MHz
Retransmission (National)	SBS	TV	Attorney-General Department / Territories Office Perth	196.25 MHz / Ch.9
Retransmission (National)	ABC	TV	Attorney-General Department / Territories Office Perth	730.25 MHz / Ch.57
Retransmission (Commercial)	WOW	TV	Attorney-General Department / Territories Office Perth	216.25 MHz / Ch.11

The established broadcasting sites at Drumsite and Rocky Point should be able to provide access for additional broadcasting services. On this basis, there exists broadcasting infrastructure necessary to implement a new broadcasting service on Christmas Island.

New licensees would need to establish arrangements with existing broadcasters to access this infrastructure, provide the necessary equipment for broadcasting (e.g. antennas, transmitters) and deliver content (e.g. retransmission, studio).

3. Has the ACMA received any requests for additional broadcast licences for Christmas Island and Cocos (Keeling) Islands?

The ACMA has not received any requests for additional broadcasting licences for Christmas Island or the Cocos (Keeling) Islands.

4. Does the ACMA regularly consult with residents of Christmas Island and Cocos (Keeling) Islands about the adequacy of broadcasting services?

It does not. However, in preparing or varying LAPs, section 27 of the BSA requires the ACMA to make provision for wide public consultation. Relevantly this would have occurred when the former ABA was preparing the Remote Western Australia Radio LAP. The ABA would also have publicised on Christmas Island the availability for allocation of the community radio broadcasting licence that was subsequently allocated to Christmas Island Community Radio Association Inc. Otherwise the ACMA does not undertake public consultation unless there is a specific reason to do so.

Nonetheless, residents of Christmas Island and Cocos (Keeling) Islands may raise any issue with the ACMA at any time (see below).

5. Are residents of Christmas Island and Cocos (Keeling) Islands able to make complaints about telecommunications services to the ACMA?

Residents of Australia and external Territories are able to make complaints about broadcasting and telecommunications services.

The ACMA's website (www.acma.gov.au) provides a link to a page allowing complaints in a number of different areas, including broadcasting complaints related to "my television or radio reception". The conditions under which complaints may be made and the manner for making complaints are explained on this web page.

Residents of Christmas Island and Cocos (Keeling) Islands can also make complaints about telecommunications services. However, these complaints are not made to the ACMA.

Complaints should be directed to the carrier or provider in the first instance. If the customer is unsatisfied with the way that the carrier or provider deals with the complaint, they should contact the Telecommunications Industry Ombudsman (TIO).

The TIO plays the main complaint handling role in the telecommunications consumer protection framework. It can bring about restoration of disadvantage for individual consumers who have been unable to successfully resolve an issue with their carriage service provider. This may involve the TIO directing suppliers to refund disputed charges or compensate a customer for inconvenience during a period when a service was unavailable. Its jurisdiction includes most common telecommunications-related issues dealing with fixed, mobile and Internet services.

The TIO can be contacted on 1800 062 058 or via the internet: <http://www.tio.com.au>.