

**Senate Standing Committee on Environment and Communications**  
**Answers to Senate Estimates Questions on Notice**  
**Budget Estimates May 2017**  
**Communications Portfolio**  
**The Australian Communications and Media Authority**

**Question No: 159**

**The Australian Communications and Media Authority**

**Hansard Ref: Page 25, 25/05/2017**

**Topic: J-Air**

**Senator Abetz, Eric asked:**

**Senator ABETZ:** Can you advise of any other occurrences where ACMA has misled other community groups in this way?

**Mr Bean:** I would not characterise it as misleading. It was an error made by an officer during the process—an officer who was learning the process to replace a more experienced officer. It was not misleading in any nefarious sense. It was a mistake in communication.

**Senator ABETZ:** Has this sort of mistake occurred previously, to your knowledge?

**Mr Bean:** I do not know.

**Senator ABETZ:** If you could take that on notice I would be much obliged. On 18 May, J-AIR discovered, to its surprise, that the 96.1 megahertz licence had been allocated to the Yarra Ranges shire on 1 March 2017.

**Mr Bean:** A licence in that frequency was allocated in that way.

**Senator ABETZ:** That was allocated on 1 March 2017?

**Mr Bean:** I do not have the date with me but, yes, that application occurred.

**Senator ABETZ:** I am putting to you that it was on 1 March. I have the document here.

**Mr Bean:** Very well.

**Senator ABETZ:** Five days later, on 6 March, in the first meeting I referred to, ACMA met with J-AIR. Did any ACMA officer tell J-AIR that, five days prior to the meeting, they had already allocated 96.1 to the Yarra Ranges shire? And why was that not communicated to them?

**Mr Bean:** I do not know the answer to either of those questions.

**Senator ABETZ:** Could you take those on notice...

**Answer:**

The Australian Communications and Media Authority (ACMA) did not intentionally mislead J-Air over the availability of a frequency for a low power open narrowcasting (LPON) service in Melbourne, a mistake was made. The ACMA advised J-Air of the possibility of suitable sites after a preliminary assessment; the ACMA's usual procedure is to advise applicants only after a full assessment has been completed.

The ACMA is aware of the occasional previous mistake in the assessment of applications for LPON services, however has not kept records of the applicants involved.

The ACMA did not advise J-Air that 96.1 MHz had been allocated to Yarra Ranges Shire Council. The allocation of the frequency for retransmission of an ABC radio service did not impact on the discussion with J-Air about its options for broadcasting because 96.1 MHz is only one of a number of frequencies potentially available in Melbourne for low power broadcasting services.