



**Submission in response to
Discussion Paper**

***Legislative framework for implementing a digital
television switchover timetable***

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1. INTRODUCTION AND BACKGROUND

The Community Broadcasting Association of Australia (CBAA) is the peak membership body for community broadcasting licensees throughout Australia. We provide leadership, advocacy, and support for our members to actively provide independent broadcasting services and to build and strengthen local communities. Membership of the CBAA currently includes 232 permanently licensed community radio stations and 23 temporarily licensed community radio stations.

Until February 2008 our membership also included all four permanently licensed community television stations and one open narrowcaster. However, a new representative body, the Australian Community Television Alliance (ACTA), has been established with a sole focus on community television matters. One community television station remains a member of the CBAA. The CBAA and ACTA will work together collaboratively for the benefit and future development of the community television sector.

The switchover to digital television is a major development for the industry in Australia and one that the community television sector embraces. Our sector is poised to continue its valuable role at community level within the television and creative industries.

As this submission outlines, community television contributes in a number of ways, including:

- active engagement with local communities in metropolitan and regional Australia, underpinning a focus on social inclusion;
- the production of programs that reflect local community concerns, issues and needs;
- an ability to respond quickly to service emerging community needs in English or other community languages;
- the formal training and development of station volunteers across the country in a range of broadcast, management, entrepreneurial and administrative capacities;
- the development of experienced, trained talent who now work for commercial and national broadcasters;
- the encouragement of technological and production innovation that strengthen skills within the creative industries/information economy at community level; and
- content innovation and the ability of the community television sector to encourage the adoption of new technologies by consumers.

Currently, community television has a national cumulative monthly audience reach of more than 3 million and a combined annual turnover of \$5 million. It is critical to community television's continued viability that it maintain its loyal viewers, members and sponsors during the switchover to digital.

CBAA believes that, to enable community television to maintain analogue and digital services during the switchover several issues require resolution at government level. These include the need for equal access with other broadcasters to spectrum and the conversion to digital carriage.

2. KEY CBAA PROPOSALS FOR THE INCLUSION OF COMMUNITY TELEVISION IN THE DIGITAL SWITCHOVER LEGISLATIVE FRAMEWORK

A. The CBAA proposes the inclusion of community television in Schedule 4 of the *Broadcasting Services Act 1992 (the Act,)* in the same manner as commercial and national broadcasters, in the form of a Community television Conversion Scheme;

B. To remain viable and grow, community television services must be simulcast in analogue and digital until the analogue switch off date, which is currently set for 2013. Priority needs to go to providing simulcast opportunities for the existing community television licensees;

C. Transmission on a digital platform is essential or the community television sector faces serious financial hardship due to the steady erosion of its existing and potential audience;

D. The carriage of community television needs sufficient digital transmission multiplex capacity to deliver a community television service at the same technical standard as other broadcasters, which will require appropriate funding; and

E. In the long term, and certainly by the time of digital switchover, the community television sector requests a full 7MHz channel for a variety of community broadcasting purposes. This will ensure a position of policy equity with other broadcasters and maintain the diversity of television content available to audiences.

These proposals are elaborated below. However, some background is required for an understanding of community television's current situation.

3. THE DEVELOPMENT OF COMMUNITY TELEVISION IN AUSTRALIA

In 1988, public television groups, the Public Broadcasting Association of Australia (the CBAA's predecessor) and the Department of Transport and Communications formulated a three-stage policy to introduce community television comprising test broadcasts, trial licences and, finally, a permanent licensing regime.

In 1991, a Parliamentary Inquiry into Proposed Uses of the Sixth High Power TV Channel was conducted by the House of Representatives Standing Committee on Transport, Communications and Infrastructure. The Committee recommended that the sixth channel (UHF 31) be reserved for community television until a decision was made on its permanent use.

In December 1992, the Government accepted this recommendation and directed the Australian Broadcasting Authority to conduct a community television trial. Community television services were licensed under the open narrowcast 'class licences' on a trial basis, with the first community television

'trial' services being broadcast in 1994¹. These trials led to the establishment of consortia of public television producers which together became known as Channel 31 in five metropolitan and two regional areas.

In 1997, the ABA conducted a further Inquiry into the Uses of The Sixth Channel and recommended that "the sixth channel, if put to any use at all, should be used for community access television, as most socio-economic benefits presently appear likely to follow from this use."² In July 1998, the Minister announced that the community broadcasting stations would continue to broadcast on UHF 31 until the introduction of digital transmission on 1 January 2001.

The *Television Broadcasting Services (Digital Conversion) Act 1998 (Cth)* required that a review be conducted into the regulatory arrangements that should apply to digital transmission of community television using spectrum in the broadcasting services bands and how access to spectrum should be provided free of charge. The community television sector welcomed this development as the first legislative recognition of the permanent role of community television in the digital broadcasting environment.

Arising out of this review, and following sustained community pressure and the ongoing lobbying efforts of the CBAA, community television finally received permanency of licence through the passage of the *Broadcasting Legislation Amendment Bill (No 2) 2002 (Cth)*. The Bill was presented to the House by Mr Peter McGauren who, in his second reading speech on 23 October 2002, restated the government's commitment to the *community television* sector:

The community television trial has shown that community television can have a valuable role in Australian society. community television services help to meet local information and entertainment needs in a communications environment that is increasingly national, if not global. The service values of community television are distinct from network and pay television, tending to focus on innovative and niche programming, local events, news and culture. The programs are typically low-budget affairs, often produced by enthusiastic volunteers and television presenters-in-training. Indeed, community television has proven to be a significant training ground for future media professionals. Some community television programs are developed and produced in conjunction with tertiary institutions as a practical way for media studies students to experience, and experiment in, the television environment.

Community television programming is valuable because it caters to distinct and widely diverse community interests not served by

¹ Kim Jackson, Social Policy Group, Department of the Parliamentary Library, *'Broadcasting Legislation Amendment Bill (No 2) 2002'* Bills Digest 59 (2002-03).

² Australian Broadcasting Authority, *'Inquiry into the Future Use of the Sixth High Power Television Channel: Report to the Minister for Communications and the Arts'* (1997) xi.

network or pay TV. Community television contributes to overall Australian television program diversity . . .

In presenting this bill, and through the introduction of permanent licensing arrangements and better accountability measures, the government is demonstrating its commitment to a long-term future for community television in Australia. Community television has a vital role in Australia, providing programming of a character quite different - indeed, unique - in comparison to that provided by free-to-air networks and pay television. There is a strong and identifiable need for community television and it is widely supported in the community that it seeks to serve³.

Redressing an historical anomaly to enable community television's digital conversion

The history outlined above is particularly relevant as legislative amendments that established community television as a service licence category were enacted in late 2002, some three years after digital conversion plans for commercial and national broadcasters were established.

Schedule 4 to the *Broadcasting Services Act 1992 (the Act)* requires the Australian Communications and Media Authority (ACMA) to formulate legislative schemes for the conversion of commercial and national television broadcasting services to digital mode. The Commercial Television Conversion Scheme commenced on gazettal on 9 June 1999 and the National Television Conversion Scheme commenced on approval by the Minister for Communications, Information Technology and the Arts on 2 February 2000.

Community television, however, remains in a legislative vacuum with regard to digital conversion.

Therefore, the CBAA proposes the inclusion of community television in Schedule 4 of the *Broadcasting Services Act 1992 (the Act)* in the same manner as commercial and national broadcasters in the form of a Community Television Conversion Scheme.

The CBAA expects that legislative amendments would guarantee community television stations' ability to simulcast, multi-channel and the potential for (non-mandatory) high definition delivery, all at the prevailing broadcast industry standard.

Further, a framework is required to enable digital carriage of community television services and simulcast opportunities until the analogue switch off date.

³ Peter McGauren, Second Reading Speech, '*Broadcasting Legislation Amendment Bill (No 2) 2002*', House of Representatives, Wednesday 23 October 2002, 8405.

4. PROPOSED FRAMEWORK FOR DIGITAL COMMUNITY TELEVISION SERVICES

The following points summarise the CBAA position on digital community television services and provide a framework for such a scheme;

- to remain viable and grow, community television services should be simulcast in analogue and digital until the analogue switch off date, set for 2013;
- priority needs to go to providing simulcast opportunities for the existing community television licensees;
- transmission on a digital platform is essential or the community television sector faces serious financial hardship due to the steady erosion of its existing and potential audience
- to meet their service obligations, it is necessary for community television services to be carried continuously (24 hour per day, 7days per week);
- the opportunity to establish future digital community television services should become available in all television markets, including rural and regional markets;
- carriage of community television needs sufficient digital transmission multiplex capacity to deliver a community television service at a technical standard equivalent to the prevailing standard of the primary digital channel of the other five free-to-air services (including sufficient spectrum to broadcast in high definition if that becomes the standard of the primary channel of the other services); and
- recognising that currently the community television sector operates on a viable business model, (sponsorship, airtimes sales and subscriptions), the licensees face an untenable challenge in sourcing additional funds from the marketplace to meet digital transmission and distribution costs during the simulcast period.

5. COMMUNITY TELEVISION AND THE POLICY OBJECTIVES OF THE BROADCASTING SERVICES ACT 1992

The community television sector plays a vital role in achieving the aims of the Broadcasting Services Act, 1992, including:

- making available to audiences a diverse range of television services – entertainment, education and information;
- helping to develop a sense of Australian identity, character and cultural diversity;
- the provision of high quality and innovative programming; and
- encouraging diversity in the control of broadcasting services.

The community television sector has also consistently proven its adeptness in the takeup and efficient use of digital technology and is keen to embrace the opportunities offered in the switchover to digital.

6. CBAA RESPONSE TO THE TERMS OF REFERENCE OF THE DISCUSSION PAPER

With direct reference to the terms of reference of the Discussion Paper, *'Legislative framework for implementing a digital television switchover timetable'*, the CBAA provides the following comment in four parts:

- A. Switchover instrument;
- B. Timing;
- C. Smaller switchover areas; and
- D. Decision-maker;

A. Switchover instrument

The CBAA proposes the inclusion of community television in Schedule 4 of the *Broadcasting Services Act 1992 (the Act)* in the same manner as commercial and national broadcasters in the form of a Community Television Conversion Scheme. Therefore, the organisation believes the switchover timetable should be set in legislation.

B. Timing

Switchover should not occur in any area containing a community television licence until that service has been converted to digital. The CBAA notes that, in some licence areas, services are broadcast in analogue only.

C. Smaller switchover areas

Switchover should not occur in any smaller switchover area containing a community television licence, until that service has been converted to digital. The CBAA notes that, in some licence areas, services are broadcast in analogue only.

D. Decision-maker

Switchover should not occur in any area containing a community television licence until that service has been converted to digital. Once again the CBAA notes that, in some licence areas, services are broadcast in analogue only.

7. THE VITAL ROLE OF COMMUNITY TELEVISION

Community television dates back to the early 1970s and has survived and strengthened despite facing uncertain regulatory arrangements and resourcing pressures. The sector has more than 260 member groups, 3200 volunteers and 50 paid staff; provides training in all areas of television production to more than 500 Australians every year; has a combined annual turnover of more than \$5 million and has a cumulative monthly audience reach of more than 3 million.

The sector is founded upon and governed by the principles of open access, diversity, localism and independence. Thus, it is able to reflect the Australian character and cultural diversity with an array of programming made by and for a wide range of community interests.

In providing a platform for locally-produced content focusing on local issues, community television offers a contrast to the increasing networking and syndication by commercial and national broadcasters, and the increasing concentration of media ownership.

Community television meets the objects of the *Broadcasting Services Act 1992* by encouraging diversity in control of the more influential broadcasting services, and by ensuring that Australians have effective control of the more influential broadcasting services. Community television stations are owned and operated by the communities they serve.

The contribution of the community television sector to this country also extends to its influence on the other television sectors. Community television is an important training ground for careers in the media industry.

Rove McManus, Peter Hellier, Hamish Blake and Andy Lee are just a few well-known television professionals to have first received exposure and training, as presenters and producers, on community television.

Countless other volunteers have made the transition to commercial and national networks as journalists, producers, presenters, traffic and ingest operators and technical crew.

Increasingly, too, programs are migrating from community television to commercial and national networks having been created on and nurtured by community television.

A recent example, Salam Café, now broadcast nationally on SBS television, was established on C31 by young Melbourne Muslims. The show is now gaining international attention as a unique example of a witty local response to post 9/11 events. See:
<http://www.france24.com/en/20080614-australia-Salam-Cafe-comedy-show-racism-muslim>.

The community television sector has reached a critical stage in its development. It has secured financial support from state governments and philanthropic agencies and built up a solid foundation of member groups, volunteers and staff. It maintains solid relationships with tertiary and other educational institutions that enable cross-pollination of ideas and information and continued cooperation in media training and program innovation.

The growth and development of the sector in recent years means that it is well positioned for the next step — the transition to digital broadcasting. However, as discussed above, the digital broadcasting era poses a real threat to the sector. However, with continuing sympathetic government oversight, the transition will ensure the sector's continuing growth, its continued contribution to the industry and the expansion of audiences (and digital receiver take-up) in the years ahead.