



Expansion of digital radio to regional Australia



Proposed principles for license area deeming

Response from First Nations Media Australia

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[First Nations Media Australia](#) (FNMA) is the peak body for the First Nations media and communications industry. The First Nations radio sector comprises 28 urban and regional radio services, 8 remote media organisations servicing 138 remote communities, collectively reaching nearly 50% of the Aboriginal and Torres Strait Islander population each week. In addition, the sector publishes print media including Koori Mail and the National Indigenous Times, online news sites such as IndigenousX, a regional satellite television service reaching 240,000 remote households (ICTV) and a free to air national TV service (NITV). The industry has a strong web presence with First Nations broadcasters active on social media. Plus indigiTUBE, a dedicated online platform showcasing aggregated content complimented by an app, each of which streams 25 radio services. These channels offer a wide range of programming, including news and current affairs reporting from a First Nations perspective, in over 25 languages nationally.

FNMA welcomes the opportunity to provide feedback on the ACMA's proposed principles for license are deeming. This response provides comments on the premises underlying the overarching principles and alerts the ACMA to the potential exclusion of First Nations media services in future based on the proposed principles.



[Lessons learned](#)

A significant barrier to the provision of First Nations media services in metropolitan areas has been the exhaustion of FM spectrum and the lack of process for applying for a digital-only license. This is a significant oversight and one First Nations Media Australia has been calling on the ACMA to address for nearly two years with no progress to date.

There are many areas across the country with concentrations of Aboriginal and Torres Strait Islander populations which currently do not have access to a dedicated, culturally relevant, community-controlled media service. Currently, there are areas such as Adelaide in which digital radio is the only possible option for establishing a service to meet the needs of the First Nations community. By limiting

deeming options to existing community radio broadcasting licensees, the ACMA will repeat this identified barrier in regional areas. In doing so, it would block the expansion of First Nations media services on digital radio and likely limit the industry's capacity to respond to audience preferences in the future. Therefore, FNMA purports the premise of access to a multiplex transmitter being exclusive to a 'designated community radio broadcasting license' is misplaced and is neither possible nor appropriate in all regional areas.

The ACMA acknowledges "that the exclusion of a community broadcasting license areas from the digital platform may have ramifications for local communities and the diversity of broadcasting services in regional areas." And yet, the deeming approach excludes aspirant community broadcasters from establishing a digital radio service, unless they already hold community broadcasting licensees. FNMA urges the ACMA to establish a license application process for digital radio licenses, decoupled from existing community radio licenses.

Proposed principles

Overarching principles

The overarching principles for deeming, as described in the consultation document, do not explain the policy rationale for digital radio access to community broadcasters being based on commercial license areas. As spectrum is a finite public resource, it does not naturally follow that commercial interests should be prioritised on multiplex transmitters and community broadcasters allowed to share 'spare capacity'. Having access to only the breadcrumbs of spectrum remaining after commercial interests are served is most unsatisfactory and does not equate to public value. FNMA implores the ACMA to reserve capacity for First Nations broadcasters to access digital radio multiplex transmitters as an essential and vital service to communities, for both Aboriginal and Torres Strait Islander and non-Indigenous Australians.

Principle One: space capacity on the multiplex

Notwithstanding its position on 'space capacity', First Nations Media Australia recommends that First Nations media services be prioritised among the four or five community services in any given area on the basis that they are the only service which can provide access to culturally relevant information for Aboriginal and Torres Strait Islander audiences. First Nations broadcasting maintains and

strengthens Aboriginal and Torres Strait Islander culture, significantly contributes to the maintenance and revitalisation of Indigenous languages, contributes a First Nations perspective to Australia's national dialogue and educates both Aboriginal and Torres Strait Islander audiences and the broader community on matters relevant to First Nations communities. Its place in the regulatory framework is well established as the implementation of Australia's commitment to the United Nations Declaration on the Rights of Indigenous Peoples, which specifies under Article 16: *Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.*¹

The key rationale for allocating spectrum for the purposes of First Nations radio, whether classified as a community service or an Indigenous service, remain the same across all delivery platforms. First Nations radio provides essential services, significantly contributes to our national dialogue and meets key human rights obligations agreed by Government. It significantly contributes to social cohesion outcomes sought by the Government and the Australian public, which is the basis of ongoing support for the First Nations radio industry as a public good service. The capacity to achieve these objectives must be maintained regardless of how audience preferences for delivery mechanisms evolve.

In our view, RPH and ethnic services should also be prioritised as, along with First Nations media, they provide specialist services to community groups. The fourth license and any further license allocations should be available to general geographic and/or other specialist license types.

Principle Two & Three

As previously stated, a significant concern with the approach outlined in the consultation paper is the assumption that current license status-quo is effectively servicing the community. This is not the case in many regional areas and would exclude new services from gaining access to the multiplex should they be established in the future. FNMA urges the ACMA to take a more open approach to future developments in the industry, providing for the establishment of new media

¹ Australian Human Rights Commission, UN Declaration on the Rights of Indigenous Peoples, <https://www.humanrights.gov.au/our-work/un-declaration-rights-indigenous-peoples-1>, 13 September 2007

services which should have the opportunity to seek access to multiplex transmitters.

Concluding comments

While the impact on audience reach from First Nations DAB+ radio is currently unknown, it is important for First Nations radio services to maintain a presence in this delivery platform as digital radio listening evolves. Listener trends relating to DAB+ delivery are strongly linked to the installation of DAB+ receivers in cars. Since commercial radio operators are advocating for DAB+ to be mandated in new vehicles, we view First Nations radio access to this platform as vital for the long-term future, both in the metropolitan areas where it is currently available and in regional areas as the expansion of DAB+ services roll out.

First Nations Media Australia acknowledges that for many of its members, the setup and operational costs of providing DAB+ services will be prohibitive and will likely require increased funding support from Government. However, we do not believe that the First Nations media industry should be constrained by a lack of vision relating to future spectrum requirements.

The ACMA's proposed approach, as described in the consultation paper, appears to provide for a small number of existing analogue services to use a limited amount of spare capacity on multiplexes, where they will broadcast at a lower quality than commercial services. It is FNMA's view that this approach is significantly limited in its capacity to adapt to changing audience behaviours; excludes new services from accessing multiplexes at all; is not aligned with Government policy relating to the use of spectrum as a public good; and expands errors made in metropolitan markets to regional areas. FNMA urges the ACMA to reconsider some of the base assumptions that underpin the proposed principles for license area deeming.

