



The future delivery of  
radio services in Australia



## **ACMA Issues Paper**

Response of First Nations Media  
Australia

**July 2019**



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This submission is made by First Nations Media Australia. Some members may make individual submissions in which case the First Nations Media Australia submission should not be taken to displace those submissions.

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### **About First Nations Media Australia**

First Nations Media Australia is the peak body for Indigenous media and communications. It was founded in 2001 as the peak body for remote Indigenous media and communications. In late 2016 it transitioned to the national peak body for First Nations broadcasting, media and communications.

Our members are media organisations, individual producers, freelance filmmakers, journalists and allies. We support the First Nations media sector through advocacy, industry promotion, collaborative projects and capacity building through providing forums, networks and resources

for our members and the broader industry. This also extends to digital inclusion and support for regional telecommunications.

### **About the First Nations broadcasting and media sector**

First Nations broadcasters are not-for-profit community organisations providing a primary and essential service to their communities. The scope of the First Nations media sector includes:

- **Radio:** Live shows, plus interviews, radio documentaries, news, emergency information, community events, government and other messaging within community broadcasting guidelines.
- **Video & film production:** Production of culture and language-based content for broadcast & online distribution.
- **TV:** National (NITV) and regional (ICTV) TV services; local TV services (Goolarri TV at Broome, Larrakia TV at Darwin).
- **News production:** National, regional and local news and current affairs services for broadcast, as well as print and online news media.

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## 1. Introduction

Radio remains a key communication tool for First Nations communities. Although significant technological advancements have been made to supplement the radio medium, none have surpassed it for accessibility, immediacy, affordability, and geographic reach. Continued access to radio is an essential service to communities across the country and achieves a number of desired social outcomes for governments and the broader populations alike. This includes, but is not limited to, emergency information, health and education services, social inclusion and the timely delivery of locally and nationally relevant news services.

Radio, particularly independently produced radio, contributes significantly to a functioning Australian democracy. First Nations broadcasters and media producers also connect non-Indigenous communities with Aboriginal and Torres Strait Islander people and culture, developing greater understanding and building stronger relationships. The rationale for the delivery of radio services across Australia is well established and has been supported by consecutive Governments and the listening public as part of the fabric of Australian society.

This submission responds to the ACMA's *Future Delivery of Radio in Australia* Issues Paper, published in April 2019. It considers the regulatory framework which underpins Indigenous broadcasting in Australia and the drivers and impact of changing audience needs. It considers the three scenarios posed in the Issues Paper and recommends a version of scenario one as the only reasonable course of action to ensure First Nations radio can continue to service its audience.

First Nations broadcasting, referred to within government policy as Indigenous broadcasting, performs all of the functions of general radio broadcasting, employing around 450 people nationally. In addition, 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. First Nations radio is

an essential component of truth-telling processes and the expression of First Nations voices. First Nations broadcasting services reaches 48% of Aboriginal and Torres Strait Islander populations across the country, including 100,000 people considered very hard to reach. In remote communities local First Nations radio rates highly as 90 per cent audience share<sup>1</sup>. In 82 regions across the country, First Nations radio is the only radio service available (29 community licensees, 50 TCBLs and 3 retransmission sites). At a further 16 locations, First Nations radio is the only local service available, alongside retransmitted national services from other locations<sup>2</sup>.

There is significant diversity in access to new radio delivery mechanisms, particularly where platforms are reliant on internet access. This includes differences in audience requirements in cities, regional towns and remote locations, as well as barriers to First Nations audiences across all geographic locations resulting from the impact of colonization and associated socioeconomic pressures. AM and FM spectrum continues to be an essential mechanism for servicing First Nations communities.

Meanwhile, First Nations media organisations strive to meet evolving audience demand, without any additional funding support, by extending to online radio delivery and where available, DAB+ services. The ACMA must ensure that First Nations radio stations are enabled to deliver social value outcomes across all delivery mechanisms. First Nations radio services need to have a dedicated space to meet audiences where they're at, both now and into the future.

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<sup>1</sup> <https://irca.net.au/projects/indigenous-communications-and-media-survey-2016>

<sup>2</sup> ACMA, Radio and Television Broadcasting Stations, April 2019 and ACMA Temporary Community Radio Broadcasting Licenses list, 1<sup>st</sup> May 2019

## 2. Existing radio services

The First Nations radio industry reaches audiences through an increasingly diverse range of platforms. The First Nations radio sector comprises 35 licensed First Nations radio stations servicing 230 communities, including 5 metropolitan services, 18 regional stations and 8 Remote Indigenous Media Organisations (RIMOs) serving as hubs for Remote Indigenous Broadcasting Services (RIBS). Some 40 unfunded RIBS locations retransmit only, but at least half of them broadcast locally relevant programming for a minimum two hours per week. The RIMO radio “hub and spoke” and satellite rebroadcast model has proved an effective, robust and reliable delivery model for remote First Nations radio broadcasting. There is a very significant equipment and infrastructure base in remote communities installed for this delivery model. RIMO radio services are delivered via the VAST service through Direct to Home implementations as well as through terrestrial rebroadcast to around 120 sites.<sup>3</sup>

Collectively, First Nations radio services reaches around 320,000 First Nations people, including around 100,000 very hard to reach people in remote Indigenous communities, or approximately 47% of the First Nations population through these platforms:

- 157 stations broadcasting on FM
- 4 stations broadcasting on AM – 6FX in Halls Creek, 6WR Waringarri Media in Kununurra, Torres Strait Islander Media Association (TSIMA) and 3KND Kool n Deadly in Melbourne.
- 13 broadcasting via VAST satellite, in addition to FM services.
- 5 metropolitan services broadcasting via DAB+, in addition to FM services in Sydney, Melbourne, Perth, Brisbane and Darwin.
- Almost all offer online streaming via a dedicated station website.
- Many offer on-demand content either through the station's own website, or Soundcloud or podcast sites.
- 20 stations can be streamed via the indigiTUBE website and app. Some stations also have their own application or use the TuneIn or iHeartRadio apps to reach audiences.

## 3. The Regulatory Framework

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<sup>3</sup> Note: The continuation of the VAST satellite delivery is still pending a decision by government on an extension of the contract with Optus beyond 2020. There is currently no alternative delivery option.

Australia is a signatory 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.*<sup>4</sup> Although Australia didn't officially endorse the Declaration until April 2009, Indigenous peoples in Australia have exercised this right through active participation in radio and television production for the past 40 years, rationalized by the concept that "Australia is – and should be – an egalitarian society in which every citizen enjoys freedom of expression as a right. Since our broadcasting system is one of the electronic highways along which modern societies communicate, access to it should be rights based. Citizens denied access to broadcasting are denied their birthright."<sup>5</sup>

Eric Willmot's 1984 *Out of the Silent Land* report recommended Government "accepts a special responsibility for the promotion and protection of Aboriginal cultural identity in ways considered appropriate by Aborigines and this should be reflected in the broadcasting and telecommunication policies. There must also be recognition in broadcasting policies of the contribution that Aboriginal heritage can make to the emergence of a unique Australian culture."<sup>6</sup> Amongst the 55 recommendations the report put forward, a number of human rights issues were addressed, including equal rights to telecommunications (broadcasting and telephone) in remote Indigenous communities as taken for granted in urban areas, funding considerations in recognition of 'special national importance' and programming to educate all Australians in Aboriginal culture.<sup>7</sup>

It was in this policy context in 1984 that the Australian Broadcasting Authority (now ACMA) allocated BRACS licenses to 81 communities for radio and television broadcast under the Broadcasting and Television Act 1942. BRACS enabled communities not only to generate their own content, but to control the retransmission of incoming programming from mainstream society, editing out material seen as offensive or culturally inappropriate and replacing it with

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<sup>4</sup> 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

<sup>5</sup> Aboriginal and Torres Strait Islander Commission, *Rationale for an Indigenous Broadcasting Service*, Canberra, 1999, page 14

<sup>6</sup> Willmot, E, *Out of the Silent Land* Report of the Task Force on Aboriginal and Islander Broadcasting Communications, Department of Aboriginal Affairs, Canberra, 1984, page 120

<sup>7</sup> *ibid*, page vi-vii

programming more relevant to their own cultural, linguistic and educational requirements<sup>8</sup>. Today First Nations radio services operate under the Broadcasting Services Act 1992.

The human rights motivations for Indigenous broadcasting remain unchanged, and First Nations radio in Australia today remains a vital resource for the maintenance of social networks, for education, language preservation, news and information, cross-cultural dialogue and entertainment where no other media in Australia fulfils or could fulfil the role<sup>9</sup>. A strong First Nations radio sector serves to:

- build bridges with the wider community;
- facilitate complex public dialogue and support initiatives through key community messaging;
- support the expression of identity; and
- share language and culture.

It also addresses a key structural barrier in portraying essential, accessible and culturally appropriate information to Aboriginal and Torres Strait Islander people.

The First Nations broadcasting sector delivers programming in over 25 languages nationally, including the first language of many people in remote communities. At the time of European settlement in Australia, Indigenous people spoke around 200 distinct languages, at least 50 of which are now extinct<sup>10</sup> and 110 critically endangered<sup>11</sup> with fewer than 100 speakers. The importance of language to cultural heritage forms the basis of Article 13 in the United Nations Declaration on the Rights of Indigenous People to “revitalise, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures.”<sup>12</sup>

First Nations media has been instrumental in the race against time to preserve and maintain languages. It continues to be an important means of cultural regeneration, expression of self-determination and source of information for

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<sup>8</sup> Australian Communications Media Authority report, *Remote Indigenous Broadcasting Services: Licensing Arrangements for Radio Providers*, October 2009, pages 5-6

<sup>9</sup> Forde, S, Meadows, M, Ewart J, & Foxwell, K, *Community Media Matters*, Griffith University Press, Canberra, 2007, page 70

<sup>10</sup> Willmot, E, *Out of the Silent Land*, page 13

<sup>11</sup> AIATSIS & FATSIL, *National Indigenous Languages Survey Report 2005*, Australian Institute of Aboriginal and Torres Strait Islander Studies in association with the Federation of Aboriginal and Torres Strait Islander Languages, Canberra, 2005, page 3

<sup>12</sup> United Nations, *United Nations Declaration on the Rights of Indigenous Peoples*, page 7



Aboriginal and Torres Strait Islander people, particularly in the face of negative stereotypes permeating mainstream media. As the *Community Media Matters* report notes, “support for Indigenous media in Australia is still largely driven by perceptions of negative coverage of Indigenous affairs in the mainstream media. Research over the past two decades suggests this has not changed and it should be of concern”<sup>13</sup>.

As a collective, Indigenous media rejects the stereotyping of Indigenous issues reported in mainstream media sources. First Nations media organisations continually work to address stereotypes in mainstream culture, through strengthening culture within communities and through sharing responses to current events from an Aboriginal and Torres Strait Islander peoples' perspective. In this way, they are actively participating in the truth-telling process every day and through their work, empowering local voices to share their own experiences, challenges, strengths and truths.

First Nations media resonates with audiences as a means of two-way dialogue, with some listeners describing talkback programming as a public meeting in the community through direct participation in radio broadcasts<sup>14</sup>. These functions are likely to be increasingly important to both Government policy-makers and communities as new partnership arrangements for working together on Closing the Gap develop and discussions of Treaty and constitutional recognition roll out over the coming years.

Indigenous broadcast licenses are issued by the Australian Communications & Media Authority (ACMA) under the community media license type. Community broadcasters are united by six guiding principles, including working to:

- Promote harmony and diversity and contribute to an inclusive, cohesive and culturally-diverse Australian community, and
- Pursue the principles of democracy, access and equity, especially for people and issues not adequately represented in other media<sup>15</sup>.

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<sup>13</sup> Forde, S, Meadows, M, Ewart J, & Foxwell, K, *Community Media Matters*, Griffith University Press, Canberra, 2007, page 70

<sup>14</sup> *ibid* page 56

<sup>15</sup> Community Broadcasting Codes of Practice, <https://www.cbaa.org.au/resource/codes-practice-introduction>

More specifically, community broadcasting aims “to acknowledge the unique status of Indigenous peoples as the first Australians and to offer a way to demonstrate respect for their cultures and customs.”<sup>16</sup> As distinct from other media sources, community radio has committed to involve Indigenous people in broadcast activities, including empathetic language when reporting on the social and emotional wellbeing of Indigenous people generally. Nevertheless, there is a significant difference between media access and control, as described in the *Digital Dreaming* report; “Access, where one is a client, is not control, where one sets the agenda. However well-intentioned, neither mainstream stations, nor even general community stations, are able to provide wholly satisfactory vehicles for Indigenous communications.”<sup>17</sup> The inclusion of First Nations radio in the category of community broadcasting negatively impacts First Nations broadcasters access to spectrum, their participation in the co-regulatory processes of the broadcasting industry and their financial position due to the limitations on sponsorship (maximum 5 minutes per hour).

Through their inclusion in the Broadcast Services Act 1992 under the community broadcasting category, First Nations broadcasters are required to compete for spectrum with community broadcasters. This has led to significant gaps in the provision of First Nations broadcasting in capital cities such as Adelaide, Canberra and Hobart, as well as in regional areas with large First Nations populations. The lack of separate categorisation has meant that First Nations broadcasting has been marginalised in consultations and discussions on broadcasting regulation and reform as led by the Department of Communications and the Arts. There are impacts of regulation on First Nations broadcasting that need specific consideration. For these reasons, the First Nations broadcast industry has lobbied for decades for a separate license category.

First Nations radio is the most reliable and ubiquitous media service available to its target audiences. The sector is based in local communities and employs local people as broadcasters and media producers. It is a local and trusted voice attaining measurable, demonstrable outcomes in terms of audience reach, employment outcomes and social impact. The sector was recently studied

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<sup>16</sup> Community Broadcasting Association of Australia, *Community Radio Broadcasting – Codes of Practice*, Code 4, page 8

<sup>17</sup> Westerway, P, *Digital Dreaming: A National Review of Indigenous Media and Communications*, ATSIIC, Canberra, 1999, page 13

through a Social Return on Investment (SROI) lens by Social Ventures Australia, commissioned by the Department of Prime Minister & Cabinet<sup>18</sup>. Overall the SROI study found that for every dollar invested in First Nations broadcasting and media, \$2.87 of cultural, social and economic value is returned. The study considered case studies in urban (Koori Radio), regional (Umeewarra Aboriginal Media) and remote (PAW Media) areas. The SROI study found that in each setting Indigenous Broadcasting services provide much more than radio – they are community assets that contribute to strengthening culture, community development and the local economy and are contributing towards more of the Government's priorities than is currently realised.

The key rationale for allocating spectrum to 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.

The regulatory framework that underpinned the establishment of First Nations radio services, and continued support for those services for 40 years, holds the same rationale and the same expected outcomes whether delivered by AM, FM, DAB+, online or satellite services. The priority of broadcasters and regulators alike must be to optimise the capacity to connect with audiences both now and into the future, across any platform. Therefore, it is imperative that the regulatory framework not only retains provision for First Nations existing radio services but expands opportunity to develop services in new regions and provides spectrum allocation for First Nations radio services on all emerging platforms.

## 4. Drivers of Change

There are a number of drivers of change impacting the delivery of First Nations radio services across Australia in different ways. Changes in audience behavior is

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<sup>18</sup> <https://www.firstnationsmedia.org.au/about/social-value-study-2017>

one motivating factor for stations to respond to the proliferation of delivery platforms available to them. However, this must be balanced with maintaining audience access, particularly in response to impacts of climate change increasing reliance on emergency broadcast services. An era of media convergence has brought with it new opportunities for content delivery and new mechanisms for audience engagement for all broadcasters. First Nations media organisations have an added layer of responsibility in engaging with audiences beyond their primary, First Nations target audience to non-Indigenous Australians amid an evolving national dialogue relating to matters affecting First Nations communities. In some areas, reliance on AM and FM channels has increased, particularly for local radio content where other radio services have been retracted. In areas where the media landscape is more cluttered, radio services have evolved to maintain audience engagement through new delivery platforms. As there is no singular driver of change, this section will unpack each of these factors in more detail.

#### **a) Audience behavior**

Audiences can now access a broad range of screen content on-demand, which has significantly shifted the television landscape in Australia and with it, audience expectations of engagement with radio content. While a significant amount of radio listening still takes place in the car, audiences are increasingly utilizing on-demand web services to access their favourite programs online, to listen back to previous programs and to hear podcast series. In areas with strong, reliable internet service radio audiences are following contemporary audience trends in accessing information via both terrestrial broadcasting and online delivery platforms.

New avenues for listening to First Nations radio and other community radio services has not reduced the amount of time spent listening to terrestrial services, rather it has added listening time through maintaining connection with audiences across a range of delivery mechanisms. The average time spent listening to community radio services has grown from 7.7 hours per week in 2004 to 15.4 hours per week in 2016<sup>19</sup>. Audiences in cities and regional areas are taking radio with them and hearing content when they want it. Web-based listening services supplement rather than replace terrestrial broadcast.

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<sup>19</sup> McNair Ingenuity Research, *National Listener Survey*, CBAA, January 2017

While the increased capacity to meet audience expectations has meant increased listening hours for metropolitan and many regional services, the same cannot be said of remote audiences facing digital inclusion barriers of access and affordability. While new technologies have expanded listening opportunities in many regions, a significant proportion of Australians still do not have access to telecommunications services that the majority take for granted. More than 2.5million Australians are still not online<sup>20</sup>. This includes 24.7% of Indigenous Australian households who do not access the internet from home, compared with the national average of 14.7%. Levels of home internet access for Indigenous Australian households diminish further with remoteness, with up to 45.2% of households in remote and very remote locations unable to access the internet<sup>21</sup>. As an example, in the week preceding this submission, the indigiTUBE app was downloaded by 246 users nationally with 1,410,810 impressions, whereas the dedicated app for the Pilbara and Kimberley Media Association (PAKAM) received 1 download and 104 impressions. While this is a very small comparison sample of an average week in July with no major events or promotional activities, it illustrates a difference in engagement between national and remote audiences in app-based audience reach.

While remote audience access has been partially addressed through VAST services, the lack of a maintenance program for VAST satellite receivers has meant many remote households are again without a reliable delivery mechanism for free-to-air television and radio content via VAST due to as few as 50% of the VAST satellite receivers remaining operational in some communities today. First Nations Media Australia's 2016 Remote Indigenous Communications and Media Survey<sup>22</sup> found that 1/3 of households in remote Indigenous communities do not have an operational Direct to Home service, only three years after installation.

Some remote First Nations radio services (such as PY Media and Waringarri Media) have found innovative solutions to reach local audiences by taking radio directly to the people. With community permission, they have installed a number of solar-powered, weather-resistant 'sound poles' to play radio services in areas where

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<sup>20</sup> Digital Inclusion Index, *Digital Inclusion in Australia*, <https://digitalinclusionindex.org.au/about/about-digital-inclusion/>

<sup>21</sup> Australian Bureau of Statistics, Census of Population and Housing 2016

<sup>22</sup> See <https://www.firstnationsmedia.org.au/projects/indigenous-communications-and-media-survey-2016>

people congregate such as outside shops and in parks. In this context, the only means of effectively engaging with audiences is through FM and AM broadcast, Waringarri Media being an AM only service. In remote communities, AM and FM services are absolutely essential and are likely to remain that way for the foreseeable future.

### **b) Environmental factors**

Particularly in remote communities, AM and FM broadcast services are a primary means of receiving information, especially where internet and mobile phone coverage is unavailable or unreliable. These regions significantly overlap areas across the northern third of Australia prone to cyclones and, more recently, earthquake activity. Life-threatening extreme weather events are increasing in frequency due to climate change, including fire, flood and storm activity. In these increasingly common emergency situations, terrestrial AM/FM radio remains unparalleled for providing information that is timely, technically and linguistically accessible and portable to geographically dispersed audiences on the move.

In response to environmental pressures and other practical barriers, the distribution of printed materials is declining. For areas without reliable internet connection, this means increased reliance on radio as a source of key information on health, finance, education and other services.

### **c) Impact of other media outlets**

There is heightened reliance on First Nations radio stations to provide emergency and local news services due to the withdrawal of commercial and ABC services from regional and remote areas. This is due to a number of factors- the shutdown of ABC shortwave radio services in the Northern Territory, the decline in maintenance of self-help retransmission sites, the impact of media reform and closure of regional media outlets, and the increased amount of content on regional stations that is rebroadcast from metropolitan cities. Such was the impact of switching off ABC shortwave services across a large cross-section of the Northern Territory community, that the Australia Labor Party committed to providing funding to switch them back on in its election campaign<sup>23</sup>. However, since the federal election, those frequencies have been taken over by a Chinese

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<sup>23</sup> Luke Gosling, *Labor Will Restore ABC Shortwave to the NT*, <https://lukegosling.com.au/labor-will-restore-abc-shortwave-radio-to-nt/>, 19 November 2018

radio station to broadcast into the Pacific region<sup>24</sup>. The ACMA risks a much bigger backlash in regional areas should AM and/or FM services be switched off.

In many areas this leaves community and First Nations radio services as the only local content provider, leaving a skills vacuum for regional journalism. The Government has recognized this issue and is taking steps to address it through increased funding for regional radio news platforms and the ACMA's Regional Publishers Innovation Fund. Until these programs create impact, First Nations radio stations are the only professional avenue for emerging journalists in regional and remote locations, yet they are completely under-resourced to effectively undertake this vital role.

#### **d) Convergence**

The era of media convergence has made it easier for First Nations radio stations to produce and deliver content across a range of platforms. Radio stations are now expected to be 'more than just radio' by audiences, funders, content-maker and marketing platforms. First Nations radio stations are producing an average weekly total of 30 hours podcast content per week, 209 hours of video content and 51 hours of online only content sector-wide<sup>25</sup>, in addition to providing 24-hour radio services.

Increasingly, radio stations are using social media functions such as Facebook live as audience engagement tools to highlight outside broadcast activities or live to air studio events. However, this type of content is largely used as a promotional tool to draw audience attention to FM/AM broadcast services. The radio sector is working hard to use new platforms to maintain and grow radio audiences. The fact that both community and commercial radio has been able to grow audience numbers where free-to-air television has dropped is proving these methods successful.

Audio convergence is taking place by simulcasting through online streaming and DAB+ services. Five First Nations radio stations currently broadcast via DAB+ in Sydney, Melbourne, Brisbane, Perth and Darwin. McNair Ingenuity research in this

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<sup>24</sup> Bill Bainbridge, Catherine Graue and Christina Zhou, *China Takes Over Radio Australia Frequencies after ABC Drops Shortwave*, <https://www.abc.net.au/news/2018-06-22/china-takes-over-radio-australias-old-shortwave-frequencies/9898754>, 22<sup>nd</sup> June 2018

<sup>25</sup> Survey Matters, Community Broadcasting Sector Programming & Community Development Census, CBAA, June, 2017

developing medium shows 22% of community radio listeners listen to a community digital radio station representing a continuous growth trend from 12% in 2012 and 0% in 2010. Since 2012 overall listening to digital radio (all license categories) has almost tripled from 15% to 40%. While the uptake and transition to digital is strong, listening exclusively by analogue (AM or FM) still accounts for 60% of listening to all radio (community, commercial, ABC/ SBS). It would be rare (3%) for a digital radio listener to not also listen to an analogue station in the past week<sup>26</sup>.

### **e) Social change**

In recent years there has been increasing focus from non-Indigenous Australians on issues impacting Aboriginal and Torres Strait Islander peoples. Public conversation about matters such as constitutional recognition, the development of a Voice to Parliament, discourse about 26 January and reporting on Closing the Gap along with other stories have drawn new audiences to First Nations media. First Nations radio has responded to this changing national dialogue through increased outside broadcast activities of public meetings and demonstrations, producing podcasts on relevant topics and ensuring online metadata is searchable so that audiences can find programs of interest. This raises the profile of First Nations radio in the broader public and increases our sector's capacity to educate both First Nations audiences and the broader community. Social change has meant increased focus on web-based delivery platforms for finding and listening back to particular programs post-broadcast, podcast delivery and the supply of additional information online to complement discussions on air.

## **5. Impact of new delivery platforms**

The drivers of change outlined in this submission have meant First Nations radio stations have been able to maintain connection with audiences in a changing media landscape and attract new audiences through the promotion of new delivery platforms. However, each of these activities comes at an additional cost putting further pressure on station budgets that are already stretched. While online audiences can be measured, the impact of DAB+ services on audience growth for First Nations radio services is as yet unknown. Meanwhile the financial impact of these new delivery platforms is known and is significant.

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<sup>26</sup> McNair Ingenuity Research, National Listener Survey, CBAA, January 2017



### **a) Budget pressure**

The First Nations radio sector receives approximately 75% of its funding from the Department of Prime Minister & Cabinet and another 8% from other State and Federal government funding sources<sup>27</sup>. Funding to the sector has been static since the mid-1990s. In the face of increasing operational expenses, such as electricity and wages, this has left little opportunity for capital investment, equipment upgrades or even effective maintenance schedules for broadcast equipment. Broadcasting, transmission and digital networking equipment has not been upgraded in a coordinated program since 2007.

Sponsorship revenue is difficult to source due to the low socioeconomic status of the primary audience. Even without the introduction of new delivery platforms, budgets for First Nations radio services were under significant pressure. To meet contemporary audience expectations, they have found ways to do more with less, often at the expense of meeting award wages, providing safe and healthy work environments and generating the amount of quality content the services would like to produce.

In particular, DAB+ delivery has been expensive for metropolitan stations. For example, Brisbane Indigenous Media Association (BIMA) currently contributes \$15,000 per year from operational revenue, in addition to federal government subsidies, for digital broadcasting. As yet, there is no available research on the impact of DAB+ services on audience figures overall, as distinct from analogue radio services. 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 is 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.

### **b) Increased technical and training requirements**

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<sup>27</sup> Social Ventures Australia, *More than Radio – A Community Asset*, Social Return on Investment Study, November 2017

New delivery platforms have meant that most stations, regardless of whether they're analogue broadcast is AM or FM, have needed to redevelop their websites to offer streaming and/or on-demand services. Stations have rarely had capacity to undertake these developments internally, so the resourcing of suppliers to undertake this work is an additional expense to their operational activities, usually at somewhere between \$5,000-\$20,000 for base-level website upgrades required.

The delivery of content on multiple platforms has required an expansion of skills within First Nations radio stations, none of which is included in operational funding provisions. This includes IT skills for online radio delivery, technical skills for DAB+ expansion, expanded production skills for content-makers and social media marketing skills. First Nations Media Australia is working closely with the Community Media Training Organisation (CMTO), Goolarri Media and other training providers to address this emerging skills deficit in a culturally appropriate manner. Professional development is a focus of our conferences and events, with the delivery of online learning supplementing these activities. However again, the impact of new delivery platforms on audience expectations has been that peak bodies, training organisations and stations have needed to find new training mechanisms within already pressured resources.

### **c) Increased community engagement**

While the costs and background requirements to delivering content on new platforms is problematic, the impact on community engagement has been very positive and helps stations meet the obligations of Schedule 2, part 5 of the Broadcasting Services Act 1992. Stations are now able to use social media to continue on air discussions, receive audience feedback and requests, draw attention to outside broadcast and other special events as they happen, and market packaged content post-analogue delivery. The capacity to post-produce live to air content and make it available to audiences online is a fantastic marketing and engagement tool.

Local audiences have a broader range of mechanisms for engaging with live to air content through social media and direct to studio text services in addition to phone calls. Similarly, the rise of radio with pictures in being able to promote outside broadcast activity more effectively encourages stations to be out and about in their communities broadcasting from events and creating their own

public events. First Nations stations conduct at average 20 outside broadcasts per year, double that of general community broadcasters<sup>28</sup>.

Internationally, online streaming, apps and radio-on-demand services allow First Nations radio services to connect with Indigenous peoples and non-Indigenous audiences on a global scale, promoting Australia's First Nations culture and providing education to the world.

#### **d) Reduced localism**

The expansion of online services removes geographic barriers to accessing information; a positive in many ways. However, it reduces focus on localized broadcasting, with audiences having greater access to information from further afield and greater opportunity to rebroadcast content. Local broadcasting is essential from a participation perspective and particularly relevant to broadcasting in Indigenous languages. First Nations radio services provide Aboriginal and Torres Strait Islander people a unique opportunity to express themselves, in their own languages, in culturally appropriate ways. It provides a voice and an opportunity for the expression of identity in a cost-effective and accessible format for both broadcasters and listeners. Furthermore, it provides employment in regional and remote communities where opportunities can be scarce. For these reasons, local participation in broadcasting is vital to the First Nations media sector's capacity to meet broadcast policy objectives. Online services have the potential to disrupt localism, regional/remote employment and the diversity of voices heard on air.

## **6. Three scenarios**

### **1. Scenario One – radio makes greater use of FM technology**

If audience behavior is a driver of change, this scenario is the most suited to current audience preferences. Twice as many people are listening to AM/FM radio as are listening to online streaming services each week<sup>29</sup>.

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<sup>28</sup> Survey Matters, Community Broadcasting Sector Programming & Community Development Census, CBAA, June, 2017

<sup>29</sup> Commercial Radio Australia, *The Infinite Dial Australia*, [http://www.commercialradio.com.au/content/mediareleases/2017/2017-06-14-radio-leads-audio-consumption-in-austra#.XS\\_vwJMzZ24](http://www.commercialradio.com.au/content/mediareleases/2017/2017-06-14-radio-leads-audio-consumption-in-austra#.XS_vwJMzZ24), 2017

While this scenario is the most suited to the First Nations radio sector, it does not acknowledge the essential services that broadcast via AM spectrum which, due to its greater range, cannot be replaced like with like for FM services. For example, TSIMA is the only radio service available to remote communities living on flood and cyclone-prone islands in the Torres Strait. AM provides coverage over an appropriate distance, particularly across water, that FM can't reach without installing repeater towers. Towers in this region are exposed to saltwater and extreme weather and therefore rust and fall at a much higher rate than equipment in other locations. There is no funding available to increase maintenance to these locations or personnel with relevant skills currently living in the region. Thus, the AM service remains the most effective means of delivering essential services to these remote communities. First Nations Media Australia does not see a viable replacement to AM radio emerging over the next 5-10 years.

First Nations Media Australia notes that it would not be possible, due to spectrum limitations, to convert all metropolitan AM services to FM. FNMA strongly urges the ACMA to consider the policy framework which supports First Nations radio services should it move toward this outcome. 3KND in Melbourne is the only First Nations media organisation in Victoria, broadcasting on 1503AM. The station would not be in a position to financially compete with commercial services for FM spectrum space. The ACMA should prioritise stations that contribute to the Government's social outcomes policy objectives in allocating FM spectrum for any transitioning stations.

First Nations radio services currently reach 47% of Aboriginal and Torres Strait Islander peoples each week, leaving 53% without a dedicated First Nations radio service. First Nations Media Australia has been advocating for the expansion of FM radio services into regions where there is currently no service available, but expansion has been hampered by a lack of available funding support and a lack of spectrum availability. A potential benefit to the expansion of the FM band could be the allocation of dedicated spectrum for First Nations broadcasting purposes.

For example, First Nations broadcasters want to establish a dedicated First Nations radio service in Adelaide, one of three capital cities that has no service for its Aboriginal and Torres Strait Islander populations (the others being Canberra and Hobart). The broadcast group is incorporated, trained and has been

broadcasting via Radio Adelaide as access programming, meaning they pay an access fee to Radio Adelaide as the host station for their 5-6 hours of weekly programming. Nunga Wangga Aboriginal Media Corporation has made multiple enquiries to the ACMA to apply for a license but has been told repeatedly that there is no FM spectrum available in Adelaide. Currently they are exploring opportunities for DAB+ only broadcast which requires negotiation with other community broadcasters for space on the MUX, a process that is largely unregulated by the AMCA. There is no licensing application process available for digital only stations through the ACMA. This leaves the broadcast group vulnerable to the discretion of the representative company for access to the DAB+ platform. Even then, if a digital only radio license solution is found, a significant amount of marketing and distribution of DAB+ receivers will be required to enable First Nations audiences to effectively access the service. While this is possible, FM is the preferred delivery platform for its accessibility, affordability and geographic reach. Adelaide is a poignant example of the need to reserve spectrum for First Nations radio services as a public value service across current and emerging broadcast platforms to allow for the expansion of First Nations radio services. We would not accept a 47% access rate for other essential public services.

Hypothetically, First Nations radio services could be the beneficiary of AM and FM spectrum becoming available should other radio services migrate wholly to digital or online delivery. However, such a move would indicate a significant shift in audience behavior had occurred, leaving First Nations services operating in an outdated technological environment. The ACMA must ensure First Nations radio services retain the same opportunities for community engagement and the optimization of audience reach as other commercial, national and community broadcast services.

## **2. Scenario Two – AM and FM radio progressively migrates to digital radio**

This scenario does not meet the needs of First Nations audiences in terms of access, affordability or geographic reach. Firstly, there is no evidence to suggest that the impact of digital radio broadcasting in metropolitan cities to date has been sufficient to justify the platform as a replacement for AM and FM broadcasting. Ninety-five per cent of Australian adults have at least one radio receiver. While there is survey evidence indicating the digital radio audience is growing in capital cities, there is no research available about the extent to which

the audience demographic includes Aboriginal and Torres Strait Islander listeners. Digital radio has not become the preferred platform for First Nations radio services primary audience, Aboriginal and Torres Strait Islander people, to access information even in the cities where it has been available for a decade.

Secondly, First Nations Media Australia notes the expansion of approximately 100 LAPs for DAB+ in regional areas with some trepidation. First Nations radio services cannot absorb the additional cost of DAB+ broadcasting in regional areas.

Thirdly, First Nations audiences cannot absorb the additional cost of digital radio receivers without widespread financial assistance. The average low socioeconomic status of Aboriginal and Torres Strait Islander audiences as an ongoing impact of colonization means the primary audience for First Nations radio services is less likely to be driving new cars with DAB+ radios installed or purchasing specialized DAB+ receivers and smart speakers for home. Until access to digital radio gains parity with AM/FM receivers and/or Aboriginal and Torres Strait Islander people have economic parity with other Australians, digital radio remains financially unsuited to First Nations audiences.

Fourthly, the audio quality available to First Nations radio stations through DAB+ is not equitable with other services. For example, 3KND in Melbourne is broadcasting on 48kbps, whereas other AM services also broadcasting on digital radio in the Melbourne market are broadcasting on 64kbps(3CR) and 96kbps(3AW). In Sydney, Koori Radio broadcasts a mix of music, live performance, event and talk programming on 48kbps where talk-oriented stations such as 2RPH broadcast on 64kbps and Macquarie Sports Radio has 80kbps<sup>30</sup>. The ACMA acknowledges "it is not possible to increase spectrum for DAB+ without compromising television allocations." The option to increase the quality or number of services available via DAB+ would also be detrimental to the diversity of the overall media landscape.

Finally, digital radio simply doesn't have the geographic reach to service a significant portion of Australia's landmass. Migrating AM and FM services to digital radio would leave remote communities without access to essential services and information, endangering lives and negatively impacting the health and wellbeing of remote communities. In regions that are still battling for mobile phone

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<sup>30</sup> [https://en.wikipedia.org/wiki/Digital\\_radio\\_in\\_Australia](https://en.wikipedia.org/wiki/Digital_radio_in_Australia)

reception and basic telephony services, digital radio is a completely inappropriate delivery platform. For many remote Aboriginal and Torres Strait Islander people, a home telephone or mobile telephone service is the highest priority to enable unmediated communications with services and social networks across vast remote regions. Yet, after over 20 years of the USO, 5 Regional Telecommunication Reviews and numerous other programs, over 30% of remote Indigenous people are still without access to basic home telephony.

At the present time, a very large proportion of small to medium sized remote First Nations communities are reliant on a single means of telecommunications access, or have no access at all. The NT Government submission to the Regional Telecommunications Review 2018 argues that “Aboriginal Australians have low digital inclusion rates, exacerbating disadvantage - more work needs to be done to identify mobile phone and broadband data models that suit the cultural and economic needs of remote Aboriginal Australians.” The NT Government’s response also highlights the lack of appropriate infrastructure:

Currently, there are 21 remote communities with no mobile phone service, 33 with no fixed internet service and 37 connected to the NBN via unreliable or unsuitable satellite services.” (NT Government 2018).

These audiences are more than a decade away from reliable access to digital radio or online streaming services.

### **3. Scenario Three – free-to-air terrestrial radio progressively migrates to online streaming**

A key characteristic of AM/FM radio services is that it’s free-to-air. Online streaming is neither affordable nor accessible to many First Nations radio audiences. It requires equipment (either via smartphone or computer), it requires access to internet and it requires access to data which comes at a significant financial cost. It is clear that audiences are choosing to consume TV and radio using a multiplicity of receiving devices as well as time shifting. However, the capacity of remote First Nations community members to move to online TV and radio is reduced significantly by:

- Lack of adequate, non-congested IP bandwidth.
- Lack of landlines where ADSL is available.
- Low socio-economic status with affordability of both the ISP service and IP based receiving devices as key challenges.

- Indigenous digital literacy challenges.
- Multi-family households – who pays for the ISP plan?

While it is technically possible to provide subsidies to address some of these issues, this is not a feasible solution in the long-term. Government could mandate that all internet providers apply zero-rating data plans to First Nations radio stations, like the arrangement between Optus and iHeartRadio, but such an arrangement is likely out of scope for the ACMA's decision-making processes. Therefore, this option is inappropriate to First Nations audiences en masse and inappropriate as a matter of principle due to the barriers it places on access to spectrum and information as a public resource.

Online streaming services are less portable than AM/FM receivers, restricting their use in outdoor and mobile environments. This also limits the effectiveness of online streaming services for the distribution of emergency information, particularly where internet services are likely to have been compromised by extreme weather events. Online streaming is an excellent supplementary service to terrestrial broadcasting, but it does not effectively replace it.

Online streaming is not subject to ACMA licensing regulations. While terrestrial broadcasting is subject to broadcast law, and online streaming of those services, by default, operates under the same protections, online-only audio services are not required to hold a license. In an online streaming environment, broadcasters and audiences are not protected from defamation, racial vilification and discrimination to the same extent as they are under broadcast law covering licensed broadcasting. We have seen the impact of unregulated speech in social media and other online formats and caution the ACMA against the same possible outcomes emerging in an online-only broadcast space.

Online streaming decouples broadcasting from locality, which has negative implications for competition and participation in broadcasting. It can be positive in terms of potential audience reach and the capacity to keep audiences afar connected with homelands. However, it removes geographic restrictions to competition, leaving financially strapped operators vulnerable to audience poaching from competitors with larger marketing budgets. Many First Nations radio services are well placed to combat such competition by offering specialized programming in local languages, but it is a potential concern for some regional



and metropolitan stations. Similarly, it reduces the physical capacity of broadcasters to participate in broadcasting and to have their voices heard.

This scenario is preferable to scenario two though because it is possible to sandbox audio content through apps, making it accessible for audiences to download to devices if they are in a location with internet access and then listen to that content via the app when they don't have internet connection. This solution is currently used for the indigiTUBE app to navigate between copyright and access issues. However, it still requires a functioning device, some data and access to internet to find and refresh audio content. It also leaves both stations and listeners dependent on telecommunications companies to access content. Current mobile networks cannot carry equivalent audience numbers as analogue broadcast, particularly in cluttered environments. The streaming environment is unregulated and unpredictable due to the influence of large tech companies with globalized objectives leading service provision and aggregation. Neither radio stations nor regulators have control over this environment currently. This potential reliance on online service providers would give an inappropriate amount of control to private corporations over an essential public service.

## **7. Recommendations**

The availability of a broad range of radio delivery platforms increases the sector's capacity to meet audiences where they're at. First Nations radio services provide a vital service to First Nations communities, to Australia's democratic functions and to the broader Australian community. As such, they must maintain and expand optimal capacity to engage both First Nations and non-Indigenous audiences across all available platforms. This is both a beneficial social inclusion service and a human right.

Engaging audiences through digital radio, online streaming, web-based services like podcasting and radio-on-demand and social media promotion are exciting developments in the media landscape. However, these services are not universally accessible and not appropriate to emergency broadcast services. As stated in the introduction to the ACMA's issues paper, "AM remains critical in regional and remote areas of Australia for wide-coverage local broadcasting content, including critical coverage during times of emergency." Similarly, FM

services remain a critical mode of delivering information in regions without reliable telecommunications access. New delivery platforms cannot achieve the policy objectives of the existing regulatory framework in terms of access (geographic and technical), affordability, emergency response and/or social harmony objectives which AM/FM broadcasting attains.

**First Nations Media Australia recommends the ACMA:**

1. Maintain access to broadcast space for First Nations radio services as a public good across all current and emerging broadcast platforms.
2. Maintain access to information for all audiences through accessible, affordable and immediate radio services.
3. Expand the availability of FM spectrum to meet the needs of Aboriginal and Torres Strait Islander peoples not able to access appropriate media services currently.
4. View digital radio and online streaming, along with other audio delivery platforms, as supplementary and complementary to AM/FM broadcasting.
5. Maintain access to AM spectrum for services currently broadcasting on AM until a comparative long-range broadcast solution is established.
6. Consider the financial implications of shifting to new delivery platforms on First Nations, public and community services in a financially pressured environment.
7. Maintain equity of access to information for all people across Australia and not measure the value of services by population reach, but by reach to all people.

