



Submission 35



**COMMUNITY BROADCASTING INQUIRY
SUBMISSION**

FROM

ACCESS 31
(Community Educational Television Limited, Perth WA)

TO

**STANDING COMMITTEE ON COMMUNICATIONS,
INFORMATION TECHNOLOGY & THE ARTS**

March 2006



SUMMARY OF URGENT ACTIONS REQUIRED BY THE COMMONWEALTH

Below is a summary of crucial actions to be undertaken by the Commonwealth to ensure that the future of the Community Television Sector is not threatened by inconsistently applied regulations. These are listed in order of importance.

1. Appropriate Digital Spectrum must immediately be identified and reserved for the exclusive use of Community Television Services.
2. Permission and the technical parameters for simulcasting Community Television services in digital and analogue formats must be determined as a matter of urgency.
3. Funding must be allocated to support the one-off cost of digital conversion for Community Television stations.
4. Funding must be allocated to cover the ongoing costs of operating Community TV digital transmissions at least for the duration of the simulcasting period.
5. Community Television should be included in any future TV Black Spots Program and appropriate funding should be allocated to local communities for the retro-fitting of Community TV transmitters to existing Black Spot repeater facilities.
6. Anti-hording legislation must be updated to include Community TV licensees in the interest of ensuring that the public will not miss out on viewing events of national interest.
7. An appropriate licensing regime for rural Community Television (both regional and remote) services must be developed followed by a call for licence applications.
8. Community Television stations should be given a guaranteed percentage of Commonwealth advertising earmarked for TV which is proportional to the size of their audiences.
9. Pay TV service Aurora should be investigated by the relevant agencies regarding the representation of itself as "Community Television".

STATION BACKGROUND

Introduction

Channel 31 Community Educational Television Limited, trading as ACCESS 31, was established as a not for profit Company limited by guarantee in May 1998. ACCESS 31 commenced broadcasting on Friday 18th June 1999. From the commencement of its transmissions, has provided a real, local alternative for Perth television audiences. It was (and remains) the only locally owned and operated television station in Western Australia. ACCESS 31 complements existing free to air TV services and fills a growing community need for locally produced programs with a diverse program schedule.

Philosophy of Localism

The launch of ACCESS 31 marked an important philosophical departure from the way that the television medium was produced, managed and perceived in WA. Until that time the entire Perth community was relegated to mere spectator status, as they were subjected to TV services that were all nationally-networked from the Eastern States. All TV editorial decisions by the ABC, SBS and commercial Channels 7, 9 and 10 were (and are) made in Melbourne and Sydney. ACCESS 31 successfully challenged the assumption that local content was not important enough to be broadcast on television in Perth, by empowering Western Australians to actively engage in creating local content for broadcast. Furthermore, one hundred percent of ACCESS 31's editorial decisions are made in Perth by Western Australians. ACCESS 31 is the first and only TV service which gives primacy to WA, its stories, ideas and faces.

Facilities and Location

ACCESS 31 commenced operations from leased facilities at Edith Cowan University in Mount Lawley. In December 2003, the station relocated to larger, privately leased premises in Belmont. The Western Australian Government and Lotterywest granted ACCESS 31 over \$2,000,000 in December 2004 to carry out a major upgrade to the station's facilities and for the purchase of additional equipment to enable the production of even more local programming. The completion of this fit-out and equipment commissioning was officially launched by the WA Premier in October 2005.

Licensing

For its first five years of existence, ACCESS 31 operated under one year narrowcast licences, since no permanent community TV licensing regime was yet in place. During this period it was very difficult to establish a viable business model or to build the service to its full potential, because its temporary licence status was often perceived as casting doubt on the future of the service. Indeed, the entire community TV sector also struggled to survive, while operating within this policy vacuum. It is a credit to ACCESS 31 that it was able to weather these adverse and transient circumstances to become the highly successful broadcaster it is today.

In March 2004 ACCESS 31 was awarded Australia's first permanent community television licence over four rival applicants. The station has been operating under these permanent licensing conditions since May 2004.



Regional and Remote Service

In response to ongoing requests from WA rural communities for access to its service, the station persuaded the State Government to carry ACCESS 31 programming during downtime on its Westlink satellite service. This initiative commenced in December 2002 and gives remote area satellite TV viewers in WA as well as nationwide an additional viewing choice on Thursday nights and continuously through the weekends. The major centres of Albany and Bunbury have harnessed their redundant SBS TV transmitters to re-broadcast the Westlink/ACCESS 31 service on the ground. In the longer term it hoped that the rural ACCESS 31 service will lead to independently licensed community TV services in rural communities and a dedicated Remote Community Television Service to serve smaller communities.

Industry Participation

ACCESS 31 TV is a member of the Community Broadcasting Association of Australia (CBAA). ACCESS 31 CEO Andrew Brine is Vice President Community Television for the CBAA and Chair of the Community Television National Standing Committee. He has held both positions since December 1999. Under Andrew's leadership, ACCESS 31 has played an active and leading role in developing the Community Television Code of Practice as well as in planning and lobbying efforts on behalf of the community TV sector as a whole.

ACCESS 31 is also a member and strong supporter of the Western Australian Community Broadcasting Association (WACBA). ACCESS 31 Vice Chair and former Chair, Bill McGinnis was founding Chair of WACBA, while ACCESS 31 CEO Andrew was WACBA's longest serving Chair and is a current Executive Committee Member.

PROFILE SUMMARY

Programming

ACCESS 31 provides over 200 hours per month of first run local programs. The station generates significantly more local content than all the other free to air TV services in Perth combined. ACCESS 31 offers a diverse local program schedule including arts, ethnic, indigenous, youth, music, education/training, cultural, sports and entertainment programs. These include:

Amwaj Arabic Show (Local) Ethnic, Australian Croats (Local) Ethnic, Behind WA Screen (Local) Entertainment, Best of Teenwire (Local) Youth, British Football Show (Local) Sports, Breaking Barriers (Local) Ethnic, The Couch (Local) Entertainment, Curtin University (Local) Educational, Curtin Dialogues (Local) Educational, Consider Islam (Local) Ethnic, Cockburn BMX (Local) Sports, Cruizin (Local) Sports/Entertainment, Drive (Local) Sports, Flicktease (Local) Entertainment, Gods of Thunder (Local) Music, Hip Hop Gladiators (Local) Music, Margaret Court TV (Local) Religious, Nunga TV (Local) Indigenous, Pathways TV (Local) Educational/Training, Patches of Colour (Local) Educational, Pinoy TV (Local) Ethnic, Priority One (Local) Religious, Road to Heaven (Local) Ethnic/Religious, RO-TV (Local) Community/Educational, TeleLatina (Local) Ethnic, Time with Jon (Local) Community Events, Sweet & Sour (Local) Entertainment, Vision of Islam (Local) Ethnic, Wake Up Perth! (Local) Breakfast/Current Affairs, The Young Talent Show (Local) Youth/Music/Entertainment.

ACCESS 31 also broadcasts many important local events including:

Oz Day Concert 2005, Fringe Festival, WA Screen Awards, City Entertainers Wanneroo, Ampfest, Sicilian September, Behind the Scenes: Australia Day, State Touch Championships, Mortal Combat 2005, Sunsmart Surf TV: Odyssey, WA Citizen of the Year Awards, Croatian Cultural Show: Blatska Noc, Carnarvon on Show, Stories for the Telling, Premier's Awards, Priority One Christmas Special, Manjimup Cherry Harmony Festival, Perspectives Performing Arts, Celebrate Italian Republic, Sculptures by the Sea, Citizen Advocacy, Antenna Awards, WAMI's 2005 (West Australian Music Industry), Italian Consul's Cup, Trasharama, 60's Revival, Perth Fashion Festival and Launch, Miss Earth Pageant 2005, Miss WA Pageant, Model of the Year 2005, Northam: Back to the Future, Science in the Pub, Countdown 31, Gravity Games 2005, Small Business Awards 2005, Wild Girlz 2005.

ACCESS 31 is proud of its ongoing commitment in supporting charitable, non profit as well as community organisations and their activities. In the past years the station has aired over 100,000 Community Service Announcements free of charge.

Audience

The cumulative audience of ACCESS 31 now exceeds 790,000 viewers a month according to the most recent OzTam survey. The highest quarter hour peak viewing audience to date is over 40,000 (OzTam Survey).

**Human Resources**

ACCESS 31 employs 17 full time and 2 part time staff. It has over 1000 trained volunteers who produce programs and/or are involved in the day to day operations of the broadcasting service or its administration. Over 200 volunteers have been trained by ACCESS 31 in the past 10 months.

Financial Scope and Organisational Membership

The financial turnover for 2004/2005 was over \$2,400,000, which includes local grant funding. ACCESS 31 has more than 270 members with voting rights for directorships and resolutions at the AGM.

RESPONSE TO
TERMS OF REFERENCE

THE SCOPE AND ROLE OF AUSTRALIAN COMMUNITY BROADCASTING ACROSS RADIO, TELEVISION, THE INTERNET AND OTHER BROADCASTING TECHNOLOGIES.

As the only Community Television service for Perth, ACCESS 31 has a very broad and diverse community of interests. The service caters for a wide range of specialist audiences along with providing a more generalist service which reflects a locally-focussed perspective. ACCESS 31 fills a large and growing gap in WA left by all of other free to air TV stations in the areas of production, local participation in the TV medium and as a provider of extensive local television training opportunities.

Community Television provides many tangible and intangible advantages across social, economic, cultural, commercial and other areas. The scope of these benefits are wider and more comprehensive than the programming itself. In this context, the Commonwealth's reservation of the 6th metropolitan TV channel for community television and the awarding of permanent community TV licences has been a wise strategic move toward ensuring the long term viability and cultural relevance of Australian media. A few of the less than obvious examples of value adding by the community TV sector are discussed below.

Training

There are several key aspects to the benefits of media industry training currently being provided by Australian community TV stations. Firstly, they provide individuals with little or no previous knowledge of television with hands on training and experience in the medium. This can be in the areas of production, operations and/or administration. People from all walks of life now have the opportunity to become bone fide TV presenters, technicians, directors, writers and producers. Even individuals who have undertaken media studies at academic institutions often possess no track record in TV productions broadcast to the public. Participating in a real television operation revolutionises their potential for ongoing employment in the media.

Secondly, community television training and experience has direct benefits for the entire media industry. These training initiatives save the commercial media many millions of dollars, which reduces their costs and lifts their profitability. The ABC and SBS, too, are freed from many of their professional development obligations, because community telecasters have already provided much of the necessary training. This saves the national broadcasters money which would otherwise have to be diverted away from programming or other needy areas.

Training delivered by community TV stations provides employment for existing media positions and those in the future. It also creates brand new enterprises and new employment opportunities where none have existed before.



Community Service Announcements (CSA)

By televising huge volumes of free CSA's, community TV broadcasters provide valuable promotional support for a multitude of community organisations and activities. As a result, ACCESS 31 has contributed directly to the success of many of these charity and community events, and has hundreds of written testimonials to prove it. CSA's also raise general public awareness about charity and community groups which assist greatly in increasing their memberships and building successful fundraising campaigns. This key role of community TV broadcasters builds stronger community cohesion, while heightening the virtues of charity and contributing to the public good.

Local Promotion of Arts, Education and Culture

Through its programming, promotional activities as well as its community partnerships community TV plays a unique role in celebrating the achievements and elevating the visibility of the arts, music, educational, ethnic and cultural communities. Community TV content proudly features local artists, musicians, writers, educators and other culturally creative groups. Community television also systematically publicises hundreds of events of artistic and educational significance through the same scheduling system which supports CSA's.

New Promotional Opportunities for Small Business

Until the arrival of community TV, marketing through the television medium was well beyond financial capacity of small businesses. Because of the prohibitive costs, TV promotion was only an option for the "big end of town". Community TV has broken this monopoly by dramatically lowering the costs of TV promotion. Low priced corporate sponsorship is now well within the reach of most small businesses and is cost effective for companies with only one or two locations. Since the vast majority of small businesses are locally owned and operated, sponsorship, too, is an important component to community television's commitment to localism.

CONTENT AND PROGRAMMING REQUIREMENTS THAT REFLECT THE CHARACTER OF AUSTRALIA AND ITS CULTURAL DIVERSITY.

ACCESS 31's comprehensive commitment to local content and local talent are noted in the Station Profile Section above along with the additional descriptive materials attached (including a CD Rom).

Without a service such as ACCESS 31, arts, culture, ethnic, indigenous, charitable, youth, sporting and many, many other local organisations would be deprived of any access to the medium of television to communicate with the wider community or to raise awareness about their activities. Wherever possible, ACCESS 31 provides these groups with free airtime, training, facilities, equipment and on-air promotion, so that even those without any previous television experience may be empowered to produce their own local programs. Given the high cost of television production, ACCESS 31 has done an outstanding job in fostering and producing local programs, which currently equates to 200 hours per month.



TECHNOLOGICAL OPPORTUNITIES, INCLUDING DIGITAL, TO EXPAND COMMUNITY BROADCASTING NETWORKS.

As demonstrated above and in the accompanying documentation, Community TV provides a diverse, unique and valuable service to its local communities. Without it, the airwaves would have far less diversity and local relevance. In the absence of community TV, tens of thousands of Australians would lose their hands-on access to the television medium. Without it, too, the ABC, SBS, Channel 7, Channel 9 and Channel 10 would be forced to find millions of dollars of additional resources to train the workforce they require. There are a number of serious policy deficiencies adversely affecting Community TV's ability to reach its full potential. A couple of these types of issues with primarily a technical focus are discussed below. Although access to digital spectrum is also a technical matter, it is discussed in the next section due to its strategic significance as the major threat/opportunity now facing the community sector.

Regional and Remote Broadcasting

Since late 2002 ACCESS 31 has provided a limited retransmission service to remote satellite TV viewers via the State Government's Westlink satellite service. The two large regional centres of Albany and Bunbury ACCESS 31 access Westlink's downtime at no cost, download the signal and retransmit it locally. Currently this is only a retransmission of the Perth service. This pilot program has clearly shown that there is a growing demand in the bush for more TV choices and for a service with direct relevance to life on the West Coast. In the longer term, ACCESS 31 hopes it may provide many regional areas with its service, so local regional areas may insert windows of their own local programming with the larger towns holding their own community TV licences. ACCESS 31 may also consider applying for a Remote Community Television Service licence (a community TV equivalent to the Remote Commercial Television Service licence which have been operating for two decades) to provide long term telecasts for remote communities. At present there are no permanent licence options for either regional or remote community TV, so any such initiatives are stalled indefinitely. A regime for licensing community TV services for regional and remote communities must be developed in the very near future.

Transmission Black Spots

Due to its temporary open narrowcast licensing, community television was never included in the Black Spot Program and this exclusion has never been redressed since permanent licensing came into effect. This has seriously undermined ACCESS 31's ability to reach the same geographically defined audience served by other full metropolitan television services and has inhibited station funding as a result. At present, ACCESS 31 is the only free to air telecaster which does not have translators (repeaters) in the metropolitan areas of Roleystone and Toodyay, thus preventing the service from being delivered to these black spot areas. Most importantly, inhabitants of these areas are unfairly deprived of access to all 6 metropolitan TV channels. It is ironic that the TV services networked from the Eastern States have been given the highest priority in WA Black Spot initiatives, while the service with the most locally relevant content has been excluded.

If more Black Spot grants are forthcoming, community TV equalisation must be given top priority. If no more funding is available under the scheme, then additional resources should be allocated to add community TV transmissions to existing metropolitan Black Spot transmission facilities.



OPPORTUNITIES AND THREATS TO ACHIEVING A DIVERSE AND ROBUST NETWORK OF COMMUNITY BROADCASTERS.

A number of important impediments to ACCESS 31 reaching its full potential are noted in this and the preceding section. The resolution of these matters would not only remove threats to the further development of ACCESS 31, but would also create opportunities to help the service become even better and more responsive to the expectations of its audience. However, none of these matters are as vital or as urgent as the issues relating to digital community TV, because it is literally a life and death issue for Australian community television.

Immediate Need for Digital Community TV

Perth's ACCESS 31, along with its sister community television stations remain the only free to air TV services broadcasting only in analogue. They have not been given access to digital spectrum, whereas the other telecasters have not only been given digital assignments, but have also been given the opportunity to simulcast in both analogue and digital formats and have been given the funding to do so.

The Community Television Business Model is enshrined in the Broadcasting Legislation Amendment Bill (No 2) 2002 (Cth) and its viability is predicated on ACCESS 31 having access to the whole of its potential audience. Unfortunately, digital take-up is already eroding ACCESS 31's audience on two fronts.

First, with the purchases of digital set top boxes and new digital-ready TVs escalating, more and more homes are finding they cannot receive their local community TV service, because it is simply not available in digital form. Current digital set top box take-up in Australia is running at approximately 15.5% of Australian households (fig. DBA) and growing at an ever-increasing rate.

Second, the take-up of Foxtel Pay TV subscriptions which is already approximately 25% of Australian households is accelerating. Some free to air services such as ABC and SBS are already available through Pay TV and it is only a matter of time before the commercial TV services are also on board. However, there is currently no plan in place to carry any real community TV services on Pay television, despite the existence of must carry community services on Pay TV in places such as the United States.

Consumers replacing analogue free to air equipment with either digital free to air or Pay TV systems automatically lose access to the 6th channel occupied by community TV stations. This is significantly eroding not only current ACCESS 31 audiences, but also potential new audiences, because digital receivers will not receive an analogue signal.

Being left out of the digital world is the most serious threat to the continuation of community TV in all Australian metropolitan markets. A fall in revenues inevitably follows audience reductions of this magnitude, making community TV as we know it unsustainable. Furthermore, a constant chipping away of audiences as community TV is left off the digital broadcasting agenda will de-motivate volunteer presenters and producers, since fewer and fewer people will be able to watch their programs. In other words, if the situation remains unchanged for the next twelve to eighteen months, the entire community TV sector will be engulfed by two downward spirals – one in revenues and a second in program production. On the other hand, this impending doom scenario could be completely averted, if appropriate digital spectrum is released now. This would



enable community television to survive and thrive by turning the current impasse into a great opportunity for securing the future of the sector.

Implementing Digital Community TV

Community TV must be allocated suitable digital spectrum as a matter of urgency to prevent this irreparable damage. Community TV services need to be able to convert to digital broadcasting, while simulcasting in analogue in order to retain their financial viability, their audiences as well there organisational momentum. Current and future digital technologies along with an appropriate licensing regime will assist the sector in delivering regional services which would make it possible for rural communities to provide windows of their own local programming. Some larger regional centres should be more than capable of sustaining their own independently licensed services.

Due to its relative isolation, Perth has more digital spectrum available than other states. Therefore ample spectrum is available for simulcasting. The Australian Communications and Media Authority (ACMA) should re-purpose one of the unused digital channels to ACCESS 31 so that a standard definition 7MHz digital service can be broadcast.

Funding for Digital Community TV

As non profit organisations with heavy restrictions on their commercial activities, community services already find financial survival to be a challenge. At present, funding the cost of digital conversion as well as operating a second transmission system is beyond the fiscal capacity of any of Australia's community telecasters. Previous Commonwealth actions in privatising the facilities of the National Transmission Agency have contributed directly to vast increases in analogue transmission costs for many Australian community broadcasters including ACCESS 31. The introduction of digital broadcasting itself is a Federal Government decision which implies a multitude of additional expenses for community telecasters. Therefore, the onus should be on the Federal Government to offset all incidental costs related to digital conversion and digital/analogue simulcasting. Such an investment is very modest when compared to similar initiatives by national broadcasters. It is also much smaller than the value of the free training and hands-on experience community TV provides to the broadcasting industry as a whole. Finally, it is the only cost efficient method of ensuring that Australian television will always have a solid component of local content.

The estimated one-off cost of digital conversion for ACCESS 31 would be approximately \$3.8 million. This capital expense would cover the transmitter, link, studio and distribution costs. A further (estimated) \$360,000 per annum for at least the digital/analogue simulcasting period would also be necessary. This annual budget would meet the additional ongoing costs of digital operation including leasing the transmitter site, maintenance, electrical as well as other related expenses.

In 2000, Government committed \$260 million over 13 years to regional commercial television with SBS and ABC allocated over \$100 million for digital equipment and facilities. In comparison, ACCESS 31's digital funding requirements are substantially less than the other free to airs.

Anti-hording Legislation

Community television has not been included in the free to air anti-hording legislation to date. Of all free to airs, community television is the most likely to ensure that important national events are televised and that the intent of the legislation is upheld. This is because community broadcasters are closer to the communities they serve and they can make quick, independent programming decisions without having to seek permission from an interstate corporate headquarters.

A perfect example of such an occurrence was ACCESS 31's broadcast of the Ashes Test Cricket Series from the United Kingdom during July and August of 2001. Had the station not broadcast this series, viewers in Perth would have missed out on this important international sporting event. The ACCESS 31 Ashes broadcast clearly demonstrated that it was filling a major public need with 72,000 people tuning in for the first test, 88,000 for the second, with one session viewing audience reaching 104,000. This broadcast nearly didn't happen, because at the time (as now), ACCESS 31 had no legal options for obtaining the free to air broadcast rights to the series. It came about only as a result of the former Minister for Communications, Information Technology and the Arts, the WA Premier and the Leader of the State Opposition all publicly pressuring Channel 7 into releasing the broadcasting rights. The most likely outcome of any similar situation occurring today would be that the public would simply miss altogether on the opportunity to view a sporting event of major national significance.

Anti-hording legislation must be modified immediately to include community TV as it does for all other permanently licensed free to air television stations. Otherwise, huge audiences will be deprived by this technicality from access to the sorts of programs that this legislation was designed to protect. In such cases, the Commonwealth will have to bare the blame for not correcting this legislative oversight.

Commonwealth Advertising Policy

Community television stations receive no Federal Government advertising or paid Government public information messages whatsoever. From a marketing perspective, the Government is missing out on unique, dedicated and large audiences which other telecasters cannot reach. SBS, Pay-TV and Commercial Television all receive substantial Federal Government advertising. In many markets community TV regularly out rates SBS and all community telecasters have larger audiences than any of the individual Pay TV channels. Also, the costs of sponsorship on community TV are much more modest than their ratings would suggest, so money goes a long way in local television promotion. Therefore, there is no possible justification for neglecting against the only form of television which takes its local and Australian content obligation to heart, when planning Government information campaigns. Most State Governments have recognised this fact and include community TV sponsorship as part of their government advertising and public awareness campaigns. The Commonwealth must address this imbalance as quickly as possible in the interests of equity as well as in being able to obtain more promotional "bang for its buck".

Pay "Community Television"

Aurora is a Foxtel Pay TV channel which calls itself "Community Television". Aurora has no Community TV licence. By definition, Community TV services must be local and free to air. Aurora is neither, so it is not legally a community broadcaster as it does not satisfy the criteria. This is not only misleading but undermines the Community TV licensing process that applies to Community TV. Furthermore, the public becomes confused and misled by Aurora calling itself a Community TV station, which it is not. An investigation



by the appropriate authority to determine whether Aurora is a Community TV station should be undertaken and if it is not, then the regulatory authority should act accordingly.

CONCLUSION

The Community Television sector is not asking for any special treatment on digital conversion or any of the other regulatory matters discussed in this document or in the CBAA's submission to this Inquiry. Community TV stations simply seek regulatory and funding parity with all other free to air telecasters. While community television services operated under one-year-at-a-time narrowcast licences, they were excluded from a number of important programs which applied to all other free to air TV services. Once permanent licensing was achieved, community television stations justifiably assumed that they would be treated the same as all other permanent TV license holders. Unfortunately, this has not been the case.

Community TV remains in policy limbo, excluded from key Commonwealth programs that all other telecasters take for granted. These include:

- ◆ access to digital spectrum
- ◆ the capacity to simulcast in digital and analogue formats
- ◆ inclusion in anti-hording legislation
- ◆ inclusion in the TV Black Spots program
- ◆ a licensing regime for rural services
- ◆ a fair share of Commonwealth advertising earmarked for television.

Inclusion in all of these initiatives should be an automatic consequence of earning a permanent community TV licence. There are no controversial issues in relation to what Community TV is seeking. Fully rectifying this situation would take minimal effort, probably changing no more than twenty to thirty words in the relevant legislation. Consequently, it is difficult to understand why DCITA and other relevant agencies did not complete these obvious amendments to coincide with release of the first community TV licences in the first quarter of 2004.

These issues must be resolved as quickly and as fairly as possible. Otherwise, the Commonwealth will be shown to have set up community television to fail and will have to answer for these inactions to the sector's viewing audience (voters) of more than 3.6 million Australians.

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