



**Recent statements on the subject of digital radio trials on the unused VHF television channel 9A amount to a misrepresentation of the ABA's position and actions. The ABA has a long established policy of encouraging trials of new broadcasting technologies, and believes this is the wise course in relation to digital radio.**

# ABA concerned by radio industry's digital radio claims

The ABA is disappointed and concerned by a recent series of assertions on the subject of digital radio trials on the unused VHF television channel 9A.

The statements, which have received wide media airing, amount to a misrepresentation of the ABA's position and actions.

The ABA has a long established policy of encouraging trials of new broadcasting technologies, where no disruption results to existing broadcasting services. The ABA believes this is the wise course in relation to digital radio, when the Government is yet to develop policies regarding introduction of digital radio and even basic choices regarding the technical standard to be adopted remain to be made.

Encouraging trials contributes to knowledge and experience of digital radio issues in Australia and should assist in the making of informed choices about the technology. Clearly, though, it is important that trials should not be allowed to pre-empt policy outcomes. The

ABA believes its current policy achieves exactly these aims.

The ABA's recent decision to permit Broadcast Australia, which is not an incumbent radio broadcaster, to conduct digital radio trials has provoked strong unease within the commercial radio industry. However, the ABA's trials policy is expressly designed to confer no long-term rights or in any way to pre-empt Government policy decisions in this area. Indeed, no decision has been made that the spectrum in question (VHF television channel 9A) will even be used by digital radio in the long term. Nor, crucially, does the policy prevent trials by existing commercial radio operators.

Given these facts, the repeated public claims by Commercial Radio Australia (CRA) to have been 'frozen out' of digital radio trials in Melbourne are of concern. The Broadcast Australia trial will make use of only one of up to three channels that are vacant and potentially available for trials in Melbourne. The Broadcast Australia trial will not be extended beyond 18

months, if this is necessary to ensure equitable access to trials.

CRA did not, at the outset, apply for a channel in Melbourne. The ABA has now invited CRA to apply to conduct trials using one or more of the remaining available channels. These channels would be adequate to permit on air trials by every AM and FM commercial radio service currently licensed to operate in Melbourne, at the same time as the Broadcast Australia trial proceeds.

Similarly, CRA's claim that it has applied three times for test spectrum in Melbourne and was ignored by the ABA is misleading and wrongly implies that CRA has faced regulatory stonewalling (see below). The reality is that CRA was at all stages made aware of the ABA's open trial policy. In Sydney, CRA has itself been a beneficiary of the policy and unlike in Melbourne, the CRA trial will make use of all suitable and available broadcasting services bands spectrum. CRA's claim that the ABA





is aiding and abetting Broadcast Australia's business expansion plans and is 'trying to totally destabilise the radio industry', is extraordinary and simply wrong. In all its public and private communications, the ABA could hardly have been clearer that it has conferred no rights beyond an 18-month trial to Broadcast Australia.

### **Digital radio trials policy**

The ABA's digital radio trials policy builds on the ABA's long-standing policy to encourage trials of new broadcast technology. It expresses in detail how the ABA will deal with emerging problems, such as two or more competing bids for trials in the one area. While confirming the 'open' nature of trials (ie they are not restricted to incumbents) it also increases the emphasis on the temporary and non-pre-emptive nature of trials.

The policy lays out clear rules for the duration of trials and ensures that the linking of tenure to the actual purpose of the proposed trial is not a consideration. Any attempts to claim or seek spectrum to conduct a trial would, as a consequence of this approach, need to be

subject to direct tests of purpose associated with the trial. A maximum period of 18 months trial is proposed and the applicant must accept that the allocation of a licence confers no longer-term rights to the spectrum.

### **Applications for trials in Melbourne**

Commercial Radio Australia applied three times to the ABA for test spectrum in Melbourne, and was ignored.


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Commercial Radio Australia is now saying it has applied 'four times'. This is misleading and wrongly implies that CRA has faced regulatory stonewalling. The first two 'applications' were actually letters in which CRA asked the ABA (and government) to 'reserve' for possible use for digital radio all remaining VHF Band III spectrum Australia-wide. This may have been a reasonable request, but it is not an application to do trials in Melbourne.

Had the ABA been asked to permit trials in Melbourne, it would have taken a positive view, consistent with its long-standing trial policy. However,

the ABA has no power to 'reserve' spectrum in this way.

The 'third' application (actually the first to conduct a trial in Melbourne) was lodged within days of CRA being informed by the ABA that Broadcast Australia had applied for a trial in Melbourne, albeit Broadcast Australia only asked for one multiplex, not all three. It was

only unsuccessful because Broadcast Australia had got in first. CRA has since, at the ABA's request, put in a 'fourth' application (in reality, the second) for the other parts of unused VHF television channel 9A (202-208 MHz) in Melbourne. The ABA has said it would give favourable consideration to such a request. 



#### **Digital radio trial policy**

A copy of the ABA's digital radio trial policy is on the ABA web site: [www.aba.gov.au/radio/digital/index](http://www.aba.gov.au/radio/digital/index).