



SIMPLIFYING THE LICENCE ISSUE PROCESS

Introduction

The single licensing system is intended to substantially streamline licence issue processes, and to provide greater flexibility in licence issue and design.

Issue

The current arrangements can involve a complex and lengthy licence issue and reissue procedure that requires heavy involvement from the Minister for Communications. This process is tied to the current legislated hard barrier between spectrum, class and apparatus licences.

Detail

The Australian Communications and Media Authority (ACMA) will be empowered by the Bill to issue licences either on written application, in accordance with a Licence Issue Scheme (LIS) or at the direction of the Minister. A LIS sets out rules and processes relating to the issue of licences. This may include things such as eligibility requirements, the matters the ACMA must consider when making decisions under the scheme, and circumstances in which a process may be terminated. Processes established by a LIS may include issue by way of auction, tender, pre-determined price, negotiated price or administrative process (or a combination of these). In the absence of a LIS being used to issue a licence, the ACMA would consider individual licence applications on merit.

The Bill will provide for two broad approaches under a LIS for issuing licences and providing licensed access to the spectrum (although the spectrum may be licensed using a combination of these methods):

- > price based, where spectrum is allocated through the use of an auction, tender, predetermined or negotiated price; or
- > administrative, where spectrum is issued through an administrative decision-making process.

The approach chosen will depend on the specific objectives relevant to a particular band at a particular time. These may reflect economic (such as market demand), technological or public policy considerations, such as emergency service needs.

This will give the ACMA the discretion to determine allocation mechanisms and processes without the need for Ministerial intervention. Licence issue schemes will also provide the ACMA with greater freedom of choice in designing processes for efficiently issuing licences and reduces the existing legislative burden surrounding the allocation of spectrum.

Pathway to a licence

