



Submission to the
Australian Communications Media
Authority

Spectrum Reform Consultation

JULY 2017

Introduction:

The Australian Narrowcast Radio Association (ANRA) is the peak industry body representing Low Power Open Narrowcast (LPON) Radio services and the High Power Open Narrowcast (HPON) Radio services located across all States and Territories of Australia. Our membership includes the major Narrowcast radio program providers such as the TAB agencies and organisations, foreign language groups, fringe music services, tourist services and religious services, as well as many other independently owned and operated services.

We would like to acknowledge that ANRA has met with representatives from the Department of Communications & the Arts in Canberra regarding the Department's and the ACMA's outlook on Narrowcasting and clarification on various proposals set out in the Broadcasting Spectrum Consultation Paper.

ANRA is pleased that the Department values Narrowcasting and sees it having a long term future and that the ACMA acknowledges "that Open Narrowcasting Radio Services are now a well-established part of the broadcasting sector".

ANRA welcomes the opportunity to comment on the issues canvassed in the Spectrum Review. Our comments reflect a consensus of our membership. However individual members may make their own submissions.

ANRA supports in principle any proposals that will assist in improving the management and planning of communications in Australia and generally supports the recommendations made in the report.

Comments and suggestions from ANRA follow.

Substantive Comments on Proposals and Questions

ANRA Supports proposals 1-4, especially the removal of the broadcasting services band (BSB) concept. ANRA also supports proposals 5-9 which have little impact on Narrowcasting.

ANRA's response to the Questions are as below:

Questions:

1. Do you consider the change in approach to spectrum planning will have any practical implications? **ANRA considers this approach is much more streamlined, clearer and simplified.**
2. What matters should be considered for inclusion in the broadcasting Ministerial policy statement? **ANRA submits that Rolling access to spectrum for LPON licences in line with HPONs needs be introduced along with the removal of the "Use it or Lose it" condition.**
3. Will consolidating the existing radio LAPS and TLAPs into a general LAP category have any negative implications for licensees? **ANRA sees no negative implications in consolidating the existing radio LAPS and TLAPs into a general LAP category. While ANRA acknowledges that there is no guaranteed spectrum access to LPONs, there is however, now an opportunity to implement rolling access to spectrum for LPON licences.**
4. Are there any other existing rights that broadcasters have in relation to their licences which need to be addressed in the proposed framework? **ANRA feels that opportunities should be made available in the proposed framework which will assist in the development of the Narrowcasting industry.**
5. Will any of the changes to digital radio create unintended consequences or operational impediments? **ANRA does not feel the changes to digital radio create unintended consequences however ANRA submits that Narrowcasters be considered in regard to the ability to participate in Digital Radio.**

In regard to the comments in the paper introducing the Review and especially in the section titled, “Purpose and Scope” ANRA suggests it might be helpful in future documents, for Narrowcasting to be mentioned alongside other licence classes in documents such as this. For example, “licensing for commercial, community, national *and narrowcast broadcasters*”.

Current framework

ANRA accepts that as part of the current framework arrangements for the allocation and management of broadcasting spectrum may vary depending on the category of broadcasting service. ANRA submits that the Narrowcast industry now deserves an increased certainty of access to spectrum.

Designation of broadcasting services bands

ANRA would be concerned if this proposal could open the door for current conditions to be made even more restrictive without consultation.

ANRA would hope that HPONs receive an increased certainty of access to spectrum.

Digital radio

ANRA requests that Narrowcasters be considered as possible participants in Digital Radio.

Principles of reform

ANRA agrees with the changes proposed for the Radiocommunications Act and consequential changes to the Broadcasting Services Act aimed at simplifying and streamlining the legislative framework for users of spectrum. ANRA is encouraged by the confirmation that proposed reforms included in this paper would not result in a reduction of legislated entitlement to a licence to access spectrum under the Radiocommunications Act.

Our organisation accepts that Low Power Open Narrowcasters (LPONs) will not have any guarantee of access to spectrum or permanent tenure. However, ANRA submits that in the need to vacate spectrum, that the

licensee involved, receives the same notice of vacating of spectrum as would other licence classes.

Proposals

Ministerial oversight

Proposal 1-

Remove the BSB concept and Ministerial designations of BSBs and devolve responsibility for spectrum designations and high-level planning decisions to the ACMA. Ministerial policy statements will be introduced to guide the ACMA.

ANRA agrees with the removal of the BSB concept.

Question 1

Do you consider this change in approach to spectrum planning will have any practical implications?

ANRA feels this change will be less of a burden on regulators and operators.

Question 2

What matters should be considered for inclusion in the broadcasting Ministerial policy statement?

ANRA submits that the following might to be considered:

-For LPONS to enjoy continued access with the same notice of vacating of spectrum as other licence classes

--The removal of the "Use it or Lose it" condition on Narrowcast licenses

Planning of broadcasting services

Proposal 2

In planning spectrum for use by national, commercial and community broadcasters and HPONs, the ACMA will have regard to the objects and the planning criteria similar to the current section 23 of the Broadcasting Services Act.

ANRA believes that LPONs should also be included within this planning criteria.

Proposal 3

Licence area plans and television licence area plans will be combined and simplified. Simplified licence area plans will define the geographic scope of licence areas and set out the number and category of services that will be available in those areas. They will not include technical specifications, which will instead be included as conditions of individual radiocommunications licences.

ANRA agrees with this proposal.

Question 3

Will consolidating the existing radio LAPS and TLAPS into a general LAP category have any negative implications for licensees?

ANRA does not see any negative implications for LPON or HPON licensees at this stage.

Broadcasting licensing

Proposal 4

Change terminology of broadcasting licences from broadcasting services band to 'licences for the provision of broadcasting services planned in a licence area plan'. These will be known as LAP planned licences.

ANRA agrees with the change in terminology.

Question 4

Are there any other existing rights that broadcasters have in relation to their licences which need to be addressed in the proposed framework?

As there are some LPON Licences/operators in the current BSB and also others that operate in exclusion zones ANRA submits this situation may need addressing in the proposed framework.

Radiocommunications licensing

Proposal 5

Reforms will maintain the linkage between licences under the Broadcasting Services Act and access to licences under the Radiocommunications Bill for incumbents.

ANRA supports the inclusion of HPONs in the LAPs.

In line with existing arrangements, the ACMA would be able to allocate spectrum for a temporary community broadcasting licence or LPON service without that service being planned in a LAP. This would continue to provide the ACMA with the flexibility to provide these services in a more timely and discretionary manner without affecting the integrity of the LAP process. The existing constraints on these services such as the limited timing or guarantee of spectrum would remain in place.

###ANRA: We request the removal of limited timing as LPONs do not have guarantee of spectrum so this is a double-up and unnecessary.

Digital radio

Proposal 6

Remove digital radio channel plans and move into a new single licensing system.

Proposal 7

Incorporate the process for issuing digital radio multiplex transmitter licences into the new licence issue scheme.

Proposal 8

Consolidate the digital radio multiplex transmitter licence issue entitlements and broadcasters; access-seeking entitlements.

ANRA agrees with proposals 6, 7 and 8 with a request that Narrowcasters be able to participate in Digital Radio.

Question 6

Will any of the changes to digital radio create unintended consequences or operational impediments?

ANRA does not see any negative implications.

Secondary trading and spectrum sharing

Proposal 9

Incorporate greater flexibility into the new framework to allow for trading and sharing of spectrum.

ANRA agrees with this proposal

Appendix B: Comparison of current law and new approach

ANRA makes the following comments regarding the comparison of the “old” and “new” laws.

A drop-through determination will no longer be required due to the removal of the BSB concept.

ANRA agrees with this new law on the understanding that discussions currently taking place with ACMA in regard to the determination that the drop-through be available for LPONs beyond 2020 continue prior to the new “law” being introduced.

No change to narrowcasters’ spectrum access. LPONs will not be prohibited from being planned in a LAP, but will not be guaranteed an entitlement to spectrum access. LPON broadcasters will continue to need to apply for a transmitter licence.

ANRA supports the new law that LPONs will not be prohibited from being planned in a LAP with no changes to current access. However, if access to spectrum is ever being considered that a reasonable discussions and consultations ae provided.

No change to narrowcasters’ spectrum access. LPONs will not be prohibited from being planned in a LAP, but will not be guaranteed an entitlement to spectrum access. LPON broadcasters will continue to need to apply for a transmitter licence.

ANRA supports the new law that LPONs will not be prohibited from being planned in a LAP with no changes to current access. However, if access to spectrum is ever being considered that a reasonable discussions and consultations ae provided.

No change to narrowcasters' spectrum access. The ACMA may continue at its discretion to plan a HPON in a LAP. Planning a HPON in a LAP will not guarantee an entitlement to spectrum access. HPON broadcasters will continue to need to apply for a transmitter licence to access spectrum.

ANRA supports this in principle. However, if any loss of access to spectrum for HPON licences is being considered we would hope that a reasonable length of time for discussions and consultation is provided.

No change to narrowcasters' spectrum access. Subscription narrowcasters will not be prohibited from being planned in a LAP, but will not be guaranteed an entitlement to spectrum access. Subscription narrowcasters will continue to need to apply for a transmitter licence.

ANRA supports this proposal in principle. However, if loss of access to spectrum is being considered we would hope that a reasonable period be set aside for discussions and consultation before being introduced.

Conclusion:

ANRA, as the representative body of the Australian Radio Narrowcast industry values the opportunity to contribute to the Consultation of Spectrum Reform.

Please be assured that our industry supports simplifying and streamlining the legislative framework for users of spectrum and for making the most efficient use of spectrum.

We hope our comments and suggestions have been found to be helpful to the consultative process

ANRA thanks the Authority for the opportunity to be part of the consultation process and looks forward to a continuing and positive dialogue.

