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**AUSTRALIAN NARROWCAST RADIO ASSOCIATION**

 **Submission to**

**Department of Communications**

**Spectrum Review Issues Paper 2014**

1. **Introduction**

Thank you for the opportunity to comment on the draft Terms of Reference for the Department of Communications Spectrum Review.

ANRA broadly agrees with the proposed terms of reference with one proviso – there needs to be an explicit statement within the Terms of reference that the frequencies currently allocated in the broadcasting services bands and elsewhere should be exempt from the spectrum review.

ANRA is the peak industry body for Low Power and High Power Radio Narrowcasters in Australia. Our membership includes the major Narrowcast radio program providers such as the major TAB agencies and organisations, foreign language groups, fringe music producers, tourist services and religious narrowcasters, as well as many other independently owned and operated stations providing a diverse range of Narrowcast programs.

1. **ANRA’s General Position on Spectrum Management and Policy**

ANRA accepts that spectrum management and policy needs to balance competing public policy objectives, to guarantee that sufficient spectrum capacity is available for the effective operation of essential services, defence and other public interest needs, while at the same time making policy sufficiently flexible to cater for diversified demands of the population and to be aware and act accordingly for the evolving new technologies and services.

**Comments on the terms of reference :**

### Term of Reference 1:

**Simplify the framework to reduce its complexity and impact on spectrum users and administrators, and eliminate unnecessary and excessive regulatory provisions**

1. ANRA has no issue in any attempts to simplify the policy structure so as to reduce difficulties placed upon, and the impact upon, Narrowcaster operators.

We would suggest there is a need to eliminate unnecessary and excessive regulatory provisions so as to simplify Spectrum Management and Policy as possible with the proviso that the different sectors of current spectrum users are protected.

###  Term of Reference 2:

**Improve the flexibility of the framework and its ability to facilitate new and emerging services including advancements that offer greater potential for efficient spectrum use, while continuing to manage interference**

ANRA accepts that there may be a need for greater flexibility to ensure sufficient access to spectrum for new and emerging services balanced with the challenge of managing interference and provide certainty for current narrowcast licensees. However ANRA contends that financial assistance must be available to spectrum users displaced through reallocation processes. We strongly contend that such compensation ought to be provided on a consistent basis to all spectrum users required to move to alternative bands, and should not favour one particular sector or industry over another.

### Term of Reference 3:

**Ensure efficient allocation, ongoing use and management of spectrum, and incentivise its efficient use by all commercial, public and community spectrum users**

ANRA sees the advantage and would favour the retention of the current mix of apparatus licensing and spectrum licensing for the various frequency bands, based on the various needs of the market.

We accept that spectrum is a significant and limited public asset however ANRA contends that it is important to ensure that any review process does not reduce the ability to provide the current suite of services, in terms of both range and quality that have served Australia well for many generations.

### Term of Reference 4:

**Consider institutional arrangements and ensure an appropriate level of Ministerial oversight of spectrum policy and management, by identifying appropriate roles for the Minister, the Australian Communications and Media Authority, the Department of Communications and others involved in spectrum management**

ANRA accepts that there must be well defined roles for the Minister and the regulator in all aspects of policy and spectrum management. However we would want to ensure that there is still provision for input to be received from all interested stakeholders and that decisions or outcomes do not favour one industry sector over another.

### Term of Reference 5:

**Promote consistency across legislation and sectors, including in relation to compliance mechanisms, technical regulation and the planning and licensing of spectrum**

ANRA submits there ought to be a level regulatory playing field for spectrum users by treating users consistently and transparently. The Review provides a welcome prospect to reassess the regulation of broadcast spectrum under the current legislation, and to consider how appropriate and relevant the legislation is in the current environment.

### Term of Reference 6:

**Develop an appropriate framework to consider public interest spectrum issues**

Spectrum is a scarce public resource, and ANRA understands the requirement to provide for sufficient spectrum capacity for all sectors.

### Term of Reference 7:

**Develop a whole-of-government approach to spectrum policy**

ANRA supports the development of a holistic policy to define the future direction of spectrum management.

### Term of Reference 8:

**Develop a whole-of-economy approach to valuation of spectrum that includes consideration of the broader economic and social benefits**

ANRA has no issues with this approach.

**Responses to the questions for stakeholders**

In response to the questions for stakeholders in the Issues Paper, ANRA submits the following:

**What additional issues should be considered by the review?**

ANRA submits that there is a need to consider new and emerging technologies and their potential impact on future spectrum management and policy whilst at the same time protecting current stakeholders.

**Are there any issues you think should be taken off the table?**

ANRA submits that the review ought to be as wide ranging as possible so as to reflect the best way forward for Spectrum management and policy.

**Which issues should be given priority and why?**

ANRA considers there are a number of issues in spectrum management and policy that affect Narrowcasters that are becoming increasing important such as the setting aside of spectrum in the digital rollout for Narrowcasters

ANRA submits that financial assistance ought to be made available to any operator required to move to an alternative band or frequency, and should not favour one particular sector or industry over another.

**Which issues can be addressed in the short term (the next 12-18 months) and which should be considered over a longer period?**

ANRA submits that important changes to framework will take time if they are to be effective and would recommend that rather than a piecemeal approach to what is already a complex process that a universal and far-reaching approach be taken.

**What should be the extent of reform – can the framework be improved by adjusting what is currently in place or are more fundamental changes required?**

Any reform needs to ensure that any changes that are made are cohesive and consistent whilst at the same time being malleable enough to adapt to any evolving technologies and priorities whilst protecting the current stakeholders.