



**Submission to the**

**Review of the**  
**Radiocommunications Bill 2016**

**Spectrum Reform Legislative**  
**Proposals Consultation**

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. Narrowcast Radio in Australia now accounts for ten times more licenses issued than those from the Commercial and Community sectors and is continually growing.

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

ANRA supports in principle any legislative proposals that will assist in improving the management and planning of spectrum in Australia. Encouraging efficiency, innovation, certainty of investment and ensuring regulation does not unnecessarily constrain spectrum use.

ANRA also agrees with the objective of the Bill to promote the long-term public interest derived from the use of radiofrequency spectrum by providing arrangements for the provision of spectrum for public or community purposes.

As the Consultation Paper proposes a number of major changes and reforms that are complicated and difficult, ANRA is hopeful that further consultations will occur with industry bodies such as ourselves prior to introduction of any major changes and reforms.

### **Replacement of Apparatus Licenses with a Single Licence Category and Access to the BSB Spectrum**

ANRA is concerned that the recommendation in the Consultation Paper for a generic licence category that would apply across all sectors, not just broadcasting, needs more consultation as we fear such a proposal could undermine the already present uncertainty that faces Narrowcast operators.

We submit that what appears to be flexibility may, in the end, be at the expense of long-term viability and certainty for Narrowcasting.

If the single licence category allows more access to spectrum for narrowcasting, especially in regard to the BSB and/or DAB+, then ANRA in principle and after consultation would support these discussions.

However we would be reluctant to support amending the Act until ANRA was satisfied the existence of an explicit statement within the Terms of Reference that the frequencies currently allocated to LPONS in the Drop through Zone (87.5-88.0), and both HPON & LPONS in the BSB, will be maintained.

ANRA wishes to continue working in partnership with the Department to secure worthwhile and workable changes to modernise and streamline spectrum management. However we feel more consultation is needed to achieve a successful outcome.

ANRA is concerned that a generic licence category that integrates the broadcasting spectrum into a comprehensive framework that would also include television and mobile services would be difficult to manage.

### **Long-Term Use of Spectrum**

The Consultation Paper proposes licence terms of up to 20 years but does not specify the actual licence term that would be available to HPON operators under the new framework. Originally HPONS were purchased with the expectation of permanent right of access to the BSB spectrum.

We submit that any licensing model must take into account the uniqueness of Narrowcast radio and the diversified services that are currently provided by Narrowcasters.

The Narrowcast Radio sector has evolved to be a major sector in the mosaic of broadcasting in Australia, with more than 2500 Low Power Open Narrowcast Licenses (LPONs) and many High Power Open Narrowcast services (HPONs) operating in often unique ways to provide a diversified service to communities, especially in regional and remote areas of Australia.

Narrowcast Radio in Australia plays a significant economic, social, educational and informative role in the lives of many Australian communities. There would be a strong and vocal outburst within many communities if the Narrowcast services they listen to and enjoy were threatened.

**We submit that it is now time for Narrowcasters to receive guaranteed automatic renewal of licenses.**

Our hope is that while changes to the legislation are made that the legislation would include a "rolling" or "continuing" tenure to the drop-through determinations system for Narrowcasting in Australia, so that the conditions of an LPON Licence are in line with the Consultation Paper's proposed extension of licence terms of up to 20 years in line with the rest of the broadcast sector.

At present every five years a Determination has to be made to continue with Narrowcasting services. However, as we saw with the previous two determinations, both had to be extended to allow for the determination process to complete, and this had a huge impact on the business operations of our members.

Two examples of where this caused concern and hardship included uncertainty with job security for staff of Narrowcast licensees, and in regard to transmitter tower leases where some expired and had to be renewed on a yearly basis (some even monthly) which nearly doubled costs because of short-term leasing for some of our members. This uncertainty also causes our members' licensees and thus their business to be devalued in line with the known tenure of their stations.

It concerns the industry that if the next round of discussions do not start in 2018 as planned, we will again see last-minute decisions being made in the final determination year or, as has happened on the past two occasions, that extensions will be needed to allow for determinations. And, if history is the guide, that could take up to three years.

As Government attempts to streamline the operations of spectrum management, this indecision regarding Narrowcasters is a burden on ACMA resources, with the need to initiate discussion papers every two years followed by ongoing discussions running three years or more.

ANRA contends that the time has come to accept that the LPON sector is a permanent feature of the broadcasting landscape of Australia which no longer needs to be periodically reviewed in relation to the question of its continuation.

Over the past twenty years there has been no other stakeholder showing any interest in, or desire to use, this part of the spectrum. ANRA proposes that Narrowcast Radio be granted permanent tenure of the spectrum that is currently used by LPON operators.

We contend, therefore, that any review of Spectrum must include provision for the Narrowcast industry to continue to provide the much relied on services it provides on an ongoing basis.

### **Fee Structure**

Should there be a move towards a single licence category for all spectrum users, ANRA contends that no changes ought to be made to the current fee structures for Narrowcasters.

### **Annual Spectrum Work Plan**

ANRA supports the proposal for an annual Spectrum Work Plan with the proviso that stakeholders are offered an opportunity to comment prior to that plan being finalised.

ANRA submits that this may be best achieved by engendering a practical and collaborative approach between the industry and the regulator.

The Narrowcast sector and the ACMA have worked together effectively in the past. However ensuring regulation does not unnecessarily constrain spectrum use would see the need to open up unused spectrum in the BSB for HPONs. Over the past years there has been many requests to the ACMA for frequencies to be set aside for HPONs but there have been very few allocations made.

### **Transitional Arrangements**

The Consultation Paper does not make it clear as to how the arrangements would operate under the draft legislation. This is a matter of concern for ANRA and its membership.

### **Narrowcasting Today**

ANRA submits that the Narrowcast Radio industry is now very much a mature industry within the mosaic of Broadcasting in Australia but sadly is not recognised for the contribution it makes to the diversity of Australian life.

Narrowcasting is no longer the basic billboard radio of its infancy. It is an industry that has grown and expanded to offer to the Australian public, particularly those living in regional and remote areas, a diversified Radio

product that they might not normally receive from the National, Commercial and Community licensees.

Narrowcast stations in Australia have been true to their charter of providing programs that target specific segments of the public audience defined by values, preferences and demographic attributes that fulfil public needs that are not often met by other Broadcast sectors.

Narrowcasting ensures that Australians of all ethnicities, interests and persuasions are catered for.

The Narrowcast Radio services in Australia now account for 10 times more licences than Commercial, National and Community stations. Sadly this does not seem to have been recognized widely enough, even by the Department of Communications and Arts. On the Department's website the Radio link includes Commercial, National, Community and Digital Radio services yet there is no mention of the Narrowcast sector.

To highlight the range of places being served by narrowcasting the map below shows this in its rightful context and spread.



The importance of many of these services may be gauged from the support and encouragement they receive or have received from various tiers of government and private individuals.

Some examples:

—In 1989 a Parliamentary inquiry concluded that a regional racing service was extremely important to regional Australia. Many regional areas rely on their local Narrowcast station to provide the racing service not available on regular National or Commercial stations.

—Narrowcast Tourist Radio services are supported by State Roads and Tourism authorities including the provision of road signage.

—Many local government instrumentalities and private landholders do not charge rental for LPON transmitter sites because of their perceived community value.

—Some religious programming services which operate on a not-for-profit basis are financed in full or in part by listener donations.

—One Queensland regional Narrowcast station provides not only music and entertainment that is directed to the residents living in the Retirement Village where it exists but it is also the Communications Centre for that Village and another nearby.

These are important services that people rely upon and appreciate.

Most Narrowcast services are small businesses often owned and operated by local operators especially in regional and remote Australia. At the moment they operate in a climate of uncertainty for their future and their investments.

Governments of both persuasions have recognised the value and importance of Narrowcasting services (both HPON and LPON).

In recent times the former Chairman of the ACMA, Chris Chapman, spoke publicly of the need to build communication with ANRA and the importance of making provision in the spectrum for Narrowcasting.

Narrowcasting is a significant stakeholder in the Radio industry and it is important as management of spectrum is improved and streamlined, that provision for Narrowcast industry is preserved.

**Concluding comments:**

Although ANRA has some concerns as outlined above, the Association does support the efforts to streamline the Radiocommunications Act and to facilitate the efficient use of spectrum.

ANRA appreciates being able to be part of the process of consultation and encourages a collaborative approach between the different sectors of Radio including the Narrowcast industry and the department.

We would hope there will be further opportunities for consultation prior to a final draft of the Radiocommunications Act being released.

ANRA thanks the Department for the opportunity to comment on the consultation process and looks forward to a continuing and positive dialogue.