



12 April 2024

The Hon Michelle Rowland MP  
Minister for Communications  
PO Box 6022  
Parliament House  
Canberra ACT 2600

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Dear Minister

I write with regard to the draft Ministerial Policy Statement that the Australian Communications and Media Authority (ACMA) must have regard in making decisions with respect to certain spectrum licences expiring between 2028 and 2032.

The spectrum licences span a number of bands and applications, including mobile and fixed wireless broadband, rail safety and communications and electronic news gathering.

Given the licensing relates to the allocation of public spectrum to telecommunications and mobile network operators having for-profit purposes, the CBAA is pleased to also see a focus on achieving public interest outcomes from use of spectrum, and notes the challenges of delivery of free-to-air radio services to portable, mobile and vehicle users across remote and wide regional areas, particularly Indigenous and community services.

The Ministerial Policy Statement is not intended to cover broadcast service bands or applications. Even so, there is relevance to the current and future delivery of free-to-air broadcast services to the public, especially radio, and in at least two respects:

1. In a scenario where delivery of radio broadcast services to the public is by way of systems and spectrum used by telecommunications mobile broadband operators, the delivery of data required for reception by the public of licensed free-to-air radio broadcast services ought to be on a non-metered basis, and without need for any on-going or mobile network operator specific data plan.
2. There is a need for an access regime that ensures right of access by licensed free-to-air radio broadcasters to tower facilities owned or used by telecommunications mobile network operators, and that such access be on a reasonable costs basis. This is an issue with impact upon implementation of FM and DAB+ digital radio, especially where targeted in-fill coverage sites are required for free-to-air radio delivery: and not only but especially relevant to coverage in regional areas. Note that existing legislation includes an access regime for free-to-air television to broadcast transmission towers.

These matters speak directly to the public interest derived from use of the spectrum, and public policy related to the key role of free-to-air broadcast radio, including in regard to resilience, emergency and disaster response scenarios.

The CBAA considers both points worthy of further consideration by your Department, in terms of legislation, and/or the ACMA, in terms of conditions applied to future spectrum licences.

Adding text to the Ministerial Policy Statement to allow or encourage consideration of both these points would be warmly welcomed.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Jon Bisset', with a stylized flourish underneath.

Jon Bisset  
Chief Executive Officer