



AUSTRALIA

Submission by Free TV Australia

Draft Ministerial Policy Statement:

- **Expiring spectrum licences**

April 2024

Submission from Free TV Australia

- Free TV Australia welcomes the opportunity to comment on the draft Ministerial policy statement.
- Free TV Australia is the peak industry body for Australia's commercial free-to-air (FTA) television broadcasters. It proudly represents all of Australia's commercial free-to-air television broadcasters in metropolitan, regional and remote licence areas.



- Television depends on dedicated access to Television Outside Broadcasting (TOB) spectrum to cover events of national significance, provide critical information in times of emergency and bring Australians together to witness moments in history, life changing occasions and times of national success.
- The 2.5 GHz 'mid-band gap' licences were allocated to TV networks as part of a holistic, long-term TOB solution that enabled TV services to vacate other parts of the 2.6 GHz band. In recognition of the public interest nature of the allocation, use of the licences was restricted to TOB.
- Similarly, a holistic, viable and sustainable vision for the future of television outside broadcasting and electronic newsgathering should inform any process for settling the future of the 2.5 GHz 'mid-band gap' licences after 2029.
- Free TV notes with approval that the policies in the proposed notifiable instrument are expressed to be wireless broadband specific and not intended to apply to the 2.5 GHz 'mid-band gap' spectrum licences.
- We support the proposed rationale for excising these licences, which are used for television outside broadcasting (TOB). TOB has quite different usage characteristics from wireless broadband and the 2.5 GHz 'mid-band gap' licences raise different public interest issues from other expiring spectrum licences. In particular:
 - TOB spectrum usage is, by its nature, intermittent and geographically dispersed, and can be either predictable (for example, for coverage of a scheduled event) or unpredictable (for example, for coverage of breaking news). Whenever the spectrum is required, however, broadcasters need interference-free access.
 - Rather than providing digital connectivity to consumers, the public interest benefits of TOB are those that flow from having a free-to-air broadcasting sector that is able to bring breaking news and events of national significance into Australian homes as they happen.

- These public interest benefits are separate from and different to the benefits flowing from high quality and affordable wireless broadband services. They find expression in the Minister's December 2022 Statement of Expectations (of the ACMA) as follows:

I also expect the ACMA to support particular objectives and priorities with respect to the Government's communications and media objectives:

....

- *supporting the work to reform the media regulatory framework to support a viable, sustainable and diverse media sector that supports the public interest and meets the needs of Australian audiences.*
 - In settling future arrangements for the 2.5 GHz 'mid-band gap', the ACMA and the Australian government should take account of the objective of fostering a media sector that supports the public interest and meets the needs of Australian audiences.
- Turning to the content of the draft Ministerial Policy Statement, we note that Free TV's members are indirectly affected by the policy issues in play. As occupants of UHF TV channels that are potentially valuable for wireless broadband, the TV industry has a legitimate interest in the efficient use, by mobile network operators, of existing wireless broadband spectrum.
 - The draft Policy Statement correctly identifies several issues of clear relevance to wireless broadband spectrum, including promoting competition and capacity for sustained investment and innovation.
 - We suggest adding to these two the goal of making efficient use of existing wireless broadband spectrum allocations.
 - Efficiency is a vital objective that should be weighed in the balance with other key objectives of good radiofrequency spectrum management, notably flexibility of use and promoting competition. The issue is not trivial, as spectrum arrangements that maximise competition and flexibility of use, may come at the expense of failure to maximise the efficient use of that spectrum by the incumbent use case. Optimal spectrum planning outcomes are likely to emerge from a three-way tug of war between these competing objectives.
 - Aside from consistency with the object of the *Radiocommunications Act 1992*, maximising the efficient use of these bands also potentially reduces or delays telecommunication industry demand for the costly and disruptive clearance of existing users from further bands.