15/5/2021

Content Division

Department of Infrastructure, Transport, Regional Development and Communications

Delivered via email to: content@communications.gov.au

Re: Comments on the Media Reform Green Paper

Jands Pty Ltd welcomes the opportunity to comment on the Media Reform Green Paper, published by the department of Infrastructure, Transport, Regional Development and Communications (The Department) for comment on the 21st of December 2020.

Jands is a proudly Australian owned company that has been providing professional audio, lighting, and staging solutions since 1970. We import and distribute professional audio-visual technology products from top tier manufacturers around the world including wireless microphones, in-ear monitoring and production communications systems as referred to as wireless audio transmitters in the Low Interference Potential Devices (LIPD) Class Licence 2015, schedule 1 Line 28.

Our products are utilised daily by end users across a broad range of sectors including Schools, Churches, Conference and Exhibition Facilities, Hospitality, Venues, Theatres, TV Production, Corporate Meeting Rooms and Tertiary Education. Most of these systems operate under the current LIPD class license utilising spectrum in the 520 – 694 MHz band as secondary users to Free to Air TV services. The application of this technology continues to grow annually in scale and density to meet the demands of contemporary productions and complex system requirements.

Wireless audio transmitters are used extensively in local content production including televised sport, music events, theatre productions, live music, television studio productions, film production and television news gathering. Any further reduction to the spectrum available to these devices will reduce capacity, increase potential for interference and impose additional management overheads on the very industry sector this paper aims to assist, thus making the stated goal of increasing production of local content even more difficult to attain.

Other industry sectors and end-users will also be affected by a reduction in available spectrum such as Community Centres, Houses of Worship, Conference facilities, Healthcare, Hospitality and Education.

The Australian tertiary education sector is a major user of wireless audio transmitters with some universities operating hundreds of channels per campus. One university in Victoria currently operates over 1600 systems and is planning to expand to over 2000 by the end of 2021. This represents a significant investment by the sector, who expect a service life of 10 – 15 years from this investment. Most of these devices currently operate in the 600 MHz band. Any reallocation of the 600 MHz band would necessitate extensive changes to existing wireless audio hardware imposing a significant financial burden on end users including the university sector who are still suffering from COVID-19 impacts including loss of income, staff redundancies etc.

In a report commissioned by the Australian Music Association in 2008, it was estimated that wireless audio transmitters had a 10-year present value estimated benefit to the Australian economy in the range of $291 - $714 million[1]. Based on our experience and anecdotal evidence, this may have increased at least three-fold since 2008 (COVID-19 notwithstanding).

We note that wireless audio transmitters are not specifically mentioned in the green paper. We urge the department to consider these systems and ensure allowances are made to support their operation within any new framework that is proposed. The ongoing viability of these systems is reliant on continued availability of sufficient interference-free spectrum in the UHF TV broadcast band.

[1] "Untethering the microphone: AN economic study of the benefits of spectrum use for unlicensed audio-visual devices in Australia", Windsor Place Consulting, 22 April 2008.

40 Kent Road, Mascot NSW 2020, Australia / Locked Bag 15, Mascot NSW 1460, Australia
P +61(0)2 9582 0909 F +61(0)2 9582 0999 E info@jands.com.au W www.jands.com.au
JANDS VENUE ENGINEERING PTY LTD ABN 95 003 382 778

Jands offers comment on the following Consultation questions from the Media Reform Green Paper.

Chapter Three:

3.1 Is the deregulatory benefit on offer sufficient to encourage commercial television broadcasters to take up this offer?

No comment

3.2 Are there any other features which could attach to a new licence that would assist in broadcasters transitioning to a new and more sustainable business model?

No comment

3.3 What elements of the existing regulatory framework should continue to apply?

Allowances should continue to be made for wireless audio transmitters to operate fairly within the remaining broadcast spectrum as they currently do under the LIPD.

If, as the green paper alludes, 610-694 MHz is repurposed and existing television condensed into 526-610 MHz, in some geographic areas there will potentially be insufficient UHF spectrum to support operation of wireless audio transmitters.

Wireless audio transmitters currently have "exclusive" access to UHF TV channel 27 (520 – 526 MHz). This exclusivity is due to good fortune rather than deliberate planning, as channel 27 is only 6 MHz wide and thus not usable for TV transmission which requires a bandwidth of 7 MHz per channel. Channel 27 is the only TV channel open and available to wireless audio transmitters nationally and as such has become essential for operation of wireless audio transmitters, particularly in touring applications.

We encourage the department to ensure continued access to channel 27 for wireless audio transmitters as demand for access to channel 27 will increase with any reduction in availability of other UHF spectrum.

We request clarification of the longevity of the current arrangement re channel 27 to provide certainty and confidence in the design and supply of product to meet industry demand into the future.

3.4 Should the new licence arrangements be uniform for all commercial television broadcasting licensees, or should there be differences for metropolitan and regional / remote broadcasters?

No comment

3.5 When do you think the new licence framework should come into effect?

Ideally a minimum period of 5-7 years should be allowed before the framework comes into effect. This would allow time for manufacturers to develop new products and for users to transition equipment to a different part of the spectrum as the newer, more suitable products become available. A shorter period will adversely affect multiple users making the continued operation of current equipment illegal within a timeframe shorter than the equipment's expected lifecycle. Reasonably, the shorter the transition period, the greater the expectation of financial support to transition to compliant equipment.

3.6 What further measures should be considered that would assist regional commercial broadcasters in remaining sustainable?

No comment

Chapter Four:

4.1 Should Australia continue to operate digital television systems using the DVB-T standard and the MPEG-4 compression technique? Are there other options that should be considered?

No comment

4.2 How should the new multiplex transmitter licences operate? Should broadcasters be required to form a company for the purposes of holding the new multiplex licences?

No comment

4.3 How can the Government work with industry to minimise disruption for households during the proposed transition?

Households are not the only stakeholders who will be disrupted by a spectrum consolidation and reallocation. Owners and operators of wireless audio transmitters operating in the broadcast spectrum will also be disrupted and forced to purchase new equipment to continue deriving an income.

We suggest that the government engages with the relevant peak industry bodies (the Australian Music Association (AMA) and the Australian Commercial and Entertainment Technologies Association (ACETA)) to develop a compensation package or tax incentive to ease the financial burden on businesses and individuals forced to replace equipment as a result of any reduction in available UHF spectrum.

4.4 Is it important for free-to-air broadcasters to maintain the precise number and picture quality of channels currently offered?

No comment

4.5 Should the transition model prioritise the capacity for broadcasters to provide significantly more services, or services of a significantly higher audio-visual quality (such as UHD)?

No comment

4.6 What would the cost savings be for broadcasters? Over what period would these potential savings be realised?

No comment

4.7 What would be the impact on owners of transmission facilities?

No comment

Chapter Five:

5.1. Do you consider that revenue from the sale of spectrum could be used to support public policy initiatives for media?

Revenue from the sale of the spectrum should be used to support public policy initiatives and to compensate owners of wireless audio transmitters who may be forced to vacate the spectrum due to the proposed restack. Many of these wireless audio transmitters are used by Programme Making & Special Events (PMSE) companies in the production of Broadcasting, News Gathering, Theatrical and Concert content used by the media and Free to Air TV broadcasters.

5.2 Are there examples of best practice in providing sustainable and targeted support in other jurisdictions?

No comment

Chapter Six:

6.1 Should the investment obligation apply to all types of SVODs, BVODs and AVODs including those that specialise in content such as sport?

No comment

6.2 Would a rate of investment of five per cent of Australian revenue be reasonable? Is there an alternative rate that is more appropriate?

No comment

6.3 Should alternative models, such as a percentage of overall programming expenditure, be considered?

No comment

6.4 Is the proposed revenue threshold of $100 million reasonable?

No comment

6.5 Should the investment obligation be able to be fulfilled with any genre of Australian content, or genres such as drama, children's programming or documentaries?

No comment

6.6 Should the investment obligation be geared to commissioned content, or broadened to permit the acquisition of Australian content that would satisfy the first release requirement?

No comment

6.7 Should the investment obligation capture broader categories of content investment, such as pre and post-production?

No comment

Chapter Seven:

7.1 Is the current amount of Australian content produced and commissioned by the ABC and SBS appropriate?

No comment

7.2 How should a statutory obligation for the ABC and SBS to provide Australian content be constructed?

7.2.1 Should this focus on the investment in Australian programming, or require the provision of certain levels of Australian programming?

No comment

7.2.2 Should the obligation focus on Australian programming broadly, or target particular genres such as drama and children's programming?

No comment

7.2.3 To what extent should the obligation differ for the ABC and SBS to accommodate their differing roles and remit?

No comment

7.3 What impact would the imposition of a clear Australian content obligation for the ABC and SBS have on the Australian screen production industry, and the provision of Australian content more broadly?

No comment

Chapter Eight:

8.1 Is the timeframe proposed in this chapter realistic?

We believe the proposed timeline, specifically the period between Commencement of restack (Mid-2024) and Completion of Restack (December 2025) is ambitious as it fails to account for the relocation of a vast (but exact quantity unknown) population of LIPD licenced users of wireless audio transmitters.

8.2 Are there any particular stages that would require a greater or lesser period of time?

We believe additional time and resources should be allocated to manage the reallocation of users of wireless audio transmitters affected by the reduction in available UHF spectrum. Failure to adequately manage these users could result in many thousands of devices remaining operational in the reallocated spectrum. This will reduce its value to prospective new tenants and create ongoing interference management challenges.

8.3 Are there particular risks and factors that need to be taken into account in terms of the timing for the transition to the new licensing and regulatory model?

Experience gained during the digital dividend of 2014/2015 taught us that the user base for wireless audio transmitters are extremely difficult to contact as there is no formal licence process or central registry for users of class licenced products. Additionally, many of these end-users are non-technical and do not routinely follow government or industry news. We still occasionally discover 700 MHz wireless audio transmitters in operation that should have been retired in 2015. In most cases the operators of these devices were unaware of the previous digital dividend or the changes to the permitted operating range.

We encourage the department to allocate sufficient resources and budget to fund a wide-ranging communications program to target and inform such users of any further changes. We encourage the department to engage with industry peak body groups such as the Australian Music Association (AMA) and the Australian Commercial & Entertainment Technologies Association (ACETA) to assist with this program.

Response submitted by,

Jeff MacKenzie

Technology Lead, Jands

On behalf of Jands Pty Ltd.

ABN 45 001 187 837