

SUBMISSION TO THE PRODUCTIVITY COMMISSION ON BROADCASTING

3UZ Pty Ltd (Sport 927) was interested to read the Hansard report of the appearance by the Federation of Australian Radio Broadcasters before the Commission on 8/12/99.

We were particularly interested in pages 1233/4/5 discussing efficiency in the use of spectrum.

On page 1234 the idea of a separation of a broadcasting (service) licence from a spectrum (transmitter) licence so that each might be traded, was discussed.

The prospect of a commercial radio operator selling his spectrum to a telco operator was also floated together with the question of whether broadcasting spectrum should be reserved for broadcasters.

With all of these considerations we felt we should draw the attention of the Commission to section 46 of the Radiocommunications Act which makes it an offence to operate a radiocommunications transmitter without either a spectrum, apparatus (transmitter) or class licence

Section 102 of the Radiocommunications Act requires the ACA to issue a transmitter licence to a person who under Part 4 or 6 of the Broadcasting Services Act has been issued by the ABA with broadcasting service licence

This section also states that if the service licence is transferred, the transmitter licence is taken to be issued to the person to whom the service licence has been transferred.

In essence this means that although the broadcasting service licence has been issued by the ABA, it does not confer the right to legally operate a broadcasting transmitter.

A separate transmitter licence must be issued by the ACA to enable the broadcaster to legally operate the broadcast transmitter.

In practice the transmitter licence is automatically issued by the ACA upon advice from the ABA that it has issued a broadcasting service licence.

But it means that the two licences are effectively stapled together and so the concept of separately trading the licences could never be viable.

With regard to the suggestion that broadcasting spectrum might be sold and used for other purposes such as a data transmission service, we would like to point out that the use to which any part of the entire radiofrequency spectrum can be used is specified in the Australian Radiofrequency Spectrum Plan.

This Plan is entirely consistent with the International Telecommunications Union Radio Regulations. Australia is a member of the Union.

The Plan mandates certain frequency bands for broadcasting and under section 104 of the Radiocommunications Act, the ACA is prohibited from issuing an apparatus licence that is inconsistent with the spectrum plan i.e. it cannot issue a licence for a data service in a frequency band that has been designated for broadcasting.

The basic reason for this is that optimum spectrum utilisation is achieved when like services are used together in the same frequency band and when the frequency band used is optimum for the particular class of service.

A further factor is the need to harmonise radiocommunications services to international standards as this leads for example to the ability to use an FM receiver that has been designed for Australia in most other countries. It also minimises interference across international boundaries.

We felt we should draw these matters to the attention of the Commission as they may influence your recommendations to the Government.

Australian Radiofrequency Spectrum Plan

MHz
74.8-108

| Column 1: Radio Regulations Table of Allocations | | | Column 2: |
|--|--|---|---|
| Region 1 | Region 2 | Region 3 | Australian Table of Allocations |
| 74.8-75.2 | AERONAUTICAL RADIONAVIGATION | | 74.8-75.2 AERONAUTICAL RADIONAVIGATION |
| | 180 181 | | 180 AUS60 |
| 75.2-87.5 FIXED MOBILE except aeronautical mobile | 75.2-75.4 | | 75.2-75.4 FIXED MOBILE |
| | | 179 | |
| | 75.4-76 FIXED MOBILE | 75.4-87 FIXED MOBILE | 75.4-85 FIXED MOBILE |
| | 76-88 BROADCASTING Fixed Mobile | | 149 85-87.5 BROADCASTING 188 Fixed Mobile |
| 175 179 184 187 | | 149 182 183 186 188 | AUS24 |
| 87.5-100 BROADCASTING | | 87-100 FIXED MOBILE BROADCASTING | 87-5-108 BROADCASTING Fixed Mobile |
| 190 | 185 88-100 BROADCASTING | | |
| 100-108 | BROADCASTING 192 194 | | |

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