



Australian Government

Department of Communications and the Arts

# Overview of spectrum reform

# The Government is reforming spectrum management

Three key elements of the reforms:

1. New legislation
2. Pricing review
3. Government Holdings review



Transparency

Efficiency

Flexibility  
(choice/light-touch  
regulation)

Certainty (of  
process)

Simplicity

Consistency



# **Exposure draft of the Radiocommunications Bill 2017**

## Objects of the Bill

- To promote the long-term public interest derived from the use of the spectrum by providing for the management of the spectrum in a manner that:
  - Facilitates the efficient planning, allocation and use of the spectrum
  - Facilitates the use of the spectrum for defence, public and community purposes
  - Supports the communications policy objectives of the Commonwealth Government
- To establish an efficient system for the regulation of equipment.

# Repositioning roles

## The Minister's role

Provide strategic priorities to guide the ACMA in the delivery of its spectrum management regulatory functions .

- Ministerial policy statements
- General ministerial direction power

## The ACMA's role

To develop and implement spectrum management policy and day to day administration of spectrum (consistent with government policy).

- Annual work program

# Ministerial policy statements

## What is a Ministerial Policy Statement?

- A Ministerial policy statement is a notifiable instrument released as needed that may:
  - provide specific or general policy guidance
  - set out Government expectations and strategic priorities
  - be long or short term in duration
  - be updated or withdrawn as needed.

## ACMA response

- The ACMA will:
  - have regard to any relevant Ministerial policy statement
  - report on how regard has been given to the statements

## Suggested topics or issues to be covered at commencement

- May include guidance on the following issues:
  - establishing the single licensing framework
  - licence renewal
  - protection of the RQZ and SKA
  - the content of the ACMA's annual work plan
  - broadcasting arrangements.

# Annual Work Program

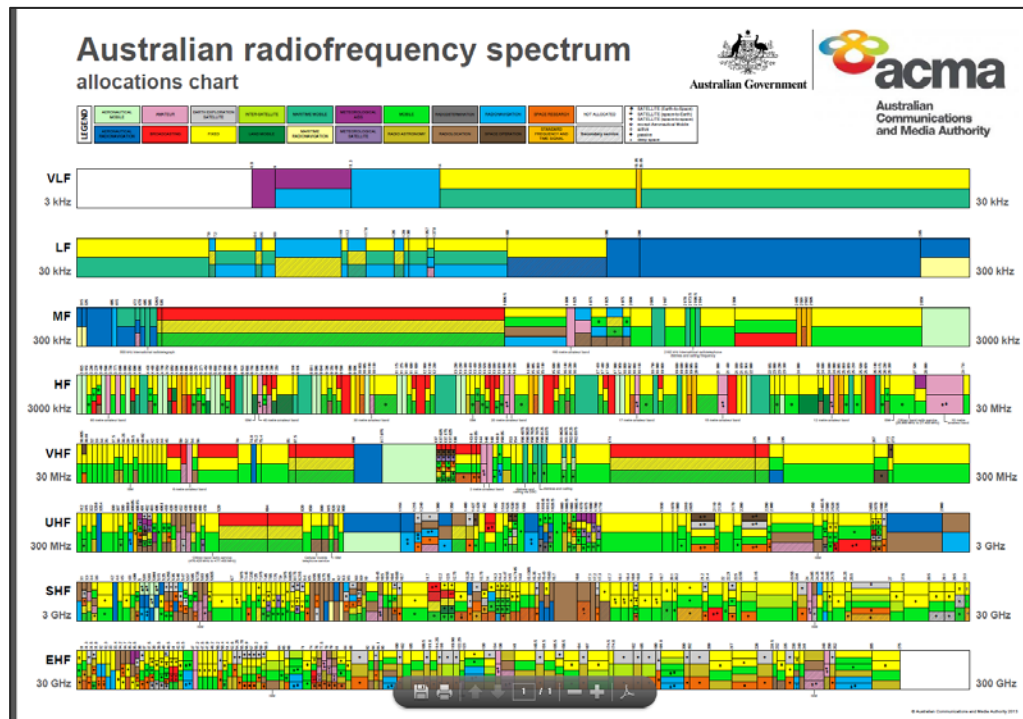
## Comparison between the FYSO and the Annual Work Program (AWP)

One each financial year with:

- Priorities for the next 5 years
- Details on upcoming 12 months of work

	FYSO	AWP
Released	Annually	Annually
Time frame covered	Generally three to five years	Five years Emphasis on the upcoming 12 months
Level of detail	General	Specific
Aim of paper	Medium to long term strategic priorities	Immediate priorities Implementation Resourcing Timing
Legislative requirement to release	No	Yes
Ministerial consultation	No	Yes
Stakeholder consultation	Yes	Yes

# Spectrum planning



## Australian Radiofrequency Spectrum Plan 2017

The Australian Communications and Media Authority makes the following Spectrum Plan under section 30 of the *Radiocommunications Act 1992*.

Dated: 15 December 2016

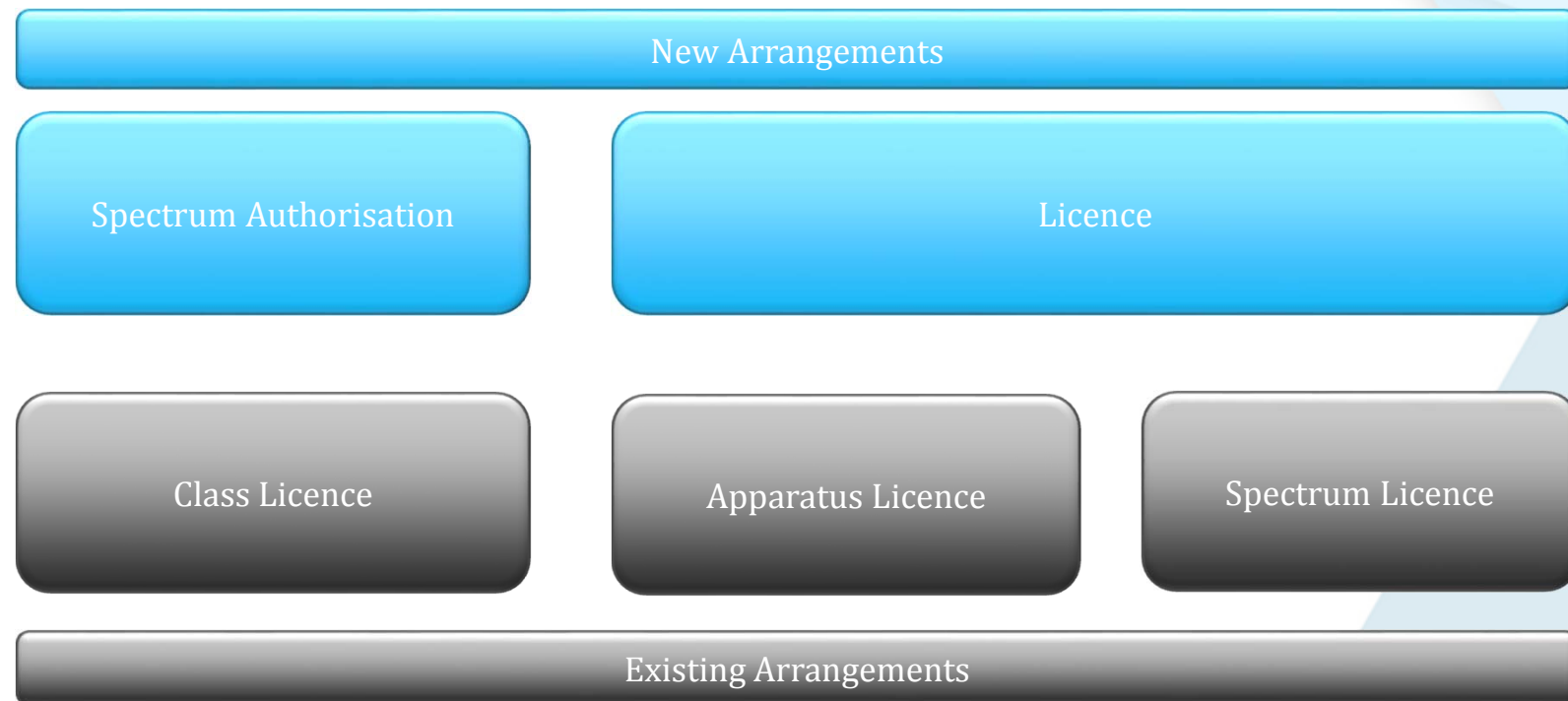
Member

~~Member/General Manager~~

Australian Communications and Media Authority



# Single licensing system



# Construct of a licence



# New pathways to a licence

## Licence Issue Scheme

### Price Based

Auction

Tender

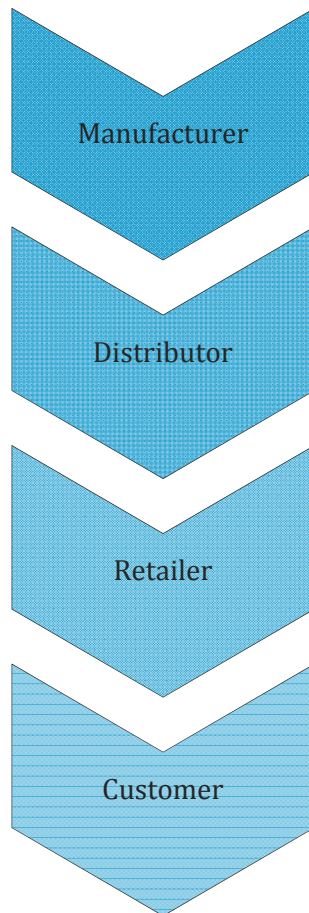
Pre-determined /  
Negotiated price

### Administrative

Application (e.g. form / over the counter)

# Equipment Rules

Old supply chain



Today's supply chain



# Alternative dispute resolution





## Delegation and management rights



## Examples

### May be delegated

- Issue licences; making a licence issue scheme
- Variation
- Renewal
- Suspension/cancellation in certain circumstances
- Maintain the register
- Make spectrum authorisations
- Assist in resolution of interference complaints

### ACMA and Minister (not delegated)

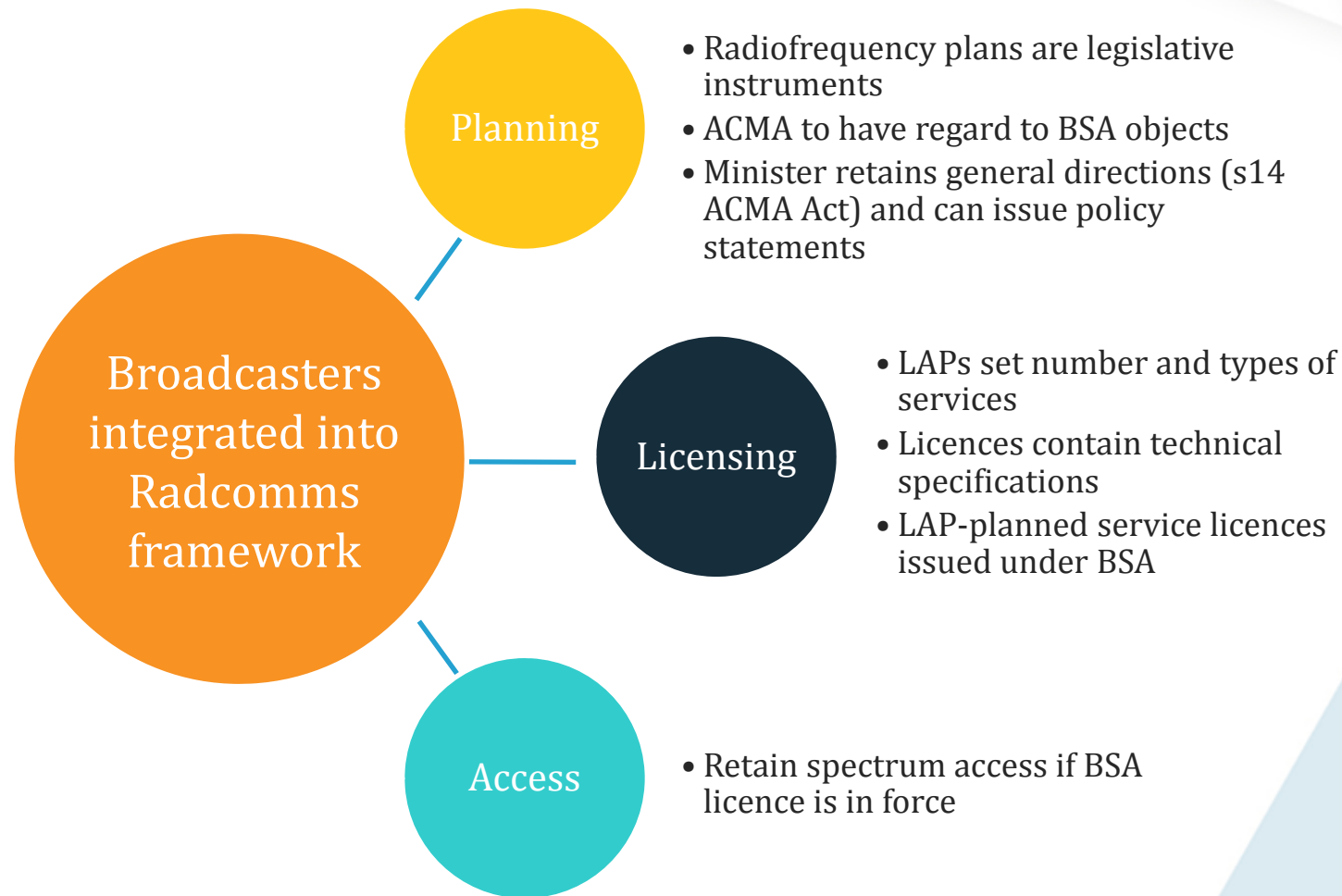
- Determine application or scope of the Act
- Make interference management guidelines
- Enforcement powers
- Emergency orders
- Ministerial directions and decision
- Ministerial policy statements
- Make register rules, certification rules, accreditation rules

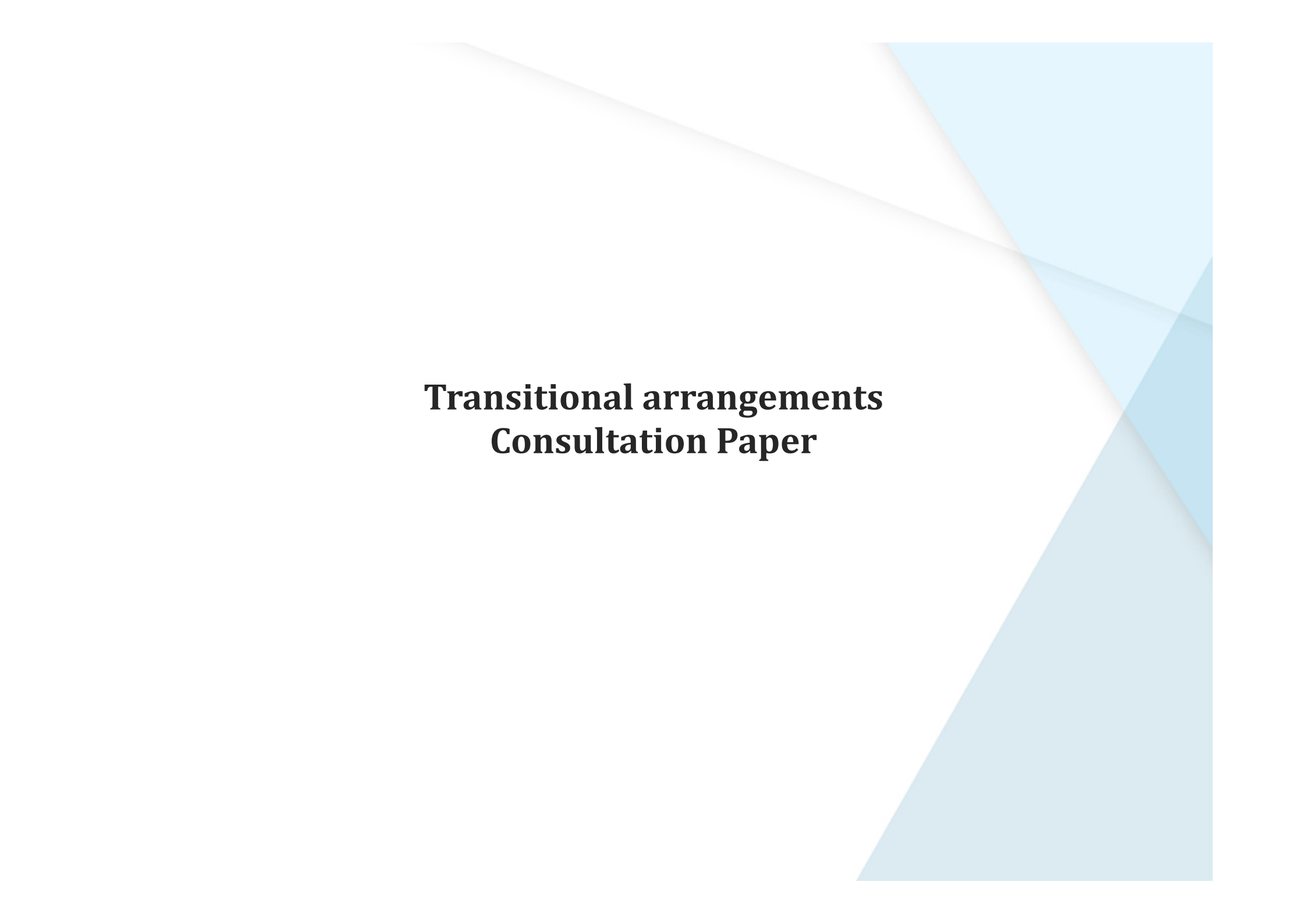




# **Broadcasting Consultation Paper**

# Broadcasting - Same access, new framework





# **Transitional arrangements Consultation Paper**

# Principles for transitional arrangements

The access and obligations of existing licence holders will not be diminished during the transition from the existing framework to the new.

Transitional arrangements will:

- be as simple as possible
- be transparent and predictable
- be implemented with minimal disruption to user business activities
- make clear licensees rights and obligations during the transition period
- provide licensees with adequate consultation and/or notice in advance of transition of the licensing framework for them.

# Design of new licences – one scenario

**New Act commences  
12-14 months after assent**

**Consultation and progressive implementation of single licensing  
system as designed by ACMA**

Some aspects may commence:

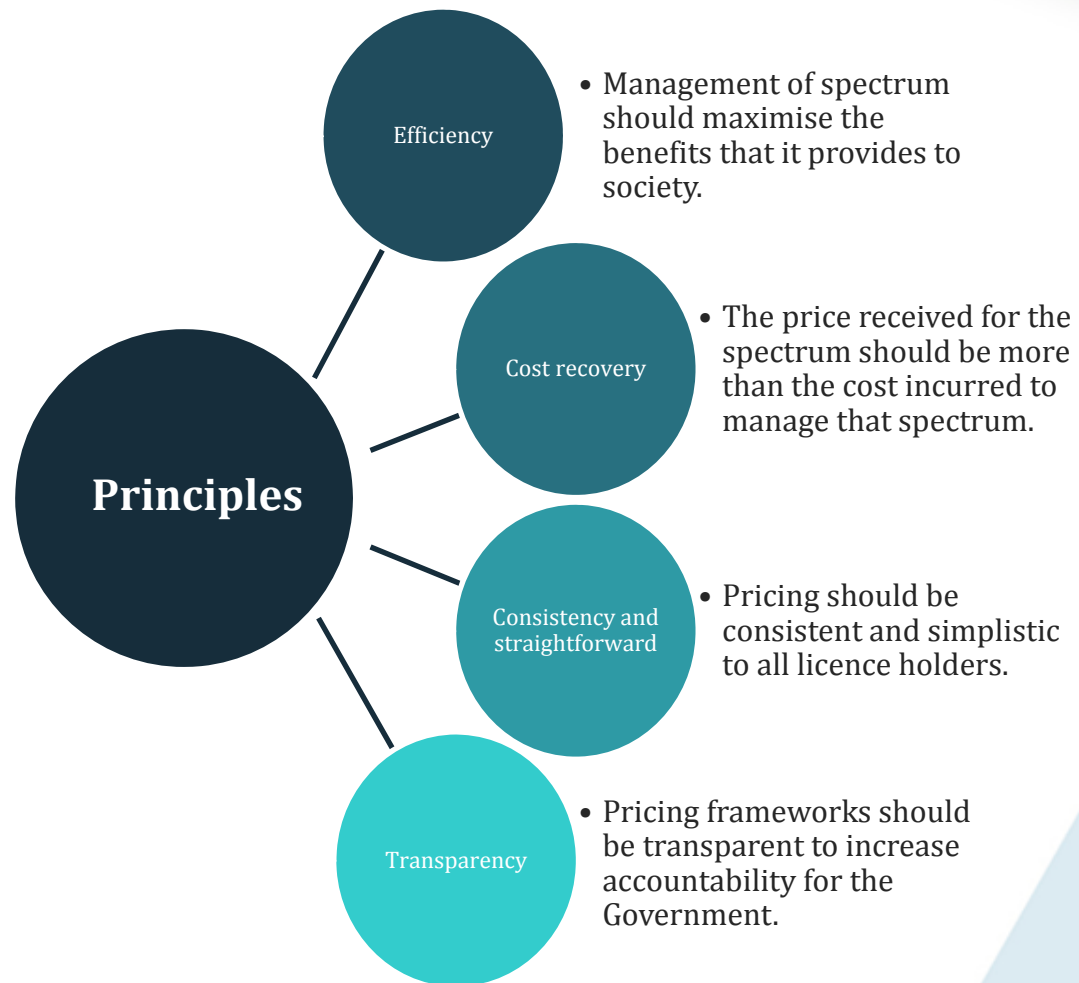
- Some class licence to Spectrum Authorisations
- Compliance and Enforcement provisions (including penalties)
- Inspector appointments
- Accredited persons arrangements
- Register Rules
- Exemption determinations
- Protected symbols determinations
- Space objects determinations

New categories of licences available following  
design of each category by ACMA in consultation with stakeholders



# **Spectrum Pricing Consultation Paper**

# Pricing review principles



# Pricing review recommendations



Administered allocations



Market-based allocations




Legislative and cost-recovery framework



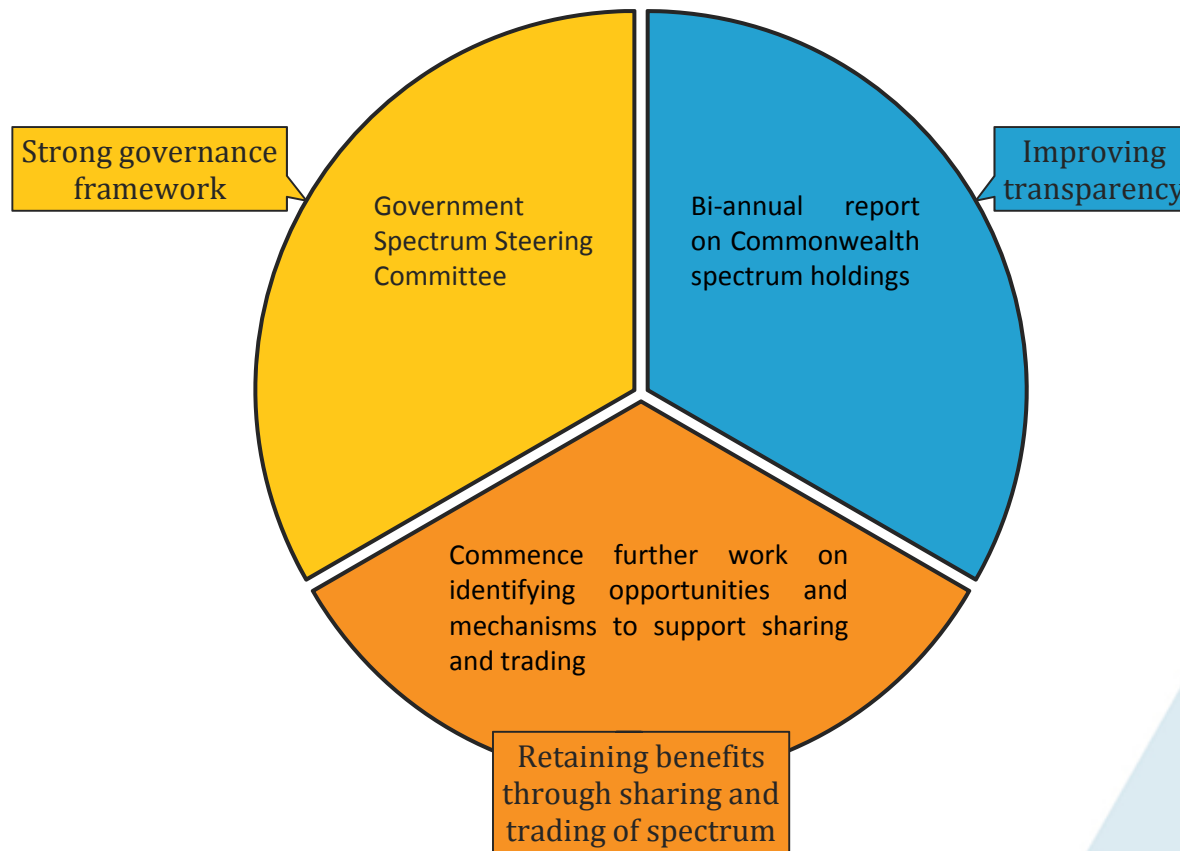
Transparent decision-making





# **Commonwealth Held Spectrum Consultation Paper**

# Commonwealth held spectrum proposals



# Next Steps

## Radiocommunications Bill

Consultation round 1 – submissions close 30 June 2017



Further drafting of legislation



Consultation round 2 – revised legislation package, including broadcasting provisions



Introduction, debate and passage through Parliament



New Radiocommunications Act commences: 12-14 months following passage through Parliament – late 2019



Transition to new arrangements

## Pricing and Commonwealth Held Spectrum Reviews

Consultation closes 30 June 2017



Government consideration of reviews

# Feedback

The Department welcomes your feedback.

Please send your questions and submissions to:

[spectrumreform@communications.gov.au](mailto:spectrumreform@communications.gov.au)

or

Visit <https://www.communications.gov.au/what-we-do/spectrum/spectrum-reform>

And tell us what you think by 30 June 2017