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Mr Andrew Maurer
Assistant Secretary
Spectrum Treaties and Internet Governance Branch
Department of Communications

By email: Andrew.Maurer@communications.gov.au

Dear Mr Maurer,

Spectrum Review – Terms of Reference

Thank you for the opportunity to comment on the Spectrum Review Issues Paper outlining the proposed terms of reference for the review.

Free TV Australia represents all of Australia's commercial free-to-air television broadcasters. In 2014 commercial free-to-air television remains the most popular source of entertainment and information for Australians, with our members providing 15 channels of content across a broad range of genres, as well as rich online and mobile offerings, all at no cost to the public.

While the proposed terms of reference for the Spectrum Review provide a broad scope for the consideration of spectrum management issues, Free TV members consider it absolutely critical that any such consideration recognises the ongoing value of free-to-air television broadcasting to the Australian public.

Free-to-air television broadcasters are the major investors in Australian television content, technology and people. This investment is unique to free-to-air television.

Commercial free-to-air television services are highly valued by the Australian public for their sustained delivery of important public goods, such as Australian content, children's content, news services and current affairs and major sporting events – all of which are delivered for free. Free-to-air television broadcasters reach all Australian households and on any given day more than 14 million Australians are watching the services. Australia has a world-class free-to-air television platform and viewers now benefit from greater diversity of content than ever before.

Broadcasters have also taken a key role in ensuring the smooth transition to digital only television, and in delivering the digital dividend spectrum in a timely fashion which enabled the community to realise nearly \$2 billion at auction with further revenue to come from the sale of the remaining unsold spectrum. Managing switchover and restack has been a heavy burden on all broadcasters but in particular on regional broadcasters who service Australians in regional and remote areas, ensuring that they have access to the same content as their city counterparts.

Consideration of spectrum management cannot be made without reference to the social and cultural objectives which are sought to be achieved through commercial free-to-air television and the potential impact on consumers and on the Australian economy.

The ongoing availability of television broadcasting services to the Australian public requires spectrum certainty. Changes to spectrum arrangements have the potential to be hugely disruptive to both a high-value industry that delivers incredibly popular services to all Australians and to the Australian viewing public. To ensure a high degree of technical quality, consistency of delivery and

a relative lack of interference, sufficient spectrum, and certainty in relation to that spectrum, is required. In the absence of sufficient bandwidth, broadcasting services would not be uniformly received and the public interest in ubiquitous availability of broadcasting services to all Australians in metropolitan centers and in the regional markets would be undermined. Free TV is of the view that the terms of reference need to recognise this factor in determining spectrum requirements for television broadcasting.

In terms of priority issues, Free TV is of the view that undertaking an audit of Australian stakeholders' future spectrum requirements should be a priority and considered within the terms of reference.

Our comments on the specific terms of reference follow.

Term of reference 1

Free TV supports the review considering current planning, allocation, licensing and re-issue processes. These processes are currently unnecessarily complex and Free TV supports a consideration of how to achieve a more user friendly environment.

Term of reference 2

Free TV strongly supports the review considering how to improve the flexibility of the spectrum framework and its ability to facilitate new and emerging technologies. This should be done in light of broader public policy considerations and the overall public benefit derived from use of the radiofrequency spectrum. Also, as indicated above, spectrum certainty is critical in maintaining the availability of high quality television broadcasting across all of Australia.

Term of reference 3

Free TV supports the review considering how spectrum can be most efficiently managed and licensed so that its use achieves the maximum overall public benefit.

Term of reference 4

Free TV supports the review considering institutional arrangements to ensure appropriate levels of Ministerial oversight of spectrum policy and management to ensure that such institutional arrangements continue to support spectrum management that is efficient and maximises overall public benefit.

Term of reference 5

Free TV supports the review considering how the spectrum management framework might best promote consistency across legislation and sectors.

Term of reference 6

Free TV supports the review considering how best to develop a framework to consider public interest spectrum issues.

Term of reference 7

Free TV supports the review considering how best to develop a whole-of-government approach to spectrum policy.

Term of reference 8

Free TV supports the review considering how best to develop a whole-of-economy approach to valuation of spectrum.

Contact

Please contact me on (02) 8968 7100 if you would like to discuss any of the issues raised in this submission.

Yours sincerely



Julie Flynn
CEO