

## Submission

**6 May 2024**

Spectrum Licensing Policy Section  
Australian Communications and Media Authority

### Re: Draft Five-year spectrum outlook 2024–29

The Australian Communications Consumer Action Network (**ACCAN**) thanks the Australian Communications and Media Authority (**ACMA**) for the opportunity to provide feedback on the Five-year spectrum outlook 2024–29 and 2024–25 work program Consultation Paper (**the Consultation Paper**).

ACCAN is the peak body that represents consumers on communications issues including telecommunications, broadband, and emerging new services. ACCAN provides a strong unified voice to industry and government as consumers work towards communications services that are trusted, inclusive and available for all.

The framework for planning and allocating spectrum underpins the efficient delivery of communications services in the interests of consumers, small businesses, and the broader community as end users of spectrum. Fit-for-purpose planning and allocation frameworks are critical to ensuring the interests of the public are effectively promoted through the allocation of finite spectrum resources in the public interest.

ACCAN supports the ACMA’s Public Interest Criteria (**PIC**) and would encourage the ACMA to establish a review process where there is evidence of changing optimal use, to explore the adoption of shorter-term spectrum licences.<sup>1</sup> Using shorter spectrum licences would allow the ACMA greater flexibility and option value in planning future spectrum allocations. They would also ensure greater cooperation with the PIC as purchasers of shorter-term spectrum licences would be more likely to utilise spectrum during this time and seek renewal effectively.<sup>2</sup>

ACCAN considers that more flexible licensing periods would promote more effective use of the available spectrum. More flexibility in spectrum licences would decrease the barriers to entry of the market and allow licensees to respond more adequately to changing market conditions. ACCAN supports the ACMA’s consideration that ‘where there is evidence of changing optimal use, it may be necessary to amend the arrangements to enable a new use or support an existing use’.<sup>3</sup> In this instance, ACCAN would support the ACMA exploring the amendment of licence conditions in response to relevant externalities.

<sup>1</sup> ACMA, *Draft Five-year spectrum outlook 2024-29* (Consultation Paper, March 2024) 9.

<sup>2</sup> ACCAN’s previous submission on expiring spectrum licences supports the ACMA limiting the use of licensing terms in excess of 10 years. See, ACCAN, ‘Proposed approach to expiring spectrum licences’ (Submission to ACMA, 7 August 2023) 2.

<sup>3</sup> *Ibid* 9.

ACCAN members and stakeholders have noted that while spectrum planning and allocation significantly impacts end users' lives, these processes can be difficult to effectively engage with. Engagement on spectrum is understandably difficult for many consumer cohorts due to the technical nature of the spectrum. To address this, ACCAN would support the ACMA giving further consideration towards ensuring that their engagement strategies fully capture consumer experiences as end users of spectrum.

ACCAN supports the ACMA's changes to the expiring spectrum licences workplan detailed in the Consultation Paper and welcomes further engagement with the ACMA on the topic of expiring spectrum licences.<sup>4</sup> ACCAN welcomed the publication of the ACMA's 'Expiring spectrum licences - Finalised framework and response to submissions' and will provide comment as part of our response to the current 'Expiring spectrum licences (stage 2) – information gathering, and views on uses of frequency bands and alternative licence conditions' consultation.

Further, ACCAN supports the introduction of a 'reply comment period' for future consultations.<sup>5</sup> Expanding the avenues for participation present in the spectrum consultation process will contribute to a more open spectrum policy process. We agree with the Consultation Paper's position that a reply comment period may 'decrease the responsibility of the regulator to test assertions and opinions', allowing a more diverse discourse on perspectives related to the regulation of spectrum.<sup>6</sup> This would support the ACMA's PIC which facilitates competition amongst prospective licensees.<sup>7</sup>

ACCAN considers that encouraging prospective licensees to formally respond to the submissions of other prospective licensees is an effective pathway to facilitating the PIC through formal consultation processes. Undertaking a reply comment period which encourages submitters to confidentially provide feedback to the ACMA would improve the competitive outcomes of the licence allocation.

We thank the ACMA for the opportunity to comment on the Consultation Paper. Should you wish to discuss any of the issues raised in this submission further, please do not hesitate to contact me at: [con.gouskos@accan.org.au](mailto:con.gouskos@accan.org.au).

Yours sincerely,

Con Gouskos  
Policy Adviser

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***The Australian Communications Consumer Action Network (ACCAN) is Australia's peak communication consumer organisation. The operation of ACCAN is made possible by funding provided by the Commonwealth of Australia under section 593 of the Telecommunications Act 1997. This funding is recovered from charges on telecommunications carriers. ACCAN is committed to reconciliation that acknowledges Australia's past and values the unique culture and heritage of Aboriginal and Torres Strait Islander peoples. [Read our RAP](#)***

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<sup>4</sup> ACMA, *Draft Five-year spectrum outlook 2024-29* (Consultation Paper, March 2024) 65.

<sup>5</sup> Ibid 79.

<sup>6</sup> Ibid 79.

<sup>7</sup> Ibid 65.