

**Senate Standing Committee on Environment and Communications**

**Answers to Senate Estimates Questions on Notice**

**Budget Estimates May 2017**

**Communications Portfolio**

**The Australian Communications and Media Authority**

**Question No: 161**

**The Australian Communications and Media Authority**

**Hansard Ref: Page 26-27, 25/05/2017**

**Topic: LPON Licences**

**Senator Abetz, Eric asked:**

**Senator ABETZ:** All right. I have been advised that ACMA is allowing a number of LPON licence holders, including the licence holder from whom J-AIR currently sublicenses, to hold multiple unused LPON licences. Do you have an answer to that, or do you need to take that on notice?

**Mr Bean:** I think we will take that on notice.

**Senator ABETZ:** Could you take that on notice, because J-AIR has been told that there aren't any LPON licences available, and yet there seem to be unused licences being held for longer than the six-month period. J-AIR is scratching its head. Here is a community group that is very anxious to get into the space, and it seems to be denied at every single turn.

**Mr Bean:** We will certainly look into that; although I should note again that not all LPON licences are the same, and it may well be that there are none that are suitable for the purposes for which J-AIR would wish to use them.

**Answer:**

The Australian Communications and Media Authority's (ACMA's) spectrum plans assume that low power open narrowcasting (LPON) services are secondary to the provision of long-term, higher power community, national, commercial or high power open narrowcasting services made available in Licence Area Plans. As a result, licences for LPONs will be issued on one of three frequencies at the bottom of the FM radio band, 87.6, 87.8 MHz and 88 MHz, if at the proposed location the coordination rules specified in the LPON planning model can be met. Key coordination rules, designed to minimise interference, require minimum separations distances to be respected relative to existing LPONs and also to broadcasting services that operate on 88.1 MHz and 88.3 MHz.

While a single individual or entity may hold multiple LPON transmitter licences, there are a number of conditions to these licences including that licensees must:

- commence providing a service under the licence within 6 months of issue
- continue to provide a service with reasonably regularity for the term of the licence.

The ACMA does not actively monitor LPON usage. The ACMA is required to follow the process set out in the *Australian Communications Authority (LPON Transmitter Licences) Direction No. 2 of 2000* when investigating complaints about the commencement and regularity of LPON services. The Direction requires the ACMA to consider cancelling an LPON licence upon receipt of a provision of service complaint form<sup>1</sup>, accompanied by a statutory declaration signed by the

<sup>1</sup> <http://archive.acma.gov.au/webwr/assets/main/lib310172/r014->

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complainant.<sup>2</sup> The Direction specifies the matters the ACMA must have regard to when considering whether to cancel an LPON licence.

The procedure is intended to provide a course of action to individuals or entities that are interested in providing LPON services in an area where there are existing licensees, who are not providing services, and where, for whatever reason, it has not been possible to either acquire the licence or enter into a leasing arrangement. LPON licences that are cancelled as a result of a breach of their licence conditions are offered to the market by way of auction. The ACMA has not received any provision of service complaints in relation to LPON services in the Melbourne area in the past 12 months.

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[lpon\\_provision\\_of\\_service\\_complaint\\_form.pdf](#)

<sup>2</sup> <https://www.legislation.gov.au/Details/F2006B00135>