**Price-based allocation of high-power open narrowcasting (HPON) transmitter licences** Applicant information package

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Note to applicants

This paper gives notice that the ACMA intends to offer for allocation 2 high-power open narrowcast (HPON) licences in accordance with the *Radiocommunications (Allocation of Transmitter Licences – High Powered Open Narrowcasting Licences) Determination 2014* (the Allocation Determination), as below:

Hobart (Tas) on 104.3 MHz

Gosford (NSW) on 747 kHz.

**Applications for apparatus licences other than those described in this information package will not be considered in this allocation process.**

HPON licences allow for the provision of radio broadcasting services to a limited audience, providing content such as tourist and racing information or ethnic and religious programming, or to a limited location.

If the ACMA receives 2 or more valid applications for one of these licences by the closing date and time, we will conduct a licence allocation exercise (LAE) for the relevant licence(s). Registered applicants for licences to be allocated by LAE will be informed of the date, time and location of the LAE, and further details on how the LAE will be conducted.

This paper sets out relevant details of the licences to be allocated, the steps you must take in order to participate in the allocation, how the winners will be decided if an LAE is conducted, and what happens if you are allocated the licence.

You should note that, while it is the ACMA’s current intention to issue these 2 licences in accordance with the Allocation Determination, the ACMA may, under section 34 of the Allocation Determination, terminate the process at any time before a licence is issued. The ACMA will inform all registered applicants as soon as any such decision is made and publish a notice on our website.

**Applicants must complete and lodge the registration forms located on the notice of allocation web page and pay the application fee of $837 by 5pm (AEDT) on Friday 23 July 2021 to participate in this allocation. Please email or call the ACMA Customer Service Centre (details below) to request an invoice for payment of the application fee. Any queries should be directed to the Customer Service Centre.**

Please note that if you are applying for both licences, a separate registration form and application fee must be submitted for each licence.

**Forms should be sent by:**

Email: info@acma.gov.au

Post:

Australian Communications and Media Authority
HPON Allocations
Licence Allocation Section
PO Box 78
Belconnen ACT 2616

Courier or express post:

Australian Communications and Media Authority
HPON Allocations
Licence Allocation Section
Red Building, Benjamin Offices
Chan Street
Belconnen ACT 2617

Contact details for further information:

ACMA Customer Service Centre
Telephone:1300 850 115
Email: info@acma.gov.au.

# Licences to be allocated

The ACMA is offering 2 HPON licences for allocation in Hobart (Tasmania) on 104.3 MHz and Gosford (New South Wales) on 747 kHz.

This chapter provides information about the licences on offer, including:

the type of content that may be broadcast

geographic areas covered by each licence

regulatory conditions applicable to these licences

duration and licence renewal

licence fees

third-party authorisation

technical specifications of the transmitters for each licence.

## Broadcast content

The Gosford and Hobart HPONs may provide narrowcasting services. Narrowcasting services are broadcasting services which are limited in reception in one or more ways, including by being targeted to special interest groups or intended for limited geographical locations.

For example, reception may be limited because the program content is:

targeted to special interest groups – for example, people choosing to follow a particular religion

intended for reception in limited locations – for example, arenas or business premises

provided during a limited period to cover a special event – for example, a community fair

of limited appeal – for example, a language program other than English.

Before lodging an application to participate in this allocation, you may wish to seek an opinion from the ACMA under section 21 of the BSA about whether your intended program content is categorised as open narrowcasting. The ACMA charges a fee of $15,150 for this service. See [acma.gov.au/category-service-opinions](https://www.acma.gov.au/category-service-opinions).

## Geographical areas

The geographical areas covered by the Hobart and Gosford HPONs are described below.

### Hobart HPON

The coverage area of the Hobart HPON is within a radius of 70 km from the nominal transmitter site at the Broadcast Australia Site, Pinnacle Road, Hobart Tasmania. AMG coordinates of the transmitter site are Zone: 55; Easting: 519185; Northing: 5250351.

### Gosford HPON

The transmitter site for the Gosford HPON is at the HPON AM Tower, adjacent to the Facilities Building, Gosford Race Course, 2 Blackett St, Gosford NSW. AMG coordinates of the transmitter site are Zone: 56; Easting: 344219; Northing: 6300644.

The coverage area of the Gosford HPON differs for daytime and night time operation. The Gosford HPON technical specification states the day time urban coverage area is within a radius of 14 km from the nominal transmitter site, and the night time coverage area is within 4 km of the nominal transmitter site. However, in the absence of any interference it is expected that the day time coverage of the HPON service on 747 kHz may extend to a suburban signal level within a coverage radius of 35 km from the nominal transmission site and provide coverage to an approximate population of 450,000. More information on the specifications for daytime and night operation is set out below under ‘Technical Specifications’.

**Regulatory conditions**

The information contained in this section is provided as a guide for applicants and should not be relied on as the only source of information. For detailed information about the various legislative requirements, applicants should consult: the *Broadcasting Services Act 1992*, the Broadcasting Services Clarification Notice 2016, the *Radiocommunications Act 1992*, the Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015 and the Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2015 before applying for a licence.

Each of these legislative instruments can be obtained for free on the Federal Register of Legislation at: [legislation.gov.au](http://www.legislation.gov.au).

The regulation of HPON services comprises:

authorisation to operate a transmitter to provide an open narrowcasting service (i.e. a HPON apparatus licence), issued under the *Radiocommunications Act 1992* (the Radiocommunications Act)

regulation of the content provided through the HPON licence, regulated under the *Broadcasting Services Act 1992* (the Broadcasting Services Act).

### Radiocommunications Act

The Radiocommunications Act regulates the transmitters to be operated under these HPONs. The Hobart and Gosford HPONs are subject to regulatory arrangements under the Radiocommunications Act, including:

an obligation to comply with the Radiocommunications Act

a condition that any radiocommunications device operated under the licence must comply with all the standards applicable to it

the Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015 (the Apparatus Licence LCD)

the Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2015 (the Broadcasting LCD)

conditions specified in the licence.

The ACMA may also, during the term of the licence, impose further conditions or vary existing licence conditions by notice in writing under section 111 of the Radiocommunications Act.

#### Conditions specified in the licences

Any conditions that apply to individual licences are printed on the licences themselves.

The Hobart HPON licence offered for allocation does not contain any special conditions.

The Gosford HPON licence offered for allocation contains the following special conditions:

The day-time urban coverage area (10 mV/m) of this transmission is described as that area within a radius of 14 km measured from a point with the following AMG co-ordinates: Zone: 56; Easting: 344219; Northing: 6300644. This point is the same as the nominal transmitter site.

The specified radiation pattern is for daytime operation. The licensee must comply with the specification from one hour after local sunrise to one hour before local sunset, as defined at the transmitter site on the 15th day of each month.

**Night time Output Radiation Pattern:**

|  |  |  |
| --- | --- | --- |
| Bearing or Sector (Clockwise direction) | Elevation | Maximum CMF |
| At all angles of azimuth | 0 | 140 V |

**Special conditions:**

The night time coverage area (32 mV/m) of this transmission is described as that area within a radius of 4 km measured from a point with the following AMG co-ordinates: Zone: 56; Easting: 344219; Northing: 6300644. This point is the same as the nominal transmitter site.

The specified radiation pattern is for night time operation. The licensee must comply with the specification from one hour before local sunset to one hour after local sunrise, as defined at the transmitter site on the 15th day of each month.

**The Broadcasting Services Act**

The Broadcasting Services Act regulates the content to be transmitted under the Hobart and Gosford HPONs. The Hobart and Gosford HPONs are subject to regulatory arrangements under the Broadcasting Services Act, including:

Schedule 2, Part A of the Broadcasting Services Act, regarding conditions applicable to all broadcasting services

Schedule 2, Part 7 of the Broadcasting Services Act, regarding the conditions applicable to open narrowcasting services

the Broadcasting Services Clarification Notice 2016

codes of practice developed by the Australian Narrowcast Radio Association (ANRA).[[1]](#footnote-2)

## Duration and licence renewal

The Hobart and Gosford licences will be issued for 5-year terms, but may be renewed, subject to legislative constraints. These constraints include the duration of section 34 determinations, under which spectrum for the licences is made available for allocation.

### Section 34 determinations

### Section 34 determinations allow the ACMA to make radiofrequency spectrum in the broadcasting services band available for allocation for purposes specified in section 34 of the Broadcasting Services Act, for specified periods. The purposes listed in section 34 include providing open narrowcasting services. The ACMA has made section 34 determinations – see the register of section 34 determinations on the notice of allocation web page – to make spectrum available for the Gosford and Hobart HPON licences. Both the Gosford and Hobart section 34 determinations have made spectrum available until 31 December 2026. The Hobart and Gosford HPON licences cannot be renewed beyond this date, unless the determinations are extended at or before their expiry.

### Renewing HPON licences

Licensees may apply to renew a licence up to 6 months before a licence is due to expire, until 60 days after expiry. The ACMA considers applications under section 130 of the Radiocommunications Act. The ACMA must also consider the Radiocommunications Actand theAustralian Communications Authority (HPON Transmitter Licences) Direction No. 1 of 2001 (the HPON Direction), which states that:

the ACMA must not refuse to renew a HPON on the basis of a general policy that HPONs should be issued under a price-based allocation system

where the ACMA decides to renew a HPON licence, the ACMA must specify a period that ends at the same time as the period specified under the relevant section 34 determination pertaining to that licence, subject to section 103(3)[[2]](#footnote-3) of the Radiocommunications Act.

## Licence fees

Prior to the issue of a new transmitter licence, licensees are required to pay an annual tax for each year for which the licence has been issued. Licensees have the option of paying the total applicable tax amount in a single up-front payment or in annual instalments. The annual tax amount is imposed under the *Radiocommunications (Transmitter Licence Tax) Act 1983* and is set out in Part 8 of Schedule 2 to the Radiocommunications (Transmitter Licence Tax) Determination 2015at section 802.

The current HPON licence tax amounts for Hobart and Gosford are as below:

|  |  |  |
| --- | --- | --- |
| Licence area | Annual tax amount | Total tax amount for 5-year licence |
| Hobart | $1,677 | $8,385 |
| Gosford | $3,809 | $19,045 |

If a licensee pays the applicable annual tax amount by instalment, an instalment charge of $4 is charged for each instalment.[[3]](#footnote-4)

If the ACMA renews a HPON licence, licensees are required to pay a renewal fee of $4 and the applicable annual tax amount for each year for which the licence has been renewed.[[4]](#footnote-5)

All payments for apparatus licences by price-based allocation are exempt from the application of the GST, including the application fee and the winning bid price. The issue, renewal and instalment charges are also exempt from the application of the GST.

## Third-party authorisation

HPON licensees may authorise third-party users of their transmitter licence under section 114 of the Radiocommunications Act. HPON licensees must keep records of any such authorisation.

## Technical specifications – Gosford and Hobart HPONs

Technical specifications for the Gosford and Hobart HPONs are provided below.

### Hobart HPON

LICENCE AREA PLAN :Hobart Radio
Category: Open Narrowcasting
General Area Served: Hobart (TAS)
Service Licence Number: Not applicable

TECHNICAL SPECIFICATION: FM Radio
Specification Number :TS12000277

Transmitter Site :-
Nominal Location : Broadcast Australia Site Pinnacle Rd MT WELLINGTON
Australian Map Grid: Zone 55 Easting 519185 Northing 5250351
Site Tolerance :Refer to Broadcasting Services (Technical Planning) Guidelines 2017

Emission : -
Frequency Band & Mode: VHF-FM
Carrier Frequency :104.3 MHz
Polarisation :Mixed
Maximum antenna height: 101 m

**Output Radiation Pattern :-**

|  |  |
| --- | --- |
| Bearing or Sector (Clockwise direction) | Maximum ERP |
| At all angles of azimuth | 10 kW |

 ***Advisory Note :***
The coverage area of this transmission is defined as that area within a radius of 70 km measured from a point with the following AMG66 co-ordinates: Zone: 55; Easting: 519185; Northing: 5250351. This point is the same as the nominal transmitter site.

### Gosford HPON

LICENCE AREA PLAN: Gosford Radio

Category: Open Narrowcasting

General Area Served: Gosford (NSW)

Service Licence Number: Not applicable

TECHNICAL SPECIFICATION: AM Radio

Specification Number: TS1135675

Transmitter Site:

Nominal location: HPON AM Tower  adj Facilities Building

Gosford Race Course  2 Blackett St  GOSFORD

Australian Map Grid: Zone 56 Easting 344219 Northing 6300644
Site Tolerance: Refer to Broadcasting Services (Technical Planning) Guidelines 2017

Emission:-

Frequency Band & Mode: MF-AM

Carrier Frequency: 747 kHz

**Daytime Output Radiation Pattern:**

|  |  |  |
| --- | --- | --- |
| Bearing or Sector (Clockwise direction) | Elevation | Maximum CMF |
| At all angles of azimuth | 0 | 215 V |

**Special Conditions :-**

The day-time urban coverage area (10 mV/m) of this transmission is described as that area within a radius of 14 km measured from a point with the following AMG co-ordinates: Zone: 56; Easting: 344219; Northing: 6300644. This point is the same as the nominal transmitter site.

The specified radiation pattern is for daytime operation. The licensee must comply with the specification from one hour after local sunrise to one hour before local sunset, as defined at the transmitter site on the 15th day of each month.

**Night time Output Radiation Pattern:**

|  |  |  |
| --- | --- | --- |
| Bearing or Sector (Clockwise direction) | Elevation | Maximum CMF |
| At all angles of azimuth | 0 | 140 V |

**Special Conditions:**

The night-time coverage area (32 mV/m) of this transmission is described as that area within a radius of 4 km measured from a point with the following AMG co-ordinates: Zone: 56; Easting: 344219; Northing: 6300644. This point is the same as the nominal transmitter site.

The specified radiation pattern is for night-time operation. The licensee must comply with the specification from one hour before local sunset to one hour after local sunrise, as defined at the transmitter site on the 15th day of each month.

#### Explanatory notes

The Technical Specification for the HPON service on 747 kHz in the licence area plan for Gosford Radio specifies the day-time urban coverage area (10 mV/m) which is within a radius of 14 km from the nominal transmission site.

The coverage area of the Gosford HPON differs for daytime and night time operation The Gosford HPON technical specification states the day time urban coverage area is within a radius of 14 km from the nominal transmitter site, and the night time coverage area is within 4 km of the nominal transmitter site. However, in the absence of any interference it is expected that the day time coverage of the HPON service on 747 kHz may extend to a suburban signal level within a coverage radius of 35 km from the nominal transmission site and provide coverage to an approximate population of 450,000.

#### Future changes to the Gosford LAP

The ACMA is considering changes to the Gosford HPON technical specification, to better reflect the expected day-time coverage of the HPON, when the Gosford Radio licence area plan is next varied. The changes being considered are administrative and would not have any substantive impact on the coverage area of the Gosford HPON.

The ACMA will consult on any changes to the technical specification of the Gosford HPON as part of its normal LAP variation process.

# How to participate in an allocation

To participate in this allocation:

1. Inform yourself – read and understand all the information in this package and the provisions of the HPON Allocation Determination.

Lodge an application – lodge the required registration forms and entry fee/s before the closing date and time.

Wait for advice from the ACMA regarding the status of your application.

## Step 1 – inform yourself

Before participating in this allocation, make sure that you read and understand all of the material in this package.

It is important that you understand the opportunities and responsibilities that HPON apparatus licensing entails.

The allocation of the Hobart and Gosford HPON licences may take place with or without an auction. An auction will only take place for a licence if there is more than one registered applicant for that licence at the closing date and time.

## Step 2 – lodge an application

You must lodge your application with the ACMA by the closing date and time to take part in this allocation. Applications received after that time will not be registered.

To participate in this allocation, you must complete and lodge each of the following registration forms located on the notice of allocation web page:

application form

indemnity and guarantee form

if the applicant is a company or incorporated association, at least one authority form.

You must lodge a separate: application form, indemnity and guarantee form, authority form (if a company or incorporated association), and pay a separate entry fee, for each licence for which you wish to apply.

The ACMA will register an applicant only if we receive the required entry fee and all the necessary registration forms, completed and legible, by the closing date and time.

### Completing the registration forms

Where the applicant is a company, the application form must be executed in accordance with section 127 of the *Corporations Act 2001*.

The ACMA can only accept registration forms that are complete and legible. To assist legibility, all documents should be completed in block letters or be typed.

Take care in completing the necessary registration documents. They are important for establishing your right to participate in the allocation process.

### Entry fee

To register in this allocation, you must pay an entry fee of A$837 for each licence for which you wish to apply. **This fee is non-refundable**.

## Step 3 – wait for advice regarding your application

**If there is only one registered applicant for either licence**, the ACMA will notify the applicant for that licence that they are the successful applicant and will issue the licence to them, provided they lodge a completed acknowledgement form and pay the reserve price.

**If there is more than one registered applicant for a licence**, a licence allocation exercise (in the form of an auction) will be conducted. The ACMA will notify registered applicants of the date, time and place of the auction, and will send registered applicants detailed information about the auction process, at least 10 calendar days prior to the auction.

The reserve prices for the licences on offer in this allocation are as follows:

Hobart HPON: $4000

Gosford HPON: $4000

# Auction of the Hobart and Gosford HPON licences

If there is more than one applicant for one of the licences, the ACMA will conduct an auction for that licence (the Allocation Determination refers to this as a ‘licence allocation exercise’). In this case, registered applicants will be provided with detailed information about the auction.

General information about the intended auction format, who may bid at an auction, and the bidding process in the event of an auction is provided below. Interested persons should note that while the ACMA intends to conduct an auction (if necessary) consistent with the information below, this may change.

## Auction format

In the past, the ACMA has conducted HPON auctions through physical, ‘open outcry auctions’, where all bidders were present in one location, and bidders indicated their bid by raising a bidder’s paddle or calling out their bids.

If an auction is undertaken for either or both the Gosford and Hobart HPONs, the ACMA will conduct an online auction. Registered applicants will be able to participate in the auction from any location with an internet connection. The auction will be a ‘first-price auction’, where the highest bid made is the winning bid.

Registered applicants may apply to bid over the telephone – however, the ACMA encourages the use of the online auction system.

Detailed instructions on the allocation process will be provided to registered applicants no less than 10 calendar days prior to the auction date.

## Who may bid at an auction?

Only registered applicants or authorised agents (an individual for whom a Form of Authority has been lodged) may bid at an auction.

## The bidding process

The information below outlines the main features of the online auction system the ACMA intends to use if the Gosford or Hobart HPON is auctioned:

Bidding will start at the reserve price of $4000

Bids will be time-stamped to ensure that the highest bid made at any time is registered on the system as the highest bid

If a bid is placed in the final 5 minutes of the auction, the auction close time will be extended by an extra 5 minutes.

Bidding will take place during business hours on a single day.

1. The ANRA Code of Practice can be downloaded from the ACMA website. [↑](#footnote-ref-2)
2. Under s.103(3) of the Radiocommunications Act an apparatus licence term may not exceed 20 years. [↑](#footnote-ref-3)
3. Instalment charges are provided for in the Radiocommunications (Charges) Determination 2017. [↑](#footnote-ref-4)
4. Renewal charges are provided for in the Radiocommunications (Charges) Determination 2017. [↑](#footnote-ref-5)