

Submission on discussion document - AM/FM radio spectrum: 2031 expiry of licences and potential reassignment

Your name and organisation

Name	Peter-Lucas Jones (Chairman)
Organisation	Te Whakaruruhau o Ngā Reo Iirangi Māori (WHA)

General questions

Eligibility criteria for renewal

1	<p>Should the Crown restrict eligibility to those with no outstanding fees? Should there be any exceptions to this?</p> <p>Eligibility for renewal should not be dependent on outstanding fees. WHA members have experienced administrative errors out of their control that have caused a delay in spectrum licence fees being paid.</p>
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Moratorium prior to the rights expiry

2	<p>Please provide any feedback you have on the proposed moratorium date. In what circumstances should an exception to the moratorium on modifications be allowed?</p> <p>WHA supports the moratorium not applying to iwi and community licence holders. Modifications should be allowed if clear reasons with evidence are provided by the existing rightholders.</p>
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Proposed policy objectives for the allocation process

3	<p>What amendments, if any, would you make to the proposed objectives and criteria?</p> <p>WHA proposes the inclusion of social and cultural contexts be included in the objectives and criteria when evaluating proposals.</p>
4	<p>Are there other objectives or criteria you would propose? If so, what are these?</p>

WHA proposes the inclusion of social and cultural contexts be included in the objectives and criteria when evaluating proposals.

Approach to pricing commercial licences

5 Which is your preferred approach and why?

WHA supports a pricing approach that provides the most certainty for rights holders.

6 Is there another approach you would suggest? If yes, please explain how this approach would be implemented and how it would provide greater benefit against the policy objectives than the above approaches.

WHA supports a pricing approach that provides the most certainty for rights holders.

Price formula

7 Do you agree with the assumptions outlined to calculate a price offer? Why? Why not?

WHA has no view on the assumptions outlined.

Duration of licences

8 Which of the two options do you prefer and why?

WHA supports Option 2, however, the criteria for a license being determined "unused" must be consulted on and clearly defined.

9 Is there another option that should be considered? What would this be and why?

WHA believes any alternative option must maintain certainty for rights holders.

10 What licence duration would make most sense for your company/organisation? Why?

WHA advocates for a 20 year duration. Māori/iwi radio are legacy organisations with invaluable benefit to the communities they serve.

11 What should be the difference in tenure for AM vs FM, if any?

WHA believes there should be no difference, AM radio is vital for rural communities, in particular those served by our member stations. It has been noted that during civil emergencies, AM radio spectrum and iwi/Māori radio are essential.

12	What duration of time of non-use would be appropriate for triggering the Crown's right to take back the licence?
	WHA believes 12 months is an appropriate length of time, however, this must include open communication with the rights holders.

RNZ and Schedule 7 provisions in the Radiocommunications Act

13	How do the sections of the Act advantage or disadvantage your business?
	WHA recognises some of their members have with Schedule 7 provisions and support those being maintained.
14	How might the Crown provide fairness to all licence holders?
	The Crown must recognise the 1989 report of the Waitangi Tribunal on Wai 11, the Te Reo Māori claim, and the outcome of the 1994 Privy Council case regarding the sale of state-owned broadcasting assets when considering the notion of fairness.
15	What options do you see for how the Crown might address its preference for 10-year licences, given this legislative barrier? Would you prefer the options developed are operational or legislative? Why?
	WHA believes the Crown can overcome this challenge by maintaining open communication with all rights holders in the development of policy, including discussing its preference for 10-year licenses.

Non-commercial use of AM/FM radio broadcasting spectrum

16	What changes, if any, should be made to the reservation of spectrum for iwi radio, community radio and RNZ?
	WHA believe no changes should be made to the reservation of spectrum for non-commercial use for iwi radio, community radio and RNZ.

Currently reserved blocks

17	Should the reservations in block 16 – 19 continue into the new right in their current form? What changes would you make, if any?
	WHA proposes that Block 18 is maintained for National Māori Radio Service and an opportunity to explore in depth the intention of that block be reviewed and consulted on with WHA members and other stakeholder groups.

18	<p>If unused spectrum was to be released, what would bring greater benefits: reassigning these licences to commercial or other non-commercial use? If non-commercial, to whom? If commercial, how should it be made available to market?</p> <p>Unused spectrum should be offered for non-commercial use in the first instance WHA believe that this should be to iwi that do not currently have spectrum rights.</p>
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Local Commercial FM licences

19	<p>Do you agree with comparing the original intent of LCFM with the proposals in this document to determine their continuation? If not, how would you prefer they were assessed?</p> <p>WHA has no view on the this approach.</p>
20	<p>Which option do you prefer: the proposal outlined or maintaining the status quo (Local Commercial licences remain, with strict conditions and are charged at a lesser price than commercial licences)? Please explain why you prefer this option.</p> <p>WHA supports maintaining the status quo and recognises that challenges that many smaller operations face and the value these 'psuedo'-commercial rights holders contribute to society. The Crown must consider social and cultural context alongside the commerical context.</p>
21	<p>If maintaining the status quo, how should the price be calculated to account for the retention of strict content provisions in the licence agreement while acknowledging that these are commercial licences with revenue potential?</p> <p>WHA does not have a view on how pricing should be calculated.</p>
22	<p>If the proposal outlined is to progress, will there be enough time to transition by April 2031? If not, why not?</p> <p>WHA proposes that should the proposal progress, the Crown should provide grant assistance to support any transition.</p>

Closing comments

	<p>Are there any other comments you wish to make?</p> <p>No closing comments.</p>
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