

EXPLANATORY STATEMENT

Approved by the Australian Communications and Media Authority

Radiocommunications Act 1992

Radiocommunications (Allocations of Transmitter Licences – High Power Open Narrowcasting Licences) Determination 2024

Authority

The Australian Communications and Media Authority (the **ACMA**) has made the *Radiocommunications (Allocation of Transmitter Licences – High Power Open Narrowcasting Licences) Determination 2024* (the **instrument**) under subsection 106(1) of the *Radiocommunications Act 1992* (the **Act**) and subsection 33(3) of the *Acts Interpretation Act 1901* (the **AIA**).

Subsection 106(1) of the Act provides that the ACMA may determine, in writing, a price-based system for allocating and/or issuing specified transmitter licences. Subsection 106(18) of the Act provides that a determination made under subsection 106(1) of the Act is a legislative instrument.

Subsection 33(3) of the AIA relevantly provides that where an Act confers a power to make a legislative instrument, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

Purpose and operation of the instrument

The purpose of the instrument is to continue the established price-based system for the allocation of transmitter licences for high power open narrowcasting (**HPON**) services which have been planned in a licence area plan (**LAP**) made under Part 3 of the *Broadcasting Services Act 1992* (the **BSA**).

An ‘open narrowcasting service’ is a radio broadcasting service provided to a limited audience, providing content such as tourist and racing information or ethnic and religious programming, or to a limited location. Providers of open narrowcasting services do not require a service licence under the BSA, as a class licence made under section 117 of the BSA authorises the provision of the service. However, if they wish to use the broadcasting services bands to provide their services, they need to obtain a transmitter licence issued under the Act, which authorises them to transmit their services. The provision of an open narrowcasting service is ‘high power’ if the transmitter operates at more than one watt in a residential area, or at more than 10 watts in a non-residential area.

The instrument replaces the *Radiocommunications (Allocation of Transmitter Licences – High Power Open Narrowcasting Licences) Determination 2014* (the **2014 instrument**) and continues the arrangements in the 2014 instrument for the price-based allocation of transmitters for HPON services, with minor updates to reflect current practices (e.g. electronic bill payment methods are facilitated instead of payment by bank cheque), and to ensure that the functions and powers contained in the instrument are express rather than implied. The ACMA has also sought to streamline the allocation process by simplifying or removing unnecessary requirements, and reducing requirements on participants in the allocation process.

The ACMA considered that there is an ongoing requirement for an instrument to facilitate a price-based system for allocating HPON transmitter licences (**HPON licences**), as HPON services continue to be planned for in LAPs.

The instrument commences on the day after it is registered.

Subsection 106(12A) of the Act provides that a price-based allocation system determined under subsection 106(1) may confer a power to make a decision of an administrative character on a person or the ACMA.

The instrument provides for the following administrative decisions:

- A decision to determine disputes raised by an applicant during the allocation exercise (subsection 22(3)).
- A decision to terminate a licence allocation exercise (section 34) and commence a new allocation exercise (section 36).
- A decision to extend time to comply with a requirement under the instrument (section 39).

Each of these decisions is a decision that arises in relation to a price-based allocation of a finite resource (an HPON licence), where there may be competing applicants. Each is a decision that is procedural in nature, falling within the usual discretions allowed to a person conducting an auction, in order that the auction may be run fairly and efficiently. Each is a decision made in response to matters arising in ‘real-time’, during live, competitive auction processes, which does not easily lend itself to the process required for merits review. As such, merits review of any of the decisions may lead to the proper operation of the Licence Allocation Exercise (**LAE**) being unnecessarily frustrated or delayed, or else a circumstance where there would be no appropriate remedy available should the decision be overturned on review (e.g. if the HPON licence has already been allocated).

This is consistent with the guidance given by the Administrative Review Council in its publication ‘What Decisions Should be Subject to Merits Review?’, which is available from the website of the Attorney-General’s Department (www.ag.gov.au). At [4.1] of that publication, the Council said that:

Decisions relating to the allocation of a finite resource, from which all potential claims for a share of the resource cannot be met, are generally considered by the Council to be inappropriate for merits review.

As such, the ACMA has not included any merits review provisions in the instrument.

A provision-by-provision description of the instrument is set out in the notes at **Attachment A**.

The instrument is an instrument for the purposes of the *Legislation Act 2003* (the **LA**). However, the instrument is not subject to disallowance (see paragraph 44(2)(b) of the LA and item 29 in the table at regulation 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015* (the **Regulation**)).

Unlike, for example, community broadcasting services, an open narrowcasting service may be provided on a for-profit basis. As such, a person may choose to participate in an allocation process under the instrument as part of a commercial venture. According to the explanatory statement for the Regulation and the explanatory memorandum to the Legislative Instruments Bill 2003, exposure of the instrument to disallowance could cause commercial delay or commercial uncertainty. Were the instrument to be disallowed, the ACMA would be prevented from making another instrument in substantially the same form for six months (section 48 of the LA). This could delay the allocation of an HPON licence that a person intended to apply for as part of a commercial venture. Were the instrument to be disallowed during the course of an LAE, in addition to that delay, there could be significant uncertainty on the rights of participants in the LAE as to their rights or interests in the relevant HPON licence.

The instrument is subject to the sunset provisions in Part 4 of Chapter 3 of the LA.

Documents incorporated by reference

Subsection 314A(1) of the Act provides that an instrument under the Act may make provision in relation to a matter by applying, adopting or incorporating (with or without modifications) matter contained in any Act as in force at a particular time, or as in force from time to time.

Subsection 314A(2) of the Act provides that an instrument under the Act may make provision in relation to a matter by applying, adopting or incorporating (with or without modifications) matter contained in any other instrument or writing as in force or existing at a particular time, or as in force or existing from time to time.

The instrument incorporates the following Acts, or otherwise refers to them:

- the Act;
- the AIA;
- the *Australian Communications and Media Authority Act 2005* (the **ACMA Act**);
- the BSA;
- the *Corporations Act 2001*;
- the LA;
- the *Radiocommunications Taxes Collection Act 1983*;
- the *Radiocommunications (Transmitter Licence Tax) Act 1983*.

The Acts listed above may be obtained, free of charge, from the Federal Register of Legislation (www.legislation.gov.au).

The instrument also incorporates by reference the legislative instrument made by the ACMA under section 60 of the ACMA Act, as in force from time to time, to the extent that it sets a fee which is payable under the instrument. The current such instrument, the *Radiocommunications (Charges) Determination 2022*, may be obtained, free of charge, from the Federal Register of Legislation.

The following document, as existing from time to time, is incorporated in the instrument by reference:

- Statistical Geography: Volume 3 – Australian Standard Geographical Classification (ASGC) Urban Centres/Localities, 2001 (cat. No. 2909.0).

This document is available, free of charge, on the Australian Bureau of Statistics' website at www.abs.gov.au.

Consultation

Public consultation

A consultation paper and a draft of the proposed instrument was published on the ACMA website on 21 June 2024 for 6 weeks. Key stakeholders were contacted directly advising of the release of the consultation paper and the proposed instrument.

The consultation paper proposed remaking the 2014 instrument with minor changes as noted above. There were two proposed changes in relation to which the ACMA sought particular input, which are discussed below.

Register of section 34 determinations

By virtue of subsection 100(2) of the Act, the ACMA may only issue a transmitter licence for open narrowcasting services if the spectrum for the licence has been made available by a decision under section 34 of the BSA (**section 34 determination**), or the issue of the licence is in accordance with a determination under subsection 31(2) of the Act.

Under section 34 of the BSA, if broadcasting services bands spectrum is available in a licence area, the ACMA may determine that it is available to providers of open narrowcasting services. In making a section 34 determination, the ACMA must have regard to the demand for spectrum for services other than broadcasting services, and the possible future demand for the use of that part of the radiofrequency spectrum. It must also have regard to the matters set out in section 23 of the BSA.

The 2014 instrument required the ACMA to maintain a register of frequencies to be available for allocation under section 34. The ACMA proposed to remove the requirement for the register on the basis that it no longer served a useful purpose. It was introduced at a time when it was anticipated that there would be a high number of allocation processes. Section 34 determinations can still be made to allow for future HPON allocations without the register needing to be maintained. Instead of maintaining the register, the ACMA would make a specific decision in relation to the allocation of an HPON licence, publish it on the ACMA's website, and notify relevant stakeholders.

Types of auction and medium of bidding

Over time, there have been changes to auction processes. Online processes have become a standard means of conducting auctions of licences. The 2014 instrument assumed an in-person process as a default type of auction. It also contained provisions for telephone bidding. The ACMA proposed to allow for greater flexibility in terms of the medium of bidding and type of auctions, with no single process to be considered the default type of auction or medium of bidding. The choice of medium and auction type should be made according to what is suitable in the circumstances.

Submissions

The ACMA received two submissions in response to the consultation paper. The submission received from the Australian Narrowcast Radio Association supported making the draft instrument as proposed. The submission received from Commercial Radio and Audio did not comment on the draft instrument but made suggestions about the ACMA's monitoring of HPON services to ensure they comply with their licence conditions. Neither submission was opposed to the proposed instrument.

The ACMA had regard to the views of stakeholders during the finalisation of the instrument. No changes were made to the instrument arising from consultation.

Other consultation

The ACMA consulted with the ACCC in accordance with subsections 106(11A) and 106(12) of the Act. The ACCC advised the ACMA that it had no comment to make on making the instrument.

The ACMA consulted with the Attorney-General's Department in relation to the absence of merits review provision for decisions made in real-time, in live bidding processes, under the instrument.

Regulatory impact assessment

A preliminary assessment of the proposal to make the instrument was conducted by the Office of Impact Analysis (**OIA**), based on information provided by the ACMA, for the purposes of determining whether a Regulation Impact Statement (**RIS**) would be required. OIA advised that a RIS

would not be required because the proposed regulatory change is minor or machinery in nature (OIA reference number OIA24-06406).

Statement of compatibility with human rights

Subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* requires the rule-maker in relation to a legislative instrument to which section 42 (disallowance) of the LA applies to cause a statement of compatibility with human rights to be prepared in respect of that legislative instrument.

The instrument is not subject to disallowance, and so no statement of compatibility with human rights is required. However, as a matter of better practice, the statement of compatibility below has been prepared.

Overview of the instrument

The instrument's purpose is to sets out the price-based allocation system for the allocation of HPON licences. Made under section 106 of the Act, the instrument makes provision for how specified HPON licences will be allocated by a price-based method – an auction. The ACMA will auction HPON licences which are planned to operate at a geographic location on a specified frequency within the broadcasting services bands. The instrument only applies to HPON licences that authorise the operation of radiocommunications transmitters in spectrum that is planned, in a LAP, to be for open narrowcasting services.

The instrument sets out in detail the procedures that will be used to allocate HPON licences. These include the requirements and responsibilities of both applicants and the ACMA throughout all stages of the allocation process. It also sets out clear rules regarding, and the potential consequences of non-compliance with, the allocation process.

Human rights implications

The ACMA has assessed whether the instrument is compatible with human rights, being the rights and freedoms recognised or declared by the international instruments listed in subsection 3(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* as they apply to Australia.

Having considered the likely impact of the instrument and the nature of the applicable rights and freedoms, the ACMA has formed the view that the instrument does not engage any of those rights or freedoms.

Conclusion

The instrument is compatible with human rights as it does not raise any human rights issues.

Notes to the *Radiocommunications (Allocation of Transmitter Licences – High Power Open Narrowcasting Licences) Determination 2024*

Part 1–Preliminary

Section 1 Name

This section provides for the instrument to be cited as the *Radiocommunications (Allocation of Transmitter Licences – High Power Open Narrowcasting Licences) Determination 2024*.

Section 2 Commencement

This section provides that the instrument commences on the day after it is registered on the Federal Register of Legislation.

Section 3 Authority

This section identifies the provision which authorises the making of the instrument, namely subsection 106(1) of the Act.

Section 4 Repeal of the *Radiocommunications (Allocation of Transmitter Licences – High Power Open Narrowcasting Licences) Determination 2014*

This section repeals the *Radiocommunications (Allocation of Transmitter Licences – High Power Open Narrowcasting Licences) Determination 2014* (F2014L00426).

Section 5 Definitions and interpretation

This section defines a number of key terms used throughout the instrument. A number of other expressions used in the instrument are defined in the Act.

Section 6 References to other instruments

This section provides that in the instrument, unless the contrary intention appears:

- a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and
- a reference to any other kind of instrument or writing is a reference to that other instrument as in force or existing from time to time.

Section 7 Application

This section describes when the instrument applies to the allocation of an HPON licence. The ACMA may decide to invite applications under the instrument for a licence in relation to part of the radiofrequency identified in a section 34 determination.

Part 2–Preparing for allocation

Section 8 Publication of notice by the ACMA

This section requires the ACMA to publish a notice on its website about proposed allocations of HPON licences and prescribes the information which must be included in the notice. The ACMA has the discretion to include other information in the notice. If the information contained in the notice is,

or later becomes, incorrect, the ACMA must publish another notice on its website giving the correct information.

Subsection 8(5) provides that, prior to publishing a notice, the ACMA must set the closing date and time for applications for the licence. This is the time by which a person must apply for the licence. Subsection 8(6) provides that the closing date and time may be later varied by the ACMA.

Section 9 Application fee

This section provides that an application fee is the charge fixed by the ACMA under section 60(1) of the ACMA Act. The amount is required to be included in the published notice referred to in section 8.

Section 10 Reserve price

This section provides that the ACMA is required to set a reserve price for a licence at or before the closing date and time for applications for the licence.

Section 11 Form of application

This section provides that an application must be made using the form (if any) approved by the ACMA for this purpose and published on its website, and otherwise sets out the minimum requirements for an application.

Section 12 Payment of amounts

This section sets out the requirements for payments under the instrument. Amounts must be paid in Australian currency and be paid to the ACMA by electronic transfer or an electronic bill payment method that has been published by the ACMA on its website for this purpose.

This section also sets out when payment will be taken to have been received by a deadline (such as the closing date and time for a licence), which allows a small amount of flexibility for cases where payment has been made but not received by the deadline.

This section also provides that a payment will not be considered to have been paid in full where bank charges or government duties imposed on the payment reduce the amount to less than the amount due.

Part 3—Applications for HPON licence

Section 13 Applications

This section provides that a person may apply for more than one licence but must complete a separate application for each licence. The ACMA must accept an application if:

- the application complies with section 11;
- the application is lodged on or before the closing date and time;
- the application is accompanied by the application fee; and
- for an applicant that is a company or incorporated association, an agent has been nominated for the applicant in accordance with section 15.

Applications which do not meet these requirements cannot be accepted.

Section 14 Registration of applicants

This section requires the ACMA to register all applicants whose applications it has accepted under section 13, and give each application a unique registration number.

The register may include personal information within the meaning of the *Privacy Act 1988* (the **Privacy Act**). Where the ACMA collects such personal information, the ACMA is obliged to comply with the Australian Privacy Principles set out in Schedule 1 to the Privacy Act. The ACMA has published a privacy policy, which is available from its website at www.acma.gov.au/privacy-policy.

Section 15 Nomination of agent

This section makes provision for an individual to act as an agent (an **authorised agent**) to bid on behalf of an applicant at the LAE that is held for a HPON licence. If the ACMA approves a form for this purpose and publishes it on its website, the applicant must use the form to make the nomination of its agent. If the person is a company or incorporated association, the nomination of at least one authorised agent must be made before the closing date and time for the licence; otherwise, the nomination must occur at least 2 business days before the start of the LAE. The ACMA must not accept an application for an HPON licence from an applicant that is a company or incorporated association unless the applicant has nominated at least one authorised agent: see paragraph 13(2)(c).

The forms for nominating authorised agents will include personal information within the meaning of the Privacy Act. The personal information collected by the ACMA in those forms will be subject to the Privacy Act in the manner described above.

Part 4—Allocation of licence if there is more than one registered applicant

Section 16 Application of Part 4

This section provides that Part 4 applies if there are 2 or more registered applicants at the closing date and time for applications for an HPON licence.

Section 17 Licence Allocation Exercise to be conducted

So long as there remains more than one registered applicant for an HPON licence, and so long as the ACMA does not terminate the issue of the licence under section 33, section 17 requires the ACMA to conduct an LAE for the HPON licence. This section also confirms that the instrument does not prevent the ACMA from conducting a number of LAEs on the one day.

Section 18 Notice of Licence Allocation Exercise

This section sets out the requirements for the ACMA in relation to notifying registered applicants that an LAE is to be conducted. The notice must be sent to the registered applicants at least 10 days prior to the LAE and include the date and time of the start of the LAE. The ACMA may include other information in the notice and may also change the date and time but must provide the registered applicants with another notice updating the details. Subsequent notices may be given less than 10 days before the LAE starts.

Section 19 Withdrawal of application

This section allows for a registered applicant to withdraw its application for a licence any time up until the scheduled start time of a LAE. The withdrawal must be in writing.

Section 20 Part 5 applies if all but one of the registered applicants withdraw before the Licence Allocation Exercise starts

This section describes the allocation process when all but one of the registered applicants withdraws. In this instance, Part 5 of the instrument applies to the remaining registered applicant, as if the closing

date and time for applications for the licence was the time when the last of the other applications for the licence was withdrawn.

Section 21 Who may bid at a Licence Allocation Exercise?

This section states who is eligible to bid for an HPON licence at a LAE. The person needs to be either a registered applicant or an authorised agent of the registered applicant for the licence. Before a person may bid at the LAE they will be required to show proof of identity. Subsection 23(3) provides that the ACMA must provide each person who may bid at a LAE a bidding number or unique log on details by the ACMA, to enable the person to participate at the LAE.

The ACMA may choose to make a copy of a document used to prove a person's identity. If it does so, the personal information recorded in that copy will be subject to the Privacy Act in the manner described above.

Section 22 Licence Allocation Exercise

This section explains the bidding process at a LAE. The ACMA may, before or after the start of the LAE, set an opening price for an HPON licence. If it does so, it must announce the opening price as soon as is reasonably practical to the persons who may bid on the licence. After the start of the LAE, a person may, in accordance with any instructions given by the ACMA, bid on the HPON licence at a price that is not less than the opening price (if any). A person must use the bidding number or unique log on details provided to them under subsection 21(3) when bidding.

If the bids for a licence do not reach the set reserve price, the LAE will be terminated. If there are any disputes concerning a bid or the conduct of the LAE, the ACMA must consider the dispute and may decide whether to continue the LAE, terminate the LAE, or re-start the bidding at an amount considered appropriate. If a LAE for an HPON licence is terminated, the ACMA must not issue the licence. However, the ACMA can commence a new process for allocating and issuing the licence (see section 35).

Section 23 Acknowledgment by successful applicant

This section provides that the successful applicant at an LAE for an HPON licence must lodge a written acknowledgement with the ACMA within 10 business days after becoming the successful applicant for the licence, and sets out the minimum requirements for the acknowledgement.

Section 24 Acknowledgment not lodged

This section provides that if section 23 is not complied with then the successful applicant ceases to be the successful applicant for the licence. The licence will not be issued to the person.

Section 25 Payment of winning price

Subsection 25(1) provides that the successful applicant for an HPON licence must pay the winning price to the ACMA within 10 business days of becoming the successful applicant. Subsection 25(2) provides that if payment does not occur within the timeframe, then the successful applicant ceases to become the successful applicant. The licence will not be issued to the person.

Section 26 Issue of licence

This section provides that so long as the issue of a licence is consistent with the ACMA's spectrum plan and relevant frequency band plan (see section 36), and the issue of the licence has not been terminated under section 33, the ACMA must issue the licence to the successful applicant as soon as

reasonably practicable after the successful applicant has given the acknowledgment and paid the winning price.

Part 5–Allocation of licence if there is only one registered applicant

Section 27 Application of Part 5

This section states that if there is only one registered applicant for a licence at the closing date and time for applications for an HPON licence, or section 20 applies, then Part 5 applies to the allocation of the licence.

Section 28 Notice to successful applicant

This section requires the ACMA, within 5 business days after the closing date and time for applications, to notify the single registered applicant for a licence that it is the successful applicant for the licence. The notice must also include:

- the amount of the reserve price (which is the price payable for the licence);
- the account into which the reserve price must be paid;
- the last day when the successful applicant may pay the reserve price and lodge an acknowledgement; and
- the last day when the successful applicant may withdraw its application.

Section 29 Payment of reserve price and acknowledgment

Unless the successful applicant withdraws its application on or before the day specified in the ACMA's notice, paragraph 29(a) requires that the successful applicant pay the reserve price for the licence. The successful applicant is also required to lodge an acknowledgement which includes various matters as outlined in paragraph 29(b).

Section 30 Reserve price not paid or acknowledgment not lodged

This section provides that if the successful applicant fails to comply with section 29 by paying the reserve price and lodging the acknowledgement, it ceases to be the successful applicant for the licence. The licence will not be issued to the person.

Section 31 Issue of licence

This section provides that so long as the issue of the licence is consistent with the ACMA's spectrum plan and relevant frequency band plan (see section 36) and the issue of the licence has not been terminated under section 33, the ACMA must issue the licence to the successful applicant as soon as reasonably practicable after the applicant has complied with section 29.

Section 32 Withdrawal of application

This section provides that a person who is the only registered applicant for a licence may withdraw its application by submitting a notice to that effect before the day notified under paragraph 28(e).

Part 6–Miscellaneous

Section 33 Termination of proposed issue of a licence

This section provides that the ACMA may terminate a proposed issue of a licence at any time prior to the licence being issued.

Section 34 Refund of reserve price or winning price

This section provides that if the ACMA terminates a proposed issue of a licence, it must refund any part of the reserve price paid under paragraph 29(a) and any part of the winning price paid under subsection 25(1).

Section 35 New Licence Allocation Exercise and re-offer of licence

This section sets out the circumstances when the ACMA may re-offer licences.

If, at the closing date and time included in a notice inviting applications under section 8 there are no registered applicants, the ACMA may re-offer the licence for issue.

The ACMA may also re-offer a licence if a LAE or proposed issue of a licence does not proceed (whether due to termination by the ACMA, the successful applicant ceasing to be the successful applicant, or otherwise).

If a new LAE is to be held, the ACMA must announce to applicants the time when the new LAE is to be held. The allocation process detailed in Part 4 of the instrument (allocation of licence if there is more than one registered applicant) will apply to the new LAE, with the exception of sections 16, 17 and 18. Previously registered applicants and authorised agents for the relevant licence need not re-apply or pay another application fee, and the reserve price will not change.

If Part 5 of the instrument applies (that is, there is only one registered applicant for the licence), the ACMA may re-offer the licence if the former successful applicant ceases to be the successful applicant; or the licence is not issued to the former successful applicant; or the proposed issue of a licence is terminated. Subsection 35(6) states that if a licence is to be re-offered because a former successful applicant or its authorised agent did not comply with the requirements in section 23, subsection 25(1) or section 29, then that former successful applicant no longer continues to be a registered applicant, and its authorised agent no longer continues to be an authorised agent in relation to the licence re-offer, and the former successful applicant may not apply again for the licence.

Section 36 Licence not to be issued in certain circumstances

This section provides that the ACMA must not issue a licence to an applicant if the licence is inconsistent with the ACMA's spectrum plan made under subsection 30(1) of the Act, or is inconsistent with a frequency band plan made under subsection 32(1) of the Act.

Section 37 Commencement and duration of a licence

This section provides that a licence has effect from the day of issue, and will cease to have effect at the end of the period specified in the section 34 determination or 20 years, whichever is the shorter period.

Section 38 Extension of time

This section makes provision for the ACMA to extend the timeframe for which an applicant is required to do anything specified in the instrument, whether or not the time period has expired. This

section also clarifies that if the day for doing any thing is not a business day (as defined in the instrument), then the day for doing the thing is the next business day following that day.

Section 39 Notices

This section provides that when the ACMA is required to give notices under the instrument, notices will be taken to have been given to the applicant if given to a person who is the applicant's authorised agent or who is a contact person specified by the applicant in the application. A notice must be in writing and may be given by email.

Section 40 Lodgment

The section requires the ACMA to specify in writing where and how forms are to be lodged with the ACMA.

Section 41 Liability of person etc for failure to comply

This section makes it clear that the instrument does not limit any right of action or remedy that the ACMA may have to recover damages from a successful applicant or its authorised agent if they have failed to comply with section 23 or 29, or failed to pay the winning price for the licence as specified in section 25(1).

Section 42 ACMA may appoint agent

This section sets out that the ACMA may appoint person(s) as its agent(s) for a variety of purposes relating to receiving applications, conducting an LAE, or receiving and holding money paid under the instrument.