EXPLANATORY STATEMENT

Issued by the Authority of the Australian Communications and Media Authority

Radiocommunications (Spread Spectrum Devices) Class Licence (Revocation) 2005

Radiocommunications Act 1992

Legislative Provisions

This instrument is the Radiocommunications (Spread Spectrum Devices) Class Licence (Revocation) 2005 (the Revocation Instrument) and is made under s 135 of the Radiocommunications Act 1992 (the Act). Section 135 empowers the Australian Communications and Media Authority (ACMA) to revoke a class licence made under section 132 of the Act.

ACMA’s power to revoke a class licence is subject to ACMA complying with consultation requirements set out in subsection 136(2).

A class licence is a legislative instrument for the purposes of the Legislative Instruments Act 2003.

Background

It is a requirement of the Act that the operation of all radiocommunications transmitters within Australia be authorised by a radiocommunications licence.

Class licensing is an effective and efficient means of spectrum management for services where a limited set of common frequencies is employed, and equipment is operated under a common set of conditions. It also involves minimum licence administration by ACMA. A class licence sets out the conditions under which any person is permitted to operate devices; it is not issued to an individual user, and does not involve the payment of licence fees.

Class licences authorise users of designated segments of spectrum to operate on a shared basis. The licences are issued by ACMA by a notice published in the Commonwealth of Australia Gazette (the Gazette).

The Radiocommunications (Spread Spectrum Devices) Class Licence 2002 (the Spread Spectrum Class Licence) authorised the operation of devices that employ direct sequence spread spectrum modulation techniques, frequency hopping spread spectrum modulation techniques, or both, to transmit information. The Spread Spectrum Class Licence supported the use of short-range spread spectrum devices, which are used in applications such as bar code readers, point-of-sale networks, radio local area networks (RLANs), and wireless private automatic branch exchanges.

The Revocation Instrument revokes the Spread Spectrum Class Licence.
Purpose

The Spread Spectrum Class Licence has been revoked to remove uncertainty and duplication caused by having two class licences authorising the operation of spread spectrum devices. Some classes of spread spectrum devices were authorised under both Spread Spectrum Class Licence and the Radiocommunications (Low Interference Potential Devices) Class Licence 2000 (the LIPD Class Licence). One class of spread spectrum devices known as frequency hopping spread spectrum devices was authorised under only the Spread Spectrum Class Licence.

In order to rationalise authorisation of all classes of spread spectrum devices ACMA varied the LIPD Class Licence so that it also covered the frequency hopping spread spectrum devices previously authorised under the Spread Spectrum Class Licence. As a consequence of authorising frequency hopping spread spectrum devices under the LIPD Class Licence, the Spread Spectrum Class Licence was made redundant.

Impact and Effect

There are two changes to the authorised operation of these devices under the LIPD Class Licence. The first change is that one of the frequency bands previously authorised under the Spread Spectrum Class Licence has been reduced from 5725-5875 MHz to 5725-5850 MHz in the LIPD Class Licence. This reduction will not impact on the use of any currently supplied equipment.

The second change is that the maximum EIRP of spread spectrum devices operating in the band 5725-5850 MHz has increased from 1 W to 4 W under the LIPD Class Licence. This is in line with the current limit in the LIPD Class Licence for digital modulation transmitters operating in the same band.

Consultation

In accordance with subsection 136(2) of the Act, before making the Revocation Instrument, ACMA’s predecessor, the Australian Communications Authority (the ACA) published a notice in the Gazette. The written notice advised interested persons of the ACA’s intention to revoke the Spread Spectrum Class Licence. The notice was published on 25 May 2005 and sought interested persons to make representations about the proposed revocation by 28 June 2005. Two submissions were received; both supported the revocation.

The Office of Regulation Review (ORR) advised that a Regulation Impact Statement was not required for the revocation. The ORR reference number is 7002.

Detailed description of the Revocation Instrument

Details of the Revocation Instrument are set out in Attachment 1.
Notes about instrument

Section 1  Name of Instrument

Section 1 provides that the name of the instrument is the *Radiocommunications (Spread Spectrum Devices) Class Licence (Revocation) 2005* (the Revocation Instrument).

Section 2  Commencement

Section 2 provides that the Revocation Instrument takes effect on the day after it is registered.

Section 3  Revocation

Section 3 has the effect of revoking the *Radiocommunications (Spread Spectrum Devices) Class Licence 2002* (the Spread Spectrum Class Licence).