EXPLANATORY STATEMENT

Issued by the Authority of the Australian Communications and Media Authority

Radiocommunications (Communication with AUSSAT C 156E GOV Satellite Network) Class Licence 2005

Radiocommunications Act 1992

Legislative Provisions

Subsection 132 (1) of the Radiocommunications Act 1992 (the Act) provides for the Australian Communications and Media Authority (ACMA) to issue class licences.

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

Purpose

The proposed Radiocommunications (Communication with AUSSAT C 156E GOV Satellite Network) Class Licence 2005 (the AUSSAT C 156E GOV Class Licence) authorises, principally for the purposes of defence, the operation of Earth stations to communicate with the AUSSAT C 156E GOV satellite or other Earth stations through the AUSSAT C 156E GOV satellite.

Background

It is a requirement of the Act that the operation of all radiocommunications transmitters within Australia is 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 proposed AUSSAT C 156E GOV Class Licence commences on the day after it is registered.

The radiofrequency spectrum utilised for the earth-space-earth communications authorised under the AUSSAT C 156E GOV Class Licence is primarily managed by apparatus licensing the Space segment of the communications path. The Earth segment is technically complementary to the Space segment and can be managed by the issue of the Class Licence.
This is a similar arrangement to those earth-space-earth communications authorised under the *Radiocommunications (Communication with Space Object) Class Licence 1998* (the Space Object Class Licence). That Class Licence authorises a wide range of commercial and community communications.

The particular and restrictive nature of the communications involving the AUSSAT C 156E GOV satellite, together with the nature of the conditions needing to be applied, determined that it would be appropriate to authorise the communications by issuing a new class licence rather than authorise the operation under an existing class licence.

The Department of Defence was consulted about the establishment of this Class Licence as they were the only potential users of the devices authorised by the Class Licence.

The Office of Regulation Review (ORR) has advised that a Regulation Impact Statement is not required in relation to the *Radiocommunications (Communications with AUSSAT C 156E GOV Satellite Network) Class Licence 2005*. The ORR reference number is ID 3916.

Notes about the instrument are set out in Attachment 1.
Notes about the instrument

Part 1  Introductory

Section 1  Name of Class Licence
Section 1 provides for the name of the class licence.

Section 2  Commencement
Section 2 provides for the commencement of the class licence.

Section 3  Definitions
Section 3 provides for the definition of terms used in the class licence.

Part 2  Issue of licence

Section 4  Authorisation of operation of radiocommunications devices.
Section 4 provides that the radiocommunications devices authorised under the class licence are mentioned in Section 5 of the class licence and the purposes for which the devices may be used are mentioned in Section 6 of the class licence. Section 4 also provides that the conditions applicable to the operation of the devices are mentioned in Part 3 of the class licence.

Section 5  Radiocommunications devices affected
Section 5 provides for the types of radiocommunications devices that are authorised under the class licence.

Section 6  Authorised use of device
Section 6 provides that the radiocommunications devices authorised under the class licence may only be operated to communicate with particular stations. Section 6 also provides that the operation of the devices is restricted to a certain purpose.

Part 3  Conditions of issue of class licence

Section 7  Authorised frequencies
Section 7 provides for the frequencies that may be employed by a radiocommunications device authorised under the class licence.

Section 8  Frequency coordination process to be used
Section 8 provides that, for certain frequencies, the operation of a radiocommunications device authorised under the class licence must be coordinated with the operation of other licensed devices to ensure interference is not caused to the other licensed devices. Section 8 alternatively provides that transmissions may be made with the agreement of persons operating certain other licensed devices.

Section 9 Legislative and other formal requirements

Section 9 provides that radiocommunications devices subject to the class licence must comply with certain referenced documents:

a) The Australian Radiofrequency Spectrum Plan (the ARSP) referenced at Subsection 9(a) details how the radiofrequency spectrum is segmented for the use of various radiocommunications services. The ARSP may be obtained from the Australian Communications and Media Authority at PO Box 78 Belconnen ACT 2616. The ARSP may also be viewed on the internet at http://www.acma.gov.au/acmainterwr/radcomm/frequency_planning/spectrum_plan/arсп05.pdf;

b) The Radio Regulations referred to at Subsection 9(b) are regulations that apply to the operation of radiocommunications services internationally. These regulations are made by the International Telecommunication Union to which Australia is a signatory. The Radio Regulations may be obtained from the International Telecommunication Union, Place des Nations, CH-1211 Geneva 20 Switzerland or on the internet at http://www.itu.int/publications/sector.aspx?lang=e&menu=categories&sector=1 ; and

c) The operating parameters referred to at Subsection 9(c) are technical requirements applicable to the radiocommunications devices authorised by the class licence. Compliance with these parameters ensures interference is not caused to other radiocommunications services. The operating parameters may be obtained from the Radiocommunication Bureau, International Telecommunication Union, Place des Nations CH-1211 Geneva 20 Switzerland.

Section 10 Protection from interference not guaranteed

Section 10 provides that protection from interference from certain radiocommunications devices is not guaranteed.