Explanatory Statement

Issued by the authority of the Australian Communications Media Authority
(‘ACMA’)
Radiocommunications Act 1992

Radiocommunications (Certificates—27 GHz Band) Determination (Revocation) 2005

Legislative Provisions

Part 3.2 the Radiocommunications Act 1992 provides for the issuing of spectrum licences. Section 69 provides that a spectrum licence must include a condition that the relevant transmitter is not to be operated under the licence unless the requirements of Part 3.5 for registration of the transmitter have been met.

Part 3.5 provides for the creation and maintenance of a Register of Radiocommunications Licences (section 143). The register must contain certain information about each licence in question (section 144).

Section 145 provides that ACMA may refuse to include on the register the details of a radiocommunications transmitter if ACMA is satisfied that the transmitter could cause an unacceptable level of interference.

Sub-section 145(3) also provides that, before entering a transmitter’s details in the Register, ACMA may require a certificate from a person accredited under section 263. That person must state that the operation of the device satisfies any conditions which have been imposed by way of a section 266A Determination.

Background

The Radiocommunications (Certificates - 27 GHz Band) Determination 2000 was made under section 266A as part of the product offering for the 27 GHz band allocation in September 2000. The determination set out the conditions which had to be met for the issue of a section 145(3) certificate concerning interference management when licensees register a transmitter under a spectrum licence in the 27 GHz band.

Shortly after this determination was made a, generic version of the certificates determination was made - the Radiocommunications (section 145(3) Certificates) Determination 2000. This was intended to apply to all spectrum licensed bands and rendered the 27 GHz band specific determination redundant. The Radiocommunications (Certificates - 27 GHz Band) Determination 2000 determination was not revoked at that time because its terms remained consistent with the generic determination which applied to all bands.

However, as the result of ACMA making the Radiocommunications (section 145(3) Certificates) Amendment Determination 2005 (No. 1) and the Radiocommunications (Accreditation — Prescribed Certificates) Amendment Principles (No. 1) on 13 October 2005, the Radiocommunications (Certificates—27 GHz Band) Determination 2000 will no longer reflect current procedures for device registration and will no longer remain consistent with the generic determination.

Consultation

The proposed changes to device registration have been formulated in response to industry feedback and the Productivity Commission (PC) Review of Radiocommunications released by the Government in December 2002. After the Government’s endorsement of the PC report ACMA conducted an industry forum on spectrum licensing in which options for implementing improved device registration were canvassed.

In October 2003 the Radiocommunications Consultative Council (a high level joint industry/regulator body) examined the issue and suggested ACMA undertake further industry consultation to determine the best way forward.

In December 2003 a public discussion paper on this topic was published by ACMA putting forward the two proposals for change. These changes were –

(a) certification for all registered devices; and

(b) clarifying the advisory guidelines for use of guard space for interference management when registering devices under spectrum licensing.

Five industry submissions were received in response to the paper. Two of these argued that the proposed changes are unnecessary, while the other three supported the changes. As a result of subsequent discussion in which the intent and content of the proposed changes were clarified, the two who argued the changes were unnecessary withdrew their objections.

No additional consultation has been conducted in relation to the Radiocommunications (Certificates—27 GHz Band) Revocation Determination 2005. This is because it is considered to be of a minor nature and results in only a machinery change. The revocation will ensure that the uniform scheme envisaged in the original consultation is brought into effect.

Details of the Determination

Section 1 - Title

Section 1 provides for how the amendment principle is to be cited.

Section 2 - Commencement

Section 2 sets the commencement date as 1 January 2006.

Section 3 – Repeal

Section 3 revokes the Radiocommunications (Certificates—27 GHz Band) Determination 2000.