EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence
Variation 2008 (No. 1)

Radiocommunications Act 1992

Legislative Basis

Section 134 of the Radiocommunications Act 1992 (the Act) allows the Australian Communications and Media Authority (ACMA) to vary a class licence by a notice published in the Australian Government Notices Gazette (the Gazette). Subject to section 136 of the Act, ACMA may vary a class licence by including one or more further conditions or revoking or varying any conditions of the licence.

Section 56 of the Legislative Instruments Act 2003 (the LIA) provides that the requirement for publication in the Gazette is satisfied by registration on the Federal Register of Legislative Instruments (FRLI).

A variation made under paragraph 134 of the Act is a disallowable instrument for the purposes of the LIA.

Purpose

The Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence Variation 2008 (No. 1) (the Class Licence Variation) implements changes to the Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence 2006 (the Class Licence). The changes are intended to:

1. implement licensing arrangements for new deployments of Automatic Identification Systems (AIS) on aircraft and certain other stations;
2. implement a more efficient licensing approach for mobile stations at airports (such as aircraft tugs and baggage vehicles); and
3. accommodate the cessation of satellite monitoring of satellite distress beacons operating on the 121.5 and 243 MHz frequencies.

The Class Licence Variation is one of a number of amending legislative instruments forming part of the radiocommunications regulatory framework that seek to accommodate developments in relation to emergency locating devices, aeronautical mobile stations at airports and deployments of AIS stations. The other amending legislative instruments are the:

- Radiocommunications (Emergency Locating Devices) Class Licence Variation 2008 (No. 1);
- Radiocommunications (Maritime Ship Station — 27 MHz and VHF) Class Licence Variation 2008 (No. 1);
- Radiocommunications (Interpretation) Amendment Determination 2008 (No. 1);
- Radiocommunications Licence Conditions (Maritime Ship Licence) Amendment Determination 2008 (No. 1); and
- the Radiocommunications Licence Conditions (Maritime Coast Licence) Amendment Determination 2008 (No. 1).
Background

Satellite Distress Beacons

By international agreement, the International Satellite System for Search and Rescue (COSPAS-SARSAT) will no longer monitor transmissions made from Emergency Position-Indicating Radio Beacons (EPIRBs) on the 121.5 MHz and 243 MHz frequency bands from 1 February 2009. This is because these analogue devices are being phased out and replaced with digital distress beacons operating in the 406–406.1 MHz band.

Automatic Identification System (AIS)

AIS is an automatic broadcast system used primarily for vessel identification, safety-of-navigation and vessel traffic services. Vessels equipped with AIS transmitters signal their identity, position and other information at varying intervals to coastal stations and ships in the vicinity.

The 2007 World Radiocommunication Conference (WRC-07) resulted in some changes to the operation of AIS stations. These changes included provision for:

- satellite detection of AIS transmissions;
- the deployment of AIS transmitters on aircraft and survival craft (for search and rescue (SAR) purposes); and
- the deployment of AIS Aids to Navigation (AtoN) stations.

Airport Vehicles

When aircraft are contacted by the airport radar, they transmit a reply indicating their identification and position (whether in the air or on the ground). Airservices Australia has equipped aeronautical mobile stations at airports (e.g. aircraft tugs or baggage vehicles) with this facility so that the identification and location of these stations can also be monitored by radar.

The Class Licence Variation permits airport vehicles fitted with this facility to operate under the Class Licence.

Consultation

Section 136 of the Act requires ACMA to conduct a public consultation process via publishing a Gazette Notice before a class licence can be varied. The consultation requirements of section 17 of the LIA are also applicable.

ACMA published the applicable Gazette Notice on 6 November 2008. A consultation paper was released on the same date, covering the Class Licence Variation and the other amending legislative instruments. The consultation period lasted for one month and ended on Monday 8 December 2008.

Comments were received from Airservices Australia, the Australian Maritime Safety Authority (AMSA) and the Australian Radio Communications Industry Association. The submissions supported the proposed changes.

The Class Licence Variation has no compliance cost on industry and no effect on competition. Accordingly, ACMA’s Best Practice Regulation Coordinator determined that the Class Licence Variation and the other amending legislative instruments were minor and machinery in nature and a Regulation Impact Statement (RIS) and Business Cost Calculator (BCC) Report were not required. The Office of Best Practice Regulation (OBPR) was consulted during this process and issued ACMA with reference number 073 for the Class licence Variation and the other amending legislative instruments.
NOTES ON THE INSTRUMENT

Section 1 Name of Variation

Section 1 provides that the Class Licence Variation is the Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence Variation 2008 (No. 1).

Section 2 Commencement

Section 2 provides that the Class Licence Variation commences on the day after it is registered on the FRLI.

Section 3 Variation of Radiocommunications (Emergency Locating Devices) Class Licence 2006

Section 3 provides that Schedule 1 varies the Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence 2006.

Schedule 1 Variations

[1] Section 4, note 1

Item [1] substitutes the existing note in section 4 of the Class Licence. The new note directs readers to the Act and the Radiocommunications (Interpretations) Determination 2000 for definitions of certain terms used in the Class Licence.

[2] Subsection 9 (1), paragraph (c)

Item [2] amends paragraph 9 (1) (c) of the Class Licence to accommodate the change introduced by Item [3].

[3] Paragraph 11 (1) (d)

Item [3] amends existing paragraph 11 (1) (d) of the Class Licence to authorise the use of AIS for SAR purposes. Item [3] further inserts new paragraph 11 (1) (e) to authorise the use of AIS for the safe and expeditious conduct of a flight.

[4] Paragraphs 11 (2) (b) and (c)

Item [4] inserts a new paragraph into subsection 11 (2). The new paragraph permits airport vehicles to operate on the class-licensed frequency band 1087-1093 MHz (see Item [7] below) in accordance with the conditions of the Class Licence.

[5] Schedule 1, Part 1.2, after Item 6

Item [5] amends Schedule 1 of the Class Licence to apply the standard applicable to the AIS equipment being authorised.

[6] Schedule 2, Part 2.2, Item 5 including the note

Item [6] amends Schedule 2 of the Class Licence to provide for the limited continued use of EPIRBs on the frequency 121.5 MHz for homing purposes. Item [6] also amends the note at the end of Part 2.2 to accommodate the cessation of satellite monitoring of satellite distress beacons operating on the 121.5 and 243 MHz frequencies.

[7] Schedule 2, after Part 2.3

Item [7] amends Schedule 2 of the Class Licence to permit the operation of airport vehicles on radionavigation frequencies (1087-1093 MHz).