EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Radiocommunications Licence Conditions (Maritime Ship Licence) Amendment Determination 2008 (No. 1)

Radiocommunications Act 1992

Legislative Basis

The Radiocommunications Licence Conditions (Maritime Ship Licence) Amendment Determination 2008 (No. 1) (the Amendment Determination) is made under subsection 107(1)(f) of the Radiocommunications Act 1992 (the Act).

Paragraph 107(1)(f) of the Act provides that the Australian Communications and Media Authority (ACMA) may determine, by written instrument, conditions applicable to the various licensing options under the maritime ship licence type. The Determination which sets out conditions applicable to maritime ship licensing options is the Radiocommunications Licence Conditions (Maritime Ship Licence) Determination 2002 (the Principal Determination).

The Amendment Determination is a legislative instrument for the purposes of the Legislative Instruments Act 2003 (the LIA).

Purpose

The Amendment Determination implements changes to the Principal Determination in order to implement appropriate licensing arrangements for new deployments of Automatic Identification Systems (AIS) on maritime vessels.

The Amendment Determination 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 (Aircraft and Aeronautical Mobile Stations) 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 (Emergency Locating Devices) Class Licence Variation 2008 (No. 1); and
- the Radiocommunications Licence Conditions (Maritime Coast Licence) Amendment Determination 2008 (No. 1).

Background

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 (e.g. shipping channel markers).

AIS operates internationally on two frequencies: 161.975 MHz and 162.025 MHz. In Australia, these frequencies are apparatus-licensed to the Australian Maritime Safety Authority (AMSA). AMSA third-party authorises other authorities (such as ports) to operate AIS stations under their licences.

The Amendment Determination amends the Principal Determination to set the applicable conditions for the operation of AIS transmitters under a maritime ship licence.

**Consultation**

Section 17 of the *Legislative Instruments Act 2003* requires ACMA to conduct appropriate public consultation before making a legislative instrument. ACMA released a public consultation paper on 6 November 2008. On the same day, a notice was published in the *Australian Government Notices Gazette*, covering the Amendment Determination and the other amended legislative instruments. The consultation period lasted for one month and ended on Monday 8 December 2008. Comments were received from Airservices Australia, AMSA and the Australian Radio Communications Industry Association. The submissions supported the proposed changes.

The Amendment Determination has no compliance cost on industry and no effect on competition. For this reason, ACMA’s Best Practice Regulation Coordinator determined that the Amendment Determination 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 Amendment Determination and the other amending legislative instruments.

**NOTES ON THE INSTRUMENT**

**Section 1 Name of Determination**

Section 1 provides that the Amendment Determination is the *Radiocommunications Licence Conditions (Maritime Ship Licence)* Amendment Determination 2008 (No. 1).

**Section 2 Commencement**

Section 2 provides that the Amendment Determination commences on the day after it is
registered on the Federal Register of Legislative Instruments.

**Section 3 Amendment of Radiocommunications Licence Conditions (Maritime Ship Licence) Determination 2002**

Section 3 provides that Schedule 1 amends the *Radiocommunications Licence Conditions (Maritime Ship Licence) Determination 2002*.

**Schedule 1 Amendments**

[1] **Subsection 1.4 (1), definition of AIS**

Item [1] deletes the definition for AIS from the Principal Determination. This is because this definition is inserted as a definition into the *Radiocommunications (Interpretation) Determination 2000* by the *Radiocommunications (Interpretation) Amendment Determination 2008 (No. 1)*.

[2] **Subsection 1.4 (1), note after definition of working**

Item [2] inserts a new note into section 3 of the Principal Determination. This note directs readers to the *Radiocommunications (Interpretations) Determination 2000* for a definition of AIS.

[3] **After subsection 2.2 (14)**

Item [3] inserts new paragraph (15) into subsection 2.2 (14) of the Principal Determination. Paragraph 15 provides that vessels equipped with AIS equipment must comply with the applicable AIS standard(s) set out in Part 15 of Schedule 1 of the Principal Determination (Part 15 is inserted into the Amendment Determination by Item [6] below).

[4] **After section 4.12**

Item [4] inserts new section 4.13 into the Principal Determination. Section 4.13 sets out certain conditions applicable to the operation of ship stations operating under a ship station Class B non-assigned licence for AIS purposes.

[5] **After section 6.12**

Item [5] inserts new section 6.12A into the Principal Determination. Section 6.12A sets out certain conditions applicable to the operation of AIS stations by licensees operating under a ship station Class C non-assigned licence.

[6] **Schedule 1, after Part 14**

Item [6] inserts new Part 15 into the Principal Determination. Part 15 sets out the standards applicable to AIS equipment operated under the Principal Determination.

[7] **Schedule 3, heading**

Item [7] amends the heading of Schedule 3 to reflect the fact that Schedule 3 also refers to new sections 4.13 and 6.12A.