EXPLANATORY STATEMENT
Issued by the Australian Communications and Media Authority

Radiocommunications Miscellaneous Devices Class Licence 1999 Revocation Notice 2008

Radiocommunications Act 1992

Purpose

The purpose of the Radiocommunications Miscellaneous Devices Class Licence 1999 Revocation Notice 2008 (the Revocation Notice), is to revoke the Radiocommunications Miscellaneous Devices Class Licence 1999 (the Miscellaneous Devices Class Licence).

Legislative Provisions

Section 135 of the Radiocommunications Act 1992 (the Act), allows the Australian Communications and Media Authority (ACMA) by notice published in the Commonwealth Gazette, to revoke a class licence.

As a class licence revocation is a legislative instrument for the purposes of the Legislative Instruments Act 2003 (the LIA), subsection 56(1) of the LIA ensures that the requirement in the Act for publication in the Commonwealth Gazette is satisfied by registration of the instrument on the Federal Register of Legislative Instruments (FRLI).

Section 136 of the Act requires ACMA, before revoking a class licence, to publish a notice in the Commonwealth Gazette inviting persons to make representations about the proposed revocation and providing those persons with an opportunity of at least one month in which to make those representations.

Background

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

A class licence is one type of licence available to authorise the operation of radiocommunications devices. It 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. A class licence sets out the conditions under which any person is permitted to operate any device to which the class licence is applicable; it is not issued to an individual user, and does not involve the payment of licence fees. The licences are issued by ACMA as legislative instruments and are registered on the FRLI. They involve minimal licence administration by ACMA.

The Miscellaneous Devices Class Licence authorises the operation of video sender transmitters that transmit analog video and audio signals over very short distances. The transmitters are used to transmit signals between consumer equipment such as a video recorder and a television.

The Radiocommunications (Low Interference Potential Devices) Class Licence 2000 (the LIPD Class Licence), authorises the operation of a wide range of low power radiocommunications devices in various segments of the radiofrequency spectrum. The LIPD Class Licence sets out the conditions under which many types of short-range devices may operate. The conditions cover frequency bands of operation and radiated power limits. Other conditions are applied as necessary.

As video sender transmitters operate under the same conditions as devices already authorised by the LIPD Class Licence, they have been included in the LIPD Class Licence by the Radiocommunications (Low Interference Potential Devices) Class Licence Variation Notice 2008 (No. 1). As a result, ACMA is able to revoke the Miscellaneous Devices Class Licence without any impact on industry or the community. Revoking the Miscellaneous Devices Class Licence is consistent with a continuing ACMA strategy to simplify the class licensing regime and reduce the regulatory burden on industry and the community.

Operation
The Revocation Notice revokes the Miscellaneous Devices Class Licence on the day after the Revocation Notices is registered.

Consultation

In accordance with section 136 of the Act, notice of ACMA’s intended revocation of the Miscellaneous Devices Class Licence was published by notice in the *Commonwealth Gazette* on 29 October 2008, inviting public submissions until 1 December 2008. Notice of the revocation and an invitation for public submissions was also provided on ACMA’s internet site from 29 October 2008 to 1 December 2008.

No submissions were received in relation to the Revocation Notice.

Regulation Impact

ACMA obtained advice from its SES contact officer for the Government’s regulation impact analysis arrangements that the Revocation Notice has no or low impact. For those reasons under the self-assessment regime administered by the Office of Best Practice Regulation, ACMA has determined that there is no need to produce a Business Cost Calculator report or to prepare a Regulation Impact Statement. The ACMA RIS exemption reference number is 077.

Documents incorporated into the Revocation Notice by Reference

Nil

Attachment

Details of the Revocation Notice are set out in the Attachment.
NOTES ON SECTIONS

Section 1  Name of Revocation Notice
Section 1 provides for the citation of the instrument.

Section 2  Commencement
This section provides for the Revocation Notice to commence on the day after it is registered.

Section 3  Revocation of Radiocommunications Miscellaneous Devices Class Licence 1999
Section 3 revokes the Radiocommunications Miscellaneous Devices Class Licence 1999.