EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Radiocommunications Advisory Guidelines (Managing Interference to Apparatus Licensed Receivers – 3.4 GHz Band) Amendment 2009 (No.1)

Radiocommunications Act 1992

Purpose

The purpose of the Radiocommunications Advisory Guidelines (Managing Interference to Apparatus Licensed Receivers – 3.4 GHz Band) Amendment 2009 (No. 1) ("the Amendment") is to expand the scope of the Radiocommunications Advisory Guidelines (Managing Interference to Apparatus Licensed Receivers – 3.4 GHz Band) 2000 ("the Advisory Guidelines") to include the 3575-3700 MHz band ("the 3.6 GHz band") and the Radiocommunications Assignment and Licensing Instruction FX19 ("RALI FX19").

Legislative Provisions

Section 262 of the Radiocommunications Act 1992 ("the Act") provides that the Australian Communications and Media Authority ("the ACMA") may make advisory guidelines about any aspect of radiocommunication or radio emissions. Advisory guidelines may be made in relation to any matter in respect of which standards may be made under Part 4.1 of the Act; or the use, construction, design or performance of any thing; or interference with radiocommunications; or frequency allocation and coordination.

The Amendment is a legislative instrument within the meaning of section 5 of the Legislative Instruments Act 2003 ("the LIA"), therefore the requirement to publish the Amendment as set out at paragraph 262(3)(b) of the Act is satisfied by registration on the Federal Register of Legislative Instruments (FRLI).

Background

The Act provides a number of means by which the ACMA may manage interference resulting from operation of a transmitter under a spectrum licence. These tools include the core conditions applied to all spectrum licences pursuant to section 66 of the Act; other conditions that may be applied under section 71 of the Act; the determination made under section 145 of the Act about what constitutes unacceptable interference; and advisory guidelines made under section 262 of the Act about managing interference in specific circumstances.

The Advisory Guidelines were made by the ACMA for the management and settlement of interference caused by transmitters operating under a 3.4 GHz spectrum licence to receivers operating under an apparatus licence in adjacent geographic areas, or adjacent frequency bands.

Operation

The Amendment will expand the scope of the Advisory Guidelines to include both the 3.6 GHz band and the coordination criteria set out in RALI FX19. The Amendment is intended to provide spectrum licensees with further information when assessing the deployment of transmitters within spectrum licence areas with existing services in adjacent geographic areas and frequency bands.

Consultation

Pursuant to the requirements of section 17 of the LIA, the ACMA undertook consultation in relation to the Amendment on the ACMA’s website beginning in April 2009. The Amendment was made available for public comment from 1 April – 15 May 2009.
No submissions were received in relation to the Amendment.

**Regulatory Impact Statement**

The ACMA obtained advice from its Best Practice Regulation Coordinator that the Amendment has no or low impact on business or the economy. For those reasons under the self-assessment regime administered by the Office of Best Practice Regulation (OBPR), the ACMA has determined that there is no need to produce a Business Cost Calculator report or to prepare a Regulation Impact Statement (RIS) in relation to the Amendment. The ACMA RIS exemption reference number is ACMA 109.

**Documents Incorporated by Reference**

The Radiocommunications Assignment and Licensing Instruction FX19 (RALI FX19) is a policy document that sets out the assignment model and coordination criteria to be applied to wireless access services (WAS) systems operating in an applicable frequency band authorised in a point-to-multipoint apparatus licence.

The Radiocommunications Assignment and Licensing Instruction FX14 (RALI FX14) is a policy document that sets out the assignment model and coordination criteria to be applied to point-to-multipoint services operating in the 3.4 GHz band.

Copies of RALI FX19 and RALI FX14 can be obtained from the ACMA’s website at [www.acma.gov.au](http://www.acma.gov.au).

The International Telecommunications Union – Radiocommunications (ITU-R) Recommendation P.1144 was developed in Radiocommunications Study Group 3 and describes the propagation prediction methods for numerous radiocommunications services. Copies of this Recommendation can be obtained from the ITU’s website at [www.itu.int](http://www.itu.int).

**Detailed Description of the Instrument**

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

Section 1 – Name of Advisory Guidelines
This section provides for the name of the Amendment

Section 2 – Commencement
This section provides that the Radiocommunications Advisory Guidelines (Managing Interference to Apparatus Licensed Receivers – 3.4 GHz Band) Amendment 2009 (No. 1) commences on the day after it is registered.

Section 3 – Amendment to the Radiocommunications Advisory Guidelines (Managing Interference to Apparatus Licensed Receivers – 3.4 GHz Band) 2000
This section provides that Schedule 1 amends the Advisory Guidelines.

Schedule 1 Amendments

Item [1] Clause 1.3
This section expands the scope of the Advisory Guidelines to include the frequency range 3400-3700 MHz.

Item [2] Clause 1.4, definition of incumbent
This section amends the definition by referring to a receiver that has part of the frequency band of its spectrum access within the 3.4 GHz band when that band was re-allocated for spectrum licensing.

Item [3] Clause 1.4, definition of RALI FX14
This section corrects a reference from the ACA to the ACMA.

Item [4] Clause 1.4, after definition of RALI FX14
This section includes a new definition of RALI FX19.

Item [5] Clause 1.4, definition of RALI MS3
This section corrects a reference from the ACA to the ACMA.

Item [6] Clause 1.4, definition of section 145 determination
This section amends a formatting error in the title of section 145 determination.

Item [7] Clause 1.4, definition of 3.4 GHz segments
This section amends the definition from 3.4 GHz segments to refer to 3.4 GHz frequency segments. This section also includes reference to the 3.6 GHz band as the frequency range 3575-3700 MHz.

Item [8] Paragraphs 2.1 (a) and (b)
This section clarifies the application of the Advisory Guidelines to refer to apparatus licensed receivers operating in the 3400-3700 MHz band that are outside spectrum licence space.

Item [9] Subclause 2.2 (1)
This section clarifies the apparatus licensing arrangements for the 3.4 GHz band by outlining that licences may be issued in regional and remote areas of Australia only. This section also corrects a reference from the ACA to the ACMA.

Item [10] Subclause 2.2 (2)
This section provides a new paragraph outlining the availability of apparatus licences in the 3.6 GHz band in specific regional and remote areas of Australia. These areas are detailed in RALI MS3. This section also inserts a new paragraph that refers to RALI FX14 and RALI FX19 for the coordination criteria that apparatus licences issued in the 3.4 GHz and 3.6 GHz bands are subject to.

**Item [11] Subclauses 3.3 (1) and (3)**
This section corrects a reference to a relevant clause.

**Item [12] Subclause 3.7 (2)**
This section corrects a reference to a relevant clause.

**Item [13] Subclause 3.8 (1)**
This section corrects a reference to a relevant clause.

**Item [14] Subclause 3.9 (1)**
This section includes reference to the compatibility requirements for fixed point-to-multipoint stations that are set out in both RALI FX14 and RALI FX19.

**Item [15] After subclause 3.9 (2)**
This section provides for a new paragraph that explains the assignment principles of RALI FX19.

**Item [16] Subclause 4.1 (3)**
This section provides an amendment to the paragraph to include the propagation model that is relevant to the 3.6 GHz band.

**Item [17] Clause 4.4**
This section makes a correction by re-numbering Clause 4.4 as Clause 4.3 respectively.

**Item [18] Part 4, Table 1, heading**
This section amends the heading of the table to include the 3.6 GHz band.