EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Radiocommunications (Communication with Space Object) Class Licence
Variation 2011 (No. 2)

Radiocommunications Act 1992

Purpose

The purpose of the Radiocommunications (Communication with Space Object) Class Licence Variation 2011 (No. 2) (the Class Licence Variation) is to vary the Radiocommunications (Communication with Space Object) Class Licence 1998 (the Space Object Class Licence) to include additional frequency bands within which stations to which the Space Object Class Licence applies (earth based stations) can transmit or receive radio emissions.

Legislative Provisions

Under section 132 of the Radiocommunications Act 1992 (the Act), the Australian Communications and Media Authority (the ACMA) may issue class licences authorising the operation of a radiocommunications device of a specified kind, or for a specified purpose or of a specified kind for a specified purpose. The Space Object Class Licence was issued under section 132 of the Act. Section 134 of the Act provides that the ACMA may, subject to public consultation, vary a class licence by notice published in the Gazette.

The Class Licence Variation is a legislative instrument for the purposes of the Legislative Instruments Act 2003.

Background

The Space Object Class Licence provides an alternative to the licensing of individual earth based stations by apparatus licence. Earth based stations are used for satellite services and can be either transmitters or receivers or both. An earth based station is a radiocommunications device that is not located on a space object. It is used to communicate with licensed apparatus located on a space object or with another earth based station via licensed apparatus on a space object.

The Space Object Class Licence authorises the operation of individual earth based stations that communicate with apparatus-licensed space stations. The Space Object Class Licence authorises the operation of individual earth based stations that do not require coordination with other licensed services for the purposes of interference protection. Under spectrum planning arrangements developed by the ACMA’s predecessor, the Australian Communications Authority, earth based stations authorised by the Space Object Class Licence do not require individual licensing and coordination with other services.

Operation

The Class Licence Variation increases the number of frequency bands in the Space Object Class Licence to facilitate the provision of satellite communications by satellite service providers.

Further details on the operation of the Class Licence Variation are contained in the “Notes on Sections” in the Attachment to this Explanatory Statement.

Consultation

In accordance with section 136 of the Act, notice of the ACMA’s proposed variation to the Space Object Class Licence was published in the Gazette on 15 June 2011, inviting public submissions until 18 July 2011. Notice of the proposed variation and an invitation for public submission was also provided on the ACMA’s internet site from 15 June 2011 through to 18 July 2011.

Six submissions were received in response to the invitation for public comment. All six submissions were supportive of the proposed variation.
Regulatory Impact

The Office of Best Practice Regulation (OBPR) has advised that it has considered the ACMA’s preliminary assessment of the regulatory impact of varying the Space Object Class Licence. The OBPR has further advised that it considers that the amendments are of a minor and machinery nature and therefore no further analysis (in the form of a Regulation Impact Statement) is required. The OBPR reference number is 12618.
ATTACHMENT

Notes on Sections

Section 1  Name of Instrument
Section 1 provides that the name of the instrument is the Radiocommunications (Communication with Space Object) Class Licence Variation 2011 (No. 2).

Section 2  Commencement
Section 2 provides that the Class Licence Variation commences on the later of the day after it is registered on the Federal Register of Legislative Instruments and the day on which it is published in the Gazette. Both events must occur for the Variation to commence.

Section 3  Variation of Radiocommunications (Communication with Space Object) Class Licence 1998
Section 3 provides that Schedule 1 varies the Radiocommunications (Communication with Space Object) Class Licence 1998.

Schedule 1  Variations

Item [1]Section 3, paragraph 6(2)(h)
This item includes two additional frequency bands for the purpose of transmission of radio emissions by an earth based station. The item amends paragraph 6(2)(h) to include an additional 100 MHz of spectrum from 28.5 to 28.6 GHz, and inserts a new paragraph 6(2)(i) to include 500 MHz of spectrum from 29.5 to 30 GHz.

Item [2]Section 3, paragraph 6(3)(o)
The item inserts a new paragraph 6(3)(b) to include an additional 500 MHz of spectrum from 19.7 to 20.2 GHz for the purpose of reception of radio emissions by an earth based station.