EXPLANATORY STATEMENT

Issued by the authority of the Australian Communications and Media Authority
Radiocommunications (Interpretation) Amendment Determination 2011 (No. 2)
Radiocommunications Act 1992

Purpose

The purpose of the Radiocommunications (Interpretation) Amendment Determination 2011 (No. 2) (the Amendment Determination), and related instruments, is to delete legislative references to the aeronautical non assigned station and the aircraft non assigned apparatus licence types.

Both apparatus licence types are redundant as they have expired. Aircraft stations and aeronautical radiocommunications that operate on a common group of aviation frequencies are now authorised under the associated Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence 2006. Therefore, there is no need to issue any non assigned licences in the future.

The Amendment Determination amends the Radiocommunications (Interpretation) Determination 2000 (Interpretation Determination).

Legislative Provisions

Subsection 64 (1) of the Australian Communications and Media Authority Act 2005 (the ACMA Act) provides that the Australian Communications and Media Authority (the ACMA) may make a written determination defining one or more expressions used in specified instruments, being instruments made under one or more specified laws of the Commonwealth. The ACMA has made the Interpretation Determination under this provision.

The Interpretation Determination defines expressions used in numerous legislative instruments made under the Radiocommunications Act 1992 (the Radiocommunications Act), including expressions used in determinations made under paragraph 107(1)(f) of the Radiocommunications Act.

Subsection 33(3) of the Acts Interpretation Act 1901 provides that when exercising its power to make written instruments under an Act, the ACMA also has the power to repeal, rescind, revoke, amend, or vary such instruments.

A determination made under subsection 64 (1) of the ACMA Act is a legislative instrument for the purposes of the Legislative Instruments Act 2003 (the LIA).

Background

Following a review into the licensing framework for aircraft and aeronautical licensing arrangements, the ACMA formed the view that the range of ground-based mobile aeronautical stations, operating on the same common group of aviation frequencies, could logically and practicably be included in a class licence.

The Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence 2006 (the Class Licence) was introduced to authorise the operation of aircraft stations and most hand-held and mobile aeronautical stations operating on a common group of aviation frequencies.
The *Radiocommunications Licence Conditions (Aeronautical Licence) Determination No. 1 of 1997* was also amended to introduce a new licensing option (aeronautical assigned system) designed to replace the two existing licensing options (aeronautical assigned and aeronautical non-assigned) to allow networks to authorise all related aeronautical stations under one aeronautical licence.

The changes to the aeronautical and aircraft licensing regime also meant that no new aeronautical non-assigned and aircraft non-assigned licences were issued, and existing aeronautical and aircraft non-assigned licences were allowed to expire.

Currently, there are no valid aeronautical non-assigned and aircraft non-assigned licences.

**Package of Legislative Instruments**

The Amendment Determination forms part of a package of instruments made simultaneously to remove legislative references to the aeronautical non-assigned station and aircraft non-assigned licence types from subordinate legislation.

References to aeronautical non-assigned station and aircraft non-assigned station apparatus licences also appear in the following:


**Consultation**

In accordance with paragraph 18(2)(a) of the LIA, consultation is considered unnecessary as the changes made by the Amendment Determination are of a minor or machinery nature, and do not substantially alter existing arrangements.

**Regulatory Impact**

The ACMA has undertaken a preliminary assessment of the regulatory impact in accordance with the requirements of the Office of Best Practice Regulation (OBPR). It has been determined that the Amendment Determination would have no direct or significant indirect impact on business or the economy. For those reasons, an exemption from the need to provide a Regulatory Impact Statement (RIS) and Business Cost Calculator Report has been obtained. The OBPR RIS exemption reference number is 12565.

**Determination Details**

Details of the Amendment Determination are provided in Attachment A.
Notes on Determination

Section 1  Name of Determination
Section 1 provides the name of the Determination.

Section 2  Commencement
Section 2 provides that the Determination commences on the day after it is registered.

Section 3  Amendment of Radiocommunications (Interpretation) Determination 2000
Section 3 provides that Schedule 1 amends the Radiocommunications (Interpretation) Determination 2000.

Schedule 1  Amendments (section 3)

[1]  Schedule 1, Dictionary
Item 1 deletes the "aeronautical non assigned station" definition.

[2]  Schedule 1, Dictionary
Item 2 deletes the "aircraft non assigned station" definition.