

EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority
Radiocommunications (861 – 865 MHz Land Stations and Handsets)
Class Licence Revocation 2008
Radiocommunications Act 1992

Purpose

The purpose of the *Radiocommunications (861 – 865 MHz Land Stations and Handsets) Class Licence Revocation 2008* (the Revocation) is to revoke the *Radiocommunications (861 – 865 MHz Land Stations and Handsets) Class Licence 1996* (the Class Licence).

Legislative Provisions

The Spectrum Management Agency (SMA) made the Class Licence in 1996 under section 132 of the *Radiocommunications Act 1992* (the Act). In accordance with both the *Telecommunications (Transitional Provisions and Consequential Amendments) Act 1997* and the *Australian Communications and Media Authority (Consequential and Transitional Provisions) Act 2005*, the Australian Communications and Media Authority (ACMA) is taken to have made the Class Licence under the Act as previously made by the SMA.

Section 135 of the Act allows 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.

Background

Class licences are standing authorities that authorise the operation of certain radiocommunications devices provided that the device is operated in accordance with conditions in the class licence.

Class licences avoid the need for individual apparatus licences, and minimise expense and administrative burden. They are an appropriate means of managing the radiofrequency spectrum where it is judged that there is a minimum risk of interference between radiocommunications devices. Class licences do not need to be applied for and so no fees are levied, for operation in accordance with the class licence.

Radiocommunications devices authorised under the class licence are typically low power transmitters providing short range communications that do not require individual frequency co-ordination for interference management purposes. Examples of equipment covered by class licences include garage door openers, remote control models (ships, aircrafts, and cars), and mobile and cellular telephone handsets.

The Class Licence authorises a person to operate a land station or handset on a carrier frequency greater than 861 MHz and no greater than 865 MHz, being a land station or handset operated as part of a cordless telephone service.

To reduce the number of radiocommunications class licences, thereby easing the regulatory burden on the community, the provisions contained in the Class Licence are to be incorporated into the *Radiocommunications (Cordless Telecommunications Devices) Class Licence 2001* by the *Radiocommunications (Cordless Telecommunications Devices) Class Licence Variation 2008* (No. 1).

Operation

The Revocation instrument revokes the Class Licence on the day after the *Radiocommunications (Cordless Telecommunications Devices) Class Licence Variation 2008 (No. 1)* is registered. This arrangement ensures that there is no period in which the use of devices is not authorised.

Consultation

To ensure ACMA met the requirements of the LIA and section 136 of the Act, ACMA undertook two rounds of consultation in the *Commonwealth Gazette* and on ACMA's website. The Variation was made available from these sources for public comment from 25 June - 18 July and 20 August – 22 September 2008. The second round of consultation (20 August – 22 September 2008) was undertaken to ensure that the requirement for a period of consultation of at least one month in section 136 of the Act was satisfied, as this was not achieved in the first round of consultation due to the late publication of the *Commonwealth Gazette* notice.

No submissions were received in relation to the Revocation.

Regulatory Impact Statement

ACMA obtained advice from its SES contact officer for the Government's regulation impact analysis arrangements that the Variation 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 ACMA 058.

Detailed description of the instrument

Details of the Revocation are set out in the attachment

NOTES ON SECTIONS

Section 1 – Name of Instrument

This section provides for the name of the instrument.

Section 2 – Commencement

This section provides that the Revocation commences on the day after the *Radiocommunications (Cordless Telecommunications Devices) Class Licence Variation 2008 (No. 1)* is registered.

Section 3 – Revocation

Section 3 revokes the *Radiocommunications (861-865 MHz Land Stations and Handsets) Class Licence 1996*.