

EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Radiocommunications (Maritime Ship Station — 27 MHz and VHF) Class Licence Variation 2008 (No. 1)

Radiocommunications Act 1992

Legislative Basis

Section 134 of the *Radiocommunications Act 1992* (the Act) allows the Australian Communications and Media Authority (ACMA) to vary a class licence by a notice published in the *Australian Government Notices Gazette* (the Gazette). Subject to section 136 of the Act, ACMA may vary a class licence by including one or more further conditions or revoking or varying any conditions of the licence.

Section 56 of the *Legislative Instruments Act 2003* (the LIA) provides that the requirement for publication in the Gazette is satisfied by registration on the Federal Register of Legislative Instruments (FRLI).

A variation made under paragraph 134 of the Act is a disallowable instrument for the purposes of the LIA.

Purpose

The *Radiocommunications (Maritime Ship Station — 27 MHz and VHF) Class Licence Variation 2008 (No. 1)* (the Class Licence Variation) implements changes to the *Radiocommunications (Maritime Ship Station — 27 MHz and VHF) Class Licence 2001* (the Class Licence). The changes are intended to implement licensing arrangements for new deployments of Automatic Identification Systems (AIS) on maritime vessels.

The Class Licence Variation is one of a number of amending legislative instruments forming part of the radiocommunications regulatory framework that seek to accommodate developments in relation to emergency locating devices, aeronautical mobile stations at airports and deployments of AIS stations. The other amending legislative instruments are the:

- *Radiocommunications (Emergency Locating Devices) Class Licence Variation 2008 (No. 1)*;
- *Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence Variation 2008 (No. 1)*;
- *Radiocommunications (Interpretation) Amendment Determination 2008 (No. 1)*;
- *Radiocommunications Licence Conditions (Maritime Ship Licence) Amendment Determination 2008 (No. 1)*; and
- the *Radiocommunications Licence Conditions (Maritime Coast Licence) Amendment Determination 2008 (No. 1)*.

Background

Automatic Identification System (AIS)

AIS is an automatic broadcast system used primarily for vessel identification, safety-of-navigation and vessel traffic services. Vessels equipped with AIS transmitters signal their identity, position and other information at varying intervals to coastal stations and ships in the vicinity.

The 2007 World Radiocommunication Conference (WRC-07) resulted in some changes to the operation of AIS stations. These changes included provision for:

- satellite detection of AIS transmissions;
- the deployment of AIS transmitters on aircraft and survival craft (for search and rescue (SAR) purposes); and
- the deployment of AIS Aids to Navigation (AtoN) stations (e.g. shipping channel markers).

The Class Licence Variation implements changes to the operation of AIS that are applicable to licensees operating under the Class Licence. In particular, the Class Licence Variation authorises the use of certain deployments of AIS by maritime ship stations and applies the standard applicable to the relevant AIS equipment.

Consultation

Section 136 of the Act requires ACMA to conduct a public consultation process via publishing a Gazette Notice before a class licence can be varied. The consultation requirements of section 17 of the LIA are also applicable.

ACMA published the applicable Gazette Notice on 6 November 2008. A consultation paper was released on the same date, covering the Class Licence Variation and the other amending legislative instruments. The consultation period lasted for one month and ended on Monday 8 December 2008.

Comments were received from Airservices Australia, the Australian Maritime Safety Authority (AMSA) and the Australian Radio Communications Industry Association. The submissions supported the proposed changes.

The Class Licence Variation has no compliance cost on industry and no effect on competition. For this reason, ACMA's Best Practice Regulation Coordinator determined that the Class Licence Variation and the other amending legislative instruments were minor and machinery in nature and a Regulation Impact Statement (RIS) and Business Cost Calculator (BCC) Report were not required. The Office of Best Practice Regulation (OBPR) was consulted during this process and issued ACMA with reference number 073 for the Class licence Variation and the other amending legislative instruments.

NOTES ON THE INSTRUMENT

Section 1 Name of Variation

Section 1 provides that the Class Licence Variation is the *Radiocommunications (Maritime Ship Station — 27 MHz and VHF) Class Licence Variation 2008 (No. 1)*.

Section 2 Commencement

Section 2 provides that the Class Licence Variation commences on the day after it is registered on the FRLI.

Section 3 Variation of *Radiocommunications (Maritime Ship Station — 27 MHz and VHF) Class Licence 2001*

Section 3 provides that Schedule 1 varies the *Radiocommunications (Maritime Ship Station — 27 MHz and VHF) Class Licence 2001*.

Schedule 1 Variations

[1] Section 3, definition of AIS

Item [1] removes the definition for AIS in the Class Licence. This is because this definition is being relocated to the *Radiocommunications (Interpretation) Determination 2000* by the *Radiocommunications (Interpretation) Amendment Determination 2008 (No. 1)*.

[2] Subsection 9 (1), paragraph (c)

Item [2] inserts a new note into section 3 of the Class Licence. This note directs readers to the *Radiocommunications (Interpretations) Determination 2000* for a definition of AIS.

[3] Schedule 1, after Part 1.3

Item [3] inserts a new Part 1.4 into Schedule 1 of the Class Licence. Schedule 1 lists applicable equipment specifications and standards. New Part 1.4 provides for AIS equipment to comply with the applicable AIS standard.

[4] Schedule 2, heading

Item [4] amends the heading of Schedule 2 to reflect the fact that Schedule 2 refers to sections 10 to 18.