

EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

***Radiocommunications Licence Conditions (Maritime Coast Licence) Amendment
Determination 2008 (No. 1)***

Radiocommunications Act 1992

Legislative Basis

The *Radiocommunications Licence Conditions (Maritime Coast Licence) Amendment Determination 2008 (No. 1)* (the Amendment Determination) is made under subsection 107(1)(f) of the *Radiocommunications Act 1992* (the Act).

Paragraph 107(1)(f) of the Act provides that the Australian Communications and Media Authority (ACMA) may determine, by written instrument, conditions applicable to the various licensing options under the maritime coast licence type. The Determination which sets out conditions applicable to maritime coast licence types is the *Radiocommunications Licence Conditions (Maritime Coast Licence) Determination 2002* (the Principal Determination).

The Amendment Determination is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (the LIA).

Purpose

The Amendment Determination implements changes to the Principal Determination in order to implement appropriate licensing arrangements for new deployments of Automatic Identification Systems (AIS) operating under maritime coast station licences.

The Amendment Determination 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 (Aircraft and Aeronautical Mobile Stations) Class Licence Variation 2008 (No. 1)*;
- *Radiocommunications (Maritime Ship Station — 27 MHz and VHF) Class Licence Variation 2008 (No. 1)*;
- *Radiocommunications (Interpretation) Amendment Determination 2008 (No. 1)*;
- *Radiocommunications (Emergency Locating Devices) Class Licence Variation 2008 (No. 1)*; and
- the *Radiocommunications Licence Conditions (Maritime Ship 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).

AIS operates internationally on two frequencies: 161.975 MHz and 162.025 MHz. In Australia, these frequencies are apparatus-licensed to the Australian Maritime Safety Authority (AMSA). AMSA third-party authorises other authorities (such as ports) to operate AIS stations under their licences.

The Amendment Determination amends the Principal Determination to set the applicable conditions for the operation of AIS stations under a coast station licence.

Consultation

Section 17 of the LIA requires ACMA to conduct appropriate public consultation before making a legislative instrument.

ACMA released a public consultation paper on 6 November 2008 and published a notice in the *Australian Government Notices Gazette* on the same date, covering the Amendment Determination 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, AMSA and the Australian Radio Communications Industry Association. The submissions supported the proposed changes.

The Amendment Determination has no compliance cost on industry and no effect on competition. For this reason, ACMA's Best Practice Regulation Coordinator determined that the 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 Amendment Determination and the other amending legislative instruments.

NOTES ON THE INSTRUMENT

Section 1 Name of Determination

Section 1 provides that the Amendment Determination is the *Radiocommunications Licence Conditions (Maritime Coast Licence) Amendment Determination 2008 (No. 1)*.

Section 2 Commencement

Section 2 provides that the Amendment Determination commences on the day after it is registered on the Federal Register of Legislative Instruments.

Section 3 Amendment of *Radiocommunications Licence Conditions (Maritime Coast Licence) Determination 2002*

Section 3 provides that Schedule 1 amends the *Radiocommunications Licence Conditions (Maritime Coast Licence) Determination 2002*.

Schedule 1 Amendments

[1] Section 1.4, note after definition of *working*

Item [1] inserts a new note into section 3 of the Principal Determination. This note directs readers to the *Radiocommunications (Interpretations) Determination 2000* for a definition of AIS and AIS AtoN Stations.

[2] After section 5.4

Item [2] inserts new section 5.4A into the Principal Determination. Section 5.4A provides that limited coast assigned system stations equipped with AIS equipment manufactured or imported after the commencement date of the Amendment Determination must comply with the applicable AIS standard(s) set out in Part 6 of Schedule 1 of the Principal Determination (Part 6 is inserted into the Amendment Determination by Item [4]).

[3] Schedule 1, heading

Item [3] amends the heading of Schedule 1 to reflect the fact that Schedule 3 also refers to new section 5.4A.

[4] Schedule 1, after Part 14

Item [4] inserts new Part 6 into the Principal Determination. Part 6 sets out the standards applicable to AIS equipment operated under the Principal Determination.