EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Radiocommunications (Low Interference Potential Devices) Class Licence Variation Notice 2008 (No. 1)

Radiocommunications Act 1992

Purpose

The purpose of the *Radiocommunications (Low Interference Potential Devices) Class Licence Variation Notice 2008 (No. 1)* (the Variation Notice) is to extend existing arrangements in the *Radiocommunications (Low Interference Potential Devices) Class Licence 2000* (the LIPD Class Licence), to allow for the introduction and use of new technology.

Legislative Provisions

Section 134 of the *Radiocommunications Act 1992* (the Act), allows the Australian Communications and Media Authority (ACMA) by notice published in the *Commonwealth Gazette*, to vary a class licence.

As a class licence variation 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 (FRLI).

Section 136 of the Act requires ACMA, before varying a class licence, to publish a notice in the *Commonwealth Gazette* inviting persons to make representations about the proposed variation and providing those persons with an opportunity of at least one month in which to make those representations.

Background

It is generally a requirement of the Act that the operation of all radiocommunications devices within Australia be authorised by a radiocommunications licence.

A class licence is one type of licence available to authorise the operation of radiocommunications devices. It is an effective and efficient means of spectrum management for services where a limited set of common frequencies is employed, and equipment is operated under a common set of conditions. A class licence sets out the conditions under which any person is permitted to operate any device to which the class licence is applicable; it is not issued to an individual user, and does not involve the payment of licence fees. The licences are issued by ACMA as legislative instruments and are registered on the FRLI. They involve minimal licence administration by ACMA.

The LIPD Class Licence authorises the operation of a wide range of low power radiocommunications devices in various segments of the radiofrequency spectrum. The LIPD Class Licence sets out the conditions under which many types of short range devices may operate. These transmitters do not require individual frequency coordination because of their low interference characteristics. Examples of equipment covered by the LIPD Class Licence include garage door openers, radiofrequency identification transmitters and personal alarms.

Operation

This Variation Notice makes a number of changes to the LIPD Class Licence, including the incorporation of the provisions relating to the use of video sender transmitters in the *Radiocommunications Miscellaneous Devices Class Licence 1999* (the Miscellaneous Devices Class Licence) (the Miscellaneous Devices Class Licence is simultaneously being revoked). The individual changes introduced by the Variation Notice are:

1. Addition of definitions

Two definitions are inserted into section 3A of the LIPD Class Licence. The definitions are for maximum EIRP and ETSI.

2. Item 32A - Addition of a new class of RFID transmitters

Insertion of new item 32A enables the operation of higher power radiofrequency identification (RFID) systems in the 900 MHz band. The new item extends existing arrangements in the LIPD Class Licence for RFID devices, such that RFID devices with an equivalent isotropically radiated power of 4 W are now authorised. The limitation in paragraph 4 of the item, provides that an RFID device must not be used unless more than 1 W EIRP is necessary to achieve satisfactory performance.

3. Item 47 – Removal of a class of radiodetermination transmitters

Item 47 is an 'all transmitter' class for radiodetermination transmitters operating in the band 5725-5875 MHz. The *Radiocommunications (Low Interference Potential Devices) Class Licence Variation 2007 (No. 1)* added a new 'all transmitter' class at item 19A. Consequently, item 47 is superseded and is removed.

4. Item 49 and 49A - Changes to medical implant communications systems transmitters

Medical implant communications systems transmitters are very low power transmitters used to provide control links between medical devices implanted in the human body, such as pacemakers and defibrillators, and external equipment used by doctors to monitor or adjust settings of the implanted medical device.

International standards requirements apply to these transmitters, specifically ETSI EN 301 839-2 and ETSI EN 302 537-2. In order to align the standards to the portion of the band to which they apply, the existing item 49 is amended and a new item, item 49A, is added.

5. Item 58 - Addition of a new class of transmitters - video sender transmitters

Transmitters used to transmit analog video and audio signals over very short distances such as between a video recorder and a television set, are referred to as video senders. The technical standards for these devices exist in the Standards Australia AS/NZS 4268:2003 as amended. This standard is one of the applicable standards covered by the LIPD Class Licence.

Video senders are authorised under the Miscellaneous Devices Class Licence. With the inclusion of the new item 58 in the LIPD Class Licence, authorising the operation of these devices, ACMA is simultaneously revoking the Miscellaneous Devices Class Licence.

Consultation

In accordance with section 136 of the Act, notice of ACMA's proposed variation to the LIPD Class Licence was published by notice in the *Commonwealth Gazette* on 29 October 2008, inviting public submissions until 1 December 2008. Notice of the proposed variation and an invitation for public submissions was also provided on ACMA's internet site from 29 October 2008 through to 1 December 2008. Thirty submissions were received. The majority of the submissions were supportive of the proposed variation. Only one objection to the Variation Notice was received. ACMA did not make any changes to the Variation Notice as a direct result of any submissions received. Due consideration was given to all submissions when preparing this Variation Notice.

Regulation Impact

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 077.

Documents incorporated into this Variation Notice by reference

This Variation Notice incorporates information from the standards ETSI EN 301 839-2 and ETSI EN 302 537-2 developed by the European Telecommunications Standards Institute. These standards can be downloaded from www.etsi.org.

This Variation Notice also incorporates information from the standard ISO/IEC 18000-6c (RFID Gen. 2), an international standard published by the International Organization for Standardization. This standard is available at www.saiglobal.com.

Attachment

Details of the Variation Notice are in the Attachment.

ATTACHMENT

NOTES ON SECTIONS

Section 1 Name of Variation Notice

Section 1 provides for the citation of the instrument.

Section 2 Commencement

This section provides for the Variation Notice to commence on the day after it is registered.

Section 3 Variation of the *Radiocommunications (Low Interference Potential Devices) Class Licence 2000*

This section provides that Schedule 1 varies the *Radiocommunications (Low Interference Potential Devices) Class Licence 2000.*

Schedule 1 Amendments

[1] Section 3A

Item [1] inserts a definition for *ETSI*.

[2] Section 3A

Item [2] inserts a definition for *maximum EIRP*.

[3] Schedule 1, after item 32

Item [3] inserts new item 32A for high power radiofrequency identification transmitters.

[4] Schedule 1, item 47

Item [4] removes item 47, which has been superseded.

[5] Schedule 1, item 49 and item 49A

Item [5] amends item 49 to specify the ETSI standard EN 301 839-2 with which medical implant communications systems operating in the band 402-405 MHz, must comply.

Item [5] also inserts new item 49A to specify the ETSI standard EN 302 537-2 with which medical implant communications systems operating in the bands 401-402 MHz and 405-406 MHz, must comply.

[6] Schedule 1, item 58

Item [6] inserts new item 58 which authorises the operation of video sender transmitters.