

EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Radiocommunications (Communication with Space Object) Class Licence

Variation 2012 (No. 1)

Radiocommunications Act 1992

Purpose

The purpose of the *Radiocommunications (Communication with Space Object) Class Licence Variation 2012 (No. 1)* (the Variation) is to vary the *Radiocommunications (Communication with Space Object) Class Licence 1998* (the Space Object Class Licence) to include an additional frequency band for the reception of radio emissions by an earth station covered by the Space Object Class Licence.

Legislative Provisions

Under section 132 of the *Radiocommunications Act 1992* (the Act), the Australian Communications and Media Authority (ACMA) may issue class licences authorising the operation of a radiocommunications device of a specified kind, or for a specified purpose, or of a specified kind for a specified purpose. The Space Object Class Licence was issued under section 132 of the Act. Section 134 of the Act provides that the ACMA may, subject to public consultation, vary a class licence by notice published in the *Gazette*.

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

Background

The Space Object Class Licence authorises the operation of earth stations that communicate with apparatus-licensed space stations, where such operation is on authorised frequencies.

The purpose of the Variation is to add an additional frequency band of 17.7-18.2 GHz to the Space Object Class Licence to authorise the reception of radio emissions by stations covered by the class licence in that band on a no-protection basis.

Consultation

Section 17 of the LIA requires the ACMA to be satisfied that any consultation it considers to be appropriate and that is reasonably practicable to undertake has been undertaken.

In accordance with section 136 of the Act, a notice inviting public comment on the draft Variation was published in the *Gazette* on 16 November 2011, with comments closing on 19 December 2011. Seven submissions were received, with two submissions being provided in confidence. Based on the submissions received, the ACMA proceeded with the proposed variation.

Accordingly, the ACMA is satisfied that consultation has been conducted in accordance with the requirements of section 17 of the LIA.

Regulatory Impact

The ACMA has considered whether a regulatory impact analysis process is required by undertaking a preliminary assessment. Based on this preliminary assessment, the Office of Best Practice Regulation (OBPR) has determined that the proposed regulatory change in this submission is minor or machinery in nature and, therefore, has verified that no further regulatory impact analysis is required for this proposal – OBPR reference number 13258.

Detailed description of the Variation

Details of the Variation are set out below.

Notes on Sections

Section 1 Name of Variation

Section 1 provides that the name of the Variation is the *Radiocommunications (Communication with Space Object) Class Licence Variation 2012 (No. 1)*.

Section 2 Commencement

Section 2 provides that the Variation commences on the later of the day after it is registered on the Federal Register of Legislative Instruments, and the day on which it is published in the *Gazette*. Both events must occur for the Variation to commence.

Section 3 Variation of *Radiocommunications (Communication with Space Object) Class Licence 1998*

Section 3 provides that Schedule 1 of the Variation varies the *Radiocommunications (Communication with Space Object) Class Licence 1998*.

Schedule 1 Variations

Item [1] Paragraph 6(3)(p)

This item has the effect of inserting a new paragraph after paragraph 6(3)(p), being paragraph 6(3)(q). Paragraph 6(3)(q) includes the additional frequency band of 17.7 to 18.2 GHz for the purpose of reception of radio emissions by an earth station.

Item [2] After subsection 6(3), after Note 12

The item inserts a new note after Note 12 after subsection 6(3) of the Space Object Class Licence, stipulating that stations operating in the frequency band mentioned in paragraph 6(3)(q), under the Space Object Class Licence, will not be afforded protection from interference caused by other existing or future radiocommunications services.