



Submission in response to  
ACMA Consultation Paper

**Review of scientific  
licensing arrangements**

February 2023

## RESPONSE TO ISSUES FOR COMMENT

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1. Optus welcomes the opportunity to provide feedback on the Australian Communications and Media Authority's (ACMA) December 2022 consultation paper on the "*Review of scientific licensing arrangements*" (the Consultation paper).
2. Optus understands that the ACMA is seeking feedback on its proposal to replace the non-assigned scientific apparatus licence with a class licence and other related matters that will inform its decision on whether or not to renew the *Radiocommunications Licence Conditions (Scientific Licence) Determination 2015* (the Scientific LCD).
3. Optus provides general feedback to the Consultation Paper under the headings of the review of "non-assigned scientific licences" and "assigned scientific licences". Optus refers the ACMA to the Australian Mobile Telecommunication Associations (AMTA) submission to the consultation. Optus supports the positions set out in the AMTA submission, other than to the extent that they differ to our comments set out below.

### *Review of arrangements for non-assigned scientific licence*

4. The current non-assigned scientific apparatus licence allows licensees to operate scientific stations in set of general use cases where coordination with other radiocommunications licensees is not required. The non-assigned scientific apparatus licence is particularly useful for sole operators, SMEs and certain public interest institutions, given the low licence fees and ease of access to shared spectrum.
5. The Scientific LCD sets out conditions for the operation of scientific stations in three broad categories including land station and mobile station applications (Schedule 1), ultra-wide band (UWB) applications (Schedule 2) and controlled emissions (Part 3) applications. The ACMA's survey identified that approximately 70% of licensees make use of the licence for controlled emissions applications, while approximately 30% use it for land and mobile use, with no reported use for UWB technologies.
6. Optus agrees that the regulatory settings are broadly analogous to class licensing, operating on a shared part of the spectrum on a no interference no protection basis and without any device registration requirements. Optus also agrees that a class licence covering those use cases that currently fall under a non-assigned scientific apparatus licence would help to further reduce the regulatory burden for such activities and encourage innovation and experimentation.
7. However, Optus notes that the removal of the non-assigned scientific apparatus licence may result in less oversight and transparency of the use of devices for these purposes. This is mainly because, as the ACMA notes, information about individual non-assigned scientific licences would no longer appear on the RRL.<sup>1</sup>
8. To date, Optus has not identified any interference from non-assigned scientific stations. While Optus accept that the risk of increased interference to mobile services is relatively low, it is conceivable that the removal of the requirement to apply for an apparatus licence could result in an increase in the operation of scientific stations for those specified purposes.
9. The ACMA has stated that "land and mobile station use is notionally most likely to cause interference. For this use-case, there is currently no requirement that the station be operated at a specific location associated with the information on the RRL. This means

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<sup>1</sup> ACMA Consultation Paper, p.9

that, if such a station were to cause interference, information on the RRL would not practically assist the ACMA or a licensee seeking to diagnose that interference.”

10. The use of a class licence will mean that there will be less transparency than otherwise may have been afforded under the existing apparatus licence arrangements as well as potentially an increase in the use of land and mobile stations under the class licence. As a result, there is the potential that the proposed changes may result in greater complexity in managing any interference that does arise.
11. Out of an abundance of caution, Optus encourage the ACMA to consider how it can ensure there is sufficient transparency over the use of these devices, perhaps through the introduction of a class licence condition requiring registration of the device on the RRL for those use cases. Such a condition could be time limited and used to determine whether there is a heightened degree of use detected following the licence change.
12. Alternatively, the ACMA may consider a change to condition 12 of the draft Class Licence to provide that a person must not operate a land, mobile or UWB station in any frequency used for IMT (and specify those bands).

#### *Review of arrangements for assigned scientific licences*

13. Optus supports the ongoing use of the assigned scientific licence as an important mechanism to enable research, testing, repairing and development of radiocommunications devices in a controlled environment before introduction into the wider radiocommunications context.
14. The use of assigned scientific apparatus licences provides an efficient and transparent means of enabling use of scientific stations in a manner that will limit the potential for interference to surrounding licensed services. Consistent with our view on the need to have suitable administrative arrangements in place to support interference management, the use of assigned scientific apparatus licensing is encouraged on the basis that registration of devices on the RRL is a condition of use. This promotes a degree of transparency that supports more cost-effective interference management.
15. Optus notes that the ACMA seeks feedback on whether to allow the assigned scientific licence to be used for the purposes of a marketing trial, including on a short-term “non-renewable” basis. While Optus does not oppose such a proposal, it is important that any such use should be restricted to short periods of no more than 60 days, without the option to renew. Any pricing should reflect the administrative costs to the ACMA for issuing the licence as well as the short duration of the licence term.
16. Optus notes that the licence type has been made available to support some RNSS repeaters (that are otherwise banned under the Act), and that the ACMA is proposing to use the licences to authorise a wider range of amateur radio experimental activities.<sup>2</sup> The ACMA must consider the effect on radiocommunications of the proposed operation of the devices that would be authorised under the licence in deciding whether to grant a licence.<sup>3</sup> Optus encourages the ACMA to ensure that it continues to consult with potentially affected spectrum licensees in relation to all such apparatus licence applications.

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<sup>2</sup> Consultation Paper, p.15

<sup>3</sup> Subsection 100(4) of the Act