Proposal to remake the Radiocommunications (Interpretation) Determination 2015

Consultation paper

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# Background

Under Part 4 of Chapter 3 of the *Legislation Act 2003*, most legislative instruments ‘sunset’. That is, they are automatically repealed on 1 April or 1 October that first occurs 10 years after they are registered. This is an automatic process applying to most legislative instruments regardless of their particular content.

Among the legislative instruments made by the ACMA due to sunset is:

|  |  |
| --- | --- |
| Name of instrument | Sunset date |
| [Radiocommunications (Interpretation) Determination 2015](https://www.legislation.gov.au/F2015L00178/latest/text) | 1 April 2025 |

We have the preliminary view that this instrument is operating effectively and efficiently. It continues to form a necessary and useful part of the legislative framework. We propose to remake it prior to the sunset date without any significant changes, so that its effect is preserved.

We want to remake the instrument with only the minor, necessary changes referred to below. We propose to retitle it: Radiocommunications (Interpretation) Determination 2024.

# What the legislative instrument does

## Radiocommunications (Interpretation) Determination 2015

The Radiocommunications (Interpretation) Determination 2015 (ID 2015) is made under subsection 64(1) of the *Australian Communications and Media Authority Act 2005*
(ACMA Act).

Under subsection 64(1) of the ACMA Act, we may make a written determination defining one or more expressions used in specified instruments. These are instruments made by the ACMA under one or more laws of the Commonwealth.

The ID 2015 defines expressions used in some legislative instruments made by the ACMA. The instruments for which it defines expressions are set out in subsection 3(1) of the instrument. The expressions and their definitions are in Schedule 1.

# Proposed changes to the instrument

## Radiocommunications (Interpretation) Determination 2024

The ACMA considers that the ID 2015 is operating effectively and efficiently. We believe it forms a necessary part of the legislative framework by acting as a repository for definitions of expressions used in other legislative instruments made by the ACMA. This is primarily in relation to apparatus licences, class licences, licence taxes, spectrum planning and equipment regulation.

This avoids the need to replicate the definitions in other instruments. We are proposing to remake the ID 2015 without significant change. The instrument that will, if made, repeal
and replace the ID 2015 is the Radiocommunications (Interpretation) Determination 2024
(ID 2024).

Various changes in spectrum use, technology, and regulatory arrangements have occurred since the ID 2015 was made. We are taking this opportunity to make changes to several definitions to reflect the current operating and legislative environment.

### Changes to the substantive provisions

We have made some minor changes to the substantive provisions. For example, we have included a frequency band plan made under subsection 32(1) of the Act in section 9. This deals with references to the spectrum plan in other instruments. We have also included a transitional provision for 2 expressions. This is discussed below.

### Inclusion of expressions and their definitions

We have included several new expressions and their definitions in the draft ID 2024. This is because we have used these expressions in one or more instruments we have made since ID 2015. The expressions are:

* ARPANSA standard
* ARQZWA
* ASMG
* Australian Spectrum Map Grid
* broadcasting service
* General Licensing Accreditation
* HCIS
* HCIS block
* HCIS cell
* HCIS identifier
* Level 1 HCIS block
* line
* mobile earth receive station
* paging
* Specific Licensing Accreditation.

We have also included new definitions in the ID 2024 that are currently defined in the [Australian Radiofrequency Spectrum Plan 2021](https://www.legislation.gov.au/F2021L00617/asmade/text) (ARSP). In some cases, we have made changes we consider appropriate to the ARSP definition. To avoid duplication, these expressions will be removed from the ARSP when we remake it. The expressions are:

* fixed-satellite service
* harmful interference
* maritime mobile-satellite service
* mobile-satellite service
* Radio Regulations
* space station
* survival craft station.

Further information on some of these expressions is included below. We also propose in future to include several definitions that relate to our recent work on a new framework to enable long-term licensing for radionavigation-satellite service retransmission technologies. The proposed definitions are:

* indoors
* radionavigation-satellite service (RNSS)
* RNSS radiocommunication
* RNSS receiver
* RNSS repeater station
* RNSS repeater system.

As the proposed framework is part of a separate consultation process, we have not
included the definitions in the draft ID 2024. We will consider the feedback we received
from the process before deciding. Information about the consultation can be found on
the [ACMA website](https://www.acma.gov.au/consultations/2024-06/proposed-new-framework-licensing-radionavigation-satellite-service-retransmission-technologies).

Finally, we have defined expressions that are acronyms used in the ID 2015. For example, the definition of ‘high frequency’ in the ID 2015 also refers to the acronym ‘HF’. The expressions are:

* HF
* LSB
* MF
* SSB
* UHF
* USB
* VHF.

### Changes to expressions and definitions

We have updated various definitions for formatting, grammatical and plain language purposes. We have also updated definitions to reflect developments in spectrum use, technology and regulatory arrangements. This will ensure the ID 2024 is fit-for-purpose. We have removed 4 expressions for the same reason. The main changes are explained below.

#### Aeronautical expressions

We have included a reference to ‘mobile earth-receive stations’ in the definition of ‘aeronautical mobile-satellite service’ to reflect that these stations may be located on an aircraft. This is in addition to mobile earth stations being located on an aircraft.

#### Amateur expressions

We have made a change to the definitions of ‘amateur advanced station’, ‘amateur foundation station’ and ‘amateur standard station’. This reflects that it is a condition of the relevant transmitter licence that the person operating the transmitter must have a certificate of proficiency.

#### Broadcasting and datacasting expressions

We have made a slight change to the definition of ‘900 MHz studio to transmitter link station’ to refer to radio programs provided as part of a broadcasting service.

We have simplified the definition of ‘datacasting licence’ to refer to the type of station for which the licence authorises operation, and included 2 new notes to this definition. We have also changed the definition of ‘datacasting service station’ to emphasise that this station is primarily operated to provide a datacasting service.

We have modified the definition of ‘sound outside broadcast station’ to include a requirement that it transmits to a fixed station. We feel this revision more accurately reflects how these stations are used and provides a closer alignment with the definition of ‘television outside broadcast station’.

#### Fixed and fixed receive expressions

We have changed the definition of ‘fixed licence’ to reflect that fixed licences may authorise the operation of stations that are not specified in the licence. This is the case for point-to-multipoint stations and various outside broadcast-related stations. See the [Radiocommunications Licence Conditions (Fixed Licence) Determination 2015](https://www.legislation.gov.au/F2015L01430/latest/text)
for further information.

In the definitions of ‘fixed receive licence’ and ‘fixed receive station’, we have removed paragraph (b) as we consider it unnecessary to point out that such a station cannot transmit messages. In both of those definitions and in the definition of ‘temporary fixed link station’, we have removed the reference to section 263 of the Act and replaced it with ‘General Licensing Accreditation’ and ‘Specific Licensing Accreditation’. See the [Radiocommunications Accreditation (General) Rules 2021](https://www.legislation.gov.au/F2021L00748/asmade/text) for further information.

We have changed the definition of point to multipoint station to make it clear that this type of station does not include 4 types of station that are used in the broadcasting industry. See
the Radiocommunications Licence Conditions (Fixed Licence) Determination 2015 for
further information.

#### Land mobile expressions

We have removed paragraphs (b) and (c) from the definition of ‘ambulatory system’ and replaced these with a new paragraph (b). This is because the existing paragraphs unnecessarily replicate text in the definition of ‘ambulatory station’.

We have removed the expression ‘ambulatory system station’ because this is not used in any legislative instrument made by the ACMA.

#### Maritime expressions

In the definition of ‘27 MHz maritime frequencies’ we have changed kHz to MHz. We consider this is appropriate, given the name of this expression and how we express
high frequencies.

We have made a slight change to the definition of ‘aids to navigation station’ to reflect that a frequency is used for AIS (automatic identification system) rather than allocated for it. See the relevant footnotes in the ARSP.

As there are currently no licences in force for a ‘major coast B station’ and we do not intend to issue any such licences, we have removed this definition. We will propose removing references to ‘major coast B station’ from other instruments (and the related licence type) when considering whether those instruments should sunset. We have included a transitional provision in section 6 of the ID 2024 for this expression.

In the definition of ‘maritime coast receive station’, we have removed the reference to
section 263 of the Act and replaced it with ‘General Licensing Accreditation’ and ‘Specific Licensing Accreditation’. See the Radiocommunications Accreditation (General) Rules 2021 for further information.

We have replaced the definition of ‘maritime mobile-satellite service’ with the definition of that expression in the ARSP. We have also included a reference to mobile earth receive stations in the definition. This is to clarify that such stations are a part of this service. We have also included a reference to mobile earth receive stations in the definition of ‘maritime ship station’.

We have made a minor change to the definitions of ‘ship station Class B assigned’ and ‘ship station Class B non-assigned’. This is to remove the reference to ‘messages on behalf of the public’ and to replace it with ‘public correspondence’, which we consider more appropriate.

We have removed references to Marine Orders made under the *Navigation Act 2012* from the definitions of ‘ship station Class C assigned’ and ‘ship station Class C non-assigned’. This is to avoid unnecessary duplication given the definition of ‘ship station Class C’.

#### Miscellaneous expressions

We have simplified the definition of ‘assigned basis’ by removing the reference to ‘specifically selected’, which we consider unnecessary.

We have simplified the definition of ‘communication’ to refer to the definition in the [*Telecommunications Act 1997*](https://www.legislation.gov.au/C2004A05145/latest/text), which is substantively the same.

We have changed the definition of ‘interior paging’ to clarify that this occurs in an environment in which radio emissions are constrained.

We have removed the definition of ‘low-duty cycle speech’ because this expression is not used in any legislative instrument made by the ACMA.

#### Outpost expressions

Given the definition of ‘mobile station’, we have removed the words ‘on land, on water or in the air’ from the definition of ‘mobile outpost station’ as we consider these unnecessary.

We have changed the definition of ‘outpost assigned station’ to remove the reference to fixed and mobile outpost stations. We consider that the expression ‘outpost station’ includes both.

#### PTS and PMTS expressions

We have simplified the definition of ‘carriage service’ because the ID 2015 definition duplicates the one in the *Telecommunications Act 1997*.

We have changed the definition of ‘cellular mobile telephone service’ to remove the reference to ‘mobile switching centres’. Instead, we use the expression ‘redirection stations’. We consider this more appropriate, given changes in technology.

We have removed the definition of ‘PABX cordless telephone service’. This is because of the replanning of the relevant frequency band (857 MHz to 861 MHz) for other services, including reallocation via spectrum licence. We have included a transitional provision in section 6 of the ID 2024 for this expression.

We have changed the definition of ‘PMTS Class B’ to refer to ‘one or more’ rather than
‘2 or more’. This is to reflect that only one station may be deployed under this licence type. We have also included a note to point out that ‘PMTS Class A’ is no longer used.

We have removed paragraph (c) from the definition of ‘PMTS Class C’ as we consider this unnecessary. This is because it is implicit that frequencies are included in a PTS licence. We have also included the same note referred to immediately above.

#### Space and associated expressions

As stated, we have included the definition of ‘fixed-satellite service’ from the ARSP. However, we have made a small change to the definition to include a reference to earth-receive stations. This is to make it clear that earth-receive stations are a part of this service. We have also changed the expression ‘another space radiocommunication service’ to ‘other space radiocommunication services’ to make it consistent with the ITU Radio Regulations.

We have included a new expression of ‘mobile earth-receive station’ in the ID 2024. We have included this expression in our changes to the definition of ‘mobile-satellite service’ to reflect that the former are part of the latter.

We have changed the definition of ‘space licence’ to reflect that a space station may include a radiocommunications receiver (though the operation of the receiver will not be authorised by the space licence).

We have changed the definition of ‘space station’ to replicate the definition in the ARSP. We have also included a note to point out that a space station may include one or more radiocommunications transmitters and one or more radiocommunications receivers.

# Invitation to comment

## Making a submission

Comments are sought from the public regarding the ACMA’s proposal to remake the legislative instrument referred to above, with only those minor and technical changes referred to above, on the basis that it is operating effectively and efficiently.

* [Online submissions](https://www.acma.gov.au/have-your-say) can be made by uploading a document. Submissions in PDF, Microsoft Word or Rich Text Format are preferred.
* Submissions by post can be sent to:

The Manager
Spectrum Licensing Policy Section
Australian Communications and Media Authority
PO Box 13112
Law Courts
Melbourne VIC 8010

The closing date for submissions is **COB, Friday, 18 October 2024**.

Consultation enquiries can be emailed to SLPSConsultations@acma.gov.au.

### Publication of submissions

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Confidential information will not be published or otherwise released unless required or authorised by law.

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