

EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Radiocommunications (Unacceptable Levels of Interference – 700 MHz Band)

Amendment Determination 2013 (No. 1)

Radiocommunications Act 1992

Purpose

The *Radiocommunications (Unacceptable Levels of Interference – 700 MHz Band) Amendment Determination 2013 (No. 1)* (the **Amendment**) amends section 1 of the *Radiocommunications (Unacceptable Levels of Interference – 700 MHz Band) Determination* (the **Determination**) to include the year in which the Determination was made.

Legislative Provisions

The Determination was made under subsection 145(4) of *the Radiocommunications Act 1992* (the **Act**) which provides that the ACMA may, by written instrument, determine what are unacceptable levels of interference for the purposes of deciding whether to refuse to register the details of a radiocommunications transmitter for operation under a spectrum licence in the Register of Radiocommunications Licences. The Amendment is also made under subsection 145(4) of the Act.

Operation

The Amendment amends section 1 of the Determination by including the year in which the Determination was made.

Consultation

Given the limited scope of the Amendment, no consultation has been undertaken with respect to the Amendment.

Statement of compatibility with human rights

A statement of compatibility with human rights, for the purposes of subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011*, is set out below.

Regulatory Impact Analysis

On 4 January 2013, the Office of Best Practice and Regulation (the **OBPR**) advised that a Regulation Impact Statement is not required for the Amendment, since this instrument will have only minor or machinery impacts.

Detailed Description of the Instrument

Section 1 – Name of Determination

This section gives the citation for the Amendment.

Section 2 – Commencement

This section provides that the Amendment commences on the day after it is registered.

Section 3 – Amendment of *Radiocommunications (Unacceptable Levels of Interference – 700 MHz Band) Determination*

This section states that Schedule 1 amends the Determination.

Schedule 1 Amendments

Item [1]

This section amends section 1 of the Determination to include 2012 as the year in which the Determination was made.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Radiocommunications (Unacceptable Levels of Interference – 700 MHz Band) Amendment Determination 2013 (No. 1)

This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The legislative instrument was made by the Australian Communications and Media Authority (the **ACMA**) to insert, in section 1 of the *Radiocommunications (Unacceptable Levels of Interference – 700 MHz Band) Determination* (the **Determination**), the year in which the Determination was made.

The Determination was made under subsection 145(4) of the *Radiocommunications Act 1992* (the **Act**) which provides that the ACMA may, by written instrument, determine what are unacceptable levels of interference for the purposes of deciding whether to refuse to register the details of a radiocommunications transmitter for operation under spectrum licence in the Register of Radiocommunications Licences.

Human Rights Implications

The Determination does not engage any of the applicable rights or freedoms.

Conclusion

The Determination is compatible with human rights as it does not raise any human rights issues.