EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Radiocommunications (Low Interference Potential Devices) Class Licence Variation Notice 2013 (No. 1)

Radiocommunications Act 1992

Purpose

The purpose of the *Radiocommunications (Low Interference Potential Devices) Class Licence Variation Notice 2013 (No. 1)* (the Variation) is to introduce a "sunset clause" for the use of wireless microphone equipment in the segment of the radiofrequency spectrum commonly referred to as the "digital dividend" and to provide additional opportunity for wireless microphone use through the introduction of arrangements for digital wireless microphone equipment and the use of the band 1790-1800 MHz for wireless microphone equipment based on international standards.

Legislative Provisions

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

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 the ACMA as legislative instruments and are registered on the FRLI.

The *Radiocommunications (Low Interference Potential Devices) Class Licence 2000* (LIPD Class Licence) authorises the operation of a wide range of low interference 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. Wireless microphones may be operated under the LIPD Class Licence class of transmitter called wireless audio transmitters, provided they comply with the limitations specified for that class of transmitter.

Operation

This Variation makes a number of changes to the LIPD Class Licence. The individual changes introduced by the Variation are:

1. Item 22A – Changes to the permitted frequency range

The LIPD Class Licence makes particular frequency ranges available for use by "low interference potential devices". An end date of 31 December 2014 has been added to the permitted frequency range 520 to 820 MHz, which is available for use by "wireless audio transmitters". A new permitted frequency range of 520 to 694 MHz has been added for wireless audio transmitters, and it will come into effect from 1 January 2015. The conditions and limitations for use of the new permitted frequency range are the same as for the current permitted frequency range. The effect of this change is to require wireless audio transmitters operating in the frequency range 694 to 820 MHz to cease operating in that range before 1 January 2015 (though they may continue to operate in the new range after that date).

2. **Item 22B - Addition of a new class of transmitter – Digitally modulated wireless audio transmitters**

This new item 22B adds arrangements supporting the use of digitally modulated wireless microphones in the permitted operating frequency band 520 to 694 MHz with a maximum equivalent isotropically radiated power (EIRP) of 100 mW (equivalent to 60.95 mW ERP) under similar limitations as existing wireless audio transmitters. This new item allows the introduction of new digital wireless microphone technology into the band.

3. **Item 22C – Addition of a new class of transmitter – Wireless audio transmitters in the 1790 to 1800 MHz band**

The insertion of new item 22C into the LIPD Class Licence enables the operation of wireless microphones as wireless audio transmitters in the 1790-1800 MHz band with a maximum equivalent isotropically radiated power (EIRP) of 100 mW. There is one limiting condition on the use of this class of transmitter in this band, which is that the equipment used must conform to one of two international standards, being either with European Telecommunications Standards Institute Standard (ETSI) EN 301 840 : Electromagnetic Compatibility and Radio Spectrum Matters (ERM), Digital Radio Microphones operating in the CEPT Harmonised band 1785 MHz to 1800 MHz, Part 1: Technical characteristics, or with ETSI EN 300 422 – Electromagnetic Compatibility and Radio Spectrum Matters (ERM), Wireless Microphones in the 25MHZ to 3GHz frequency range, Part 1: Technical characteristics. Copies of these standards are available from the ETSI website: www.etsi.org.

Consultation

Section 17 of the *Legislative Instruments Act 2003* (LIA) requires the ACMA to be satisfied that any consultation it considers to be appropriate and reasonably practicable to undertake has been undertaken before making a legislative instrument. Section 136 of the Act also requires that a Gazette notice explaining the variation be published and a period of at least one month be provided for public comment.

On 13 February 2013, the ACMA published a notice in the *Gazette* inviting public comment until 13 March 2013. Notice of the proposed variation and an invitation for public submissions was also provided on ACMA's internet site on the ACMA website from 12 December 2012.

Fifty two submissions were received in response to the invitation for public comment and the ACMA has taken these submissions into account.

Statement of compatibility with human rights

Subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* requires the rule maker in relation to a legislative instrument to which section 42 (disallowance) of the LIA applies to cause a statement of compatibility to be prepared in respect of that legislative instrument. This statement is at Attachment B.

Regulation Impact

A regulatory impact analysis assessment has been carried out and based on this assessment the Office of Best Practice Regulation (OBPR) has determined that the regulatory change made by the Variation requires no further regulatory impact analysis – OBPR reference number 14322.

Variation Details

Further details of the Variation are provided in Attachment A.

ATTACHMENT A

NOTES ON SECTIONS

Section 1 Name of Notice

Section 1 provides for the citation of the Variation.

Section 2 Commencement

This section provides that the Variation commences on the day after it is registered or the day on which it is published in the Gazette, whichever is the later. Both events must occur for commencement to occur.

Section 3 Variation of *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 Variations

[1] Schedule 1, items 22A

Item [1] substitutes item 22A to include a closure date of 31 December 2014 to the existing permitted operating frequency range of 520-820 MHz and a new permitted operating frequency range 520-694 MHz which may be used from 1 January 2015.

[2] Schedule 1, item 22B

Item [2] inserts new item 22B for digital wireless audio transmitters with a permitted operating frequency range 520-694 MHz. The licence provided is subject to limitations that:

1. emissions must have a maximum bandwidth no greater than 330 kHz;
2. transmissions in a broadcasting services band channel must not originate in the coverage area of a broadcasting station or datacasting service station operating on that channel;
3. the field strength produced at the nearest boundary of the coverage area of a broadcasting station or a datacasting service station using the channel must not exceed 30 dBuV/m; and
4. the centre frequency of a wireless audio transmitter must be at least 400 kHz from the edge of a broadcasting station or datacasting service station operating in that area.

[3] Schedule 1, item 22C

Item [3] inserts new item 22C for wireless audio transmitters in the permitted operating frequency range 1790-1800 MHz. The licence provided is subject to the limitation that equipment used must conform to one of two international standards, European Telecommunications Standards Institute Standard (ETSI) EN 301 840 or ETSI EN 300 422.

Statement of Compatibility with Human Rights

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

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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 *Radiocommunications (Low Interference Potential Devices) Class Licence Variation Notice 2013 (No.1)* (the LIPD Class Licence Variation) is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The LIPD Class Licence Variation is made under section 134 of the *Radiocommunication Act 1992*. The LIPD Class Licence Variation amends the existing *Radiocommunications (Low Interference Potential Devices) Class Licence 2000* made under section 132 of the Radiocommunications Act.

The LIPD Class Licence Variation changes the permitted operating frequency range over which wireless audio transmitters may be operated in the UHF band from 520-820 MHz to 520-694 MHz after 31st of December 2014. The variation also introduces arrangements to allow the use of digital modulation by wireless audio transmitters and introduces a new permitted frequency range of 1790 – 1800 MHz for operation of wireless audio transmitters.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

The Australian Communication and Media Authority