



Radiocommunications (26.5–31.3 GHz Band) Reform Instrument 2013

Radiocommunications Act 1992

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Determination under sections 39, 39A, 145 and 262 and paragraph 107(1)(f) of the *Radiocommunications Act 1992* and under subsection 33(3) of the *Acts Interpretation Act 1901*.

Dated 10th December 2013

Chris Chapman
[signed]
Member

Richard Bean
[signed]
Member/ ~~General Manager~~

Australian Communications and Media Authority

1 Name of Instrument

This Instrument is the *Radiocommunications (26.5–31.3 GHz Band) Reform Instrument 2013*.

2 Commencement

This Instrument commences on 1 February 2014.¹

3 Repeal

The following legislative instruments are repealed:

- (a) *Radiocommunications Advisory Guidelines (Managing Interference between 27 GHz and 28 GHz Spectrum-Licensed Services) 2000* (Federal Register of Legislative Instruments No. F2005B00152);
- (b) *Radiocommunications Advisory Guidelines (Managing Interference from Non-spectrum-licensed Transmitters – 28 GHz and 31 GHz Bands) 1998* (Federal Register of Legislative Instruments No. F2005B01058);
- (c) *Radiocommunications Advisory Guidelines (Protection of Non-spectrum-licensed Receivers – 28 GHz and 31 GHz Bands) 1998* (Federal Register of Legislative Instruments No. F2005B00444);
- (d) *Radiocommunications Spectrum Marketing Plan (28 GHz and 31 GHz Bands) 1998* (Federal Register of Legislative Instruments No. F2005B00439); and
- (e) *Radiocommunications (Unacceptable Levels of Interference – 28 GHz and 31 GHz Bands) Determination 1998* (Federal Register of Legislative Instruments No. F2005B00441).

4 Amendment of the Radiocommunications Licence Conditions (Fixed Licence) Determination 1997

Schedule 1 amends the *Radiocommunications Licence Conditions (Fixed Licence) Determination 1997*.

Schedule 1 Amendments

(section 4)

[1] Paragraph 2(1)(b)

omit

(bb) or (bc)

insert

(bc) or (bd)

[2] Paragraph 2(1)(bb)

omit

[3] After paragraph 2(1)(bc)

insert

(bd) certain fixed licences (point to multipoint station) for a station that operates in the 26.5–31.3 GHz band are subject to the conditions in Part 3F;

[4] Subsection 3(1), after definition of **13 GHz band**

insert

26.5–31.3 GHz band means the frequency band 26.500–31.300 GHz.

[5] Part 3, heading only

substitute

Conditions for fixed licences (point to multipoint station) except licences for stations used to provide distance education, stations that operate in wireless access services (WAS) bands or stations that operate in the 26.5–31.3 GHz band

[6] Section 6

omit

- (a) a station used to provide distance education services; or
- (b) a station that operates in a wireless access service (WAS) band;

insert

- (a) a station used to provide distance education services;
- (b) a station that operates in a wireless access service (WAS) band; or
- (c) a station that operates in the 26.5–31.3 GHz band;

[7] Part 3D

omit

[8] Part 3F

insert

Part 3F Conditions for fixed licences (point to multipoint station) for stations that operate in the 26.5–31.3 GHz band

11V Conditions

For paragraph 107(1)(f) of the Act, every fixed licence (point to multipoint station) for a station that operates in the 26.5–31.3 GHz band is subject to the conditions in this Part.

11W Remote stations

If the station is a remote station, the licensee:

- (a) must not operate the station if its operation causes harmful interference to a service provided by another station; and
- (b) must operate the station to transmit to the base station using the receive or transmit frequencies specified on the licence for the base station.

11X Adaptive transmit power control

The licensee must use adaptive transmit power control on each station that is authorised to be operated under the licence.

[9] Schedule 3

omit

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.