

# EXPLANATORY STATEMENT

Approved by the Australian Communications and Media Authority

*Radiocommunications Act 1992*

## ***Radiocommunications (Australian Space Objects) Amendment Determination 2021 (No. 1)***

### **Authority**

The Australian Communications and Media Authority (**the ACMA**) has made the *Radiocommunications (Australian Space Objects) Amendment Determination 2021 (No. 1)* (**the instrument**) under section 5 of the *Radiocommunications Act 1992* (**the Act**) and subsection 33(3) of the *Acts Interpretation Act 1901* (**the AIA**).

Under the definition of ***Australian space object*** appearing in section 5 of the Act, a space object is an Australian space object if the ACMA, by legislative instrument, determines it to be such for the purposes of the Act.

Subsection 33(3) of the AIA provides that where an Act confers a power to make a legislative instrument, the power shall be construed to include a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend or vary any such instrument.

The instrument is a disallowable legislative instrument for the purposes of the *Legislation Act 2003* (**the LA**).

### **Purpose and operation of the instrument**

The purpose of the instrument is to amend the *Radiocommunications (Australian Space Objects) Determination 2014* (**the Australian Space Objects Determination**).

In certain planned radiofrequency bands, the ACMA supports the operation of ubiquitous earth stations without the requirement for individual licensing of those earth stations. Space stations may communicate with those earth stations. For this to occur, the owner, controller or operator of an Australian space object needs to be identified in the Australian Space Objects Determination. The owners, controllers or operators of space objects may then apply for radiocommunication apparatus licences that authorise communications between space stations on space objects and earth stations in Australia.

A provision-by-provision description of the instrument is set out in the notes at **Attachment A**.

### **Documents incorporated by reference**

The instrument does not incorporate any document by reference.

### **Consultation**

Before the instrument was made, the ACMA was satisfied that consultation was undertaken to the extent appropriate and reasonably practicable, in accordance with section 17 of the LA.

Between 18 December 2020 and 3 February 2021, the ACMA conducted a formal public consultation process in relation to the instrument. A consultation statement and a draft of the instrument were made available on the ACMA website for comment.

The ACMA received ten written submissions in response to the consultation. There were no objections to the amendments proposed to be made by the instrument.

## **Regulatory impact assessment**

The Office of Best Practice Regulation (**OBPR**) has considered the matter and formed the opinion that the proposed variation is minor or machinery in nature and no regulatory impact analysis is required. The OBPR reference ID number is 43253.

## **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 LA applies to cause a statement of compatibility with human rights to be prepared in respect of that legislative instrument.

The statement of compatibility set out below has been prepared to meet that requirement.

## ***Overview of the instrument***

The *Radiocommunications (Australian Space Objects) Amendment Determination 2021 (No. 1)* (**the instrument**) amends the *Radiocommunications (Australian Space Objects) Determination 2014* to update name changes to Australian space object owners, controllers or operators and remove owners, controllers or operators of space objects that no longer exist or no longer own, control or operate space objects relevant to Australia.

## ***Human rights implications***

The ACMA has assessed whether the instrument is compatible with human rights, being the rights and freedoms recognised or declared by the instruments listed in subsection 3(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* as they apply to Australia.

Having considered the likely impact of the instrument and the nature of the applicable rights and freedoms, the ACMA has formed the view that the instrument does not engage any of those rights or freedoms.

## ***Conclusion***

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

**Notes to the *Radiocommunications (Australian Space Objects) Amendment Determination 2021 (No. 1)***

**Section 1      Name**

This section provides for the instrument to be cited as the *Radiocommunications (Australian Space Objects) Amendment Determination 2021 (No. 1)*.

**Section 2      Commencement**

This section provides for the instrument to commence at the start of the day after the day it is registered on the Federal Register of Legislation.

**Section 3      Authority**

This section identifies the provision that authorises the making of the instrument, namely section 5 of the *Radiocommunications Act 1992*.

**Section 4      Amendments**

This section provides that the amendments set out in Schedule 1 have effect.

**Amendments**

Item 1 substitutes “AsiaSpace Limited” with “AsiaSpace Pty Limited”, reflecting a change in entity type.

Items 2 and 3 respectively remove “a satellite operated by, or for, Intelsat Asia Pty Ltd (ACN 062 979 784)” and “a satellite operated by, or for, KaComm Communications Pty Ltd (ACN 119 738 233)”. These changes reflect that the owners, controllers or operators no longer exist or do not own, control or operate space objects relevant to Australia.

Item 4 substitutes “Sirion Global Pty Ltd” with “EchoStar Global Australia Pty Ltd”, reflecting a change of company name.