Committee Secretary
Senate Standing Committees on Environment and Communications.
PO Box 6100
Parliament House
Canberra ACT 2600
Australia.

RE: *The capacity of communication networks and emergency warning systems to deal with emergencies and natural disasters*.

Considering the 28 years that I've followed our federal political system and more importantly, the function of the Australian Senate, I appreciate the decisions of; (a) the Senate to allow this Committee to have this Inquiry as per its Terms-of-Reference which are wide-ranging and; (b) the Committee extending the submission date to 31st May 2011.

2010-11 has seen Australia and more importantly, Australians, face Severe Weather with records being set/ broken, the effects of the La Nina which "impacted" on our weather patterns. We've seen loss-of-life, billions of dollars in damage, enormous strain on those Australians severely affected/displaced and wondering if their lives will return to normal even though, pain is still being experienced when taking into account of what is being said within the Queensland Royal Commission into the floods and via submissions.

With what is taking place up here in Queensland at present via that inquiry, one can't ignore what took place across other States/Territories over the last same period – whether it's over there in Victoria/NSW - across the Top End of Australia or down along the WA coastal areas. We saw massive reporting by all sections of the Australian media and to which international coverage can be included.

On 10th May, the Federal Treasurer delivered another Federal Budget and where the various Budget Papers provided a clear and real picture of how federal finances have been affected by the major floods that have been experienced. Whilst the people of Queensland, await the State's Treasurer to hand down a very important Budget, in recent months or lesser, reports of how much our severe weather impacted on the State's finances.

However, one should note the passage of the federal government's Flood Levy which is a further impost on Australian taxpayers and secondly, the debate re the need to have such a levy should also continue. We all know that State/Territory governments have also taken a hit re their finances but of importance, is the statement from the Weather Bureau prior to the start of last Summer - where we could experience Severe Weather, a number of cyclones including, above-average Winter rainfall.

I provide the following news extract which is timely.

Queensland set for a wetter than average winter

- From:The Courier-Mail

- May 25, 2011 12:00AM

QUEENSLAND is looking at a wet and cool winter despite moisture-bearing La Nina conditions having eased.

The National Climate Centre released its outlook for winter June to August showing a wetter season is favoured over most of Queensland and northeastern NSW.

The region will have a 60 per cent to 80 per cent chance of receiving above-normal rainfall.

The weather bureau expects Brisbane's weather will be fine and cool for tonight's first State of Origin, with overnight temperatures dipping towards single figures. Fine conditions are expected over much of the state, with showers returning to the southeast by the weekend.

Brisbane temperatures will range from 14C to 2

We also saw the Queensland Regional Director for the B.O.M have a meeting with the Queensland Premier and others re what one could expect. We saw further flooding in the Roma area including to its south. We should consider that the B.O.M issued what I considered, was a very interesting warning/advice, where the "entire eastern seaboard could see more severe weather". Here in Queensland, the Queensland Government decided to set up the Royal Commission into the State's major flooding - not only here in the SE corner of Queensland but other areas such as, the Central West, Far Northern parts of Queensland. However, whilst the government didn't really have a choice when considering the scale of damage etc, there is documented material which indicates that State/Territory agencies have ***"long recognized the need to improve their systems/processes –to ensure communities receive timely and relevant advice to assist them to take appropriate action when confronted with emergency situations"***.

Whilst we didn't know what would unfold, the Weather Bureau provided a "clear" indication of what could happen. We should also acknowledge the statement from the Regional Director for the Queensland B.O.M – where we could see another interesting – Summer and would become clearer - sometime in July 2011. Tropical Cyclone "Yasi" and others – are now part of this country's weather history and from their affects, many problems were created. I acknowledge the other cyclones that Australia has seen.

On reading through the Committee's Terms of Reference;
The capacity of communication networks and emergency warning systems to deal with emergencies and natural disasters, with particular reference to:

a. the effectiveness of communication networks, including radio, telephone, Internet and other alert systems (in particular drawing on the spate of emergencies and natural disasters of the 2010/2011 Australian summer):

(i) in warning of the imminent threat of an impending emergency,
(ii) to function in a coordinated manner during an emergency, and

(iii) to assist in recovery after an emergency;

b. the impact of extended power blackouts on warning systems for state emergency services, including country fire brigades and landholders or home owners;

c. the impact of emergencies and natural disasters on, and implications for, future communication technologies such as the National Broadband Network;

d. the scope for better educating people in high-risk regions about the use of communications equipment to prepare for and respond to a potential emergency or natural disaster;

e. new and emerging technologies including digital spectrum that could improve preparation for, responses to and recovery from, an emergency or natural disaster; and

f. any other relevant matters, we do know that major problems took place after Tropical Cyclone "Yasi" crossed the Far North Queensland coast –to the south of Cairns and leading up to and during the Brisbane floods. It is for this and other reasons including a personal account, that I forward this submission.

We must do more to ensure that Australians are informed of;

1. pending danger,
2. what is on the weather radar leading up to Severe Weather,
3. governments to respond more quickly,
4. have in place, adequate systems that provide vital & updated information to Australians,
5. to ensure that government resources are available and used during Severe Weather, major fires (bush) and;
6. better Disaster Management Plans..

Reading through the Terms of References, these are wide-ranging but telecommunications/radio-communications and broadcasting are three key components in any emergency situation.

There are many thousands of Australians who don't realize that these components are Commonwealth government controlled and as a person who had worked on Communications policy for a political party, I firmly believe that Commonwealth legislation should be "amended" where possible, which lays out a set of procedures for bringing "vital" information to the community - in addition to what is being provided at a State or Local level and when faced with Severe Weather or other.

On providing the following "*people will make their own determinations and act with or without warnings being received; however, there may be times when authorities will make a choice for them*". "…*The decision to issue an emergency warning to the public rests with the 'authorized person' within each jurisdiction and the appropriate authorized organization". "….The role of the media is crucial but effective control of communications media is difficult; there are obligations on all parties to issue warnings correctly and effectively"* this provides us with a very interesting picture.

When one looks at how quickly the Information Technology age has developed, I remember when some senators "trialed" computers within their own electoral offices and shortly after, all members of the House of Representatives saw computers installed in their offices. I also remember when I think, the Department of Veterans Affairs www.dva.gov.au was first to come online (internet) and now, the availability of government information including Parliamentary information – online is massive.

The internet is a vital tool but one can't escape how vital Telecommunications/Broadcasting and Radio Communications are in such a system. We need to consider the role of the Australian media when the public is faced with pending danger or as an example, what's likely on the weather-front. One can't ignore the fact, that there are many people within our communities that perhaps, don't have tv/radio or even the internet and (I will expand on this via this submission) to a degree, a mobile or a landline phone. We do know that having a landline is also under growing pressure, where the mobile phone saturation within this country is considerably higher than in other countries etc.

As an observer of our weather, since December 2010, I've noticed some slight improvement in our media (Queensland) report severe weather since Brisbane's floods and T/C "Yasi" but, more can be done.

The Australian Constitution provides;

Chapter I. The Parliament.

Part V - Powers of the Parliament

51. The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to: -

(v.) Postal, telegraphic, telephonic, and other like services:

(viii.) Astronomical and meteorological observations:

On providing the above extract, these provisions are clear but from what this country has seen, there's an "obligation" on both governments and our media to do more re the relaying of weather information or warnings to the Australian community. If one was to look back over the last three Summer periods and leading up to the 2010-11 summer, one could suggest (in my opinion) that our media were at times, slow in providing weather related information to the Australian community.

One should also note the difference in how weather information is reported and secondly, using various TV weather bulletins as an example. The Bureau of Meteorology www.bom.gov.au provides us with a valuable service along with the Fairfax Digital www.weatherchannel.com.au and including, the Weather Channel www.weatherchannel.com.au - Pay TV 603. We know that the Weather Channel uses resources provided by BOM but there are differences. If one was to monitor the 603 TV channel, their "Breaking Weather" updates time slots are also interesting. However, their format could be improved.

Since December last, I have come across other weather websites that provide a clearer picture such as 28Storms.com and others where a 240 hour picture/outlook can be provided. Whilst the 28 Storms website is a USA based weather one, due to Australia's Severe/Cyclonic weather, this website saw its service expanded to include the Southern Pacific and Australian tropical cyclones. This decision was in response to "positive feedback" to a video analysis of Tropical Cyclone "Yasi".

There's a great deal of information available on that website which provides a very interesting picture and another one is the Joint Typhoon Warning Centre JTWC especially when cyclones appear. Via this submission, I appreciate the valuable service which is provided by the Weather Bureau and although there are many that criticize their operation –such as from online readers to various news (Australian) sites, if one was to use the www.bom.gov.au website on a regular basis, it wouldn't be hard to get a picture of what the weather is doing or is likely to do. The www.weatherzone.com.au provides some very interesting web-pages such as, their radar and the synoptic maps.

Having had 10 years membership with a Volunteer Marine Rescue group VMR, I regular visit the Weather Bureau's North Eastern area High Seas forecast page which is updated twice daily or if conditions warrant earlier updating. From monitoring this page, it can provide a very interesting picture of what is going on out there in the Coral Sea, across to Vanuatu and down to around the Queensland/NSW border. This site can also supplement their Weather Warning pages. The Bureau at times, provides information from the New Zealand Met Service along with warnings from the Fiji Weather office. The Bureau also provides a 4 day outlook along with what I consider, is a very vital area, its rainfall prediction page which is updated twice daily and their total rainfall on a 24 hour basis.

RADIO- COMMUNICATIONS.

The Radio Communications Act 1992 provides the following;

49 Emergency operation etc. of radiocommunications devices

(1) A person does not contravene section 46 or 47 by operating a radiocommunications device, or having a radiocommunications device in his or her possession, in the reasonable belief that the operation or possession was necessary for the purpose of:
  (a) securing the safety of a vessel, aircraft or space object that was in danger; or
  (b) dealing with an emergency involving a serious threat to the environment; or
  (c) dealing with an emergency involving risk of death of, or injury to, persons; or
  (d) dealing with an emergency involving risk of substantial loss of, or substantial damage to, property.

(2) In proceedings for an offence against section 46 or 47, the burden of proving any of the matters referred to in subsection (1) lies on the defendant.

(3) Nothing in this section limits the scope of the expression "reasonable excuse" in section 46 or 47.

193 Interference in relation to certain radiocommunications

(1) Subject to section 196, a person must not, without the ACMA's written permission, use a transmitter in a way that the person knows is likely to interfere substantially with radiocommunications carried on by or on behalf of:

(a) an organisation specified in the regulations that is:

(i) a fire-fighting, civil defence or rescue organisation; or

(ii) an organisation providing ambulance services; or

(iii) any other organisation the sole or principal purpose of which is to secure the safety of persons during an emergency; or

(b) the Royal Flying Doctor Service; or

(c) the Australian Federal Police or the police force of a State or Territory.

Penalty:

(a) if the offender is an individual—imprisonment for 5 years; or

(b) otherwise—5,000 penalty units.

(2) If the ACMA refuses to give permission to a person who applied for it, the ACMA must give the person a written notice of the refusal, together with a statement of its reasons.

Note: Refusals to give permission are reviewable decisions under Part 5.6.

194 Interference likely to endanger safety or cause loss or damage

Subject to section 196, a person must not do any act or thing that the person knows is likely to:

(a) interfere substantially with radiocommunications; or

(b) otherwise substantially disrupt or disturb radiocommunications;

if the interference, disruption or disturbance is likely to endanger the safety of another person or to cause another person to suffer or incur substantial loss or damage.

Penalty:

(a) if the offender is an individual—imprisonment for 5 years; or

(b) otherwise—5,000 penalty units.

198 Transmission of false information

A person must not, in a transmission made by a transmitter operated by the person, make a statement, or convey information, with intention of inducing a false belief that:

(a) the person or any other person is dying, has died, is being injured or has been injured; or

(b) property is being, or has been, destroyed or damaged; or

(c) there is a risk of the occurrence of an event referred to in paragraph (a) or (b); or

(d) there has been, is or is to be a plan, proposal, attempt, conspiracy, threat to do, or omit to do, an act, being an act or omission that is likely to result in the occurrence of an event referred to in paragraph (a) or (b).

Penalty:

(a) if the offender is an individual—imprisonment for 5 years; or
(b) otherwise—5,000 penalty units.

In an emergency, can you be found?

Did you know that the address details you give to your phone company may be used to send help if you make a Triple Zero (000) emergency call?

Your phone company is required by law to provide your address to a secure database which is used for responding to emergency situations. The database is managed by Telstra and is called the Integrated Public Number Database (IPND). The service address details in the IPND may be crucial to helping you in an emergency, so it's important to make sure they're up-to-date and accurate.

Calling Triple Zero

When you call Triple Zero, the address details that are stored in the IPND will automatically appear on the operator's screen and be passed on to the emergency service organisation you request (Police, Fire or Ambulance).

For mobile and VoIP (voice over internet protocol) services, a call could be made from a different location to the registered IPND address. For this reason, when you call from a mobile or VoIP service you will be asked to confirm what town and state you are calling from, and emergency operators will ask you to confirm your whereabouts. For communication services that can be moved around, you should ensure that your phone company is informed if you have moved and taken your service with you.

Caller No Response

If you require help but are unable to speak, the Triple Zero operator will follow a special procedure referred to as "Caller No Response". In this case, your call is directed to an interactive voice response where you can press '55' to confirm that help is needed. If no other information can be obtained, emergency services will send help to the address stored in the IPND (see ECS FAQs for further information).

Note that for callers who have a speech or hearing impairment, the emergency call number '106' can be used from a textphone or computer with modem access. The 106 emergency call service is provided by the National Relay Service.

Emergency Alert

The address stored in the IPND against your phone number is also used to send emergency warnings. Emergency Alert and State Alert (WA only) are telephone-based emergency warning systems that are used by emergency service organisations to deliver recorded or text messages to your telephone to warn you of emergencies in your area (e.g. bushfire, flood). You may miss out on receiving these alerts if your address details are not up-to-date and accurate.

Note that the Australian Government has announced it will fund phase two of Emergency Alert, the national emergency warning system, to deliver warnings to mobile phones based on the location of the handset.

To check or update your address in the IPND you need to contact your phone company.

Limitations of mobile communications

Remember that you can only contact emergency services from a mobile phone if there is sufficient reception in the surrounding area. If you're planning to go into areas where there is limited mobile phone coverage, it may be prudent to obtain an alternative device, such as a personal location beacon (see Calling the ECS from a mobile phone: FAQs).

Time-critical Emergencies

Remember that Triple Zero is for contacting Police, Fire or Ambulance services **only in life-threatening or time-critical emergencies**.

http://www.acma.gov.au/WEB/STANDARD/pc=PC_312369

Variations to the Radiocommunications (Citizen Band Radio Stations) Class Licence 2002

The Australian Communications and Media Authority (ACMA) seeks comment on a draft *Radiocommunications (Citizen Band Radio Stations) Class Licence Variation 2011 (No. 1)* that will vary the *Radiocommunications (Citizen Band Radio Stations) Class Licence 2002*.

Following consultation between the ACMA, industry and the public in the context of the ACMA's review of the 400 MHz band, the ACMA proposes to increase the number of radiofrequency channels in the UHF Citizen Band.

The ACMA proposes to vary the *Radiocommunications (Citizen Band Radio Stations) Class Licence 2002* (the CB Class Licence) to facilitate operation on the new channels. Other proposed variations to the CB Class Licence include variations to:

- facilitate the transmission of electronic identification and location information;
- relax the duty cycle restriction for telemetry and telecommand transmissions;
- improve the regulatory effectiveness of the CB Class Licence;
- prohibit the indirect linking of repeater stations; and
- prohibit the linking of CB stations.

More Information

The current licensing arrangements are set out in the Radiocommunications (Citizen Band Radio Stations) Class Licence 2002.

The proposed variations are set out in the Radiocommunications (Citizen Band Radio Stations) Class Licence Variation 2011 (No. 1).

The proposed variations are discussed in the paper *Proposed variations to the Radiocommunications (Citizen Band Radio Stations) Class Licence 2002* (Word [161 kb] or PDF [124 kb] formats).

Submissions should be provided by close of business **4 March 2011.**

Radiocommunications (Citizen Band Radio Stations) Class Licence 2002 - F2005B00236

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Licences/Radiocommunications as made *authorises a two-way, short distance, communications service* Administered by: Broadband, Communications and the Digital Economy For other related material click here	Made	07 Feb 2002
	Registered	05 Apr 2005
	Tabled HR	20 Feb 2002
	Tabled Senate	11 Mar 2002
	Gazetted:	13 Feb 2002

http://www.comlaw.gov.au/Details/F2005B00236/Download

ACMA media release 167/2010 – 23 December

23 December 2010

Emergency services win from new spectrum plan

State and Federal Emergency Services will be able to better interoperate as a result of new arrangements to harmonise government spectrum use.

After a comprehensive review of spectrum arrangements in the 400 MHz band, the Australian Communications and Media Authority today released implementation plans and timeframes to facilitate to new arrangements in the band.

The change should reduce congestion in the band, harmonise government spectrum, and promote greater opportunities for new and emerging technologies.

'The harmonisation of government spectrum use in the 400 MHz band provides an unprecedented opportunity for significant gains in essential and emergency service interoperability between and amongst state and federal government agencies,' said ACMA Chairman, Chris Chapman.

'The ACMA hopes that this harmonisation will mark the beginning of a new era in government radio communications use through the development of large, efficient, integrated networks for emergency services and other vital government objectives.

'The review's release also gives industry the certainty they need to plan for the future and take advantage of the longer term benefits offered by the new arrangements.'

The ACMA acknowledges that transitioning to the new arrangements will be challenging for many users, but believes strongly the implementation plans maximise the benefits of the review while minimising disruption and costs to existing licensees.

It is intended to finalise transition to the arrangements by 31 December 2015 in congested areas, and by 31 December 2018 in others.

The way ahead – Timeframes and implementation plans for the 400 MHz band

The Australian Communications and Media Authority (ACMA) is notifying stakeholders on the final timeframes and implementation plans for the radiofrequency spectrum in the range 403–520 MHz (the 400 MHz band). *The Way Ahead – Timeframes and Implementation Plans for the 400MHz Band discussion paper* (PDF 1.9 mb or Word 2 mb) outlines these final decisions for transitioning in the band in addition to an updated band plan (RALI MS22).

This discussion paper represents the fourth public step in the review of the 400 MHz band, which began with the release of the Spectrum Options: 403–520 MHz discussion paper in April 2008, followed by the release of Spectrum Proposals: 403-520 MHz - Proposals for future arrangements in the 400 MHz band in April 2009 and The way ahead – Decisions and implementation options for the 400 MHz band in June 2010.

The broad objectives of the review of the 400 MHz band, as detailed by the ACMA in the Spectrum Proposals Paper, are to implement measures to:

- improve the harmonisation of spectrum use by certain government agencies to assist in radiocommunications interoperability objectives and the development of efficient government networks
- improve the allocative, technical and dynamic efficiency with which spectrum in the band is allocated and used, by reviewing the relevant frequency assigning and licensing mechanisms (including band plans, licensing instructions, licensing options and pricing)
- facilitate new technologies and possible complementary uses of the band
- implement arrangements that take advantage of the different spectrum management requirements and challenges between different geographic areas
- minimise the requirement for ongoing ACMA intervention in the band.

More information regarding the history of the 400 MHz band review is available on the ACMA website.

Enquires

Please direct any questions or enquires about the 400 MHz review to 400MHzreview@acma.gov.au or via telephone to Adam Clash on (02) 6219 5170.

Spectrum options – 403–520 MHz discussion paper – IFC 06/2008

ACMA received 75 submissions to the consultation paper on the future arrangements for the 400MHz band.

A number of the submissions also addressed the other spectrum management consultation papers released by ACMA during April 2008:

- Spectrum Management Principles (SMP)
- Independent Review of Government Spectrum Holdings (IRGSH)
- Five-year Spectrum Outlook 2009–2014 (FYSO)

Where a submission relates to more than one paper, this is noted in the table below. ACMA is currently considering these submissions. For information, please contact Andrew Stewart on telephone (02) 6219 5238.

Note:

1. A number of submissions include comments on the frequency band from 380 to 399.9 MHz. This band was not part of the *Spectrum Options: 403-520 MHz* discussion paper.
2. A revised version of the Northern Territory Police, Fire and Emergency Services submission suitable for public release is being developed. It will be made available as soon as ACMA receives it.

Organisation / Person	PDF	Other papers commented on
AA Radio Services	91 kb	
Alan Hughes	40 kb	
Alcatel – Lucent	140 kb	
ASCIANO Ltd (Pacific National)	481 kb	IRGSH, SMP, FYSO
Association of Public-Safety Communications Officials (APCO)	316 kb	
Australasia TETRA Forum	56 kb	
Australian Broadcasting Corporation	1.1 mb	
Australian Citizens Radio Emergency Monitors	77 kb	
Australian Crime Commission	1.33 mb	IRGSH, SMP, FYSO
Australian Federal Police	954 kb	IRSGH, SMP
Australian Maritime Safety Authority	108 kb	IRGSH, SMP, FYSO
Australian Panel D2	36 kb	
Australian Radio Communications Industry Association	232 kb	
Australian Railway Association	262 kb	IRGSH, SMP, FYSO
Australian Technology Connections	846 kb	
Broadcast Australia	68 kb	
CDG Australia	57 kb	
City West Water	162 kb	
Coliban Water	122 kb	
Corruption and Crime Commission of Western Australia	134 kb	IRGSH, SMP, FYSO
Country Fire Authority	78 kb	

Organisation / Person	PDF	Other papers commented on
Dave Henderson	16 kb	
Department of Defence	144 kb	
ENERGEX	456 kb	
ERGON	672 kb	
ETSA Utilities	110 kb	
GME-Kingray	97 kb	
GMG Solutions	36 kb	
Goulburn Valley Water	141 kb	
i2Way	174 kb	
Icom	811 kb	
Integral Energy	162 kb	
International 450 Association	548 kb	
JRD Communications	101 kb	
Ken Page	29 kb	
Kenwood Electronics Australia	149 kb	
Law Enforcement Security Radio Spectrum Committee	514 kb	IRGSH, FYSO
Mark Swannack	12 kb	
Motorola Australia/Tait	134 kb	
National Wireless	155 kb	
National Coordination Committee for Government Radiocommunications	240 kb	IRGSH, SMP, FYSO
Neville Westbury	12 kb	
NFA Innovations	25 kb	
Nortel	40 kb	
Northern Territory Police, Fire and Emergency Services [2]		IRGSH, FYSO
NSW Government	174 kb	IRGSH, SMP, FYSO
NSW Independent Transport Safety and Reliability Regulator	56 kb	IRGSH, SMP, FYSO
NSW Police	59 kb	IRGSH, SMP, FYSO
Paul Kay	12 kb	
PWC	516 kb	
Qualcomm	53 kb	
Queensland Department of Emergency Services	101 kb	
Queensland Department of Public Works	35 kb	
Queensland Rail Network	96 kb	IRGSH, SMP, FYSO
RAD-TEL Systems	170 kb	
RailCorp	92 kb	
Richard Sawday	44 kb	
Ron Southworth	43 kb	
Santos (Mining Oil and Gas)	24 kb	
Snowy Hydro Ltd	81 kb	
SP AusNet	22 kb	
SpectrumWise	500 kb	IRGSH
St John Ambulance Australia	147 kb	
Surf Life Saving Australia	167 kb	
Telstra	792 kb	

Organisation / Person	PDF	Other papers commented on
Trio Datacom	387 kb	
Vertel	128 kb	
Victoria Police	413 kb	
Victorian Government	70 kb	
Western Communications Vic	24 kb	
Western Power	69 kb	
Widentifi	140 kb	
Wimmera Amateur Radio Group	12 kb	
Wireless Institute of Australia	137 kb	

Submissions to Spectrum Proposals: 403–520 MHz (IFC 08/2009)

Submissions

The public consultation period for the discussion paper *Spectrum proposals: 403-520 MHz* has closed.

The ACMA received 61 submissions to the consultation paper on proposals for future arrangements for the 400 MHz band.

The ACMA is currently considering these submissions. Please direct any questions about this discussion paper to 400MHzreview@acma.gov.au or via telephone to Andrew Stewart on (02) 6219 5238.

Organisation / Person	PDF
Air Services Australia	1.6 mb
Australian Broadcasting Company	326 kb
Australian Citizens Radio Emergency Monitors Inc.	272 kb
Australian Crime Commission	280 kb
Australian Customs and Border Protection Service	138 kb
Australian Federal Police	4.5 mb
Australian Maritime Safety Authority	78 kb
Australian Mobile Telecommunications Association	59 kb
Australian Radio Communications Industry Association	310 kb
Australian Wireless Audio Group	211 kb
Australasian Railway Association	162 kb
Australasian Tetra Forum	202 kb
Biotronik Australia	44 kb
Broadcast Australia	156 kb
CDMA Development Group	51 kb
Central Goldfields Amateur Radio Club (David Waldron)	63 kb
Crest Victoria Incorporated	41 kb
Department of Defence	609 kb

Organisation / Person	PDF
Emergency Communications Australia	40 kb
Energex	259 kb
Ergon Energy	535 kb
Ericsson	102 kb
GME	371 kb
Icom	184 kb
Integral Energy	89 kb
John Carter	13 kb
Law Enforcement Security Radio Spectrum Committee	143 kb
Medtronic	104 kb
Motorola	162 kb
National Coordinating Committee for Government Radiocommunications	127 kb
New South Wales Government	111 kb
NFA Innovations	112 kb
Northern Territory Police, Fire and Emergency Services	181 kb
Peter Blake	14 kb
Peter Tate	29 kb
Philips Healthcare	52 kb
Public Transport Authority of Western Australia	1.7 mb
Qualcomm	48 kb
Queensland Department of Community Safety	137 kb
Queensland Rail	248 kb
Radio Specialists	53 kb
Rod Hannifey	12 kb
Sam Ballinger	13 kb
Snowy Hydro	985 kb
South Australian Water Corporation	139 kb
Spectrum Engineering Australia	48 kb
St John Ambulance	60 kb
St Jude Medical Australia	91 kb
Surf Life Saving Australia	1.1 mb
Telstra	597 kb
Trio Datacom	231 kb
Vertel	142 kb
Victoria Police	109 kb
Victorian Government	79 kb
VicTrack	37 kb
Western Australia Government	606 kb
Western Australia Police	214 kb
Western Power	92 kb
WestNet Rail	469 kb
Wireless Institute of Australia	300 kb
Zarlink Semiconductor	151 kb

IFC 11/2010

Contacts

- 400 MHz review

The way ahead - Decisions and implementation options for the 400 MHz band

The Australian Communications and Media Authority (ACMA) is notifying stakeholders on the final outcomes of the review of the 400 MHz band and seeking public comment on proposed implementation plans for the radiofrequency spectrum in the range 403–520 MHz (the 400 MHz band). The *The way ahead - Decisions and implementation options for the 400 MHz band consultation paper* outlines a number of final decisions for the future use of the band and proposed implementation plans.

This discussion paper represents the third public step in the review of the 400 MHz band, which began with the release of the Spectrum Options: 403–520 MHz discussion paper in April 2008, followed by the release of Spectrum Proposals: 403-520 MHz - Proposals for future arrangements in the 400 MHz band in April 2009.

The broad objectives of the review of the 400 MHz band, as detailed by the ACMA in the Spectrum Proposals Paper, are to implement measures to:

- improve the harmonisation of spectrum use by certain government agencies to assist in radiocommunications interoperability objectives and the development of efficient government networks
- improve the allocative, technical and dynamic efficiency with which spectrum in the band is allocated and used, by reviewing the relevant frequency assigning and licensing mechanisms (including band plans, licensing instructions, licensing options and pricing)
- facilitate new technologies and possible complementary uses of the band
- implement arrangements that take advantage of the different spectrum management requirements and challenges between different geographic areas
- minimise the requirement for ongoing ACMA intervention in the band.

	PDF	Word
The way ahead - Decisions and implementation options for the 400 MHz band	2.5 mb	1.9 mb
Attachment 1	562 kb	487 kb
Attachment 2	1.2 mb	1.1 mb
Attachment 3	179 kb	305 kb
Attachment 4	311 kb	212 kb
Attachments 5-7	328 kb	284 kb

Note: Spectrum embargoes 50 and 51 have been updated and Spectrum embargoes 53, 54, 55 and 56 created to support the outcomes of the review of the 400 MHz band and assist in the timely implementation of new arrangements.

Revision: Attachment 6 (UHF Channel Plan) to this discussion paper has been revised to take into account the modification of channel numbering requested by a number of submissions to

the discussion paper. This revised attachment can be downloaded and viewed in Word (110 kb) or PDF formats (82 kb).

Submissions

The public consultation period for the discussion paper *The way ahead - Decisions and implementation options for the 400 MHz band* closed on 6 June 2010.

The ACMA received 27 non-confidential submissions to the consultation paper, and is currently analysing all submissions. Please direct any questions about this discussion paper to 400MHzreview@acma.gov.au or via telephone to Andrew Stewart on (02) 6219 5238.

The submissions have been provided in Adobe PDF format:

- ACREM
- ACT Government (National Coordinating Committee for Government Radiocommunications)
- AirServices Australia
- Airwave
- Australian Radio Communications Industry Association (ARCIA) – Part 1, Part 2
- ASTIB Group
- Australasian Railway Association
- Australian Broadcasting Corporation
- Australian Federal Police
- David Tones
- DB Telecommunications
- Department of Defence - Submission 1, Submission 2
- GME
- Law Enforcement & Security Radio Spectrum Committee (LESRSC)
- Lindsay Ingram
- Medtronic
- Motorola
- Naidia Test and Experimental Range
- NSW Department of Services, Technology & Administration
- NSW Rural Fire Service
- Peter Blake
- South East Queensland UHF Emergency Service Team (SEQUEST)
- Telstra
- UHF CB Australia (Ray Oaff)
- Victorian Department of Justice
- Victorian Police
- Wireless Institute of Australia
- Zarlink Semiconductor

ACMA media release 54/2010 – 3 May

3 May 2010

ACMA facilitates more efficient use of 400 MHz spectrum band by government agencies

After a comprehensive review of spectrum arrangements in the 400 MHz band, the Australian Communications and Media Authority has identified several segments for the exclusive use of government, primarily to support national security, law enforcement and emergency services.

'Harmonising government spectrum use in the 400 MHz band provides an unprecedented opportunity for significant gains in essential and emergency service interoperability between and amongst state and federal government agencies,' said ACMA Chairman, Chris Chapman.

'The ACMA hopes that the harmonisation of government spectrum in this band will mark the beginning of a new era in government radiocommunications use through the development of large, efficient, integrated networks for emergency services and other vital government objectives.'

Key outcomes of the review are detailed in the ACMA's *The Way Ahead – Decisions and Implementation Options for the 400 MHz Band* paper, released today. They include the provision of harmonised spectrum for use by government agencies in the 403-470 MHz band, reduced channel bandwidth, the facilitation of new technologies, additional channels in the UHF citizen band and the alleviation of congestion in the band.

The ACMA believes the final decisions achieve the objectives of the review while, very importantly, minimising the impact on existing users of the band. However, the ACMA acknowledges that transitioning to the new arrangements will be challenging for many users, and has therefore proposed in its paper transition plans for the new arrangements and is seeking comment on them.

The ACMA will be holding a series of 'Tune-Ups' in all capital cities to detail its decisions and provide an open forum for stakeholders to further engage in the ACMA's transition proposals.

The Way Ahead – Decisions and Implementation Options for the 400 MHz Band paper is available on the ACMA website. The closing date for comment on transition plans is **6 June 2010**.

For more information or to arrange an interview please contact: Donald Robertson, Media Manager on (02) 9334 7980, 0418 86 1766 or media@acma.gov.au.

ACMA media release 44/2009 – 2 April

2 April 2009

ACMA proposes new measures for 400 MHz band

The Australian Communications and Media Authority today announced a number of proposals for future spectrum arrangements in the 400MHz band, including a harmonised band for government use and measures to allow more efficient use of this spectrum.

The proposed harmonised government band and more efficient use of the spectrum are two of the initiatives outlined in ACMA's discussion paper *Spectrum Proposals: 403-520 MHz – Proposals for future arrangements in the 400 MHz band.*

'The identification of the sub-band 403-430 MHz for exclusive government use provides an opportunity for significant advances towards genuine interoperability,' said Chris Chapman, ACMA Chairman.

The review of the band has a number of drivers, including the current congestion in the band in major capital cities and the growing need to support more efficient technologies.

'The 400 MHz band is heavily used and congested in a number of areas, creating a shortage of land mobile licences in Sydney, Melbourne and Brisbane. By reviewing the band, ACMA hopes to allow more people to use this spectrum, thereby maximising the overall public benefit derived from its use', said Mr Chapman.

The ACMA's discussion paper *Spectrum Proposals: 403-520 MHz - Proposals for future arrangements in the 400 MHz band* has been released in the lead up to ACMA's annual spectrum management conference, *RadComms09*, which is being held at the Australian National Maritime Museum in Sydney on the 29th and 30th of April.

The review of the 400 MHz band will be a major topic of discussion at the conference. ACMA hopes that the release of a discussion paper will enable informed debate among stakeholders. Details for the conference are available at www.acma.gov.au/radcomms09.

The *Spectrum Proposals: 403-520 MHz - Proposals for future arrangements in the 400 MHz band* discussion paper is available on the ACMA website. The closing date for comment is **29 May 2009**.

Media contact: Donald Robertson, ACMA Media Manager on (02) 9334 7980.

Backgrounder

The discussion paper *Spectrum Proposals: 403-520 MHz - Proposals for future arrangements in the 400 MHz band* is the second step in the review of the 400 MHz band, which began in April 2008 with the release of the first discussion paper *Spectrum Options: 403-520 MHz*. In it ACMA seeks public comment on a number of proposals for future arrangements of the spectrum in the 400MHz band.

The broad objectives of the review of the 400 MHz are to consider and, if decided, implement:

- options to improve technical efficiency in the use of the band;
- options to improve allocation and licensing mechanisms (including pricing) used in the band (including apparatus, class and spectrum licensing options), with the goal of improving allocative and dynamic efficiency;
- options to assist new technologies and complementary uses of the band such as public cellular mobile telephone services particularly suited for deployment in regional and rural areas;
- options to improve the harmonisation of spectrum use by certain government agencies to assist in radiocommunications interoperability objectives and the development of efficient government networks; and
- establish arrangements in the band that minimise the requirement for ongoing ACMA intervention in the band.

There are a number of drivers for the review of the 400 MHz band including:

- *Government harmonisation*: There is a need to identify an adequately dimensioned and dedicated harmonised band for the exclusive use of government;
- *Congestion*: Much of this spectrum has become congested in the major capital cities. There has been increasing pressure from industry and users of the band to accommodate additional services; and
- *Future technologies*: There is a growing need to position arrangements in the band to cater for emerging technologies that make more efficient use of the spectrum.

All responses to the discussion paper will be taken into account by ACMA in finalising new arrangements and strategies. ACMA intends to release its definitive, complete proposal for the future of the 400 MHz band for final comment in the third quarter of 2009. This document will include details of changes to associated documentation (such as Band Plan, Radiocommunications Assignment and Licensing Instructions (RALIs) and other documents).

Users

There are approximately 6,000 licensed users of the 400 MHz band of which more than 5,000 have 10 or fewer frequency assignments. The majority of users operate two frequency land mobile systems with a bandwidth of 25 kHz to provide two-way communications over a local area. This is consistent with the current planning arrangements for the band.

ACMA media release 43/2009 – 2 April

2 April 2009

ACMA calling on boat owners to double check they are equipped to operate VHF marine radios

The Australian Communications and Media Authority is calling on boat owners and users to double check that they hold a certificate of proficiency to operate their VHF marine radio.

VHF marine radios provide a valuable means of keeping in contact with other vessels and coast stations, particularly at times when the weather changes or when assistance is needed.

The number of vessels on Australian waterways is increasing. The proportion of boats that are fitted with marine radios is also increasing as more competitively priced equipment has led to an increase in the use of radios on boats and other craft.

'The stark warning is simply this - many boat owners who do not hold an operator's certificate may not realise they are breaking the law when they operate their VHF marine radios,' said Chris Chapman, ACMA Chairman.

'Very high frequency (VHF) International Maritime Mobile (IMM) channels are internationally harmonised and are used for gaining assistance during emergency situations and for general working purposes.'

Channel 16 is designated, internationally, as the emergency and calling channel for ships and small craft. A vessel's crew may use channel 16 to call other vessels and coast stations but once

communication has been established, the operators must change to a working channel to continue the conversation. This ensures channel 16 remains available for emergency situations and other calls.

'Operators who hold an appropriate operator's certificate of proficiency know about calling protocols and how the channels are used. Unfortunately, there are operators who are not qualified and not familiar with correct operating procedures and, as a result, are disrupting communications. That simple behaviour further threatens safety of life,' said Mr Chapman.

Operation of radio transceivers, on the VHF IMM channels, is governed by conditions set by ACMA. These conditions specify that operators must be qualified and hold an appropriate certificate. This certificate must be either the Marine Radio Operators VHF Certificate of Proficiency (MROVCP) or the more comprehensive Marine Radio Operators Certificate of Proficiency (MROCP).

Information about how to obtain an operator's certificate and other requirements is available on ACMA's website under *Marine Radio - Choices and Changes* and *Maritime Ship Station - 27 MHz and VHF*.

Media contact: Donald Robertson, ACMA Media Manager on (02) 9334 7980.

Backgrounder

ACMA has received complaints about the standard of procedures used by operators of VHF marine radios and particularly that this is impacting on access to channel 16 for emergency situations. In addition, some operators who get into difficulties are not using the internationally accepted procedures that were developed to ensure that calls for assistance convey essential information for a rapid response.

The *Radiocommunications (Maritime Ship Station - 27 MHz and VHF) Class Licence 2001* contains the licence conditions, operating requirements and technical parameters associated with the operation of marine 27 MHz and VHF radiocommunications and navigation equipment on board small vessels. If the radio equipment and operators do not comply with the conditions in the Class Licence, the station is not licensed.

The Maritime Ship Station class licence was issued in 2001. Boat owners do not have to apply for or renew an individual licence to cover their radio apparatus but they do have to be qualified to operate it.

Operator Qualifications

Operators of marine VHF radiocommunications equipment must be qualified in accordance with the requirements of the Maritime Ship Station Class Licence (section 7). Two grades of qualification are relevant. Either the Marine Radio Operators Certificate of Proficiency (MROCP) or the simpler Marine Radio Operators VHF Certificate of Proficiency (MROVCP) is to be held.

Breaches of Licence Conditions

Maritime Ship Station operators must comply with all conditions in the class licence. Section 132(3) of the *Radiocommunications Act 1992* (the Act) provides that: *'operation of a radiocommunications device is not authorised by a class licence if it is not in accordance with the conditions of the licence*.' If any condition of a licence is breached (for example, the person is not a qualified operator as mentioned in the class licence) the operation of the station is no longer authorised under the class licence. In this instance, the operator is not using it in accordance with a licence and is liable for prosecution under S46 of the Act.

ACMA media release 1/2009 – 2 January

2 January 2009

ACMA releases new Australian Radiofrequency Spectrum Plan

The Australian Communications and Media Authority has released a new Australian Radiofrequency Spectrum Plan (the Spectrum Plan).

The new Spectrum Plan divides the radiofrequency spectrum into frequency bands and also provides radiocommunication users with information about the types of services allocated to each band.

'Types of services that will benefit from new spectrum allocations in the new Spectrum Plan include amateur, radiolocation, aeronautical, earth exploration-satellite and space research services,' said Chris Cheah, Acting ACMA Chairman.

This should lead to additional spectrum for international mobile telecommunication, space research activities, radio astronomy, mobile-satellite services and improved sharing arrangements between space and future terrestrial services. These changes will come into effect on 1 January 2009.

The new Spectrum Plan is based on the spectrum arrangements developed by the International Telecommunication Union and incorporates changes made to international frequency allocations at the 2007 World Radiocommunication Conference.

Further information on the Spectrum Plan and associated Spectrum Chart, including acquiring a copy of Spectrum Plan and Spectrum Chart, is available on the ACMA website.

Media contact: Christine Donnelly, ACMA Media on (02) 6219 5252.

Backgrounder

The Australian Radiofrequency Spectrum Plan divides the radiofrequency spectrum into frequency bands, and specifies the purposes for which the bands may be used, in accordance with the requirements of section 30 of the *Radiocommunications Act 1992*. It is intended to:

- provide a basis for management of the radiofrequency spectrum in Australia;
- inform radiocommunication users about the services allocated to each frequency band, and of any conditions attached to those allocations;
- reflect Australia's treaty obligations as a member of the International Telecommunication Union (ITU); and
- provide details of international frequency allocations agreed by the ITU for the three world regions as contained in the ITU Radio Regulations. ACMA Media Release 102/2008 and Issue 34 – September 2008 of ACMAsphere provided information pertaining to the frequency allocations agreed to by the ITU at the 2007 World Radiocommunications Conference in Geneva.

The Australian Communications and Media

ACMA media release 41/2008 – 18 April

18 April 2008

ACMA releases options for future use of the spectrum in the 400 MHz band

The Australian Communications and Media Authority has taken the first public step in reviewing arrangements in the radiofrequency spectrum from 403-520 MHz (known as the 400 MHz band) by seeking public and industry comment on options for the future use of the band.

There are a large number of disparate users of the 400 MHz band, which is used predominantly by land mobile services. These include government agencies (such as the Department of Defence, and state and territory emergency services) and commercial entities such as broadcasters, mining companies, security firms and taxi companies.

'There has been increasing pressure from industry and users of the 400 MHz band to establish arrangements that will better accommodate future communication needs through current and emerging technologies,' said Chris Chapman, ACMA Chairman.

'The aim of ACMA's replanning process is to maximise, by ensuring efficient allocation and use of the spectrum, the overall public benefit derived from its use, while continuing to provide adequate spectrum for defence, national security and emergency services.'

The 400 MHz band is also used for other radiocommunication services including fixed (point-to-point and point-to-multipoint), radiolocation and amateur services.

Much of the band has become congested in the major capital cities and overall there is a growing need to support more efficient technologies.

An additional motivation for reviewing the band is to identify harmonised spectrum to facilitate radiocommunications interoperability of certain government agencies (such as law enforcement and other emergency services). This issue is of great interest to many government agencies and one which ACMA considers of critical importance.

'Consultation about possible future arrangements for the band provides an ideal opportunity for stakeholders to consider their needs and to put forward implementation strategies for improved radiocommunications interoperability,' said Mr Chapman.

ACMA is seeking information and comment on a wide range of issues, including the following broad areas:

- Improvements to the technical efficiency in the use of the spectrum
- Consideration of the allocation and licensing mechanisms used in the band with the goal of improving allocation efficiency
- Options for new technologies and uses of the band such as public cellular mobile telephone services
- Opportunities for the harmonisation of spectrum use by certain government agencies.

ACMA's discussion paper *Spectrum Options: 403-520 MHz - Initial consultation on future arrangements for the 400 MHz band*, is part of a series of spectrum-related consultation documents released by ACMA this week.

They include draft spectrum management principles, a five-year spectrum outlook and the *Independent Review of Government Spectrum Holdings* report and ACMA's preliminary response to the review's recommendations.

The papers have been released in the lead up to ACMA's spectrum management conference, *RadComms08*, which runs from 30 April to 2 May. They will be major topics of discussion at the conference and ACMA is keen to facilitate informed debate among stakeholders. Limited places are still available for the conference to be held at the Sofitel Melbourne. Details are available at www.acma.gov.au/radcomms08.

The *Spectrum Options: 403-520 MHz - Initial consultation on future arrangements for the 400 MHz band*, discussion paper is available on the ACMA website. The closing date for comment is 31 July 2008.

The full conference program for *RadComms08* is available at www.acma.gov.au/radcomms08 or from Bridget Lally at Bridget.Lally@acma.gov.au or (02) 6219 5203.

Media contact: Donald Robertson, ACMA Media Manager on (02) 9334 7980.

Backgrounder

The Australian Communications and Media Authority is responsible for managing the radiofrequency spectrum in accordance with the *Radiocommunications Act 1992* and section 9 of the *ACMA Act*.

Earlier this year, ACMA announced three initiatives to promote increased consultation, transparency and accountability in its planning and management of the radiofrequency spectrum.

Included in the new initiatives is an annual industry radiocommunications conference, the development of spectrum management principles, the release of a five-year spectrum outlook and the release of ACMA's response to an independent review of government spectrum holdings.

The purpose of the discussion paper *Spectrum Options: 403-520 MHz - Initial consultation on future arrangements for the 400 MHz band*, is to seek public comment on a number of broad

options for future use of the spectrum in the 400 MHz band.
The potential for changes to the adjacent 380-400 MHz band is being discussed in a separate process between ACMA, Defence and law enforcement/security agencies. The results of these discussions will be relevant to future arrangements for the broader 400 MHz band.

This paper seeks information and comment on a range of issues, including the following broad areas:

- Options for improving the technical efficiency in use of the spectrum in the 400 MHz band, such as by reducing channel bandwidths, reviewing preferred transmit/receive splits, increased use of digital technologies and trunking systems, and exploring opportunities for channel loading and sharing.
- Consideration of the allocation and licensing mechanisms used in the band with the goal of improving allocative efficiency. This includes the possibility of increased use of market mechanisms, class licensing or spectrum licensing arrangements in various parts of the band.
- Options for new technologies and complementary uses of the band such as public cellular mobile telephone services particularly suited for deployment in regional and rural areas.
- Opportunities for the harmonisation of spectrum use by certain government agencies.

Spectrum Options: 403-520 MHz - Initial consultation on future arrangements for the 400 MHz band represents the first step in the review process. All responses to this discussion paper will be taken into account by ACMA in formulating more detailed options and strategies. Any detailed proposals for implementing changes to the arrangements in the 400 MHz band will be subject to further consultation with stakeholders and potentially affected incumbent licensees.

Users

There are approximately 6000 licensed users of the 400 MHz band of which more than 5000 have 10 or fewer frequency assignments. The majority of users operate two frequency land mobile systems with a bandwidth of 25 kHz to provide two-way communications over a local area. This is consistent with the current planning arrangements for the band.

Large-scale users

Users with a large number of assignments (greater than 50) are generally operators of radio networks with large user groups or large networks of data transmitters. These users include Telstra, state governments, police, fire and ambulance; transport organisations, energy suppliers, mining companies, water authorities and research organisations; taxi operators, emergency services and surf lifesaving organisations.

Small-scale users

The majority of users have less than 50 assignments and are difficult to categorise. Most users operate land mobile systems for communications at a particular site or over a small area. These users include local government, amateur radio groups, manufacturers, shopping centres, sports grounds and golf courses, television networks, universities, resorts, security firms and mining companies among a long list of diverse user types.

IFC 46/2010

ACMA seeks views on VHF marine radio operator qualifications for recreational boaters

The Australian Communications and Media Authority (ACMA) released a consultation paper titled: *A new approach for recreational boaters who operate VHF Marine Radios*.

Within the paper, the ACMA looks at the regulatory arrangements for VHF marine radio used by recreational boat operators in Australia and seeks comment on the following proposals:

1. To remove the mandatory requirement for recreational boaters to hold a marine radio operators certificate of proficiency before communicating in the VHF bands within Australian territorial waters.
2. For marine radio operator qualification arrangements to be managed by an organisation which has closer ties to the marine community.

A copy of the paper is available in Word (490 kb) and PDF (429 kb) formats. This paper represents the second phase of the review which commenced with the *VHF Marine Radio Operator Qualification Arrangements–Recreational (Non-Commercial) Vessels* discussion paper.

Submissions

The ACMA sought the views of all interested parties—from individuals who operate marine radio on a recreational basis, to marine industry representatives and regulatory bodies throughout Australia. The closing date of submissions and surveys for this paper was 5:00pm Friday, 28 February 2011.

Submissions and any related queries can be forwarded by email to: mrowp@acma.gov.au

More information

- For more information on the review to date read the review backgrounder.
- Phase one consultation paper and submissions received.
- Marine certificates of proficiency sheet.
- Response paper: VHF Marine Radio Operator Qualification Arrangements–Recreational (Non-Commercial) Vessels: ACMA response to public submissions.
- Media release: MR 164/2010 ACMA proposes new approach for recreational boaters operating VHF marine radios.

Submissions received

The following is a list of public comments to the consultation paper *A new approach for recreational boaters who operate VHF Marine Radios*, received as of 7 March 2011:

- Australian Maritime Safety Authority
- Australian National Sportfishing Association Ltd
- Australian Recreational Boating Safety
- Marine and Safety Tasmania
- Marine Rescue Hervey Bay Qld
- Marine Rescue NSW
- Maritime Safety Queensland

Committee
- Balmoral Sailing Club, Cruising Division
- Bauer, Darryl
- Barnard, Philip
- Boat Owners Association of NSW Inc
- Boatsafe Training Association of Queensland Inc.
- Brennan-Smith, Leigh
- Coast Radio Hobart
- Dale, Greg
- de Haan, Keith
- Dwyer, Guy
- Elwood Angling Club
- Fenwick, Ross
- Finlayson, Rod
- Fremantle Sailing Club (Cruising Section)
- Gibbs, Ken
- Hales, Martin
- Hall, Peter
- Hickey, Peter
- Hughes, Tom
- Hunter, Richard
- Jook, George
- Kessey, Robin
- Lock, Graeme
- McKay, Ian
- Magnum Yacht Association
- Moore, Brian
- Mudge, Ian
- Newhaven Yacht Squadron
- Norton, Phil
- Ocean Racing Club of Victoria
- Poole, Richard
- Recreational Fishing Alliance of NSW
- Reid, Karen
- SCUBA Diver's Federation of Victoria
- Shannon, Jim
- Smith, Dick
- Stubbs, Rob
- Tate, Peter
- Tones, David
- Trailable Yacht Division of Yachting Victoria
- Transport Safety Victoria
- Walker, Mike
- Walster, Chris
- Waverley & District Anglers Inc
- Willis, Barry
- Wood, Brian
- Yachting Australia
- Yachting Victoria

IFC 06/2009

ACMA's spectrum demand analysis and indicative work programs for the next five years

- The Five-year Spectrum Outlook
- Development of the Outlook for 2010-2014
- Five-year Spectrum Outlook 2010–2014: Details of significant changes

The Five-year Spectrum Outlook

The purpose of the Five-year Spectrum Outlook (the Outlook) is to outline the ACMA's assessment of the demand for different parts of the radiofrequency spectrum and facilitate discussion with stakeholders about:

- emerging pressures for changes to the approach used to manage spectrum; and
- the ACMA's proposed approaches to address these issues.

The Outlook consolidates the fundamental issues affecting key radiocommunications services over the next five years, and outlines the ACMA's preliminary thoughts on how to address these issues. Based on these thoughts, the ACMA has developed indicative spectrum management

work programs. The Outlook also identifies spectrum requirements that could arise for radiocommunications services beyond 2013.

The *Frequency Audit Table* is included as an appendix to the Outlook, and provides a band-by-band overview of the current regulatory provisions and use of the radiofrequency spectrum, along with a summary of key issues as covered in the Outlook.

The Outlook builds on the Australian Communications Authority's report *from DC to Daylight – Accounting for use of the Spectrum in Australia*.

The current *Five-year Spectrum Outlook 2009-2013* can be downloaded in Word (2.5 mb) or PDF (1.54 mb) formats.

The accompanying *Frequency Audit Table* can be downloaded in Word (1.8 mb) or PDF (3.6 mb) formats.

Development of the Outlook for 2010-2014

The Outlook is intended to be a 'living document' that is open to industry feedback at any time. The ACMA plans to update this document on an annual basis to take account of changing priorities and demands. When released, the Outlook for 2010-2014 will be the first of these updates.

The ACMA is developing the Outlook for 2010-2014. The Outlook for 2010-2014 will detail a number of major updates and new projects. The full list of substantive updates are shown below.

The ACMA intends to release the Outlook for 2010-2014 in April 2010. The initial release will be via the ACMA website. The publication will be made available at the ACMA's RadComms2010 conference held on the 5 and 6 of May 2010 in Melbourne.

Five-year Spectrum Outlook for 2010 – 2014: Detail of proposed substantive updates

The ACMA is in the process of developing the Outlook for 2010-2014. The purpose of the Outlook is to:

- **provide transparency for industry about the pressures on spectrum and the likely directions of the ACMA's spectrum management work in the short and medium term; and**
- **foster dialogue with stakeholders about emerging pressures for change to existing spectrum access arrangements.**

The Outlook will be based on the 2009-2013 version, and will include a number of updates to reflect stakeholder submissions.

The submissions for the Outlook for 2010-2014 closed on 11 September 2009. The ACMA received a total of 14 submissions; these are now being considered, in conjunction with a number of new issues identified by the ACMA. The following is a list of the proposed substantive updates.

- Update to the 3575-3700 MHz band (the 3.6 GHz band) arrangements to reflect the ACMA's decision to release the band to support the deployment of wireless access services. The update includes the proposed licence allocation process.
- Update of the information relating to intelligent transport systems (ITS) to reflect the ACMA's proposals to release spectrum in the band 5 850-5 925 MHz (5.9 GHz) to permit the introduction of ITS for road users in Australia.
- Removal of the project 'Independent Report on Government Spectrum Holdings', as it is complete. The outcomes of this project are now being considered across a number of specific projects being undertaken by the ACMA, which are identified in the Outlook.
- The ACMA's reassessment, over the next 5-10 years, of the arrangements in the 380-400 MHz band as part of the ongoing monitoring of government spectrum use, and land mobile use in the 400 MHz band.
- The information relating to the Terrestrial flight telecommunication systems (TFTS) has been updated to reflect the ACMA's current consideration of appropriate licensing arrangements to support the introduction of TFTS. This includes the ACMA's intention to consult with interested parties on future arrangements.
- Update of the information relating to potential digital radio technologies, noting that digital radio should be considered as a supplementary technology to analog radio and not a replacement technology, as identified in the *Broadcasting Legislation Amendment (Digital Radio) Act 2007.* The update will also include information on the consideration of digital radio in regional areas.
- Update of the information relating to the potential for spectrum to support area-wide and state-wide smart grid applications. The ACMA has presented a range of options to the utility providers, including participation in future spectrum allocations, the purchase of existing spectrum licences, and sharing with other industries with similar network requirements.
- Modification of the ACMA's proposed approach in relation to the 400 MHz band. This includes updating the current situation; detailing the issues identified in the ACMA consultation paper *Spectrum Proposals: 403-520 MHz – Proposals for future arrangements in the 400 MHz band*; and that the ACMA is currently developing strategies to address short to long term usage for the band.
- Modification of the section relating to space science service to provide further information concerning passive services in spectrum allocated for the science service.
- Addition of the ACMA's intention over the next 3-5 years, to review RALI FX-14 and investigate the use of the 3.4-3.59 GHz band to support time division duplex (TDD) technologies.
- Addition of the ACMA's intention to modify embargo 42 to allow FSS Earth stations in regional and rural areas, following the implementation of an Earth station siting policy.
- Addition of the ACMA's intention, over the next 3-5 years, to review the arrangements in the 3492.5-3542.5 MHz (3.5 GHz) band to ascertain its suitability for wireless access service applications.
- Addition of the ACMA's intention, over the next 12 months, to review the 900 MHz band to ease spectrum congestion and increase spectrum availability for fixed and mobile systems.
- Addition of the ACMA's intention, over the next 3-5 years, to consider the issue of compliance with the current Earth receive station licensing regime.

Submissions

The submissions to be considered for the Outlook for 2010-2014 closed on 11 September 2009. Submissions received after this date will be considered for the following update to the Outlook.

The ACMA received a total of 14 submissions, these are now being considered in preparation for the Outlook for 2010-2014. The submissions have provided assistance in identifying stakeholder's priorities and views on future projects outlined in the Outlook. The majority of issues outlined in the submissions provided advice and information on specific projects, such as:

- the identification of spectrum for wireless access services;
- the use of the digital dividend; and
- views on expiring spectrum licences.

Note:

1. Any submissions not hyperlinked were provided in confidence.

Organisation / Person	PDF
Australian Mobile Telecommunications Association	1.1 mb
AUSTAR United Communications Limited	57 kb
Australian Wireless Audio Group	214 kb
Commonwealth Scientific and Industrial Research Organisation	244 kb
Department of Defence	722 kb
FOXTEL Management Pty Ltd	548 kb
Integral Energy Australia	27 kb
Motorola Australia	56 kb&
Optus	262 kb
Power Broadcasting	928 kb
Qualcomm	93 kb
Reach Ltd	33 kb
Stratos Global	23 kb
Telstra [1]	-

On 31 July 2008, the ACMA brought to a close the consultation period that followed the release of the draft Outlook for 2009–2013 in April 2008. The ACMA sought comments and feedback on the information in this document and the value of the initiative, as well as information from stakeholders on spectrum demands or issues that may not have been included in the draft document.

A total of 49 submissions were received to the draft Outlook. The ACMA considered the comments received in preparing the final Outlook for 2009–2013.

Submissions to the Five–year Spectrum Outlook 2009–2013 discussion paper – IFC 04/2008

The ACMA received 49 submissions to the draft *Five year-Spectrum Outlook 2009–2013*.

A number of the submissions also addressed the other spectrum management consultation papers released by the ACMA during April 2008:

- Spectrum Management Principles (SMP)
- Independent Review of Government Spectrum Holdings (IRGSH)
- Spectrum Options: 403–520 MHz—Initial consultation on future arrangements for the 400 MHz band (400 MHz)

Where a submission relates to more than one paper, this is noted in the table below. The ACMA is currently considering these submissions.

Note:

1. A number of submissions include comments on the frequency band from 380 to 399.9 MHz. This band was not part of the *Spectrum Options: 403-520 MHz* discussion paper.
2. Any submissions not hyperlinked were provided in confidence.
3. A revised version of the Northern Territory Police, Fire and Emergency Services submission suitable for public release is being developed. It will be made available as soon as the ACMA receives it.

Organisation / Person	PDF	Other papers to which responses are included
AsiaSpace	78 kb	
ASCIANO Ltd (Pacific National)	481 kb	SMP, 400 MHz, IRGSH
AUSTAR	92 kb	
Australasian Railway Association	262 kb	SMP, 400 MHz, IRGSH
Australian Broadcasting Corporation	76 kb	
Australian Crime Commission	1.33 mb	SMP, 400 MHz, IRGSH
Australian Maritime Safety Authority	108 kb	SMP, 400 MHz, IRGSH
Australian Mobile Telecommunications Association	220 kb	
Australian National University	1.4 mb	
Australian Radio Communications Industry Association	442 kb	
Australian Telecommunications Users Group Limited	62 kb	SMP
Australian Wireless Audio Group	240 kb	

Organisation / Person	PDF	Other papers to which responses are included
Bureau of Meteorology	28 kb	
Commercial Radio Australia	152 kb	SMP
Commonwealth Scientific and Research Organisation	27 kb	
Community Broadcasting Association of Australia	215 kb	SMP
Corruption and Crime Commission of Western Australia	176 kb	SMP, 400 MHz, IRGSH
Department of Defence	888 kb	
Department of Emergency Services (Queensland Government)	49 kb	
Ericsson	45 kb	
FOXTEL	624 kb	
Geoscience Australia	2.8 mb	
Global VSAT Forum	186 kb	IRGSH
Google Australia	133 kb	SMP, IRGSH
Grant and Jenny Spong	12 kb	
Horizon Broadband Communications	106 kb	
Hutchison	758 kb	SMP
Infrastructure, Transport, Regional Development and Local Government Portfolio (including Airservices Australia, Civil Aviation Safety Authority and Office of Transport Security)	20 kb	
Inmarsat	30 kb	
Intel	42 kb	
Intelsat Asia Carrier Service	704 kb	SMP, IRGSH
Law Enforcement Security Radio Spectrum Committee	514 kb	400 MHz, IRGSH
Motorola	220 kb	
National Coordinating Committee for Government Radiocommunications	240 kb	SMP, 400 MHz, IRGSH
NSW Government	174 kb	SMP, 400 MHz, IRGSH
NSW Independent Transport Safety and Reliability Regulator	56 kb	SMP, 400 MHz, IRGSH

Organisation / Person	PDF	Other papers to which responses are included
NSW Police	59 kb	SMP, 400 MHz, IRGSH
Northern Territory Police, Fire and Emergency Services [3]	167 kb	400 MHz, IRGSH
Optus	96 kb	SMP, 400 MHz, IRGSH
Queensland Rail Network	92 kb	
Qualcomm	384 kb	SMP, IRGSH
RailCorp NSW	37 kb	
Reach Pty Ltd	1.8 mb	
Sky Station Australia	36 kb	
Stratos Global	148 kb	SMP, IRGSH
Telstra [2]	36 kb	
Unwired Australia	34 kb	
Victoria Police	1.7 mb	SMP
Victorian Government Radio Spectrum Task Force	35 kb	
Vodafone		
WiMAX Forum		

Spectrum options – 403–520 MHz discussion paper – IFC 06/2008

ACMA received 75 submissions to the consultation paper on the future arrangements for the 400MHz band.

A number of the submissions also addressed the other spectrum management consultation papers released by ACMA during April 2008:

- Spectrum Management Principles (SMP)
- Independent Review of Government Spectrum Holdings (IRGSH)
- Five-year Spectrum Outlook 2009–2014 (FYSO)

Where a submission relates to more than one paper, this is noted in the table below. ACMA is currently considering these submissions. For information, please contact Andrew Stewart on telephone (02) 6219 5238.

Note:

1. A number of submissions include comments on the frequency band from 380 to 399.9 MHz. This band was not part of the *Spectrum Options: 403-520 MHz* discussion paper.

2. A revised version of the Northern Territory Police, Fire and Emergency Services submission suitable for public release is being developed. It will be made available as soon as ACMA receives it.

Organisation / Person	PDF	Other papers commented on
AA Radio Services	91 kb	
Alan Hughes	40 kb	
Alcatel – Lucent	140 kb	
ASCIANO Ltd (Pacific National)	481 kb	IRGSH, SMP, FYSO
Association of Public-Safety Communications Officials (APCO)	316 kb	
Australasia TETRA Forum	56 kb	
Australian Broadcasting Corporation	1.1 mb	
Australian Citizens Radio Emergency Monitors	77 kb	
Australian Crime Commission	1.33 mb	IRGSH, SMP, FYSO
Australian Federal Police	954 kb	IRSGH, SMP
Australian Maritime Safety Authority	108 kb	IRGSH, SMP, FYSO
Australian Panel D2	36 kb	
Australian Radio Communications Industry Association	232 kb	
Australian Railway Association	262 kb	IRGSH, SMP, FYSO
Australian Technology Connections	846 kb	
Broadcast Australia	68 kb	
CDG Australia	57 kb	
City West Water	162 kb	
Coliban Water	122 kb	
Corruption and Crime Commission of Western Australia	134 kb	IRGSH, SMP, FYSO
Country Fire Authority	78 kb	
Dave Henderson	16 kb	
Department of Defence	144 kb	
ENERGEX	456 kb	
ERGON	672 kb	
ETSA Utilities	110 kb	
GME-Kingray	97 kb	
GMG Solutions	36 kb	
Goulburn Valley Water	141 kb	
i2Way	174 kb	
Icom	811 kb	
Integral Energy	162 kb	
International 450 Association	548 kb	
JRD Communications	101 kb	
Ken Page	29 kb	
Kenwood Electronics Australia	149 kb	
Law Enforcement Security Radio Spectrum Committee	514 kb	IRGSH, FYSO
Mark Swannack	12 kb	
Motorola Australia/Tait	134 kb	
National Wireless	155 kb	
National Coordination Committee for Government Radiocommunications	240 kb	IRGSH, SMP, FYSO
Neville Westbury	12 kb	
NFA Innovations	25 kb	
Nortel	40 kb	

Organisation / Person	PDF	Other papers commented on
Northern Territory Police, Fire and Emergency Services [2]		IRGSH, FYSO
NSW Government	174 kb	IRGSH, SMP, FYSO
NSW Independent Transport Safety and Reliability Regulator	56 kb	IRGSH, SMP, FYSO
NSW Police	59 kb	IRGSH, SMP, FYSO
Paul Kay	12 kb	
PWC	516 kb	
Qualcomm	53 kb	
Queensland Department of Emergency Services	101 kb	
Queensland Department of Public Works	35 kb	
Queensland Rail Network	96 kb	IRGSH, SMP, FYSO
RAD-TEL Systems	170 kb	
RailCorp	92 kb	
Richard Sawday	44 kb	
Ron Southworth	43 kb	
Santos (Mining Oil and Gas)	24 kb	
Snowy Hydro Ltd	81 kb	
SP AusNet	22 kb	
SpectrumWise	500 kb	IRGSH
St John Ambulance Australia	147 kb	
Surf Life Saving Australia	167 kb	
Telstra	792 kb	
Trio Datacom	387 kb	
Vertel	128 kb	
Victoria Police	413 kb	
Victorian Government	70 kb	
Western Communications Vic	24 kb	
Western Power	69 kb	
Widentifi	140 kb	
Wimmera Amateur Radio Group	12 kb	
Wireless Institute of Australia	137 kb	

On providing the above material which has been extracted from the Australian Communications and Media Authority's website www.aph.gov.au – this provides us with a very interesting picture of how busy the Authority is and shows what's happening across many important areas. The Australian Communications and Media Authority is the Federal Government's regulator and as we know, is a government agency, responsible for the regulation of broadcasting, the internet, radiocommunications and telecommunications, its responsibilities are as following;

- promoting self-regulation and competition in the communications industry, while protecting consumers and other users
- fostering an environment in which electronic media respect community standards and respond to audience and user needs
- managing access to the radiofrequency spectrum
- representing Australia 's communications interests internationally.

The ACMA has **offices** in Canberra, Melbourne and Sydney.

Vision

By 2010, the ACMA wants to be, and be recognised as:

- the world's leading converged communications regulator; and
- a forward-looking and efficient organisation that supports and encourages a dynamic communications sector.

Strategic intent

Making communications and media work in Australia's public interest.

Goals

- To manage an effective regulatory environment that:
  - supports an efficient communications sector; and
  - enables industry to meet the needs of the community for communications services and products.
- A professional and highly committed workforce.

Whilst the Authority is an interesting body, there are many radio users who are concerned at the inability of the Authority to "engage" –possibly listen to the concerns of many operators. Via this submission, I would urge this Committee to take on board, the detail within my submission and within others –relating to *"A new approach for recreational boaters who operate VHF Marine Radios"* and those lodged with the Authority re the changes to the UHF section of the Citizen Band Radio Service CBRS.

With reference to the operation of the CBRS, there have been questions asked in both the House of Representatives and Senate relating to this Service over many years now and recently by Senator Ludlam. Being a user of both HF/UHF radios within the CBRS, I refer to the following extracted material and can be related to one provision within the Term-of-Reference.

1.CB Emergency Channels

The Australian Government has legislated certain channels on the CB bands for **emergency use only**. The use of these channels for non-emergency communications can not only incur heavy penalties under the CBRS Class Licence and Radiocommunications Act, it could also cost someone their life if a call for help is missed due to interference.

The legally allocated emergency channels are:

- on the HF or 27MHz band - **channel 9** (on 23 or 40chnl sets).
- on the UHF band, **channels 5 and 35**.

In Australia both channels **5 AND 35** have been legislated as emergency channels. Channel 35 is used by repeaters operating on channel 5 as an input channel, any transmissions on channel 35 can totally block any nearby channel 5/35 emergency repeater. Since the legalisation of CB in Australia certain channels have been allocated for use for specific purposes. These were call channels and emergency channels, with road channels (commonly called truckies channel) legally **recommended** for such use. When individual licences were abolished these regulations

were not removed, they were implemented into the Class Licence that automatically covers every person that uses a CB.

The *Radiocommunications (Citizens Band Radio Stations) Class Licence* is federal legislation that replaces the need for each person or station to hold an individual licence, but it still governs how CB can and can not be used, and sets penalties for improper use. The Class Licence is made under the powers of the (federal) Radiocommunications Act 1992, and is enforced under that Act. The following is an extract from the **Radiocommunications**

(Citizens Band Radio Stations) Class Licence 2002.

Schedule 1 Dictionary

emergency signal means:

a. a request for assistance; or
b. a signal of distress; or
c. a message that is related to a request for assistance or a signal of distress.

Reading through the above extract, the information provides a clear picture but problems across the entire 40 channel UHF CBRS have become more severe, to which the ACMA is now reviewing and amending the Radio Class Licence 2002. The Authority and the previous Australian Communications Authority ACA, allowed the operation of the UHF-side of the CBRS to reach a stage where "urgent" action is required and more importantly, by those operators or groups that provide a monitoring and valuable service on the Emergency channels – 5/35.

Due to work pressures on the Australian Communications and Media Authority, there's no excuse for life to be lost because Federal Governments including the current Gillard/Swan one - to allow the Regulator to move away from an "enforcement" environment. In January 2007, the A.C.R.E.M sought information from the ACMA on the current penalties for misuse of the emergency channels. The response from the ACMA advises that the following penalties can apply:

- **For misuse of the emergency channels** such as using for non-emergency purposes, the operator can be prosecuted for operating without a licence, as indicated above. Maximum penalty is 2 years imprisonment, or a fine of up to $165,000. Alternatively the ACMA can issue an infringement notice for an amount of $220 for minor offences.

- **For interference to an emergency call in progress** then section 193 of the Radiocommunications Act provides for a maximum penalty of **5 years imprisonment** or **$550,000**. This offence can only be dealt with via court.

Prior to 2000, users of radio equipment within the Citizen Band Radio Service were required to hold a licence to operate but for some reason, a decision was made to "drop" the need for users to hold the "appropriate" licence. From doing a search on the www.aph.gov.au site, I was able to sight information re CB and how much income was received via the licencing in the last 12months of the licencing operation.

Radiocommunications (Citizen Band Radio Stations) Class Licence Variation 2011 (No. 1)

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Variation under section 134 of the *Radiocommunications Act 1992*.

Dated 17 May 2011

Chris Chapman
[signed]
Member

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

Australian Communications and Media Authority

1 Name of Variation

This Variation is the *Radiocommunications (Citizen Band Radio Stations) Class Licence Variation 2011 (No. 1)*.

2 Commencement

This Variation commences on the later of:

(a) the day after it is registered; and

(b) the day on which it is published in the *Gazette*.

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.

Note 2: Both of these events must occur before this Variation commences.

3 Variation to the *Radiocommunications (Citizen Band Radio Stations) Class Licence 2002*

Schedule 1 varies the *Radiocommunications (Citizen Band Radio Stations) Class Licence 2002.*

Schedule 1 Variations

(section 3)

[1] Section 3, definition of *CB repeater station*

omit

item 5

insert

item 5 or 8

[2] Section 3, after definition of *device compliance day*

insert

F3E means an emission whose basic characteristic is that of a frequency modulated carrier on a single channel containing primarily analogue telephony information.

G3E means an emission whose basic characteristic is that of a phase modulated carrier on a single channel containing primarily analogue telephony information.

[3] Section 3, definition of *PM*

omit

[4] Section 3, after definition of *relevant document*

insert

telecommunications network has the same meaning as in the *Telecommunications Act 1997.*

[5] Section 5

substitute

5 Class Licence

(1) Subject to sections 6, 7, 8, 9, 10, 11 and 12 a person may:

(a) operate a CB station of a kind to which subsection (2), (3), (4) or (5) applies; or

(b) until and including 30 June 2017 – operate a CB station of a kind to which subsection (6) applies.

(2) This subsection applies to a CB station that directly transmits speech to, or audio tones to initiate communication with, another CB station:

(a) on a carrier frequency mentioned in item 1, 2, 3 or 7 in Schedule 1; and

(b) subject to the restrictions mentioned in the item.

(3) This subsection applies to a CB station that, through a CB repeater station, transmits speech to, or audio tones to initiate communication, with another CB station:

(a) on a carrier frequency mentioned in item 8 in Schedule 1; and

(b) subject to the restrictions mentioned in the item.

(4) This subsection applies to a CB station that transmits data to communicate with another CB station:

(a) on a carrier frequency mentioned in item 6 in Schedule 1; and

(b) subject to the restrictions mentioned in the item.

(5) This subsection applies to a CB station that transmits signals that identify the CB station or indicate the geographic location of the CB station:

(a) on a carrier frequency mentioned in item 6, 7 or 8 in Schedule 1; and

(b) subject to the restrictions mentioned in the item.

(6) This subsection applies to a CB station that:

(a) directly transmits speech to, or audio tones to initiate communication with, another CB station:

(i) on a carrier frequency mentioned in item 4 in Schedule 1; and

(ii) subject to the restrictions mentioned in the item;

(b) through a CB repeater station, transmits speech to, or audio tones to initiate communication with, another CB station:

(i) on a carrier frequency mentioned in item 5 in Schedule 1; and

(ii) subject to the restrictions mentioned in the item; or

(c) transmits signals that identify the CB station or indicate the geographic location of the CB station:

(i) on a carrier frequency mentioned in item 4 or 5 in Schedule 1; and

(ii) subject to the restrictions mentioned in the item.

[6] Paragraph 6(g)

omit

section 9.

insert

section 9; or

[7] At the end of section 6

insert

(h) operate a CB station to transmit speech on channels 22 (476.9500 MHz) or 23 (476.975 MHz); or

(i) operate a CB station:

(i) to link the output signals of a CB repeater station, directly or indirectly, to the input of another CB repeater station; or

(ii) to link the signals from a CB channel at one location, directly or indirectly, to a CB channel at another location; or

(j) operate a CB station to transmit signals that identify a CB station or indicate its geographic location with a duty cycle of more than 10 seconds in any period of 60 minutes.

[8] Paragraph 7(b)

omit

item 4 or 5

insert

item 4, 5, 7 or 8

[9] Section 8

substitute

8 Condition relating to a CB station that operates through a CB repeater station

A person must not, except for the purpose of transmitting to a CB repeater station, operate a CB station on a channel mentioned in item 5 or 8 in Schedule 1 within the operational range of a CB repeater station.

[10] Paragraph 9(3)(d)

Omit

(also known as 'AusSAR')

[11] Section 10

substitute

10 Condition relating to technical requirements for a CB station with a device compliance day before 20 December 1996

If the device compliance day for a CB station is before 20 December 1996, a person must not operate the CB station on a frequency mentioned in item 1, 2, 3, 4 or 5 in Schedule 1 unless the CB station complies with the requirements of the relevant document.

[12] Section 11, including the notes

substitute

11 Condition relating to applicable standards for a CB station with a device compliance day on or after 20 December 1996

If the device compliance day for a CB station is on or after 20 December 1996, a person must not operate the CB station unless the CB station complies with each standard made under section 162 of the Act that:

(a) applies to the CB station; and

(b) is in force on the device compliance day.

[13] After section 11

insert

12 Condition relating to a CB station connected to a telecommunications network

A person must not operate a CB station that is connected to a telecommunications network unless the CB station complies with:

(i) the *Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001*; or

(ii) the *Radiocommunications Devices (Compliance Labelling) Notice 2003*,

whichever applies to the CB station.

[14] Schedule 1, Part 2 UHF

substitute

Part 2 UHF – 25 kHz channels

Item	Channel	Carrier Frequency (megahertz)	Restriction
4	1	476.4250	(a) Operation of a CB station must only employ F3E or G3E with a transmitter power not exceeding 5 watts pZ and with a necessary bandwidth not exceeding 16 kHz.
	2	476.4500	
	3	476.4750	
	4	476.5000	(b) The use of audio tones, including subaudible tones, for initiating communications with another CB station, is not authorised on channels 5 or 35.
	5	476.5250	
	6	476.5500	(c) Communication with another CB station is not authorised on channels 1-8 and

Item	Channel	Carrier Frequency (megahertz)	Restriction
	7	476.5750	channels 31-38 within operational range of a CB repeater station.
	8	476.6000	
	9	476.6250	
	10	476.6500	
	11	476.6750	
	12	476.7000	
	13	476.7250	
	14	476.7500	
	15	476.7750	
	16	476.8000	
	17	476.8250	
	18	476.8500	
	19	476.8750	
	20	476.9000	
	21	476.9250	
	24	477.0000	
4 (cont)	25	477.0250	
	26	477.0500	
	27	477.0750	
	28	477.1000	
	29	477.1250	
	30	477.1500	
	31	477.1750	
	32	477.2000	

Item	Channel	Carrier Frequency (megahertz)	Restriction
	33	477.2250	
	34	477.2500	
	35	477.2750	
	36	477.3000	
	37	477.3250	
	38	477.3500	
	39	477.3750	
	40	477.4000	
5	31	477.1750	(a) Operation of a CB station must only employ F3E or G3E with a transmitter power not exceeding 5 watts pZ and with a necessary bandwidth not exceeding 16 kHz. (b) The use of audio tones, including subaudible tones, for initiating communications with another CB station, is not authorised on channel 35. *Note: Reception from CB repeater stations utilises channels 1-8.*
	32	477.2000	
	33	477.2250	
	34	477.2500	
	35	477.2750	
	36	477.3000	
	37	477.3250	
	38	477.3500	
6	22	476.950	A transmitter employed in a CB station: (a) must operate with a transmitter power not exceeding 5 watts; and (b) must not exceed an EIRP of 8.3 watts; and (c) must operate with an occupied bandwidth not exceeding 16 kHz; and (d) must not exceed a carrier frequency error of ±3 kHz; and (e) must not exceed an adjacent channel power of –22 dBm; and (f) must not exceed a conducted spurious emission of –30 dBm; and
	23	476.975	

Item	Channel	Carrier Frequency (megahertz)	Restriction
			(g) must operate on a duty cycle of not more than 10 seconds in any period of 60 minutes; and (h) must be fitted with a device that shuts the transmitter down after 3 minutes of continuous operation.
6 (cont)			A receiver employed in a CB station must operate with a conducted spurious emission not exceeding –57 dBm. *Note: The use of single frequency store and forward repeaters is permitted.*

[15] Schedule 1, after item 6

insert

Part 3 UHF – 12.5 kHz channels

Item	Channel	Carrier Frequency (megahertz)	Restriction
7	1	476.4250	(a) Operation of a CB station must only employ F3E or G3E with a transmitter power not exceeding 5 watts pZ and with a necessary bandwidth not exceeding 10.1 kHz. (b) The use of audio tones, including subaudible tones, for initiating communications with another CB station, is not authorised on channels 5 or 35. (c) Communication with another CB station is not authorised on channels 1-8, channels 31-38, channels 41-48 and channels 71-78 within operational range
	2	476.4500	
	3	476.4750	
	4	476.5000	
	5	476.5250	
	6	476.5500	
	7	476.5750	
	8	476.6000	

Item	Channel	Carrier Frequency (megahertz)	Restriction
	9	476.6250	of a CB repeater station.
	10	476.6500	
	11	476.6750	*Note: Channels 61, 62 and 63 are reserved for future allocation and transmission on these channels is not permitted under this Class Licence.*
	12	476.7000	
	13	476.7250	
	14	476.7500	
	15	476.7750	
	16	476.8000	
	17	476.8250	
	18	476.8500	
7 (cont)	19	476.8750	
	20	476.9000	
	21	476.9250	
	24	477.0000	
	25	477.0250	
	26	477.0500	
	27	477.0750	
	28	477.1000	
	29	477.1250	
	30	477.1500	
	31	477.1750	
	32	477.2000	
	33	477.2250	
	34	477.2500	
	35	477.2750	
	36	477.3000	

Item	Channel	Carrier Frequency (megahertz)	Restriction
	37	477.3250	
	38	477.3500	
	39	477.3750	
	40	477.4000	
	41	476.4375	
	42	476.4625	
	43	476.4875	
	44	476.5125	
	45	476.5375	
	46	476.5625	
	47	476.5875	
	48	476.6125	
	49	476.6375	
	50	476.6625	
	51	476.6875	
	52	476.7125	
	53	476.7375	
	54	476.7625	
	55	476.7875	
	56	476.8125	
	57	476.8375	
	58	476.8625	
	59	476.8875	
	60	476.9125	
	64	477.0125	
	65	477.0375	

Item	Channel	Carrier Frequency (megahertz)	Restriction
	66	477.0625	
	67	477.0875	
	68	477.1125	
	69	477.1375	
	70	477.1625	
	71	477.1875	
	72	477.2125	
	73	477.2375	
	74	477.2625	
	75	477.2875	
	76	477.3125	
	77	477.3375	
	78	477.3625	
	79	477.3875	
	80	477.4125	
8	31	477.1750	(a) Operation of a CB station must only employ F3E or G3E with a transmitter power not exceeding 5 watts pZ and with a necessary bandwidth not exceeding 10.1 kHz. (b) The use of audio tones, including subaudible tones, for initiating communications with another CB station, is not authorised on channel 35. *Note: Reception from CB repeater stations utiliseschannels 1-8 and 41-48*.
	32	477.2000	
	33	477.2250	
	34	477.2500	
	35	477.2750	
	36	477.3000	
	37	477.3250	
	38	477.3500	
	71	477.1875	
	72	477.2125	
	73	477.2375	

Item	Channel	Carrier Frequency (megahertz)	Restriction
	74	477.2625	
	75	477.2875	
	76	477.3125	
	77	477.3375	
	78	477.3625	

EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Radiocommunications (Citizen Band Radio Stations) Class Licence Variation 2011 (No. 1)

Radiocommunications Act 1992

Purpose

The purpose of the *Radiocommunications (Citizen Band Radio Stations) Class Licence Variation 2011 (No. 1)* (**the Class Licence Variation**) is to vary the*Radiocommunications (Citizen Band Radio Stations) Class Licence 2002* (**the CB Class Licence**) to include additional UHF radio frequency channels, additional functionality and minimise interference between citizen band radio stations.

Legislative Provisions

Under section 132 of the *Radiocommunications Act 1992* (**the Act**), the Australian Communications and Media Authority (**the ACMA**) may issue class licences authorising the operation of a radiocommunications device of a specified kind, or for a specitifed purpose or of a specified kind for a specified purpose. The CB Class Licence was issued under section 132. Section 134 of the Act provides that the ACMA may, subject to public consultation, vary a class licence by notice published in the *Gazette*.

The Class Licence Variation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Background

The CB Class Licence authorises the operation of certain radiocommunicatons devices used in connection with the Citizen Band Radio Service (namely, citizen band radio stations (**CB stations**)). The Citizen Band Radio Service (**CBRS**) is a two-way, short distance communications service that may be used by any person or business in Australia. The CBRS operates in two distinct frequency bands – the 26.965 - 27.405 MHz (the high frequency (**HF**) CBRS band) and the 476.4125 - 477.4125 MHz (the ultra high frequency (**UHF**) CBRS band). Under the CB Class Licence, all operators of CB stations must share the available frequency channels specified in the CB Class Licence and there is no right to the exclusive use of any channel.

The CB Class Licence authorises operation on frequencies mentioned in the class licence by any person provided that the conditions of the CB Class Licence are complied with.

From April 2008 until December 2010 the ACMA has been reviewing the future arrangements for the radiofrequency spectrum in the range 403-520 MHz (the review of the 400 MHz band). In the context of that review, the ACMA has undertaken extensive consultation regarding proposed changes to spectrum arrangements in the UHF band. One of the outcomes of the review was that the ACMA decided to make changes to the UHF CBRS band.

There are currently forty 25 kHz channels in the UHF CBRS band. These channels are highly utilised, with congestion experienced by users in some local environments. In reviewing the operation of the UHF CBRS band, the ACMA's objective was to improve the utility of the UHF CBRS band. The outcomes of the review of the 400 MHz band that have implications for the UHF CBRS band include:

- ☐ the transition of all speech channels, including repeater channels, from 25 kHz to 12.5 kHz channel spacing;
- ☐ the retention of the existing technical arrangements for telemetry and telecommand channels (that is, 25kHz channel spacing will continue to be employed in relation to those particular channels); and
- ☐ the inclusion of forty new Citizen Band channels (**CB channels**) that are interleaved between the existing forty 25 kHz (now to be 12.5 kHz) CB channels;

Operation

The Class Licence Variation will give regulatory effect to the outcomes of the review described above.

The Class Licence Variation also implements related policy outcomes, such as authorising the operation of CB stations that transmit signals that identify the station and its location; allowing additional time for the transmission of telemetry and telecommand signals by CB stations; and requiring that CB stations to which the *Radiocommunications (UHF CB Radio Equipment) Standard 2011 (No.1)* (**the UHF CB Equipment Standard 2011**) applies (CB stations that operate within the 12.5 kHz channel arrangements), comply with that Standard.

The UHF CB Equipment Standard makes standards for the performance of UHF CB radio equipment. The UHF CB Equipment Standard was made by the ACMA in accordance with section 162 of the Act and adopts, with modification, the technical parameters set out in industry standard AS/NZS 4365:2011.

The new 12.5 kHz channel arrangements allow for an additional 40 channels to be provided in the UHF CBRS band, increasing the total number of available channels to 80. The introduction of the new channel arrangements corresponds with a transition period to phase out the use of UHF CB stations that operate under 25 kHz channel spacing arrangements. The Class Licence Variation provides for a transition period until and including 30 June 2017. During this transition period, a person may operate a UHF CB station under either the existing forty 25 kHz channel arrangements or the new eighty 12.5 kHz channel arrangements. This transition period balances the need to minimise the period during which there is a potential for interference between '25 kHz' and '12.5 kHz' UHF CB stations with user expectations of a reasonable period in which to operate their '25 kHz' CB equipment and the availability and supply of new '12.5 kHz' CB equipment to the market. At the end of the transition period, it will not be possible to operate a UHF CB station under the forty 25 kHz channel arrangements (other than in relation to the telemetry and telecommand channels).

The ACMA proposes to review the arrangements for the cessation of UHF CB equipment operating under 25 kHz channel spacing arrangements in 2016. The ACMA also proposes to

review the channel arrangements applicable to the transmission of telemetry and telecommand signals. A date for this review is yet to be set.

Further details on the operation of the Class Licence Variation are contained in the "Notes on Sections" in the Attachment to this Explanatory Statement.

Consultation

The ACMA has undertaken extensive consultation with industry and members of the public on the outcomes of the 400 MHz review, which included the proposal to change the existing arrangements of the CBRS to introduce 40 additional UHF channels. The ACMA also undertook a consultation process on the development and making of the UHF CB Equipment Standard 2011.

The variations to the CB Class Licence are inherently linked to the outcome of the review of the 400 MHz band, as well as the subsequent making of the new industry standard (AS/NZS 4365:2011) and the UHF CB Equipment Standard 2011.

The ACMA undertook consultation on the proposed variation to the CB Class Licence in accordance with section 136 of the Act. On 28 January 2011, the ACMA published a notice in the *Gazette* stating that it proposed to vary the CB Class Licence, stating the subject matter of the proposed variation, the place where copies of the CB Class Licence and proposed variation could be obtained, and inviting persons to make representations to the ACMA about the proposed variations by 4 March 2011. The ACMA also consulted directly with recognised stakeholders, such as equipment manufacturers and suppliers, as well as the licensees of 268 CB repeater stations. The proposed variations to the CB Class Licence, together with an associated discussion paper, were also published on the ACMA's website.

The ACMA received 17 submissions regarding the proposed variations. There was general support for the changes to the CB Class Licence. There were five comments received from stakeholders opposing the proposal to prohibit the linking of CB repeater stations and the linking of CB channels. Those proposed variations would have the effect of limiting the geographic extent to which some CB operators are able to utilise the CBRS. However, the variation to prohibit linking in the CBRS will reduce the risk of interference and reduce congestion experienced on some channels in local areas. On balance, the ACMA considers that the variations to prohibit linking will have minimum impact on CB operators and will benefit the overall operation of the CBRS.

In addition it became apparent as a result of the consultation phase that there was some confusion about the operation of the transition period because certain carrier frequencies are mentioned in more than one item in Part 2 of Schedule 1 to the CB Class Licence as it is proposed to be varied. In order to address that confusion, the Class Licence Variation proposes that section 5 of the CB Class Licence be replaced with a new section 5 that more clearly distinguishes between CB stations that are operated under the existing forty 25kHz channel arrangements and CB stations that will be operated under the new eighty 12.5 kHz channel arrangements.

As a result of the consultation, some further minor changes were made to the Class Licence Variation. These changes include:

- ☐ amending typographical errors; and
- ☐ providing for the continued operation of CB stations on the telemetry and telecommand channels under the 25 kHz channel spacing arrangements.

Regulatory Impact

The Office of Best Practice Regulation (OBPR) has advised that it has considered the ACMA's preliminary assessment of the regulatory impact of varying the CB Class Licence. The OBPR has further advised that it considers that the amendments will have minor/machinery impacts and therefore no further analysis (in the form of a Regulation Impact Statement) is required. The OBPR reference number is 2011/12501.

ATTACHMENT

Notes on Sections

Section 1 Name of Variation

Section 1 provides that the name of the instrument is the *Radiocommunications (Citizen Band Radio Stations) Class Licence Variation 2011 (No.1).*

Section 2 Commencement

Section 2 provides that the Class Licence Variation commences on the later of the day after it is registered on the Federal Register of Legislative Instruments and the day on which it is published in the Gazette. Both events must occur for the Variation to commence.

Section 3 Variation to the *Radiocommunications (Citizen Band Radio Stations) Class Licence 2002*

Section 3 provides that Schedule 1 varies the *Radiocommunications (Citizen Band Radio Stations) Class Licence 2002*.

Schedule 1 Variations

Item [1] Section 3, definition of *CB repeater station*

This item amends the definition of 'CB repeater station' in the CB Class Licence to include an additional reference to item 8 of Schedule 1 in order to reflect the introduction of additional frequencies.

Item [2] Section 3, after definition of *device compliance day*

This item inserts definitions of 'F3E' and 'G3E'. These terms respectively replace the terms 'FM' and 'PM' which are no longer used. The terms describe the type of modulation of the main carrier, the nature of the signals modifying the carrier and the type of information being transmitted.

Item [3] Section 3, definition of *PM*

This item omits the definition 'PM'(phase modulation) in the CB Class Licence as it will no longer be used in the CB Class Licence once it is varied.

Item [4] Section 3, after definition of *relevant document*

This item inserts the definition of 'telecommunications network' into the CB Class Licence. The definition is the same as the definition of 'teleccommunications network' in section 7 of the *Telecommunications Act 1997*.

Item [5] Section 5

This item substitutes section 5 to provide for the parallel operation of the existing UHF Citizen Band channel arrangements(25 kHz channel spacing) and new UHF Citizen Band channel arrangements (12.5 kHz channel spacing) until and including 30 June 2017.

After 30 June 2017 speech transmissions will only be permitted under the 12.5 kHz channel spacing arrangements. This arrangement is a compromise between allowing reasonable usage of recently purchased 25 kHz CB equipment and minimising the potential for interference between 25 kHz and 12.5 kHz CB stations.

Telemetry and telecommand transmissions will continue to be permitted under the 25 kHz channel spacing arrangements after 30 June 2017.

Section 5 now allows for the operation of CB stations that transmit signals to communicate with another CB station to identify the CB station or indicate the geographic location of the station. This aligns with the UHF CB Equipment Standard in allowing for the transmission of signals which identify a CB station or indicate its geographic location.

Item [6] Paragraph 6(g)

This item amends paragraph 6(g) of the CB Class Licence so that additional paragraphs can be inserted after paragraph 6(g).

Item [7] At the end of section 6

This item inserts new paragraphs 6(h), 6(i) and 6(j) into section 6 of the CB Class Licence. Paragraph 6(h) imposes a licence condition that prohibits the transmission of speech on channels 22 and 23, which are restricted to telemetry and telecommand transmissions.

Paragraph 6(i) imposes a licence condition that prohibits the linking of signals from a CB repeater station, directly or indirectly, to another CB repeater station. Paragraph 6(i) also imposes a licence condition that prohibits the linking of signals from a CB channel, directly or indirectly, to another CB channel. This has been introduced because linking CB repeater stations or CB channels together has the potential to cause interference and congestion.

Paragraph 6(j) imposes a licence condition that prohibits the operation of a CB station to transmit signals that identify a CB station or indicate its geographical location, with a duty cycle of more than 10 seconds in any period of 60 minutes.

Item [8] Paragraph 7(b)

This item amends paragraph 7(b) to insert additional references to items 7 and 8 of Schedule 1 to reflect the introduction of additional frequencies.

Item [9] Section 8

This item substitutes section 8 to provide that, except for the purpose of transmitting to a CB repeater station, a person must not operate a CB station on a channel mentioned in items 5 or 8

of Schedule 1 within operational range of a CB repeater station. This variation is aimed at reducing interference to CB stations operating through a CB repeater station.

Item [10] Paragraph 9(3)(d)

This item omits the term 'AusSAR' in paragraph 9(3)(d) because it is no longer a currently used abbreviation for the Australian Maritime Safety Authority's Rescue Coordination Centre.

Item [11] Section 10

The CB Class Licence presently includes, in section 10, a licence condition that certain CB stations comply with the technical requirements contained in the "relevant document" specified in Schedule 2 to the CB Class Licence. The "relevant documents" only apply in relation to CB stations that have a device compliance day before 20 December 1996. CB stations that have a device compliance day on or after 20 December 1996 must comply with the applicable standard made under section 162 of the Act (see section 11 of the current CB Class Licence).

Item 11 substitutes section 10 so as to clarify that distinction. That is, a person must not operate a CB station with a device compliance day before 20 December 1996 on a frequency mentioned in item 1, 2, 3, 4 or 5 in Schedule 1 to the CB Class Licence, unless the CB station complies with the requirements of the "relevant document" in Schedule 1.

Item [12] Section 11

The CB Class Licence presently includes, in section 11, a licence condition that in effect requires that certain CB stations that have a device compliance day on or after 20 December 1996 must comply with the applicable standard made under section 162 of the Act. Section 11 presently refers to potentially applicable standards by name. As standards are amended or made over time, this has rendered section 11 confusing.

Item 12 substitutes section 11 so that it does not refer to the potentially applicable standards by name. That is, new section 11 will provide that a person must not operate certain CB stations with a device compliance day on or after 20 December 1996 unless the CB station complies with each applicable standard made under section 162 of the Act that is in force on the device compliance day.

Item [13] After section 11

This item inserts section 12 to regulate the operation of a CB station that is connected to a telecommunications network. The additional licence condition aims to ensure that CB stations that are connected to a telecommunications network are compliant with the relevant telecommunications and labelling requirements.

Item [14] Schedule 1, Part 2 UHF

This item substitutes Part 2 UHF of Schedule 1 to the CB Class Licence with the new Part 2 – (UHF 25 kHz channels) to reflect the introduction of additional frequencies with 12.5 kHz channel spacing. Item 6 relates to telemetry and telecommand channels which will remain as 25 kHz channels.

Item [15] Schedule 1, after item 6

This item inserts Part 3 (UHF – 12.5 kHz channels) into Schedule 1 of the CB Class Licence. New items 7 and 8 of Part 3 of Schedule 1 list the carrier frequencies and channels with a 12.5 kHz channel spacing which are the additional frequencies inserted into the CB Class Licence.

_____

Radiocommunications Devices (Compliance Labelling) Amendment Notice 2011 (No. 2)

Radiocommunications Act 1992

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Notice under section 182 of the *Radiocommunications Act 1992*.

Dated 18 May 2011

Chris Chapman
[signed]
Member

Richard Bean
[signed]
Member/General Manager

Australian Communications and Media Authority

1 Name of Notice

This Notice is the *Radiocommunications Devices (Compliance Labelling) Amendment Notice 2011 (No. 2).*

2 Commencement

This Notice commences on the last to occur of:

(a) the date on which it is registered;

(b) the date on which it is gazetted; and

(c) the commencement of the *Radiocommunications (UHF CB Radio Equipment) Standard 2011 (No.1)*.

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.

Note 2: *All three of these events must occur before this Notice commences.*

3 Revocation of the *Radiocommunications Devices (Compliance Labelling) Amendment Notice 2011 (No.1)*

The *Radiocommunications Devices (Compliance Labelling) Amendment Notice 2011 (No.1)* is revoked.

Note: the ***Radiocommunications Devices (Compliance Labelling) Amendment Notice 2011 (No.1)*** *was made by the Australian Communications and Media Authority on 18 February 2011. It was not registered on the Federal Register of Legislative Instruments, nor was it Gazetted, following the identification of a technical error in the instrument. Hence it never commenced operation. It is being revoked for the avoidance of doubt.*

4. Amendment of *Radiocommunications Devices (Compliance Labelling) Notice 2003*

Schedule 1 amends the *Radiocommunications Devices (Compliance Labelling) Notice 2003*.

Schedule 1 Amendment

(section 4)

[1] Schedule 3, Item 11

omit

Radiocommunications (UHF CB Radio Equipment) Standard 2004

insert

Radiocommunications (UHF CB Radio Equipment) Standard 2011 (No.1)

EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Radiocommunications Devices (Compliance Labelling) Amendment Notice 2011 (No.2)

Purpose

The purpose of the *Radiocommunications Devices (Compliance Labelling) Amendment Notice 2011 (No.2)* (**the Amendment Notice**) is to amend the*Radiocommunications Devices (Compliance Labelling) Notice 2003* (**the Labelling Notice**).

The Amendment Notice amends the Labelling Notice to replace a reference to the superseded standard, *Radiocommunications (UHF CB Radio Equipment) Standard 2004* (**the 2004 UHF CB**

Standard) with a reference to the new UHF Citizen Band equipment performance standard *Radiocommunications (UHF CB Radio Equipment) Standard 2011 (No.1)* (**the 2011 UHF CB Standard**).

The Amendment Notice also revokes the *Radiocommunications Devices (Compliance Labelling) Amendment Notice 2011 (No.1)*. That instrument was made by the Australian Communications and Media Authority on 18 February 2011. It was not registered on the Federal Register of Legislative Instruments, nor was it Gazetted, following the identification of a technical inconsistency in an earlier version of the 2011 UHF CB Standard to which it referred. Hence it never commenced operation. It is being revoked to avoid doubt.

Legislative provisions

Subsection 182(1) of the *Radiocommunications Act 1992* (**the Act**) provides that the Australian Communications and Media Authority (**the ACMA**) may, by notice published in the Gazette, require any person who manufactures or imports a device included in a specified class of devices to apply a label to the device to indicate whether the device complies with the standards specified in that notice.

A notice made under section 182 of the Act is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Background

The Labelling Notice requires each supplier of radiocommunications devices falling within the scope of a relevant standard to apply a compliance label to their product prior to supplying it to the market, and to keep prescribed records. Affixing a compliance label on a device is an assertion by the supplier that the device complies with applicable technical standards. As an alternative to surface labelling, suppliers have the option of displaying their label electronically if the device has a built-in electronic display.

The Labelling Notice requires suppliers to maintain documentary evidence of compliance with the applicable technical standard that is commensurate with the interference potential of that device.

Operation

The Amendment Notice amends Schedule 3 of the Labelling Notice to replace a reference to the superseded 2004 UHF CB standard with the new 2011 UHF CB Standard. The 2011 UHF CB Standard prescribes the standard for performance for radiocommunications transmitters and receivers, other than repeater stations, intended to be used in the Ultra High Frequency Citizen Band Radio Service (**UHF CBRS**).

From April 2008 to April 2010, the ACMA conducted a review of the arrangements for the radiofrequency spectrum in the 400MHz band of which the UHF CBRS band occupies a 1MHz segment. As a result of this review, the ACMA decided to restructure the UHF CBRS band into eighty 12.5kHz channels from the existing forty 25kHz wide channels.

The 2004 UHF CB Standard refers to AS/NZS 4365:2002 for technical performance limits and test methods and is designed for the 25kHz channel arrangement. It is not suitable for use with the 12.5kHz wide channels of the restructured UHF CBRS band.

Standards Australia technical committee RC-006 developed the AS/NZS 4365:2011 (Radiocommunications equipment used in the UHF citizen band radio service) standard (AS/NZS 4365:2011) that prescribes the technical requirements suitable for the restructured 12.5kHz UHF CBRS band.

The 2011 UHF CB Standard adopts with modifications the technical requirements of AS/NZS 4365:2011.

Consultation

The ACMA conducted a public consultation process on the making of the 2011 UHF CB Standard. A draft of an earlier version of the 2011 UHF CB Standard was made available on the ACMA website for public comment on 9 September 2010 for 33 days.

Further, copies of the draft 2011 UHF CB standard were emailed to fifty-one stakeholders from a broad range of industry sectors. Copies of the draft standard were also sent to members of Standards Australia radiocommunications committees RC-004 and RC-006.

During that public consultation, the invitation to comment on the ACMA website drew attention to the fact that the 2011 UHF CB Standard would be referenced in Schedule 3 of the Labelling Notice.

A total of 13 responses were received to the ACMA's invitation for public comment. The majority of responses either supported or made no comment on the proposed 2011 UHF CB standard. There were no responses opposing the proposed 2011 UHF CB standard and its reference in the Labelling Notice.

Following the identification of a technical inconsistency in AS/NZS 4365:2011 which was referenced by the 2011 UHF CB Standard further consultation was undertaken on an amendment to the 2011 Standard and on a consequential amendment to the Amendment Notice. Email advice of the intended changes together with an invitation to comment was sent to interested persons including industry representatives such as Standards Australia radiocommunications technical committees, industry peak bodies, the New Zealand regulator (Ministry of Economic Development) and all parties that responded to the original consultation exercise. As at the date of the making of the instruments, four industry representatives have responded with none expressing opposition to the proposed changes to the 2011 UHF CB standard and its reference in the Labelling Notice.

The ACMA is satisfied that appropriate public consultation was conducted on the 2011 UHF CB Standard and its referencing in the Amendment Notice.

Regulation impact

The ACMA consulted with the Office of Best Practice Regulation (**OBPR**) regarding the making of an earlier version of the 2011 UHF CB standard and the Amendment Notice. OBPR confirmed that the 2011 UHF CB standard and its inclusion in the Labelling Notice will have minor and machinery impacts on industry and that a formal regulatory impact statement (**RIS**) would not be required. The OBPR RIS exemption number is **11897.**

OBPR was further consulted on revisions to the the 2011 UHF CB standard. It reiterated its earlier advice. ACMA staff were advised by OBPR that the OBPR Reference No. 11897 would continue to apply.

Notes on the instrument

Section 1 Name of Notice

Section 1 provides that the name of the Amendment Notice is the *Radiocommunications Devices (Compliance Labelling) Amendment Notice 2011 (No.2).*

Section 2 Commencement

Section 2 provides that the Amendment Notice commences on the last of the following dates:

(a) the date on which it is registered;

(b) the date on which it is gazetted; and

(c) the commencement of the *Radiocommunications (UHF CB Radio Equipment) Standard 2011 (No.1).*

All of these events must occur before the Amendment Notice commences.

Section 3 Revocation of the *Radiocommunications Devices (Compliance Labelling) Amendment Notice 2011 (No.1)*

This section revokes the *Radiocommunications Devices (Compliance Labelling) Amendment Notice 2011 (No.1).*

Section 4 Amendment of the *Radiocommunications Devices (Compliance Labelling) Notice 2003*

Section 4 provides that Schedule 1 of the Amendment Notice amends the *Radiocommunications Devices (Compliance Labelling) Notice 2003.*

Schedule 1 – Amendments

Item [1] Schedule 3, Item 11

This item amends Schedule 3 of the *Radiocommunications Devices (Compliance Labelling) Notice 2003* by replacing the reference to the superseded*Radiocommunications (UHF CB Radio Equipment) Standard 2004* at Item 11 of that Schedule with a reference to the new *Radiocommunications (UHF CB Radio Equipment) Standard 2011 (No.1)*.

On providing the above extracted material that I became aware of on 27th May 2011 via a email alert www.comlaw.gov.au, the detail contained within the notes are worthy of further consideration. However, the penalties in place for "non-emergency" traffic on the CBRS UHF

emergency channels are interesting but the Authority's position re enforcing these - is another issue.

As a person who has an interest in emergency communications within the CBRS, I would mention via this submission where some 3 or 4 years ago, due to "deliberate" interference being caused to a Emergency Repeater in Brisbane, a emergency monitor was unable to receive vital information to assist Queensland's Emergency Services and because of this, a motorist's life was lost on a major road within the Federal electorate of Longman.

Emergency channels, 5/35 and three other repeaters were used to provide information relation to Severe Weather warnings, road closures and what alternative (road) routes were available. Weather updates were also provided leading up to the major floods in Brisbane, the Sunshine Coast area and out to at least Gatton, east of Toowoomba Qld. Currently the coverage provided by various repeaters from the Sunshine Coast across to Toowoomba and to the south of Brisbane/Gold Coast area is excellent but there is room for improvement in the operation of various emergency repeaters such as the BNE-5 Brisbane. If one was to consider the massive amount-of-repeaters currently licenced by the ACMA on a national level, at a future time, consideration should be given to the "linking" of various emergency repeaters which could provide a valuable service.

Whilst we know that the Australian Trucking Industry uses UHF CB as part of their every day operation, where the same is in place for many thousands of Australian businesses, at present, there's no information available, which provides us with an exact picture of how many Australians are using UHF CB radio equipment. Many operators appreciated the service provided (with the Brisbane/Sunshineduring this period.

However, not one person knew how severe Mother Nature would "impact" on those who lived south of Gympie across to Toowoomba, down to Warwick and to the Gold Coast. As a emergency monitor, I was kept extremely busy taking calls from other radio operators who were desperate to have road information – wanting to get home and what Weather warnings were in place.

Via another source, I received all weather warnings issued by the Weather Bureau (this was across last Summer) and to which these updates/warnings were broadcasted across various CBRS UHF repeaters here in Brisbane and the Sunshine Coast. In the Federal electorate of Longman, it wasn't hard to get a picture of how bad things were getting and one radio operator asked for information on where to go considering the local river was rising fast and personally, I sensed some panic in her voice.

I knew how busy the Queensland Fire and Rescue Service's Brisbane's FIRECOM – communications centre was as I had to activate assistance for a operator who along with a couple of his mates, heard a motorist calling for help. Although this was along the Bruce Highway to the north of Brisbane, a motorist was stuck in a creek with water rising quickly. Although this incident had a successful outcome, I placed a second 000 call to the QFRS Communications centre and where a operator advised me - that my call hadn't been activated because no units were available. From this, it wasn't hard to work out how bad things were becoming.

I would also draw the Committee's attention to the following. I am aware of the Queensland Emergency Services –Queensland Police Service, Queensland Fire and Rescue Service having as a back-up radio band-plan all 40 channels available within the CBRS.

During the Brisbane Floods, I was aware of the Police using some of these channels around the Brisbane area due to problems with their own network. I would also mention that the Royal Flying Doctor Service RFDS are known to use channels 5 and 35 in establishing air-to-ground communications with various units of the Queensland Ambulance Service QAS through the Burnett district and including some parts of SW Queensland – at some times.

On providing this picture, emergency and other repeaters do provide a valuable service during emergencies and even the Sunshine Coast police have at times, used UHF CB radio, where they've communicated with some truckies along the Bruce Highway during road accidents. In providing this picture, the ACMA is slowly realizing that things have to change and the Authority is now looking at "some" changes to the operation of the CBRS. What is frustrating is that "non-emergency" traffic remains an issue even though, more has to be undertaken by the Authority but, not across the stated period where existing radios will have to be replaced by 2017. This relates to operators within the CBRS having to either modify existing radios or the purchasing of new equipment.

Unfortunately, 99.9 percent of users of UHF CB radios don't know of what the Authority has planned for them via the "splitting" of existing channels thus allowing an additional 40 channels to be used. Secondly, the Authority is planning via changes to specifications, the possibility of automatic I.D and the G.P.S fitted to new radios. These will be welcomed but the UHF CB emergency channels remain at risk. Interference to the emergency channels also took place leading up to the Brisbane floods where "non-emergency" traffic took place. Interference also takes place when Severe Weather warning information is relayed via various repeaters in those stated areas. It should also be noted that there are operators who appreciate the broadcasting of weather information

Although it isn't compulsory for weather information to be relayed, I draw attention to part of the Authority's Media Release dated 2nd April 2009. As a person who still has a interest in the operation of the VHF Marine channels, they too, are in serious trouble and a growing risk to the operation of the International Distress Channel 16 from "mis-use.

ACMA calling on boat owners to double check they are equipped to operate VHF marine radios

The Australian Communications and Media Authority is calling on boat owners and users to double check that they hold a certificate of proficiency to operate their VHF marine radio.

VHF marine radios provide a valuable means of keeping in contact with other vessels and coast stations, particularly at times when the weather changes or when assistance is needed.

The number of vessels on Australian waterways is increasing. The proportion of boats that are fitted with marine radios is also increasing as more competitively priced equipment has led to an increase in the use of radios on boats and other craft.

The Authority saw submissions lodged to various Discussion Papers relating to its Reviews of both the VHF Marine and UHF CB Services. The parts provided in blue lettering are to all submissions and links behind this. Of importance are two submissions in red lettering and are worthy of some consideration. From reading through those submissions along with others to the various discussion papers to the Authority's reviews of the UHF Waveband, the VHF marine channels, the requirement to hold an operator's licence/certificate including the changes to the UHF CBRS, the ACMA is being allowed to do what it wants.