



Australian Government
**Department of Industry,
Innovation and Science**

The Project Manager
Spectrum Reform
Department of Communications and the Arts
GPO Box 2154
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By email to spectrumreform@communications.gov.au

Dear Sir/Madam

Exposure Draft of the *Radiocommunications Bill 2017*

Thank you for the opportunity to provide comment on the two part consultation package on spectrum reform including:

1. an exposure draft of the *Radiocommunications Bill 2017*; and
2. consultation papers on spectrum pricing and Commonwealth held spectrum.

This submission, from the Department of Industry, Innovation and Science (the department), is a joint submission from the Australian Square Kilometre Array Office, which focuses on the exposure draft of the *Radiocommunications Bill 2017*, and the department's Civil Space area.

We note that the department provided a submission on the spectrum reform legislative proposals consultation package in April 2016.

SQUARE KILOMETRE ARRAY

The Australian Square Kilometre Array Office (ASKAO) would like to provide comments in relation to the spectrum and radiocommunications legislation and policies which provide interference protection for radio astronomy and govern the Australian Radio Quiet Zone, Western Australia (ARQZWA). This area is currently home to a number of radio telescope instruments within the Murchison Radio-astronomy Observatory (MRO).

In addition, the Australian Government has a policy of working with a number of partner countries to locate part of the future Square Kilometre Array (SKA) Observatory at the MRO. The SKA telescope will be the world's largest and most capable radio telescope and is expected to operate for 60 or more years. An important part of the Government's hosting policy is to maintain the current radio-quiet protection of the MRO. Furthermore, the Australian Government submitted a bid to host the SKA telescope on the basis of providing robust regulatory protection of the MRO. We anticipate that the Government will become signatory to the SKA Convention, an international treaty, and will sign a hosting agreement with the SKA Observatory intergovernmental organisation that will establish obligations under international law in respect of protecting radio-quietness at the MRO.

The Commonwealth measures which provide interference protection for radio astronomy and govern the ARQZWA include:

- Australian Radiofrequency Spectrum Plan 2017, made by the Australian Communications and Media Authority (ACMA), under section 30 of the *Radiocommunications Act 1992*;
- Radiocommunications (Mid-West Radio Quiet Zone) Frequency Band Plan 2011, made by the ACMA, under section 32 of the *Radiocommunications Act 1992*;
- Radiocommunications Assignment and Licensing Instruction MS 32 (RALI), issued by the ACMA; and
- conditions applied to spectrum licences and class licences, issued by the ACMA under the *Radiocommunications Act 1992*.

These mechanisms provide essential radio-quiet coverage, not only for protection of current telescopes on the MRO, but to Australia's role in hosting the international SKA project. To ensure the Commonwealth's obligations to the international SKA project and operation of the current telescopes at the MRO are not compromised, the ASKAO requests that the current protections in place for radio astronomy within the ARQZWA continue under the new proposed legislation. In this regard, we understand that the transitional arrangements for the *Radiocommunications Bill 2017* are being developed and the department will be consulted again once the transitional arrangements are drafted.

Ministerial policy statements

We support the proposed approach of Ministerial policy statements to provide strategic direction for spectrum management, in conjunction with support for radio astronomy in the *Radiocommunications Bill 2017*. It appears appropriate that one of these statements refer to radio astronomy and the Australian Government's ongoing commitment to protect radio-quiet for national and international scientific projects. Policy statements that reflect wider government policies should be developed in collaboration with the relevant portfolio and Minister. In order to avoid duplication or inconsistencies, we would be supportive of Ministerial policy statements referring to existing policy agreements and the legislation.

Public and community purpose spectrum

We request that radio astronomy service is also recognised under the public or community purpose category. We suggest clarification could be captured in the accompanying Explanatory Memorandum to the Bill.

Licensing system

The department is supportive of the proposed single licensing system (for apparatus and spectrum licences) and retaining class licences as a separate category. We are also supportive of the proposal to provide stakeholders with certainty around the licence renewal process. Given the need for certainty for the SKA project and radio astronomy at the MRO, it is important that the conditions of the ARQZWA, as currently specified for apparatus, spectrum and class licences, continue to be included under the new licence categories.

Finally, the department also supports the Commonwealth Scientific and Industrial Research Organisation submissions, which outline technical issues for consideration, in relation to both the exposure draft and the consultation papers on spectrum pricing and Commonwealth held spectrum.

CIVIL SPACE

In relation to Civil Space, as you're aware, the department administers legislative arrangements for Australian civil space activities to ensure that these activities are undertaken in a manner consistent with Australia's national interests and meet Australia's international obligations. The department has

responsibility for informing Government policies that provide the right conditions for entrepreneurs and businesses to innovate and capitalise on their space-related activities.

In this capacity, we note that the reforms of the Space Activities Act 1998 (SAA) are consistent with the Australian Government's commitment to reducing the regulatory inhibitors on individuals, businesses and community organisations; adopting practices that minimise regulatory burden and maximise clarity and transparency. We recognise that the SAA is one element in a suite of legislative arrangements relevant to space activities. These include the *Radiocommunications Act 1992* (the Act), due (for example) to its regulation of communications with satellite networks.

While the Act addresses space communications, the SAA licensing framework addresses launches of space objects in Australia or by Australians overseas, as well as the return of space objects to Australia. The department will continue to work with the Department of Communications and the Arts to guard against inconsistency of arrangements as the reform of our respective legislation continues. The department supports changes to the Act which streamline arrangements for industry.

In addition, continuing the theme of whole of government collaboration, we support the establishment of a Government Spectrum Steering Committee.

We appreciate the opportunity to provide input to this consultation process.

Yours sincerely,



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