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Dear Sir/Madam

Spectrum Reform Legislative Proposals Consultation

Thank you for the opportunity to comment on the Legislative Proposals Consultation Paper for the Radiocommunications Bill 2016.

This submission from the Department of Industry, Innovation and Science focuses on space issues and is a joint submission from our Australian Square Kilometre Array Office and Civil Space area.

SKA

The Australian Square Kilometre Array Office (ASKAO) in the Department would like to provide comments on the Legislative Proposals Consultation Paper for the *Radiocommunications Bill 2016* in relation to the spectrum and radiocommunications legislation and policies which govern the Australian Radio Quiet Zone, Western Australia (ARQZWA). This area is currently home to a number of radio telescope instruments and is the future site of the Square Kilometre Array (SKA) in Australia.

Based on the consultation paper, there do not appear to be any proposals that will have a significant impact on radioastronomy. In drafting the Radiocommunication Bill 2016 the ASKAO asks that the revised Act maintains the ability to enable subordinate legislative instruments and does not change the conditions of the current protections for radio astronomy at the ARQZWA. The Department also supports the Commonwealth Scientific and Industrial Research Organisation's submission to the Consultation Paper which outlines technical issues for consideration when drafting the *Radiocommunications Bill 2016*.

The Commonwealth measures which currently govern the ARQZWA are the *Radiocommunications (Mid-West Radio Quiet Zone) Frequency Band Plan 2011* (Band Plan), the *Radiocommunications Assignment and Licensing Instruction MS 32* (RALI), conditions on relevant spectrum licences and conditions on relevant class licences, all of which are subordinate instruments to the *Radiocommunications Act 1992*.

Public purpose spectrum

We request that radio-astronomy is also included in the public or community purpose category. We do not expect it to be specially listed in the Objects of the Act however clarification could be captured in an accompanying Explanatory Note to the Act.

Ministerial policy statements

We support the proposed approach of Ministerial policy statements to provide strategic direction for spectrum management. 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 where appropriate, for example the inter-governmental *Memorandum of Understanding on the Radio Quiet Zone, WA*.

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 but not necessarily grant automatic renewal of licences. We suggest that the conditions of the ARQZWA, as currently specified for apparatus, spectrum and class licences, continue to be included under the new licence categories.

CIVIL SPACE

In relation to Civil Space, the department administers legislative arrangements for Australian civil space activities to ensure that these activities do not jeopardise national interests and certain international obligations in space; and 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 our review of the Space Activities Act 1998 (SAA). In particular, 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. This could involve collaborating across government in areas of joint or overlapping responsibility. 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 to and/or from satellite networks. The Act applies to foreign space objects in the circumstances specified in a determination by the ACMA and to Australian space objects.

By contrast, the SAA licensing framework includes launches of space objects in Australia or by Australians overseas, as well as the return of space objects to Australia. While the Act and SAA address what may be different aspects of the same project, 'space object' is defined differently in each of the Acts. While the application of the Act is not flagged to change, we understand that language and drafting will be reviewed. Our respective reviews provide opportunity for us to collaborate and seek consistency on this point.

In addition, continuing the theme of whole of government collaboration, and building on SKA related comments, we note the proposal for Ministerial Policy Statements. We believe that whole of government consultation in relation to these is preferable. In particular, we would appreciate the opportunity for our Minister to comment on issues of relevance to commercial industry.

In addition, we would like to suggest that the Object of the Act reflect the whole of Government approach to supporting innovation and encouraging participation and investment by Australian industry. For example a new component to the Object of the Act which states the intention "to promote innovation and encourage Australian industry participation and investment in radiocommunications".

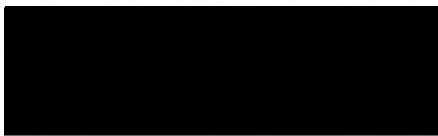
We note that (Part1.2 (3)(g)) currently encourages a regulatory environment that "maximises opportunities for the Australian communications industry in domestic and international markets". While we support maintaining this sentiment, we suggest going beyond reducing barriers, to enable industry by encouraging innovation.

We appreciate being involved in this process,

Yours sincerely,



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