



**Australian Government**

**Department of Industry, Science,  
Energy and Resources**

The Project Manager  
Spectrum Reform  
Department of Communications and the Arts  
GPO Box 2154  
CANBERRA ACT 2601

By email to [spectrumreform@communications.gov.au](mailto:spectrumreform@communications.gov.au)

Dear Sir/Madam

**Exposure Draft of Radiocommunications Legislation Amendment (Reform and Modernisation) Bill 2020**

Thank you for the opportunity to provide comment on the Radiocommunications Legislation Amendment (Reform and Modernisation) Bill 2020 consultation package. We note that the department provided submissions on the spectrum reform legislative proposals consultation packages in April 2016 and July 2017.

The Australian Square Kilometre Array Office (ASKAO) would like to reiterate the importance of spectrum and radiocommunications legislation and policies which provide radio frequency 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) and is the future site of the Square Kilometre Array (SKA) in Australia.

The Australian Government has become a signatory to the SKA Convention, an international treaty, that when ratified will establish the SKA Observatory – the intergovernmental organisation that will manage the construction and operation of the SKA. Under the Convention, Australia is a co-host of the SKA Observatory, and accordingly, the Government will also sign a hosting agreement with the SKA Observatory that will establish obligations in respect of radio-quiet protection at the MRO. The SKA telescope will be the world's largest and most capable radio telescope during its more than 50 year lifetime. An important part of the Government's hosting policy is to maintain the current radio-quiet protection of the MRO. Furthermore, the Australian Government won the right to host the SKA telescope on the basis of providing robust regulatory protection of the MRO.

The Commonwealth measures which provide radio frequency 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*;

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- 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 SKA Observatory and operation of the current telescopes at the MRO are not compromised, the ASKAO considers it is important that the current protections in place for radio astronomy within the ARQZWA continue under the new proposed legislation.

*Ministerial policy statements*

We support the proposed approach of Ministerial policy statements to provide strategic direction for spectrum management. Policy statements that reflect wider government policies should be developed in collaboration with the relevant portfolios. We would be supportive of Ministerial policy statements referring to existing policy agreements and the legislation mentioned above.

*Annual work program*

The proposed establishment of an annual work program, in consultation with the Minister and relevant portfolios, would provide for transparency. To ensure certainty, we request that radio astronomy and the Australian Government's ongoing commitment to protect radio-quiet for national and international scientific projects is considered by the ACMA and the Minister before finalising the annual work program.

*Non-commercial purposes*

We request that radio astronomy is recognised under the non-commercial purposes category in Section 3 of the Act. We suggest clarification could be captured in the accompanying Explanatory Memorandum to the Bill.

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

Yours sincerely,



David Luchetti  
Project Director  
Australian SKA Office

17 July 2020