

8 September 2014



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Dear Alexandra

**Re: Radiocommunications Space Objects Determinations Consultation paper**

Communications Alliance welcomes the opportunity to provide our response to the ACMA consultation on the *Automatic sunset of legislative instruments—Proposal to remake Radiocommunications (Australian Space Objects) Determination 2000 and Radiocommunications (Foreign Space Objects) Determination 2000*. Generally, the Satellite Services Working Group (SSWG) agrees with the overall mechanism and the structure of the arrangements and the approach being taken in the remaking of the two Determinations.

In providing the following comments, the members of the SSWG acknowledge that the ACMA is currently in the process of reviewing a number of legislative instruments that are due to sunset in 2015. The consultation paper states that a preliminary view has been formed that these instruments are operating effectively and efficiently under the existing legislative framework and that the ACMA proposes to remake these instruments prior to the sunset dates without significant changes.

**Changes to the Determinations**

The SSWG agrees that there is an immediate need to update the list of Australian space objects in section 4 of the *Australian Space Objects Determination* and the list of owners, controllers and operators in Schedules 1 and 3 of the *Foreign Space Objects Determination* to reflect the current commercial environment. It is understood that due to time constraints in having the Determinations remade by 1 April (for Australian Space Objects) and 1 October (for Foreign Space Objects), the ACMA is looking at what amounts to a clerical amendment of the two documents to make them current. The SSWG believes that there is an opportunity to broaden its approach and would like to suggest that the ACMA take the following into consideration when undertaking the redrafting of these two Determinations:

- the two Determinations differ quite considerably in their structure as they were developed at different times under different regimes and there would be benefit from structural alignment.
- it would be desirable to separate out the lists of companies from the Determinations and locate them in readily updatable registers to avoid the current situation of having a lack of flexibility with adjusting subordinate

instruments that can become rapidly out-of-date. Although the SSWG acknowledges that current arrangements have not introduced any substantive impost to industry, as the ACMA has provided the flexibility to work around issues as they arise, the current arrangements do introduce process delays which could be avoided with a more easily manageable approach.

With respect to updating the list of owners, controllers and operators, the SSWG understands that industry members will separately take the opportunity to provide directly to the ACMA the appropriate updated information.

### **Fee schedule**

The SSWG would like to take the opportunity to raise the broader issue of the implementation of fees for space object class licencing. Although the SSWG agrees with the space object class licencing arrangements, it sees the fee schedule as a fairly blunt instrument. Members are aware of overseas customers who have complained at the complexities of the Australia arrangements, specifically relating to the need to accommodate short term usage of services using low volumes of earth stations (e.g. for satellite newsgathering). Operators may have clients who want an 'occasional use' service on an itinerant basis and this is not catered for in the current fee schedules which only provide for Australia-wide licences.

The SSWG suggests that comparisons could be undertaken with other countries, particularly those in Asia, which have more streamlined processes to deal with occasional use needs such as in the case of natural disasters and humanitarian crises. Target markets can be impacted which can effect NGOs, the Department of Defence and other commercial sectors.

The SSWG recommends that further down the track as a flow-on for the ACMA to take on board consideration of the fee schedule to accommodate these and other different types of services. The SSWG notes that members of the industry would like to take this opportunity to take up more refined details of the licencing arrangements with the ACMA in order to come to a more reasonable fee scheduling for particular types of services.

If you have any further questions with regard to the points raised in this submission please contact Mike Johns on (02) 9959 9125.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Stanton', written in a cursive style.

John Stanton  
**Chief Executive Officer**

