

Mr Jason Lange
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Department of the Prime Minister and Cabinet
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ACMA file reference: ACMA2014/890-175

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Dear Mr Lange

Certification of independent review: Review of 3.4 GHz spectrum licence unwanted emission limits

I am writing to certify that the consultation undertaken for the review of unwanted emission limits for 3.4 GHz band spectrum licences (referred to as the “proposed changes”) has undertaken a process and analysis equivalent to a Regulation Impact Statement (RIS).

The relevant documents that formed the consultation are provided in Attachments A and B. They include:

- Attachment A: The *3.4 GHz spectrum licence technical framework: Review of the unwanted emission boundary paper* (the Review paper), which was released for public consultation from 13 February to 13 March 2020 (the Review paper) and
- Attachment B: The *3.4 GHz spectrum licence technical framework: Review of the unwanted emission boundary outcomes paper* (the Outcomes paper) which is planned for release in May 2020.

I certify that the documents at Attachment A and B adequately address all seven RIS questions, and are submitted to the Office of Best Practice Regulation for the purposes of a final policy decision.

I am satisfied that the scope of the problem and the recommendations identified in the certified review are substantially the same as the identified problem and recommendations in the policy proposal.

I further certify that fewer than three policy options are examined because of the nature of the issue investigated. The proposed changes relate to the unwanted emission limits that are currently contained on 3.4 GHz band spectrum licences. These limits form one of the core conditions that must be included on a spectrum licence as stated in subsection 66 (1) of the

Radiocommunications Act 1992 (the Act). Consequently, the only method available to implement the proposed changes is to vary the licences via agreement with licensees under section 72 of the Act.

The regulatory burden to business, community organisations or individuals is quantified using the Australian Government's Regulatory Burden Measurement framework and is provided below.

I note that the implementation of this proposal will not increase the regulatory burden. No offset measure has been identified due to the requirement under the Act to specify unwanted emission limits on spectrum licences. However, the Australian Communications and Media Authority notes that adopting the proposed changes would remove the delays some 3.4 GHz band spectrum licensees face in adopting new technologies. This is because they have to wait months (up to a year) for equipment to be modified for the Australian market. In addition to this, pending future decisions made from the current review of the 3700-4200 MHz band to extend spectrum licence arrangements above 3700 MHz, there is also potential for \$30-75 million in savings to 3.4 GHz band spectrum licensees. This is because licensees would be able to use existing equipment rather than replacing it to extend operation above 3700 MHz.

Regulatory burden estimate table

Average annual regulatory costs (from business as usual)

Change in costs (\$ million)	Business	Community organisations	Individuals	Total change in costs
Total, by sector	\$0	\$0	\$0	\$0

Accordingly, I am satisfied that the attached report is consistent with the *Australian Government Guide to Regulatory Impact Analysis*.

Yours sincerely



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21/5/20

Attachments:

- Attachment A The Review paper
- Attachment B The Outcomes paper