Unspecified services
Subsection 10(10) of the Australian Radiofrequency Spectrum Plan 2017

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Introduction

Subsection 10 (10) of the Australian Radiofrequency Spectrum Plan 2017 (ARSP) allows the ACMA to approve the operation of an unspecified service in a frequency band in certain circumstances. The ARSP provides that an unspecified service is a service that is not allocated to a frequency band in the ARSP. Subsection 10 (10) of the ARSP reads as follows:

A frequency band may be used for an unspecified service if, prior to that use, the ACMA, being satisfied that the unspecified service is unlikely to cause harmful interference to another service, has approved the unspecified service in writing and given notice of that approval on its website.

This document sets out the ACMA's current policy for considering requests concerning the operation of unspecified services.
Policy for considering requests

Key principles
As part of its consideration of whether a frequency band may be used for an unspecified service under subsection 10 (10) of the ARSP, the ACMA will take into account relevant matters including:

> the potential impact on, and interference to, existing assignments, and existing services in general;
> whether special conditions could or should be imposed upon licences issued in the unspecified service to mitigate potential adverse impacts on existing services;
> the potential impact on future assignments;
> whether the service will constitute an efficient and effective use of spectrum;
> the views of potentially affected licensees;
> whether there may be other ways to accommodate the proposed service;
> the public interest or benefit in facilitating the operation of the proposed service.

Envisaged applications
The intent of subsection 10 (10) of the ARSP is to accommodate situations where a new technology or application arises that was unforeseen at the time of making the ARSP. In cases where a proposed new use of the spectrum arises, and the ACMA considers it to be an appropriate, useful and beneficial use of the spectrum which will be able to operate alongside any existing services, subsection 10 (10) may be used to allow its operation even where the ARSP does not explicitly allocate an appropriate frequency band.

Interference considerations
Before exercising its power under subsection 10(10) of the ARSP, the ACMA must be satisfied that the unspecified service is unlikely to cause harmful interference to another service. Depending on the mode of operation of the new service, the types of services currently operating in the band, and the relative locations of the new and existing services, determining whether the operation of the proposed unspecified service will cause harmful interference to existing services would involve, where applicable (for example where there are pre-existing licences in place), consultation with potentially affected stakeholders, public consultation and analysis of relevant data.

Coordinating specified and unspecified services
The ACMA may apply any conditions it sees fit to licences that are issued pursuant to a decision made under subsection 10(10) in order to protect other assignments and services. These conditions may be imposed to protect current and/or future assignments. Conversely, an assignment made to an unspecified service may be given protection from future assignments for specified services, if it is deemed appropriate to do so.
Note that when coordinating and licensing new assignments, either in specified or unspecified services, the ACMA has certain obligations under the Radiocommunications Act which must be met. Examples include sections 105 and 153P of the Act regarding protection of spectrum licensees.

Other considerations include understanding the spectrum planning framework. For example, in bands that support ubiquitous services, often these services are inherently protected by other services not being supported in the band. Examples of this are services operating under non-assigned licences, class licences supporting safety of life applications (e.g. emergency position-indicating radio beacons), radionavigation satellite services receivers (e.g. GPS) and cordless phones.

Prioritisation of consideration of requests

The task of investigating the suitability of a band for an unspecified service will need to be prioritised with regard to other work items, including those outlined in publications such as the Five Year Spectrum Outlook.

The consideration and potential subsequent approval of the use of a band for an unspecified service would not necessarily allow for licences to be assigned. As with other radiocommunications services, co-ordination procedures may need to be developed and licence categories and fees determined. Depending on the situation other factors may also need to be taken into consideration.

Other options

Subsection 10 (10) would not normally be used if another mechanism can be more appropriately relied upon to accommodate a new service. Other such mechanisms may include ‘scientific’ type apparatus licences, short term licences issued pursuant to section 104 of the Act, and section 9 of the ARSP which allows the use of unspecified services that comply with the requirements of a spectrum or class licence.

It is envisaged that in circumstances where an unspecified service has been successfully operating pursuant to a decision made under subsection 10 (10), the ACMA will consider making an allocation in the ARSP to the service in the relevant frequency bands during the next update of the ARSP.

Publication of unspecified services

It is a condition of subsection 10(10) of the ARSP that the ACMA give its approval of the unspecified service in writing and that notice of that approval be published on the ACMA’s website. Accordingly, a public record of any unspecified service that has been approved will be published on the ACMA’s website (www.acma.gov.au). This publicly available register would identify the unspecified service type, the frequency band(s) within which the service may operate, a description of the types of systems or devices allowed to operate within that service, and any restrictions or conditions that have been applied to the service.