



Submission in response
to ACMA consultation

**Proposal to remake
the PTS Licence
Condition
Determination and
the Cellular Mobile
Telecommunications
Devices Class
Licence**

December 2023

OPTUS RESPONSE TO ACMA CONSULTATION

1. Optus welcomes the opportunity to provide feedback to the Australian Communication and Media Authority's (ACMA) consultation paper *Automatic Sunset of legislative instrument: Proposal to remake the Public Telecommunications Services Licence Condition Determination and the Cellular Mobile Telecommunications Devices Class Licence – Consultation paper – October 2023* (the Consultation paper).
2. The ACMA proposes to remake both these instruments which are due to sunset – the PTS Licence Condition Determination (LCD) on 1 April 2024 and the CTMD Class Licence on 1 April 2025. The ACMA is now seeking feedback on proposed changes to the draft new PTS LCD and CTMD Class Licence as well as the *Radiocommunications (Register of Radiocommunications Licences) Amendment Determination 2014 (No. 1)* (the draft RRL Amendment Determination 2024).
3. Optus supports the remaking of the instruments and is generally comfortable with the proposed amendments. We understand the ACMA's main intention appears to be to update the instruments to reflect regulatory developments and to promote consistency in terminology and interpretation. While Optus supports this objective, we note that certain proposals warrant further explanation in order for licence holders to fully understand the implications of any changes for their substantive licence rights and obligations before drafting is finalised. For example, Optus would welcome clarification of:
 - (a) How the proposed provisions to avoid the "unintended impact of re-allocation declarations" would operate in practice. Optus would like to better understand how the ACMA will ensure that proposed condition 12 and 13 of the PTS LCD, which purport to prohibit the operation of low power base stations and repeaters within the declared area, will be enforced, particularly given that low power stations and repeaters operated under a PTS licence do not need to be registered on the RRL.
 - (b) The ACMA's proposed approach to arrangements for PMTS Class C licences in the PTS LCD – we note that any removal of the arrangements for PMTS Class C from the PTS LCD (should the ACMA do so) would appear inconsistent with maintaining the existing PMTS Class C licence. Without further explanation, Optus considers that the arrangements for the PMTS Class C licence should be maintained via the PTS LCD or otherwise.
 - (c) On the understanding that the ACMA does not intend to issue further PMTS Class C Licences, Optus would also appreciate clarification on whether the ACMA intends to authorise stations and devices that may currently be authorised under a PMTS Class C licence to be authorised under a PMTS Class B licence in the future. Furthermore, Optus seeks confirmation that any renewal of the existing PMTS Class C would include the same conditions.
 - (d) Whether the proposed significant increase in power contemplated by amendments to special condition 17 is intentional and if so, what the justification for such an increase is.
4. Optus refers the ACMA to the submission from the Australian Mobile Telecommunications Association (AMTA) in relation to this matter. Optus supports the AMTA submission. Optus continues to consider that stakeholders would all benefit from further engagement to understand and implement the ACMA's proposed changes, either through a Technical Liaison Group (TLG) or a Spectrum Tune-Up.