

# **Wireless audio transmitters in the digital dividend frequencies— technical changes affecting some supply arrangements**

Discussion paper

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# Summary

Recent changes made by the ACMA to the [Radiocommunications \(Low Interference Potential Devices\) Class Licence 2000](#) (the LIPD Class Licence) have excluded the 694–820 MHz frequency range from the range of frequencies authorised under the LIPD Class Licence for the use of wireless audio transmitters (wireless microphones and in-ear monitoring systems), with effect from 31 December 2014.

The proposals outlined in this paper are part of the ACMA's strategy to support the transition of wireless audio transmitters from the 694–820 MHz frequency range.

The [Radiocommunications \(Short Range Devices\) Standard 2004](#) (the SRD Standard) is the ACMA mandatory standard applicable to wireless audio transmitters. It adopts the technical requirements of the Technical Standard AS/NZS 4268 (the Technical Standard), made by Standards Australia (SA). The Technical Standard specifies minimum performance requirements for short-range devices, including devices operated under the LIPD Class Licence. The ACMA has approached SA with a request that it amend the Technical Standard to reflect the changes to the LIPD Class Licence. When the Technical Standard is amended to specify the revised permitted operating frequency range (that is, excluding the 694–820 MHz frequency range) for wireless audio transmitter use, the amendment will automatically be picked up by the SRD Standard.

The SRD Standard currently provides for a 12-month 'grandfathering' period, for compliance with an amended standard. This means that a short-range device, manufactured, imported, altered or modified within 12 months of the Technical Standard being amended, is taken to meet the standard for performance, if it complies with the standard in force before the amendment or replacement.

The ACMA is proposing that the grandfathering period for compliance with the amended SRD Standard be reduced from 12 months to three months for wireless audio transmitters operating in the 694–820 MHz frequency range.

The ACMA is also proposing an amendment to the [Radiocommunications Devices \(Compliance Labelling\) Notice 2003](#) (the Labelling Notice). This will require importers and manufacturers of wireless audio transmitters operating in the 694–820 MHz frequency range, to incorporate into instructions or documentation accompanying a transmitter, a brief written statement regarding the limits on use of wireless audio transmitters in this frequency range after 31 December 2014.

Interested parties are invited to comment on the proposed changes to the Labelling Notice and SRD Standard and to identify any additional matters that may require clarification or amendment.

# Background

The introduction of digital television and the switch-off of analog television in Australia have reduced the amount of radiofrequency spectrum required to support broadcast television services. The newly available spectrum is referred to as the ‘digital dividend’.

Wireless audio transmitters currently operate in channels that are unused by analog TV services within the 520–820 MHz frequency range. They are widely used by the entertainment industry, major event organisers and community groups. Applications of wireless audio transmitters include wireless microphones and in-ear monitoring systems used in public address systems and stage performance venues where mobility requirements make it inconvenient or unsafe to use a wired system.

In November 2011, the Minister for Broadband, Communications and the Digital Economy (the minister) made a spectrum [reallocation instrument](#) declaring that the digital dividend was to be reallocated by issuing spectrum licences. Auctioning the digital dividend commenced in April 2013 and the [auction results](#) were announced on 7 May 2013.

Clearance of the digital dividend (that is, the frequency range 694–820 MHz) is required by 31 December 2014 and includes clearance of wireless audio transmitters operating in those frequencies. The digital dividend spectrum is to be cleared to support new high-speed mobile broadband (4G) services across Australia. Wireless audio transmitters cannot co-exist with these new services.

The proposals in this paper support the transition of wireless audio transmitters from the 694–820 MHz frequency range by 31 December 2014. The proposals respond to concerns raised by industry stakeholders that wireless audio transmitters that cannot be used after 31 December 2014 may continue to be available in the Australian market up until that date. The proposed amendments will have the effect of increasing awareness among suppliers and users about the transition of wireless audio transmitters from the 694–820 MHz frequency range.

The ACMA has been consulting representatives of wireless audio system suppliers on the impact of these changes since the [announcement](#) of the digital dividend by the minister in 2010. The proposals outlined in this discussion paper are part of a range of awareness-raising activities that the ACMA is undertaking to support the transition of wireless audio transmitters from the digital dividend.

The ACMA encourages industry to continue its constructive engagement during the transition to the new arrangements and to utilise information available on the ACMA and Department of Broadband, Communications and Digital Economy (DBCDE) websites. This includes:

- > information on the digital dividend
- > information on frequency availability after the restack of digital television, including:
  - > on the [ACMA website](#)—an indicative channel chart for the restack of digital television and information on the channels that will be used post-restack and, consequently, the channels that will be unused by area
  - > on the DBCDE website—the restack timetable and the [mySwitch](#) website, which provides television coverage area maps<sup>1</sup>

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<sup>1</sup> These combined resources provide sufficient information to determine spectrum availability for wireless audio transmitter use on an area-by-area basis.

- > information on the class licence changes and future planning for wireless microphones
- > presentations at a workshop on wireless microphones held by the ACMA on 7 December 2012.

# Regulatory context

## Licensing

The *Radiocommunications Act 1992* (the Radiocommunications Act) requires that the operation, or possession for the purposes of operation, of a radiocommunications device be authorised by a radiocommunications licence.<sup>2</sup>

Wireless audio transmitters are authorised by the LIPD Class Licence on the condition that no interference is caused to other radiocommunications services, and no protection is provided from interference.<sup>3</sup>

Amendments to the LIPD Class Licence that took effect on 1 May 2013 have introduced a 'sunset' clause for the operation of wireless audio transmitters in the 694–820 MHz frequency range. The frequency range 520–820 MHz is available for wireless audio transmitter use until 31 December 2014. After that date the 694–820 MHz frequency range will no longer be available for wireless audio transmitter use.<sup>4</sup>

## Labelling and standards

Subsection 182(1) of the Radiocommunications Act provides that the ACMA may, by notice, require any person who manufactures or imports a device included in a specified class of devices, to apply a label to the device to indicate whether the device meets the requirements of the standard specified in the notice and/or, if the device is a radiocommunications device, whether the device complies with the class licence specified in the notice.

The Labelling Notice is made under subsection 182(1) of the Radiocommunications Act and specifies that devices that are manufactured or imported into Australia for supply, and to which an applicable standard applies, are devices to which a label must be applied. Because wireless audio transmitters are covered by the SRD Standard, these transmitters are within the class of devices specified for the purposes of the Labelling Notice.

The Labelling Notice requires the manufacturer or importer of a device, that is manufactured or imported into Australia for supply, and to which an applicable standard applies, to ensure the device meets specified labelling requirements (C-Tick or RCM) and holds appropriate documentation.<sup>5</sup>

The mandatory standard applicable to wireless audio transmitters is the SRD Standard. The SRD Standard adopts the requirements of the Technical Standard,

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<sup>2</sup> Section 46 and section 47 of the Radiocommunications Act.

<sup>3</sup> Class licences set out the conditions under which any person is permitted to operate devices to which the class licence is applicable. Class licences are not issued to an individual user and do not involve the payment of licence fees.

<sup>4</sup> It is expected that the 520–694 MHz range will continue to be used by television after December 2014, and that wireless audio equipment will continue to operate in this range under similar arrangements to the current LIPD Class Licence. The specific arrangements of channels which will be used by digital television after the restack is still under consideration and may not be the same as those that will be available following the digital switchover. The new item 22C in the LIPD Class Licence also authorises the operation of wireless audio transmitters in the frequency range 1790–1800 MHz.

<sup>5</sup> The C-Tick and RCM are compliance marks indicating compliance with applicable ACMA standards. From 1 March 2013, the C-Tick will be phased out over three years and the RCM will become the consolidated compliance mark to indicate compliance with ACMA requirements.

which currently specifies the 520–820 MHz frequency range as the permitted operating frequency range for wireless audio transmitters.<sup>6</sup>

Subsection 7(1) of the SRD Standard currently provides that if a short-range device is manufactured, imported, altered or modified within one year after the standard for performance is amended or replaced, the device is taken to meet the standard for performance if it meets the standard as in force immediately before the amendment or replacement.

The Radiocommunications Act prohibits the possession for the purposes of operation, and the supply of, a non-standard device.<sup>7</sup> A non-standard device is a device that does not comply with a standard that was applicable to it when it was manufactured or imported or altered in a material way.<sup>8</sup>

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<sup>6</sup> Section 6 of the SRD Standard states the standard for performance is the standard set out in AS/NZS 4268.

<sup>7</sup> Section 160 of the Radiocommunications Act provides that a person must not supply a device that the person knows to be a non-standard device. Section 158 of the Act provides that a person must not possess for the purpose of operation, a device that the person knows is a non-standard device.

<sup>8</sup> Subsection 9(2) of the Radiocommunications Act.

# Proposed regulatory changes

Following amendments to the LIPD Class Licence, wireless audio transmitters will not be licensed for use within the 694–820 MHz frequency range after 31 December 2014.

As a consequence, the ACMA has approached SA with a request that it amend the Technical Standard so that the frequency ranges for the operation of wireless audio transmitters specified under the Technical Standard are consistent with the LIPD Class Licence. The amendment is expected to occur before the end of 2013.

The requirements for short-range devices specified in the Technical Standard are, in turn, reflected in the SRD Standard. The amendment to the Technical Standard will therefore be picked up by the mandatory SRD Standard.

## Amendment of the SRD Standard

The ACMA is proposing to amend the SRD Standard to limit the grandfathering period in subsection 7(1) of the SRD Standard to three months for wireless audio transmitters operating in the 694–820 MHz frequency range.

The effect of the grandfathering period currently provided in the SRD Standard is that wireless audio transmitters that are manufactured in, or imported into Australia, within 12 months of the Technical Standard being amended, would meet the standard for performance if they comply with the current Technical Standard, which includes the 694–820 MHz frequency range in the permitted range of frequencies for the operation of wireless audio transmitters.

Wireless audio transmitters operating in the 694–820 MHz frequency range could therefore continue to be lawfully manufactured in and imported into Australia up until one year after the existing Technical Standard is amended. An assumption is that the amended Technical Standard will be published in the October 2013. This would mean that wireless audio transmitters operating in the 694–820 MHz frequency range would continue to be available for purchase in the Australian market until October 2014. At the same time, they would be prohibited from being operated in those frequencies from 1 January 2015, due to the changes to the LIPD Class Licence.

The ACMA considers that when the changes to the Technical Standard (and consequently to the SRD Standard) amending the range of frequencies permitted for the operation of wireless audio devices are made, a shorter period within which importers and manufacturers of such devices must comply with the amended SRD Standard, is appropriate.

By limiting the period during which such devices may be available for purchase, a shorter transition period minimises the possibility of consumers purchasing wireless audio transmitters that cannot be lawfully operated in the 694–820 MHz frequency range after 31 December 2014.

The changing use of the 694–820 MHz frequency range has been foreshadowed in several discussion papers released by the ACMA since 2011. Industry groups, including the Australian Wireless Audio Group (AWAG), have actively participated in the digital dividend planning process.

The [consultation](#) on the intended amendment to the LIPD Class Licence in 2012 also provided an early notification to wireless microphone users and suppliers that the

permitted frequency range for wireless audio transmitters is to change on 31 December 2014.

As the transition of wireless audio transmitters from the 694–820 MHz frequency range has been foreshadowed for a while now, the proposed three-month grandfathering period is considered sufficient for manufacturers and importers of wireless audio transmitters to manage the transition to the amended SRD Standard.

**Q1.** The ACMA invites feedback on the proposal to reduce the period for compliance with the updated Technical Standard by relevant wireless audio transmitters from the current period of 12 months provided in the SRD Standard to three months.

## **Amendment to the Labelling Notice**

The ACMA is proposing to amend the Labelling Notice to require importers and manufacturers of the relevant wireless audio transmitters to include with the instructions or documents that accompany the device, a brief written statement to the effect that wireless audio transmitters cannot be operated in the 694–820 MHz frequency range after 31 December 2014.

The proposal is part of a range of awareness-raising initiatives by the ACMA about changes to the licensing arrangements and the date after which wireless audio devices operating in the 694–820 MHz frequency range will not be licensed for use.

The proposed changes will only apply to wireless audio transmitters that have not been labelled with the C-Tick or RCM prior to the date on which the amendments to the Labelling Notice take effect.

Suppliers will not be required to change their compliance labelling practices. They can continue to use existing labels on wireless audio transmitters, provided they also include the applicable additional information in instructions or documents that accompany the relevant wireless audio transmitters.

The proposed amendment to the Labelling Notice is a consumer protection measure focussed on ensuring that consumers are aware that if they purchase such a device, it will be of limited utility.

**Q2.** The ACMA invites feedback on the proposed requirement that importers and manufacturers of wireless audio transmitters operating in the 694–820 MHz frequency range provide, in instructions or documents that accompany the devices, a written statement about limitations on their use after 31 December 2014.

# Invitation to comment

## Making a submission

The ACMA welcomes submissions on the proposed amendments. Submissions should be made:

By email: [technicalregulations@acma.gov.au](mailto:technicalregulations@acma.gov.au)  
By mail: Australian Communications and Media Authority  
Technical Regulation Development Section  
PO Box 13112 Law Courts  
Melbourne Vic 8010

The closing date for submissions is by close of business 9 July 2013.

Submissions should also identify:

- > the name of the party making the submission
- > the organisation represented (if applicable)
- > contact details, including telephone number, postal and email address.

### Effective consultation

The ACMA encourages the participation of its stakeholders in the consultation process for its regulatory development activities. To assist stakeholders in formulating submissions to its formal written consultation processes, the ACMA has developed [Effective consultation: A guide to making a submission](#). This guide provides information about the ACMA's formal written public consultation processes and practical guidance on how to make a submission.

### Publication of submissions

In general, the ACMA publishes all submissions it receives. The ACMA will not publish a submission or part of a submission if the ACMA considers such material to be defamatory or otherwise unlawful or to be unsuitable for any other reason.

The ACMA prefers to receive submissions that are not claimed to be confidential. However, the ACMA accepts that a submitter may sometimes wish to provide information in confidence. In these circumstances, submitters are asked to identify the material over which confidentiality is claimed and provide a written explanation for the claim.

The ACMA will consider each confidentiality claim on a case-by-case basis. If the ACMA accepts a claim, it will not publish the confidential information unless authorised or required by law to do so.

### Release of submissions where authorised or required by law

Any submissions provided to the ACMA may be released under the *Freedom of Information Act 1982* (unless an exemption applies) or shared with other Commonwealth Government agencies or certain other bodies under Part 7A of the *Australian Communications and Media Authority Act 2005*. The ACMA may also be required to release submissions for other reasons including for the purpose of parliamentary processes or where otherwise required by law (for example, under a court subpoena). While the ACMA seeks to consult submitters of confidential information before that information is provided to another party, the ACMA cannot guarantee that confidential information will not be released through these or other legal means.