

## Proposed variation to radiocommunications class licence

ACMA is proposing to vary the *Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence 2002* to remove the need to identify technical standards for mobile technology that might be employed under the licence in the future.

The variation should also remove any ambiguity that 3G radiocommunications devices and other future generations of digital telecommunications devices may operate under the Cellular Mobile Class Licence.

Under section 136 of the *Radiocommunications Act 1992*, ACMA is calling for comment on the preferred variation by 26 May 2008.

The variation maintains the integrity of the mobile telecommunication networks while ensuring that the radiocommunications licensing requirements are

consistent with the telecommunications standard provisions. The proposed variation also ensures that 3G radiocommunications devices are treated consistently, irrespective of the licensing regime.

At present, the technical standards mentioned in the Cellular Mobile Class Licence apply only to AMPS and GSM equipment, although this does not preclude the operation of 3G radiocommunications devices.

The proposed variation replaces the need to comply with technical standards with the requirement that devices must comply with each applicable provision

of a notice made under subsection 407(1) of the *Telecommunications Act 1997*.

A notice of this kind requires a manufacturer or importer of specified customer equipment, such as a mobile phone, to apply a label that indicates whether it meets the requirements of technical standards specified in the notice.

Further information is available on the ACMA website at <[www.acma.gov.au](http://www.acma.gov.au)> (go to About ACMA: News & media centre > Issues for comment > IFC 02/2008).

## INVESTIGATIONS breaches by **broadcasters**

### 2GLF breached licence condition

ACMA has found that the licensee of 2GLF, Liverpool-Green Valley Community Radio Cooperative Ltd, breached a condition of its licence by failing to encourage members of the community it serves to participate in the operation of the service, and in the selection and provision of programs.

Liverpool-Green Valley Community Radio Cooperative Ltd holds a community broadcasting licence to provide a radio service in the local government areas of Liverpool and Fairfield in Sydney's south-west.

ACMA's investigation found that while 2GLF provided details of the procedure for becoming a member of the station, there was no evidence to show how it encouraged the community to participate in the operations of the service. In addition, no details were given for how the station encouraged community participation in the selection and provision of programs.

The investigation did note some improvements had been made by the station, including the introduction of an automation system to record and time-shift some daytime programs to the overnight shift, additional

ethnic programming and two extra hours of sports programming.

The improvements were insufficient, however, to demonstrate the licensee's compliance with its obligations. ACMA has asked 2GLF to provide a report in July 2008 on the measures it has since taken to meet its licence obligations.

ACMA's investigation followed a complaint received on 13 October 2007 that 2GLF was not encouraging community participation in the operations and programming of the service. The complainant also alleged that the service was failing to represent its community interest in line with its licence conditions.

However, ACMA found that the licensee was meeting the requirements of this licence condition.

ACMA conducts various types of investigations under the *Broadcasting Services Act 1992* (the Act).

Investigations under Part 11 of the Act are conducted in response to complaints received by ACMA relating to:

- In the case of a licensed broadcaster, a possible breach of the Act, the regulations, a licence condition, a class licence or a code of practice.
- In the case of the ABC or SBS, a possible breach of a code of practice.

A copy of the investigation report is available on the ACMA website at <[www.acma.gov.au](http://www.acma.gov.au)> (go to About ACMA: Publications & research > Publications > Broadcasting publications > Investigations > Radio operations investigations > Radio operations – NSW community radio investigations).