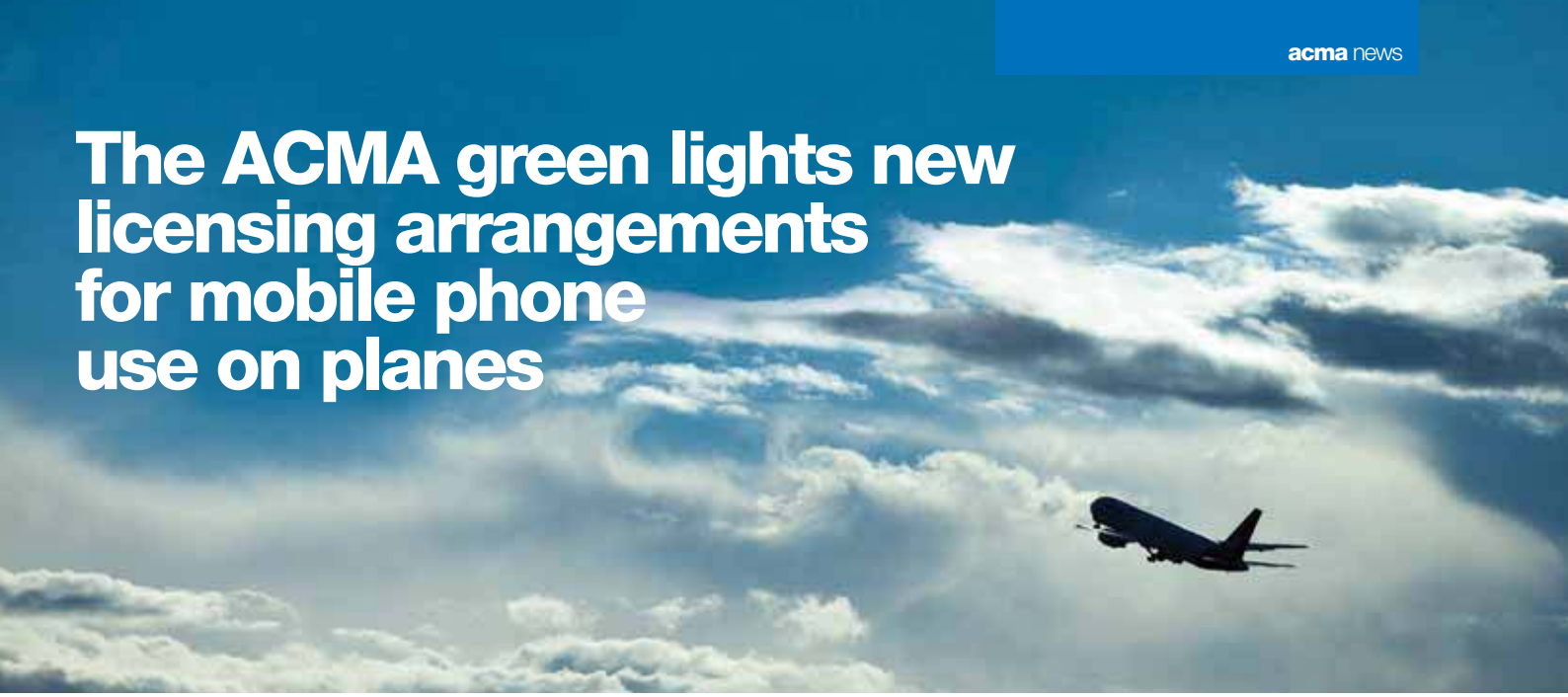
The ACMA green lights new licensing arrangements for mobile phone use on planes



New licensing arrangements have been established by the ACMA to allow the operation of mobile communication services on aircraft. The initiative follows the emergence of technology that allows safe mobile phone use on aircraft, together with strong industry interest in introducing the technology to the Australian market.

The ACMA has amended to five legislative instruments to:

- create a new public mobile telecommunications service (PMTS) apparatus licence type for onboard systems
- set in place a charging regime for the new apparatus licence type
- amend a class licence to allow in-flight operation of mobile devices on aircraft.

The technology, which is used extensively in several overseas jurisdictions, consists of an onboard system that acts as a base station on the aircraft. The system facilitates mobile communication services via a backhaul link (commonly a satellite link) which connects with the terrestrial mobile network. A separate component of the system prevents onboard mobile devices from causing harmful interference to aircraft systems and terrestrial mobile networks.

In 2007, the ACMA enabled a trial by AeroMobile of an onboard system on a single Qantas passenger aircraft operating on domestic routes in Australia. The trial was highly successful and indicated strong consumer interest in the deployment of mobile communication services on aircraft.

Following this trial, in December 2009, the ACMA released a discussion paper seeking public comment on proposed regulatory arrangements to facilitate the onboard services. The majority of submissions to the discussion paper strongly supported the introduction of mobile communication services on aircraft. The ACMA consulted further with industry and held a stakeholder meeting with key airlines, onboard service providers and mobile network operators. The ACMA also liaised extensively with the Civil Aviation Safety Authority (CASA) in formulating these licensing arrangements.

The amendments to the radiocommunications licensing arrangements specifically relate to non-spectrum licensed space. Within spectrum licensed space, prospective providers will have to negotiate third-party agreements with spectrum licensees in order to use the spectrum.

Amendments to the Radiocommunications Licence Conditions (PTS Licence) Determination 1997 impose technology neutral conditions that apply to systems operating under the new PMTS class licensing option, including conditions for on-ground testing and compliance with civil aviation safety regulations. The operating height restriction and other technical conditions are to be imposed on individual apparatus licences. Prior to issuing an apparatus licence, the ACMA will consult with mobile carriers and CASA to address the interference risk to terrestrial networks and aircraft safety issues.

The PMTS Class C licence issue charge is to be charged at the hourly rate consistent with charges that apply to other PMTS licences.

The regulatory arrangements do not prescribe the types of services that can be provided by airlines.The ACMA considers that the deployment of particular services (whether voice, data or both) is solely a commercial decision to be made by airlines.

Direct mobile phone connectivity to the terrestrial network is not authorised under the new licensing arrangements. Importantly, while the ACMA can facilitate regulatory arrangements in the radiocommunications sphere, the actual use of mobile communication services by passengers on aircraft is also subject to civil aviation regulatory arrangements.

Should alternative, safe methods of mobile communication on aircraft be proposed for commercial operation in the future (including those that access Australia's terrestrial infrastructure), the ACMA would move to consider those methods.

The licensing arrangements reflect the commitment by the ACMA to protecting existing terrestrial mobile services from interference while facilitating the use of new, safe technologies and innovative communication services.