

# Final Protocol and Partial Revision of the 2001 Radio Regulations made at the World Radiocommunication Conference

## Introduction

- 9.1 The Australian Government has proposed that Australia be bound by the *Final Protocol and Partial Revision of the 2001 Radio Regulations, as incorporated in the International Telecommunication Union<sup>1</sup> Final Acts of the World Radiocommunication Conference (WRC-03)<sup>2</sup>, done at Geneva on 4 July 2003 (the Agreement)*. At the time of signing, Australia lodged a reservation to the revision of the ITU Radio Regulations, indicating that it does not recognise the claims by equatorial countries to preferential rights to the geostationary satellite orbit. Australia proposes to maintain this reservation.<sup>3</sup>

---

1 The International Telecommunication Union (ITU) is a specialised United Nations agency with 189 members (189 governments and about 500 non government entities). The ITU is concerned with international cooperation in the use of telecommunications and the radio-frequency spectrum. The ITU establishes treaties and recommends world standards for telecommunication and radiocommunication, including satellite services. National Interest Analysis (NIA), para. 6; Dr Greg Terrill, *Transcript of Evidence*, 20 June 2005, p. 29.

2 Radio Regulations are periodically reviewed and revised by a World Radiocommunication Conference to ensure that they facilitate the introduction of technical advances.

3 NIA, para. 1.

- 9.2 The Radio Regulations contain allocations for over 40 radiocommunication services and ensure the rational, efficient and equitable use of the radio frequency spectrum. The Radio Regulations do this by providing technical, operational and regulatory conditions for the use of the radio frequency spectrum and satellite orbits.<sup>4</sup>

## Overview

- 9.3 Australia has been a member of the ITU and its predecessors since the 19<sup>th</sup> Century. Australia, as an ITU member, is bound by the ITU Constitution, the Convention and the Administrative Regulations, which include the Radio Regulations. The WRC-03 Revision does not substantively alter Australia's basic obligations relating to the use of radio-frequency spectrum. ITU members are required to ensure that the radio spectrum is used internationally in a manner that will prevent harmful interference to services, and which will allow distress calls and messages to be freely conveyed.<sup>5</sup>

## Features of the treaty action

- 9.4 The proposed WRC-03 Revision would bring Australia into line with international regulation of the radio-frequency spectrum. Under the proposed WRC-03 Revision Australia would retain rights to control transmissions within and into its territory and to protect Australian users from interference from foreign systems. The WRC-03 Revision would also allow Australia to maintain its status in the ITU and hold its position of non recognition of claims by equatorial countries of preferential rights to geostationary satellite orbit.<sup>6</sup>
- 9.5 Further, the WRC-03 Revision will ensure that the radio regulations relevant to Australia keep pace with technological developments such as satellite delivered broadband services, protection of rural telephony services from potential satellite interference, satellite navigation systems and protection for meteorology and radioastronomy observations.<sup>7</sup>

---

4 NIA, para. 8.

5 NIA, paras 6-7.

6 NIA, para. 5.

7 NIA, para. 10.

- 9.6 The WRC-03 revision will provide the following benefits for Australia:
- improve access to global positioning systems planned or operated by the USA, Europe and Russia
  - ensure the spectrum sharing arrangements between aviation navigation radars and other radars
  - provide protection of naval radars while allowing satellite operators to use small antennas in most situations
  - provide regulations to improve the safety of aviation navigation and airborne systems around airports
  - allocate the satellite spectrum for airline passengers and crew to connect to the Internet in flight
  - provide refinements to international shortwave broadcasting arrangements which will benefit shortwave broadcasters in Australia.<sup>8</sup>

## Australia's reservation

- 9.7 In addition to other countries, Australia has lodged a reservation to the revision of the ITU Radio Regulations. The reservation indicates that Australia does not recognise the claims by equatorial countries to preferential rights to the geostationary satellite orbit.<sup>9</sup>
- 9.8 In explanation of the preferential rights sought by equatorial countries to the geostationary satellite orbit, the Department stated:

Some of the equatorial countries have decided that, because they live on the equator, they should therefore own the airspace above them or the geostationary orbit. So they put reservations into the final acts to try and get hold of it. Where you can put satellites is quite valuable real estate and they feel that they can make some mileage from it. They do not get any support from the filing nations. Usually the nations that

---

8 NIA, para. 11.

9 Other countries that have also lodged the same reservation are: the Federal Republic of Germany, Belgium, the Republic of Cyprus, Denmark, the United States of America, France, Greece, the Republic of Hungary, Ireland, Japan, the Principality of Lichtenstein, Luxembourg, Malta, the Federated States of Micronesia, Norway, New Zealand, the Kingdom of the Netherlands, Portugal, the Slovak Republic, the Czech Republic, the United Kingdom of Great Britain and Northern Ireland, Sweden and the Confederation of Switzerland. Australian Communications Authority, *Submission 6*, p. 1.

are doing this are the poorer nations of the northern South America region. Of course, the US, France, Europe and Australia, who are filing the satellites, do not recognise their sovereignty over the geostationary arc.<sup>10</sup>

## Implementation and costs

- 9.9 Australia's obligations under the Radio Regulations are implemented through the Australian Radiofrequency Spectrum Plan in accordance with sections 30 and 34 of the *Radiocommunications Act 1992*. The Australian Radiofrequency Plan has been updated in accordance with the WRC-03 Revision.<sup>11</sup>
- 9.10 There are no direct costs associated with adoption of the WRC-03 Revision.<sup>12</sup>

## Consultation

- 9.11 Australian industry<sup>13</sup> and government representatives were invited to participate in the preparation of the Australian brief for attendance at WRC-03. These groups were also represented at the WRC-03. During the course of revising and drafting the Australian Radiofrequency Spectrum Plan,<sup>14</sup> debriefings and further consultations were held over the period 1 August 2003 to 15 October 2004. Comments were received from the Australian Broadcasting Authority and the Bureau of Meteorology. There is general support for the proposed treaty action from relevant stakeholders including all State and Territory Governments, and acknowledgment of the benefits of the WRC-03 Revision to Australia.<sup>15</sup>

---

10 Dr Greg Terrill, *Transcript of Evidence*, 20 June 2005, p. 29.

11 NIA, para. 17.

12 NIA, para. 18.

13 These groups were drawn from: Australian telecommunications and satellite operators, commercial television and radio groups, aerospace organisations and amateur radio groups. Dr Greg Terrill, *Transcript of Evidence*, 20 June 2005, p. 30.

14 The Australian Radiofrequency Spectrum Plan incorporates the WRC-03 Revisions.

15 NIA, paras 23-25.

## Entry into force and future treaty action

- 9.12 The WRC-03 Revision will automatically enter into force at the end of the 36-month provisional application period.<sup>16</sup>
- 9.13 The next World Radiocommunication Conference will be held in 2007. It is likely that further changes to the Radio Regulations will be considered at that meeting.<sup>17</sup>

## Withdrawal

- 9.14 To withdraw from the Radio Regulations, Australia would be required to denounce the ITU Constitution and Convention by notification to the Secretary General of the ITU, 12 months prior to the date of denunciation.<sup>18</sup>

## Conclusion and recommendation

- 9.15 The Committee supports the proposed treaty action and believes that it will provide a number of significant benefits for Australia. Namely, ensuring that the radio regulations relevant to Australia keep pace with technological developments. The Committee agrees with Australia's reservation to not recognise the claims by equatorial countries to preferential rights to the geostationary satellite orbit, as geographical location unfairly disadvantages the majority of nations in this case.

### Recommendation 9

**The Committee supports the *Final Protocol and Partial Revision of the 2001 Radio Regulations, as incorporated in the International Telecommunication Union Final Acts of the World Radiocommunication Conference (WTC-03)*, (Geneva on 4 July 2003) and recommends that binding treaty action be taken.**

16 NIA, para. 12.

17 NIA, para. 20.

18 NIA, para. 21.

