

AUSTRALIA

Providing Satellite Internet Services?

Photo by NASA on Unsplash

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INTERNET FREEDOM

Free

INTERNET PENETRATION

90%

FREQUENCY

C-band, Ku-band, and Ka-band

This document provides basic information about legal aspects of satellite internet services when provision of these services is being considered. This fact sheet comprises general guidance and cannot be a replacement for legal advice.

OVERVIEW

The contents of this factsheet pertain to the laws, regulations, and guidelines that prescribe the norms and obligations governing the provision and operation of satellite internet services in Australia.

RELEVANT LAWS AND REGULATIONS

The legal framework governing internet access comprises several key statutes in Australia, including the *Telecommunications Act 1997 (Cth)*, *Radiocommunications Act 1992 (Cth)*, *Australian Communications and Media Authority Act 2005 (Cth)*, *Telecommunications (Consumer Protection and Service Standards) Act 1999 (Cth)*, *Telecommunications (Interception and Access) Act 1979 (Cth)*, *Consumer and Competition Act 2010 (Cth)*, *Copyright Amendment (Online Infringement) Act 2015 (Cth)*, *Online Safety Act 2021(Cth)* and *Space (Launches and Returns) Act 2018 (Cth)*.

REGULATORY BODIES

The **Australian Communications and Media Authority (ACMA)** is responsible for regulating the technical and licensing aspects of broadcasting and telecommunications services. The **Australian Competition and Consumer Commission (ACCC)** is responsible for economic regulation across various sectors, including the telecommunications. Oversight of satellite launches falls under the purview of the Australian Space Agency.

ARE THERE INTERNET RESTRICTIONS?

Generally, there are no inherent constraints on internet access in Australia, and political and social online content typically remains free from censorship or blocking. Nonetheless, the eSafety Commissioner has been granted powers under Part 6, 8, and 9 of the Online Safety Act 2021 (Cth) to issue notices to ISPs to carry out content removal, blocking, app removal and link deletion.

END USERS' LICENSES

End users do not require licences to access satellites for internet connectivity. Instead, they have the freedom to choose any service provider offering satellite internet access and simply subscribe to the service.

TYPES OF LICENSES

An internet service provider (ISP) that intends to use its own satellite systems to provide internet access to the public would need to apply for the following licences/permits:

- a) **Carrier licence:** It is a legal authorisation that grants the holder the right to operate a telecommunications network in Australia. This licence does not have a set validity period and remains in force unless voluntarily surrendered by the licence holder or revoked by ACMA.
- b) **Radiocommunications licence:** It is required for use of radiofrequency spectrum and encompasses the following categories:
 - Spectrum licences grant permission to use specific radiocommunications devices within a designated area and frequency range and are valid for up to 20 years.
 - Apparatus licences allow for the operation of transmitters or receivers and typically have a one-year validity period.
 - Class licences enable the use of shared frequencies for common radio equipment without the requirement for an application or associated fees.
- c) **Authorisation to set up a new satellite network:** Technical details of the satellite to be set up and operated must be submitted to ACMA to prevent interference with the current networks.
- d) **Launch Permit:** Issued by the Australian Space Agency where a satellite is to be launched from Australia and the validity period is usually specified in the permit.

ELIGIBILITY FOR LICENSING

Individuals, partnerships, constitutional corporations, and public bodies are eligible to apply for the licenses.

LEGAL NATURE OF SATELLITE INTERNET

In Australia, satellite internet services are regulated by both space and telecommunications laws. Space laws are relevant because satellite networks are utilised in delivering internet services and such networks can impact both inner and outer space systems, while adherence to telecommunications law is essential due to the use of radio frequencies in these services.