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Statutory Rules 1995 No. 1

62/

## Radiocommunications Regulations<sup>2</sup> (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Radiocommunications Act 1992*.

Dated L 1995.

28 March  
L BILL HAYDEN  
Governor-General

By His Excellency's Command,

L PAUL ELLIOTT  
Parliamentary Secretary to the Minister for Communications and the Arts for the Minister for Communications and the Arts

### 1. Commencement

1.1 These Regulations commence on 3 April 1995.

### 2. Amendment

2.1 The Radiocommunications Regulations are amended as set out in these Regulations.

**3. Regulation 3 (Interpretation)**

3.1 Before the definition of "Act", insert:

"**'27 megahertz maritime frequencies'** means any of the following frequencies:

- (a) 27,680 kilohertz;
- (b) 27,720 kilohertz;
- (c) 27,820 kilohertz;
- (d) 27,860 kilohertz;
- (e) 27,880 kilohertz;
- (f) 27,900 kilohertz;
- (g) 27,910 kilohertz;
- (h) 27,940 kilohertz;
- (i) 27,960 kilohertz;
- (j) 27,980 kilohertz;"

3.2 After the definition of "Act", insert:

"**'aeronautical frequencies'** means frequencies specified in the Radiocommunications—Australian Spectrum Plan that may be used for the purposes of aeronautical mobile services;

**'aeronautical mobile-satellite frequencies'** means frequencies specified in the Radiocommunications—Australian Spectrum Plan that may be used for the purposes of aeronautical mobile-satellite services;

**'aeronautical mobile-satellite service'** means a mobile-satellite service in which:

- (a) mobile earth stations are located on board aircraft; and
- (b) survival craft stations and emergency position-indicating radio beacon stations may participate;"

3.3 Definitions of "aircraft station", "aircraft station, Class A" and "aircraft station, Class B":

Omit the definitions, substitute:

"**'aircraft station'** means a station that:

- (a) is fixed on board an aircraft; and
- (b) is operated on aeronautical frequencies that are specified in:
  - (i) the transmitter licence that relates to the station; or
  - (ii) a technical licence specification referred to in the licence; and

- (c) may be operated on aeronautical mobile-satellite frequencies or radiodetermination frequencies;”.

3.4 Definitions of “amateur service”, “amateur station”, “amateur station (unrestricted)”, “amateur station (limited)”, “amateur station (novice)”, “amateur station (combined limited and novice)”:

Omit the definitions, substitute:

“**‘amateur beacon station’** means a station in the amateur service that is used for the principal purpose of identifying propagation conditions;

**‘amateur frequencies’** means frequencies specified in the Radiocommunications—Australian Spectrum Plan that may be used for the purposes of amateur services;

**‘amateur intermediate station’** means an amateur station where the holder of the transmitter licence that relates to the station is a person:

(a) to whom:

(i) a certificate of proficiency has been granted in relation to the Limited Amateur Operator’s Examination referred to in regulation 16; and

(ii) a certificate of proficiency has been granted in relation to the Novice Amateur Operator’s Examination referred to in regulation 17; or

(b) who holds an equivalent overseas qualification for the purposes of the Radiocommunications (Qualified Operators) Determination No. 1 of 1993, as in force on 3 April 1995;

**‘amateur limited station’** means an amateur station where the holder of the transmitter licence that relates to the station is a person:

(a) to whom a certificate of proficiency has been granted in relation to the Limited Amateur Operator’s Examination referred to in regulation 16; or

(b) who holds an equivalent overseas qualification for the purposes of the Radiocommunications (Qualified Operators) Determination No. 1 of 1993, as in force on 3 April 1995;

**'amateur novice limited station'** means an amateur station where the holder of the transmitter licence that relates to the station is a person:

- (a) to whom a certificate of proficiency has been granted in relation to the Novice Limited Amateur Operator's Examination referred to in regulation 17A; or
- (b) who holds an equivalent overseas qualification for the purposes of the Radiocommunications (Qualified Operators) Determination No. 1 of 1993, as in force on 3 April 1995;

**'amateur novice station'** means an amateur station where the holder of the transmitter licence that relates to the station is a person:

- (a) to whom a certificate of proficiency has been granted in relation to the Novice Amateur Operator's Examination referred to in regulation 17; or
- (b) who holds an equivalent overseas qualification for the purposes of the Radiocommunications (Qualified Operators) Determination No. 1 of 1993, as in force on 3 April 1995;

**'amateur repeater station'** means a station established at a fixed location:

- (a) for the reception of radio signals from amateur stations; and
- (b) for the automatic retransmission of those signals by radio;

**'amateur-satellite service'** means a radiocommunications service that uses space stations on earth satellites for purposes that are the same as the purposes of the amateur service;

**'amateur service'** means a radiocommunications service established for the purposes of self-training in radiocommunications, intercommunication using radiocommunications and technical investigation into radiocommunications by persons:

- (a) who are licensed under the Act to do so; and
- (b) who do so solely with a personal aim; and
- (c) who have no pecuniary interest in the outcome of the operations of the service;

**‘amateur station’** means a station that:

- (a) is operated for the purposes of self-training in radiocommunications, intercommunication using radiocommunications and technical investigation into radiocommunications by persons:
  - (i) who do so solely with a personal aim; and
  - (ii) who have no pecuniary interest in the outcome of the operation of the station; and
- (b) is operated on amateur frequencies or frequency bands that are specified in:
  - (i) the transmitter licence that relates to the station; or
  - (ii) a technical licence specification referred to in the licence; and
- (c) may participate in the amateur-satellite service;

**‘amateur unrestricted station’** means an amateur station where the holder of the transmitter licence that relates to the station is a person:

- (a) to whom a certificate of proficiency has been granted in relation to the Amateur Operator’s Examination referred to in regulation 15; or
- (b) who holds an equivalent overseas qualification for the purposes of the Radiocommunications (Qualified Operators) Determination No. 1 of 1993, as in force on 3 April 1995;”.

**3.5 Definition of “ambulatory station”:**

Omit the definition, substitute:

“ **‘ambulatory station’** means a land mobile station that:

- (a) is operated principally for communications with other land mobile stations; and
- (b) if permitted by the transmitter licence that relates to the land mobile station—may communicate with:
  - (i) an aircraft station, but not on an aeronautical frequency; or
  - (ii) a maritime ship station, but not on a maritime frequency;”.

**3.6 Definition of “AUSSAT receive-only station”:**

Omit the definition.

3.7 Definitions of “coast station”, “coast station, Class A”, “coast station, Class A (receive-only)”, “coast station, Class B” and “coast station, Class B (receive-only)”:

Omit the definitions.

3.8 Definition of “disaster station”:

Omit the definition.

3.9 Definitions of “earth station”, “earth station, Australian satellite service”, “earth station, Class A”, “earth station, Class A (receive-only)”, “earth station, Class B”, “earth station, Class B (receive-only)”, “earth station, Class C”, “earth station, Class C (receive-only)”, “earth station, Class D”, “earth station, Class D (receive-only)”, “earth station, Class E” and “earth station, Class E (receive-only)”:

Omit the definitions, substitute:

“**‘earth receive station’** means an earth station that:

- (a) is used only for receiving messages; and
- (b) is not capable of transmitting messages of any kind; and
- (c) may include stations that participate in the radio astronomy service; and
- (d) for which the SMA undertakes coordination procedures for the purpose of minimising interference to reception;

**‘earth station’** means a station that:

- (a) is operated for the purposes of communication with:
  - (i) satellites; or
  - (ii) space stations; or
  - (iii) other earth stations at particular fixed points through satellites; and
- (b) may include a mobile station:
  - (i) while the station is in motion; or
  - (ii) during halts at unspecified points on land, water or in the air;

**‘emergency position indicating radio beacon station’** has the same meaning as in the Radiocommunications—Australian Spectrum Plan;”.

3.10 Definition of “exterior paging service”:

Omit the definition.

**3.11 Definition of “fixed station”:**

Omit the definition, substitute:

“ **‘fixed receive station’** means a fixed station:

- (a) that is used only for receiving messages; and
- (b) that is not capable of transmitting messages of any kind; and
- (c) for which the SMA undertakes coordination procedures for the purpose of minimising interference to reception;

**‘fixed station’** means a station that:

- (a) is located principally:
  - (i) at fixed points specified in the transmitter licence that relates to the station; or
  - (ii) in an area specified in the licence; and
- (b) is operated principally for communications with stations located:
  - (i) at 1 or more other fixed points specified in the licence; or
  - (ii) in an area specified in the licence; and
- (c) if permitted by the transmitter licence that relates to the fixed station—may communicate with:
  - (i) an aircraft station, but not on an aeronautical frequency; and
  - (ii) a ship station, but not on a maritime frequency; and
  - (iii) a land mobile station, but not on a land mobile frequency;”.

**3.12 Definition of “interior paging service”:**

Omit the definition.

**3.13 Definitions of “land mobile paging receiver” and “land mobile service”:**

Omit the definitions, substitute:

“ **‘land mobile frequency’** means a frequency specified in the Radiocommunications—Australian Spectrum Plan that may be used for the purposes of land mobile services;

**'land mobile service'** means a radiocommunications service that:

- (a) comprises 1 or more land stations or land mobile stations; and
- (b) is used for communications between:
  - (i) land stations and land mobile stations; or
  - (ii) land mobile stations; or
  - (iii) land mobile stations through another land station; or
  - (iv) land stations through another land station; and
- (c) may communicate with:
  - (i) an aircraft station, but not on an aeronautical frequency; or
  - (ii) a maritime ship station, but not on a maritime frequency;

**'land mobile station'** means a station that is established for use:

- (a) while the station is in motion on land; or
- (b) during halts at unspecified points on land;”.

#### 3.14 Definition of “limited coast station”:

Omit the definition, substitute:

“ **'limited coast marine rescue station'** means a maritime coast station that:

- (a) is operated by a body declared under subregulation 43 (1) to be a body that is prepared to provide a comprehensive emergency radiocommunications service to vessels at sea without discrimination; and
- (b) is used primarily for ship-to-shore and shore-to-ship communications; and
- (c) is capable of transmitting on the frequencies 27,860 kilohertz and 27,880 kilohertz; and
- (d) maintains a listening watch on the frequency 27,880 kilohertz and on either or both of the frequencies 2,182 kilohertz and 156.800 megahertz for periods of time that are consistent with the activity of small vessels operating in the area in which the station is located; and
- (e) if the station maintains a listening watch on the frequency 2,182 kilohertz—is capable of transmitting on the frequencies 2,182 kilohertz and 2,524 kilohertz; and



- (f) if the station maintains a listening watch on the frequency 156.800 megahertz—is capable of transmitting on the frequencies 156.375 megahertz and 156.800 megahertz; and
- (g) may operate on the maritime frequencies specified in a technical licence specification referred to in the transmitter licence that relates to the station;”.

### 3.15 Definition of “major fixed station”:

Omit the definition, substitute:

“ **‘major coast receive station’** means a station:

- (a) that is used only for receiving messages transmitted by maritime ship stations; and
- (b) that is not capable of transmitting messages of any kind; and
- (c) if permitted by the transmitter licence that relates to the station—may be used for receiving messages transmitted by aircraft and land mobile stations; and
- (d) for which the SMA undertakes coordination procedures for the purpose of minimising interference to reception;”.

### 3.16 Definition of “marine rescue station”:

Omit the definition, substitute:

“ **‘maritime coast station’** means a station:

- (a) that is operated principally for:
  - (i) the transmission of messages to ship stations; and
  - (ii) the reception of messages from ship stations; and
- (b) if permitted by the transmitter licence that relates to the station—may communicate with:
  - (i) aircraft stations; and
  - (ii) land mobile stations; and
  - (iii) outpost stations; and
- (c) that is operated on maritime frequencies;

**‘maritime frequencies’** means frequencies specified in the Radiocommunications-Australian Spectrum Plan that may be used for the purposes of maritime mobile services;

**‘maritime mobile service’** means a mobile service:

- (a) between:
  - (i) maritime coast stations and maritime ship stations; or
  - (ii) maritime ship stations; or
  - (iii) on-board communications stations associated with a maritime ship station; and
- (b) in which survival craft stations and emergency position indicating radio beacon stations may participate;

**‘maritime ship station’** means a station that:

- (a) is operated on board a ship for communicating with:
  - (i) maritime coast stations; or
  - (ii) on-board communication stations associated with the maritime ship station, whether or not those stations are operated on board ships; and
- (b) may include equipment that is in a survival craft of the ship; and
- (c) may include a mobile earth station on board the ship; and
- (d) operates on maritime frequencies that are specified in:
  - (i) the transmitter licence that relates to the station; or
  - (ii) a technical licence specification referred to in the licence; and
- (e) operates on maritime-mobile satellite frequencies or radiodetermination frequencies;”.

3.17 Definition of “mobile (disaster plan) station”:

Omit the definition.

3.18 Definition of “mobile station”:

Omit the definition, substitute:

“ **‘mobile station’** means a station that is established for use:

- (a) while the station is in motion on land, on water or in the air; or
- (b) during halts at unspecified points on land, on water or in the air;”.

3.19 Definitions of “outpost service” and “outpost station”:

Omit the definitions, substitute:

“ ‘outpost station’ means a station that:

- (a) is established for the purposes of participation in the education program known as the School of the Air; or
- (b) is established to provide radiocommunications in a remote locality in which neither of the following telecommunications services is provided:
  - (i) subscriber trunk dialling;
  - (ii) a manual trunk telephone exchange; or
- (c) if a manual trunk telephone exchange, or subscriber trunk dialling, is provided in a remote locality in which the outpost station is established—is established to provide radiocommunications in the locality for the purposes of an emergency that involves:
  - (i) prejudice to the security or defence of Australia; or
  - (ii) a serious threat to the environment; or
  - (iii) risk of injury to, or death of, persons; or
  - (iv) risk of damage to, or substantial loss of, property;”.

3.20 Definition of “paging receiver”:

Omit the definition.

3.21 After the definition of “penalty”, insert:

“ ‘public correspondence’ means a telecommunication:

- (a) that is accepted for transmission by a station because the station is available for use by the public; or
- (b) that is accepted for transmission by a person or body because the person or body is required, under a licence, to accept the telecommunication from the public for transmission;

‘Radiocommunications—Australian Spectrum Plan’ means the Radiocommunications—Australian Spectrum Plan as in force on 3 April 1995;

‘radiodetermination frequencies’ means frequencies specified in the Radiocommunications—Australian Spectrum Plan that may be used for the purposes of radiodetermination;”.

## 3.22 Definition of “receiving land station”:

Omit the definition.

## 3.23 Definitions of “ship station”, “ship station, Class A”, “ship station, Class B” and “ship station, Class C”:

Omit the definitions, substitute:

“ **‘ship station Class A’** means a maritime ship station that:

- (a) is operated solely on 27 megahertz maritime frequencies; and;
- (b) does not include a transmitter that is licensed to transmit public correspondence; and
- (c) is not a ship station Class C;

**‘ship station Class B’** means a maritime ship station, other than a ship station Class C, that:

- (a) includes a transmitter that is licensed to transmit public correspondence; or
- (b) if the maritime ship station does not include a transmitter that is licensed to transmit public correspondence—is not a ship station Class A;

**‘ship station Class C’** means a maritime ship station that is equipped in accordance with the *Navigation Act 1912*.”

## 3.24 After the definition of “Spectrum Manager”, insert:

“ **‘survival craft station’** has the same meaning as in the Radiocommunications—Australian Spectrum Plan;”

## 3.25 Definition of “station”:

Omit the definition, substitute:

“ **‘station’** means an installation or thing that is, or includes either or both of the following:

- (a) 1 or more radiocommunications transmitters;
- (b) 1 or more radiocommunications receivers;”

## 3.26 Definition of “Telecommunications Convention”:

Omit “6 November 1982.”, substitute “6 November 1982;”

## 3.27 Add at the end:

“ **‘third party’** means a person who does not hold an amateur station licence;

**‘third party traffic’** means a message passed to, or on behalf of, a third party.”

**4. Regulation 5 (Which radiocommunications receivers are radiocommunications devices?)**

4.1 Omit the regulation, substitute:

**Which radiocommunications receivers are radiocommunications devices?**

“5. For the purposes of paragraph 7 (1) (b) of the Act, radiocommunications receivers that are, or form part of:

- (a) an earth receive station; or
- (b) a fixed receive station; or
- (c) a major coast receive station;

are specified as radiocommunications devices.

**5. Regulation 8 (General conditions for communications by amateur stations)**

5.1 Paragraph 8 (a):

Omit the paragraph, substitute:

- “(a) that the licensee must not solicit a message that is to be transmitted on behalf of a third party unless the message relates to a natural disaster;”.

**6. Regulation 9 (General conditions for use of amateur stations)**

6.1 Paragraph 9 (b):

Omit the paragraph, substitute:

- “(b) that the licensee must not transmit:
  - (i) a message that is, or includes, an advertisement;
  - or
  - (ii) any form of entertainment;”.

**7. Regulation 10 (General conditions in relation to operation of amateur stations)****7.1 Subparagraph 10 (b) (ii):**

Omit the subparagraph, substitute:

“(ii) if the duration of the transmission is more than 10 minutes—at least once during each period of 10 minutes in the course of the transmission;  
by voice (using the English language), by using a visual image or by using an internationally recognised code;”.

**7.2 Subparagraph 10 (c) (ii):**

Omit the subparagraph, substitute:

“(ii) if the duration of the series of transmissions is more than 10 minutes—the call sign of the licensee’s station at least once during each period of 10 minutes in the course of the series;  
by voice (using the English language), by using a visual image or by using an internationally recognised code;”.

**7.3 Add at the end:**

- “(g) that, if the licensee retransmits a transmission that originates from another amateur station, the licensee must:
- (i) obtain the consent of the licensee in relation to the other amateur station to retransmit the transmission; and
  - (ii) transmit the first-mentioned licensee’s call sign at the beginning and the end of each transmission; and
  - (iii) indicate, as part of the transmission, that it is a retransmission of a transmission of another amateur station.”.

**8. Regulation 11 (Condition in relation to control of equipment at amateur stations)**

8.1 Omit the regulation, substitute:

**Conditions in relation to control of equipment at amateur stations**

“11. For the purposes of paragraph 107 (1) (f) of the Act, a licence for a transmitter that forms part of an amateur station is subject to the following conditions:

- (a) in the case of a transmitter other than:
  - (i) an amateur repeater station; or
  - (ii) an amateur beacon station; or
  - (iii) an amateur station that employs automatic or computer controlled modes (including packet and radio teletype modes of emission);that the licensee must ensure that, at all times, the transmitter is operated under the supervision of a qualified operator for the purposes of the Radiocommunications (Qualified Operators) Determination No. 1 of 1993, as in force on 3 April 1995;
- (b) that the licensee must ensure that, at all times at which the amateur station is operated unattended:
  - (i) a timer is fitted to the transmitter to cause the automatic shutdown of the amateur station if a malfunction causes an unintentional transmission of more than 10 minutes' duration; and
  - (ii) a transmission from the station can be terminated promptly if the transmission causes interference to another service;
- (c) that the licensee must ensure that if a qualified operator allows an unqualified person to communicate using the amateur station, the qualified operator must announce the call sign of the station.”.

**9. Division 3 of Part 3 (Conditions applicable to Citizen Band Radio Stations)**

9.1 Omit the Division.

**10. Regulation 15 (Amateur Operator's Examination)**

10.1 Subparagraph 15 (b) (ii):

Omit the subparagraph, substitute:

“(ii) the provisions of the Act, of any regulations made under the Act and of any technical licence specification determined under the Act;”.

**11. Regulation 16 (Limited Amateur Operator's Examination)**

11.1 Subparagraph 16 (b) (ii):

Omit the subparagraph, substitute:

“(ii) the provisions of the Act, of any regulations made under the Act and of any technical licence specification determined under the Act;”.

**12. Regulation 17 (Novice Amateur Operator's Examination)**

12.1 Subparagraph 17 (b) (ii):

Omit the subparagraph, substitute:

“(ii) the provisions of the Act, of any regulations made under the Act and of any technical licence specification determined under the Act;”.



**13. New regulation 17A**

13.1 After regulation 17, insert:

**Novice Limited Amateur Operator's Examination**

"17A. A Novice Limited Amateur Operator's Examination is an examination conducted by an authorised person in relation to the following matters:

- (a) knowledge, to an elementary level, of the principles of electricity and of radiocommunications;
- (b) knowledge of the regulations in force under the Telecommunications Convention, and specified by the Spectrum Manager by notice in the *Gazette*, that relate to the operation of an amateur station; and
- (c) knowledge of the provisions of:
  - (i) the Act; and
  - (ii) any regulations made under the Act; and
  - (iii) any technical licence specification determined under the Act;that relate to the operation of an amateur station."

**14. Regulation 23 (When may an infringement notice be served?)**

14.1 After "subsection (second occurring)", insert "300 (4) or".

**15. Regulation 37 (Charges relating to the SMA's costs)**

15.1 Add at the end:

- “; (k) giving advice about resolving interference to a radiocommunications system;
- (l) testing a device before an application for the issue, renewal or variation of a licence, permit, certificate or permission under the Act.”

**16. Regulation 40 (Directions that may be given by inspectors)****16.1 Paragraph 40 (1) (a):**

Omit “the installation and maintenance”, substitute “the installation, maintenance and operation”.

**17. Regulation 43 (Limited coast marine rescue stations—bodies that provide emergency radiocommunications services)****17.1 Subregulation 43 (1):**

Omit “of ‘marine’ ”, substitute “of ‘limited coast marine’ ”.

**18. Regulation 44 (Mobile (disaster plan) stations—authorisations by Spectrum Manager)****18.1 Omit the regulation.****18. Schedule 1 (Examinations)****18.1 Omit the Schedule, substitute:****SCHEDULE 1**

Subregulation 13 (2)

**EXAMINATIONS**

<b>Column 1 Item No.</b>	<b>Column 2 Examination</b>	<b>Column 3 Station</b>
1	Restricted Operator's Examination	Maritime coast station Ship station Class B Ship station Class C
2	Amateur Operator's Examination	Amateur unrestricted station
3	Limited Amateur Operator's Examination	Amateur limited station

## SCHEDULE 1—continued

4	Novice Amateur Operator's Examination	Amateur novice station
5	Novice Limited Amateur Operator's Examination	Amateur novice limited station
6	First-Class Radio Electronic Operator's Examination	Maritime coast station Ship station Class B Ship station Class C

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**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on *2* 1995.
2. Statutory Rules 1993 No. 17 .

*31 March*