

EXPLANATORY STATEMENT

Issued by the Authority of the Australian Communications and Media Authority

*Radiocommunications Licence Conditions (Amateur Licence) Amendment
Determination 2008 (No. 1)*

Radiocommunications Act 1992

Legislative Basis

The *Radiocommunications Licence Conditions (Amateur Licence) Amendment Determination 2008 (No. 1)* (the Amendment Determination) is made under subsection 107(1)(f) of the *Radiocommunications Act 1992* (the Act).

Paragraph 107(1)(f) of the Act provides that the Australian Communications and Media Authority (ACMA) may determine, by written instrument, conditions applicable to the various licensing options under the amateur licence type. The Determination which sets out conditions applicable to Amateur licence types is the *Radiocommunications Licence Conditions (Amateur Licence) Determination No 1 of 1997* (the Principal Determination).

The Amendment Determination is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Background

Following changes made to the International Telecommunication Union (ITU) *Radio Regulations* at the World Radiocommunication Conference 2003 (WRC-03) in relation to the Amateur Service, the former Australian Communications Authority (ACA) carried out a Review of Amateur Service Regulation in Australia (the Review). Certain elements of the Review were also conducted in response to Australian regulatory and policy considerations. The findings of the Review were released in [Outcomes of the Review of Amateur Service Regulation](#) (the Review Outcomes) in May 2004.¹

Due to the quantity and complexity of the Review Outcomes, the ACA decided to implement the Review Outcomes in three stages:

- 1 Remove the requirements for Morse code qualifications on radiofrequency bands below 30 MHz;
- 2 Consolidate the various Amateur licences and certificates into three options: Foundation, Standard and Advanced; and
- 3 Implement the remaining outcomes.

Stage 1 was implemented in January 2004 by the making of the *Radiocommunications Licence Conditions (Amateur Licence) Amendment Determination 2003 (No. 2)*. Stage 2 was completed in October 2005 by the making of the *Radiocommunications (Qualified Operators) Determination 2005*, the *Radiocommunications Licence Conditions (Amateur Licence) Amendment Determination 2005 (No. 1)* and the *Radiocommunications (Interpretation) Amendment Determination 2005 (No. 2)*.

¹ This document is available from the following URL: http://internet.aca.gov.au/webwr/aca_home/licensing/radcomm/amateur_review/amateur_review_outcome.pdf

Stage 3 (the remaining outcomes) includes the introduction of a series of reforms to Amateur licence conditions and other machinery matters identified in the course of implementing the Review Outcomes. These reforms involve some minor changes to the conditions of operation of Amateur stations, including:

- stability of emitted frequency and maximum power;
- encoding of certain transmissions;
- third party communications;
- relaxing of restriction on Amateur station access to the public telecommunications network;
- use of callsigns during training and emergencies;
- use of special callsigns on specified days;
- use of Amateur stations during disasters; and
- interference protection for other radiocommunications services.

The machinery changes include matters such as substituting ACMA for ACA and the deletion of superseded licence options.

To facilitate a transition period, the Amateur licence options superseded by the 2005 changes were retained in the Principal Determination and the *Radiocommunications (Qualified Operators) Determination 2005* when the new licence options were introduced. This transition period has now elapsed. Certain of the changes being implemented by the Amendment Determination involve the removal of reference to these licence options.

Purpose

The Amendment Determination amends the Principal Determination to implement the above reforms to Amateur licence conditions. It also implements certain machinery changes (such as deletion of superseded licence options).

Consultation

The ACA conducted extensive consultation with the Amateur community throughout the Review process. The discussion paper *A Review of Amateur Service Regulation* was released in August 2003. The discussion paper addressed changes made by the ITU to the *Radio Regulations* in relation to Amateur Radio, explored future options for the Amateur Service in Australia and invited comments from interested persons. The ACA also held public meetings in 10 cities around Australia as part of the public consultation process. Over 700 people attended the meetings and over 1300 submissions were received in response to the discussion paper.

The findings of the Review – including the reforms endorsed by the ACA, which incorporated the comments made in the submissions - were published in the Review Outcomes in May 2004. The Review Outcomes are largely supported by the Amateur community. Further consultation was conducted with the Amateur community (through the Wireless Institute of Australia) during the process of drafting the Amendment Determination.

The Amendment Determination has no compliance cost on industry and no effect on competition. This is because the Amateur service is a “hobby” service. Use of the bands is

either recreational or educational and generates no revenue for licensees. The changes are in most cases facilitative rather than prohibitive and only affect Amateur licence holders. Further, many changes are machinery and have no impact on industry or Amateur licence holders.

For this reason ACMA's Best Practice Regulation Coordinator decided that the determination was minor and machinery in nature and a Regulation Impact Statement (RIS) and Business Cost Calculator (BCC) Report were not required. The Office of Best Practice Regulation (OBPR) was consulted as a part of this process (ACMA Reference: 034).

NOTES ON THE INSTRUMENT

Section 1 Name of Determination

Section 1 provides that the Amendment Determination is the *Radiocommunications Licence Conditions (Amateur Licence) Amendment Determination 2008 (No. 1)*.

Section 2 Commencement

Section 2 provides that the Amendment Determination commences on the day after it is registered on the Federal Register of Legislative Instruments.

Section 3 Amendment of *Radiocommunications Licence Conditions (Amateur Licence) Amendment Determination No. 1 of 1997*

Section 3 provides that Schedule 1 amends the Principal Determination.

Schedule 1 Amendments

[1] Paragraphs 2 (1) (b) and (c)

Item [1] amends Part 1 of the Principal Determination. Part 1 of the Principal Determination sets out the Name and Scope of the Determination, and an Interpretation of terms and phrases. Item [1] makes the following changes:

- references to amateur licence (amateur unrestricted station), amateur licence (amateur limited station) and amateur licence (amateur intermediate station) are being removed. This is because these licence options have been superseded and replaced with a single licence option: amateur licence (amateur advanced station). Amateur licence (amateur advanced stations) are subject to the conditions set out in Part 3 of the Principal Determination; and
- references to amateur licence (amateur novice station) and amateur licence (amateur novice limited station) are being removed. This is because these licence options have been superseded and replaced with a single licence option: amateur licence (amateur standard station). Amateur licence (amateur standard stations) are subject to the conditions set out in Part 5 of the Principal Determination.

[2] Subsection 2(2)

Item [2] amends the Principal Determination to allow amateur licensees to use “special event” callsigns on prescribed days of the year without the requirement to be issued a new licence for the relevant day. This change is provided for by three items in the Amendment Determination: **Item [2]**, **Item [3]** and **Item [18]**.

Callsigns are combinations of numbers and letters used to identify amateur stations during operation. On certain days of the year, Amateurs alter the first two letters of their callsigns to reflect the significance of that day. Callsigns are licence conditions set out on amateur licences. Accordingly, they cannot be altered for special events unless the licence is varied to include a special condition or the licensee is issued a new licence for the relevant day.

Item [18] of the Amendment Determination inserts subsection 8(1A) into the Principal Determination. Subsection 8(1A) sets out the rules for the use of special event callsigns by amateur licensees. However, subsection 2(2) of the Principal Determination sets out that in the case of an inconsistency between a licence condition set out on an individual amateur licence and a licence condition set out in the Principal Determination, the licence condition set out on the amateur licence applies. As a consequence, subsection 8(1A) of the Amendment Determination cannot apply unless subsection 2(2) of the Principal Determination is amended. Accordingly:

Item [2] of the Amendment Determination amends subsection 2(2) of the Principal Determination to provide that subsection 2(2) is subject to subsection 2(3);

Item [3] inserts the new subsection 2(3) into the Principal Determination. Subsection 2(3) states that subsection 2(2) does not apply to the condition set out in subsection 8(1A); and

Item [18] inserts subsection 8(1A) into the Principal Determination. Subsection 8(1A) sets out the conditions applicable to the use of special event callsigns by amateur licensees.

These changes allow amateur licensees to use special event callsigns on certain days without the requirement for a new licence or changes to each individual licence.

[3] Subsection 2(3)

See description set out at **Item [2]**, above.

[4] Subsection 3 (1), definitions of *amateur licence (amateur intermediate station)*, *amateur licence ((amateur limited station)*, *amateur licence (amateur novice limited station)*, *amateur licence (amateur novice station)* and *amateur licence (amateur unrestricted station)*.

Item [4] removes the definitions of ‘*amateur licence (amateur intermediate station)*, *amateur licence (amateur limited station)*, *amateur licence (amateur novice limited station)*, *amateur licence (amateur novice station)*’ and ‘*amateur licence (amateur unrestricted station)*.’ These licence options have been superseded and reference to them is no longer necessary.

[5] Subsection 3 (1), before definition of *emission mode*

Item [5] inserts a new definition into section 3 of the Principal Determination. The definition is ‘*emergency services.*’ Emergency services are defined as ‘services provided

by an organisation established in a State or Territory for purposes that include the provision of services during an emergency’.

Item [21] of the Amendment Determination makes changes to the operation of Amateur stations during emergencies. The new definition is being inserted to facilitate these changes and provide for the more efficient and secure operation of amateur stations during emergencies and training exercises.

[6] Subsection 3 (1), definition of licence

Item [6] amends the definition of the term ‘*licence*’ in the Principal Determination. Item [6] makes two changes:

- references to amateur licence (amateur intermediate station), amateur licence (amateur limited station), amateur licence (amateur novice limited station), amateur licence (amateur novice station) and amateur licence (amateur unrestricted station) are being removed..This is because these licence options have been superseded and reference to them is no longer necessary; and
- references to amateur licence (amateur advanced station), amateur licence (amateur foundation station) and amateur licence (amateur standard station) are being inserted. This is because these licence options have replaced the superseded licence options authorising the operation of amateur stations.

[7] Subsection 3 (1), after the definition of *necessary bandwidth*

Item [7] inserts a definition of the term ‘*operate*’ as it applies to Amateur licences in the Principal Determination. Item [7] states that operate has the same meaning as given in subsection (1A) of the Principal Determination. Subsection (1) is provided for by Item [11] of the Amendment Determination.

A description of subsection 3(1A) is set out at **Item [11]**, below.

[8] Subsection 3 (1) after the definition of *public telecommunications network*

Item [8] inserts a definition of the terms *pX* and *pY*. These definitions are:

- *pX* means peak envelope power; and
- *pY* means mean power.

Definitions for *pX* and *pY* are provided for in the *Radiocommunications (Interpretation) Determination) 2000* and the Radio Regulations of the ITU. Item [8] includes these definitions in the Principal Determination for the purposes of convenience.

[9] Subsection 3 (1), definition of *qualified operator*

Item [9] removes the reference to *Radiocommunications (Qualified Operators) Determination No. 1 of 1993* from the definition of *qualified operator* in the Principal Determination and replaces it with *Radiocommunications (Qualified Operators) Determination 2005*. This is because the *Radiocommunications (Qualified Operators) Determination No. 1 of 1993* was revoked and replaced by the *Radiocommunications (Qualified Operators) Determination 2005*.

[10] Subsection 3 (1), after definition of *qualified operator*

Item [10] inserts a definition for the term '*qualified person*' into the Principal Determination. A '*qualified person*' is a person who holds an overseas qualification that is equivalent to the certificate of proficiency for a qualified operator.

The change clarifies the position of Amateurs who are not qualified operators within the meaning of the Act but who hold overseas qualifications that are acceptable in relation to operation in Australia.

[11] After subsection 3 (1)

Item [11] inserts subsection 3(1A) into the Principal Determination. Subsection 3(1A) provides a detailed definition of the term '*operate*' as it applies to actions taken to control the operation of an amateur transmitter.

The *Radiocommunications (Qualified Operators) Determination 2005* requires that a person needs to be a qualified operator in order to operate an Amateur station. In order to facilitate certain operation by unqualified persons, the definition of *operate* provides exceptions for certain actions in relation to the use of an amateur station by an unqualified person. These exceptions include:

- a) certain actions in relation to the use of an amateur station by an unqualified person, in the presence/supervision of a licensed operator. This enables an unqualified person visiting an amateur station to talk over amateur radio;
- b) operation of an amateur station by an unqualified person undergoing training or examination, in the presence/supervision of a licensed operator;
- c) certain actions in relation to the use of an amateur station via a public telecommunication network by an unqualified person, where the station is operated by a licensed operator. This enables an unqualified person to talk over amateur radio via the public telecommunication network;
- d) certain actions by the amateur station whose signals are being retransmitted. This provides for an amateur station to retransmit the transmissions (both radio signals and signals via the public telecommunication network) of other amateur operators and for it to be clear as to where responsibility lies for that operation; and
- e) certain actions by the amateur station whose signals are being retransmitted by the repeater station. This enables an amateur repeater station to retransmit the radio transmissions of other amateur operators and for it to be clear as to where responsibility lies for that operation.

[12] Section 4

Item [12] amends Part 2 of the Principal Determination. Item [12] omits the words 'For paragraph 107(1)(f) of the Act' from section 4 of the Principal Determination. These words represent an obsolete drafting convention and are being omitted from the Principal Determination for the sake of consistency.

[13] Subsection 5(1)

Item [13] amends Part 2 of the Principal Determination. **Item [13]** removes the word 'natural' from subsection 5(1). The word 'natural' is being omitted to allow amateurs to

solicit messages to be transmitted on behalf of third party in cases where the message relates to any disaster (i.e. not just a ‘natural’ disaster).

[14] Subsection 5 (3)

Item [14] amends Part 2 of the Principal Determination. **Item [14]** removes the words ‘the ACA’ and inserts the word ‘ACMA’. This is because ACMA (the Australian Communications and Media Authority) has replaced the ACA (the Australian Communications Authority). ACMA was formed by the merger of the Australian Broadcasting Authority and the ACA on 1 July 2005.

[15] Subsection 5 (4)

Item [15] amends Part 2 of the Principal Determination. **Item [15]** omits subsection 5(4), which set out restrictions on the transmission or reception of messages, on behalf of a third party, between an amateur station in Australia and an amateur station in a foreign country.

[16] Section 5, at the foot

Item [16] amends Part 2 of the Principal Determination. **Item [16]** inserts a note that replaces the arrangement provided for by the deleted subsection 5(4) referred to by **Item [15]** of the Amendment Determination.

The note states that licensees may transmit messages on behalf of a third party (subject to the restrictions outlined in subsections 5(1) and 5(2)) to amateurs in a foreign country but should take into account any restrictions applied to amateur stations in a foreign country in relation to the transmission or reception of messages on behalf of a third party.

[17] Section 7

Item [17] makes two amendments to Part 2, section 7 of the Principal Determination. Section 7 relates to interference caused by Amateur stations.

Previously section 7 read: ‘the licensee must not operate an amateur station if its operation causes harmful interference to a service provided by another station.’ This wording was inadequate for three reasons. First, it did not satisfactorily address a situation where interference arises not from a transmitter, but from inadequacies in the receiver suffering the interference. Second, it inferred that an amateur station’s operation can be ‘a service provided by another station.’ Third, it was inconsistent with the definition of ‘harmful interference’ set out in the *Australian Radiofrequency Spectrum Plan*, which defines ‘harmful interference’ as something occurs to a radiocommunications service, not ‘a service provided by another station.’ Finally, it did not include emission limits to manage interference caused by the operation of amateur stations.

Accordingly, **Item [17]** replaces the words ‘a service provided by another station’ with ‘radiocommunications.’ This brings section 7 into alignment with the definition of ‘harmful interference’ set out in the *Australian Radiofrequency Spectrum Plan*. It also solves the problems with interpretation caused by the previous wording.

In addition, **Item [17]** inserts section 7A into the Principal Determination. Section 7A is being inserted to identify emission limits for amateur stations. These emission limits are to assist in the management of interference caused by amateur stations.

[18] Before subsection 8(1)

Item [18] amends Part 2 of the Principal Determination. Item [18] inserts subsection 8(1A) to facilitate the use of a special callsign, other than that specified in the licence, on Australia Day, Anzac Day, World Telecommunications Day and any other day specified by ACMA (by a notice published in the Gazette) each year. The amendment allows the licensee of an amateur station to substitute the prefix letters VK in the callsign printed on the licensee's amateur licence with the prefix letters AX. For example, an amateur with the normal callsign VK1AJ could use AX1AJ on the days set out in subsection 8(1A).

Further information on Item [18] is provided under Items [2] and [3], above.

[19] Subsection 8(1)

Previously, if an amateur station established communication with another station, the licensee had to transmit the callsign of the station being communicated with, followed by the callsign of the licensee's amateur station, at the following intervals:

- at the beginning and end of the transmission or series of transmissions; and
- for a transmission or series of transmissions that lasts for more than 30 minutes, at least once during each period of 30 minutes; and
- by voice (using the English language), by visual image or by an internationally recognised code.

Item [19] amends subsection 8(1) of the Principal Determination to provide that certain conditions normally applicable to the transmission of amateur station callsigns may be relaxed during emergencies.

[20] Subsection 8(2)

Item [20] amends subsection 8(2) of the Principal Determination to provide that other conditions normal applicable to the transmission of amateur callsigns may be relaxed during emergencies.

[21] After subsection 8(2)

Item [21] inserts subsection 8(2A) into the Principal Determination to relax callsign requirements for a network of amateurs participating in emergency services operations or related training exercises. Previously, all stations participating in an amateur network were required to individually transmit their callsigns in accordance with the conditions set out in subsections 8(1) and 8(2) of the Principal Determination. Item [21] amends this condition so that the licensee must ensure that arrangements are in place for at least one station in the amateur network to transmit the call signs of the other stations at the following intervals:

- at the beginning and end of the transmission or series of transmissions; and
- for a transmission or series of transmissions that lasts for more than 30 minutes, at least once during each period of 30 minutes; and
- by voice (using the English language), by visual image or by an internationally recognised code.

Responsibility for compliance with this condition is placed on licensees. That is, licensees participating in the network must ensure that arrangements are in place to satisfy this condition.

[22] Subsection 8(3)

Item [22] amends the Principal Determination to change amateur licence conditions pertaining to the encoding of transmissions. These changes are provided for by two items in the Amendment Determination: **Item [22]** and **Item [23]**.

Existing licence conditions do not permit transmissions to be encoded for the purpose of obscuring their meaning. The ITU's *Radio Regulations* no longer prohibit encoded transmissions. As a result, the Amendment Determination will vary the Principal Determination to permit the encoding of transmissions for certain command and control transmissions and communications during emergencies (and training for emergencies).

Accordingly, **Item [22]** amends subsection 8(3) of the Principal Determination to make the prohibition on encoding transmissions subject to the exceptions outlined in subsection 8(3A). Subsection 8(3A) is provided for by **Item [23]** of the Amendment Determination.

[23] After subsection 8(3)

Item [23] amends Part 2 of the Principal Determination. **Item [23]** inserts subsection (3A) to outline the circumstances under which the encoding of amateur transmissions is permitted. These circumstances are:

- controlling the operation of a space station;
- controlling the operation of an unattended amateur station; and/or
- participating in emergency services operations or related training exercises.

[24] After section 8

Item [24] amends Part 2 of the Principal Determination. **Item [24]** inserts section 8A and a note at the foot of section 8A to clarify the conditions under which the licensee of an amateur station may transmit a signal through an amateur repeater station or another amateur station.

Item [24] also inserts a note into the Principal Determination, at the foot of section 8A. The note clarifies that a licensee can transmit over a repeater link regardless of the frequency of the link.

[25] Subsection 9 (1)

Item [25] amends Part 2 of the Principal Determination. **Item [25]** amends subsection 9(1) to clarify that that only persons holding appropriate qualifications may 'operate' an amateur station. The item also clarifies that amateurs who hold equivalent overseas qualifications (qualified persons) may operate amateur stations. In addition the item clarifies that an amateur station, except for certain specified types of amateur station, must be operated by an attendant operator.

[26] Paragraph 9(1)(d)

Item [26] amends Part 2 of the Principal Determination. **Item [26]** amends paragraph 9(1)(d) to change the licence condition pertaining to the control of amateur stations in remote locations. This change is provided for by two items in the Amendment Determination: **Item [26]** and **Item [27]**.

Item [26] removes the period at the end of paragraph 9(1)(d) to enable the insertion of new paragraph 9(1)(e).

[27] After paragraph 9 (1) (d)

Item [27] amends Part 2 of the Principal Determination. **Item [27]** inserts new paragraph 9(1)(e) into the Principal Determination. Paragraph 9(1)(e) sets out that remotely located amateur stations may be operated without the operator needing to be in attendance at the amateur station.

[28] Subsection 9 (2), note

Item [28] removes the reference to *Radiocommunications (Qualified Operators) Determination No. 1 of 1993* from the note at the foot of section 9 of the Principal Determination replaces it with *Radiocommunications (Qualified Operators) Determination 2005*. This is because the *Radiocommunications (Qualified Operators) Determination No. 1 of 1993* was revoked and replaced by the *Radiocommunications (Qualified Operators) Determination 2005*.

[29] Section 10, note

Item [29] amends Part 2 of the Principal Determination. **Item [29]** removes the words ‘the ACA’ and inserts in their place the word ‘ACMA’. This is because ACMA (the Australian Communications and Media Authority) has replaced the ACA (the Australian Communications Authority). ACMA was formed by the merger of the Australian Broadcasting Authority and the ACA on 1 July 2005.

[30] After Section 10, including the note

Item [30] inserts a new Part 2A after Part 2 of the Principal Determination. The new Part sets out the licence conditions pertaining to the operation of amateur standard stations, amateur advanced stations and amateur repeater stations. These changes are provided for **Item [30]** and **Item [31]** of the Amendment Determination.

The insertion of Part 2A into the Principal Determination has two purposes. First, it reflects the intent of **Item [24]** that only persons with qualifications necessary to obtain an amateur licence (amateur standard station) or amateur licence (amateur advanced station) may operate amateur repeater or amateur beacon stations. Second, Part 2A sets out new conditions pertaining to the connection of an amateur station to a public telecommunications network by qualified operators holding an amateur licence (amateur standard station) or amateur licence (amateur advanced station), or qualified persons holding equivalent qualifications.

Item [30] inserts the heading **Part 2A Conditions for amateur licence (amateur standard station, amateur advanced station and amateur repeater station)** to reflect that Part 2A sets out licence conditions that pertain only to amateur standard, amateur advanced and amateur repeater stations.

[31] Section 11

Item [31] makes changes to Part 2 of the Principal Determination. **Item [31]** substitutes section 11 of the Principal Determination with three new sections 11, 11A and 11B.

The new section 11 states that all conditions in Part 2A apply to amateur standard, amateur advanced and amateur repeater licensees *in addition* to the licence conditions set out for these licensees elsewhere in the Principal Determination.

The new section 11A sets out conditions pertaining to the connection of an amateur station to a public telecommunications network (or the internet) by appropriately licensed persons. An appropriately licensed person is defined in subsection 11A(3) as a person holding a licence that authorises that person to operate a station using the frequency and emission mode of the station being accessed.

Previously, licence conditions prohibited amateur stations that operate automatically (for example, repeaters) from being connected to a public telecommunications network (PTN). These restrictions were designed to minimise the possibility of unqualified operators or persons accessing the amateur bands through a PTN. Technical and operational measures can now be put in place to prevent such unauthorised access. Accordingly, **[Item 31]** removes this restriction in cases where reasonable measures have been put in place by the licensee of the station to minimise the possibility of non-qualified operators or persons gaining access to amateur bands through the PTN (or internet).

New section 11B inserts conditions pertaining to the connection of a non-qualified person from a PTN to an amateur transmitter by an amateur licensee operating a station to which Part 2B applies. These conditions are being inserted into the Principal Determination to draw the attention of amateurs to the *Telecommunications (Interception) Act 1979* (the Interception Act). Amateur radio signals may be intercepted by anyone with an appropriate radiocommunications receiver. Although this is common knowledge to qualified operators and qualified persons, a breach of Section 7 of the Interception Act may result in circumstances where a non-qualified person being connected through the PTN is not made aware that their communications may be overheard.

Accordingly, Item [31] requires licensees to notify non-qualified persons that are about to be connected to a PTN that their signals may be overheard by another person when the signals are subsequently transmitted. Item [31] also requires licensees to give the person about to be connected the opportunity not to proceed with the connection.

[32] Part 3, heading

Item [32] amends Part 3 of the Principal Determination. **Item [32]** removes the existing heading for Part 3 of the Principal Determination and replaces it with a new heading. This is because the existing heading to Part 3 makes reference to conditions for amateur licence (amateur limited stations), amateur licence (amateur intermediate stations) and amateur licence (amateur unrestricted stations). These licence options have been superseded and replaced with a single licence option: amateur licence (amateur advanced station).

Accordingly, the heading substituted by **Item [32]** makes reference only to conditions pertaining to amateur licence (amateur advanced stations).

[33] Sections 12 and 12A

Item [33] amends Part 3 of the Principal Determination. **Item [33]** substitutes the existing sections 12 and 12A with two new sections 12 and 12A. The substitution of these sections makes two changes to the Principal Determination.

First, references to amateur licence (amateur limited stations), (amateur intermediate stations) and (amateur unrestricted stations) are being removed. These licence options have been superseded and replaced with a single licence option: amateur licence (amateur advanced station). Accordingly, the new sections 12 and 12A make reference only to amateur licence (amateur advanced station).

Second, the substituted section 12A includes an additional licence condition for licensees of amateur station (amateur advanced stations). This licence condition prohibits licensees from allowing another person to operate the station unless the person is a qualified operator or qualified person.

[34] Section 14, heading

Item [34] amends Part 3 of the Principal Determination. **Item [34]** substitutes the existing heading of section 14. This is because the existing heading makes reference to a ‘station to which this part applies.’ Due to the fact that the previous licence options to which this language refers have been superseded and replaced with a single licence option: amateur licence (amateur advanced station), this heading is being changed to reflect that the section only applies to amateur advanced stations.

Accordingly, **Item [34]** changes the heading of section 14 from **Emissions from a station to which this part applies** to **Emissions from an amateur advanced station**.

Item [35], **Item [36]** and **Item [37]** make the same change to the headings of sections 15, 15A and 15B, respectively.

[35] Section 15, heading

See description set out at **Item [34]**, above.

[36] Section 15A, heading

See description set out at **Item [34]**, above.

[37] Section 15B, heading

See description set out at **Item [34]**, above.

[38] Subsection 16(2)

Item [38] amends Part 3 of the Principal Determination. **Item [38]** inserts the words ‘subject to section 15’ into subsection 16 (2) in order to make the licence condition set out in subsection 16 (2) subject to the conditions set out in section 15.

Section 15 sets out the licence conditions pertaining to the operation of amateur advanced stations in the frequency range 50 MHz to 50.3 MHz. Subsection 16(2) sets out the power limits generally applicable for the listed emission modes. The effect of **Item [38]** is, in relation to operation in the frequency range 50 MHz to 50.3 MHz to apply the maximum

power output set out in subsection 15(3) rather than the maximum power output allowed under subsection 16 (2).

[39] After subsection 16 (2)

Item [39] amends Part 3 of the Principal Determination. **Item [39]** inserts a note to the foot of section 16. This note clarifies the responsibilities of Advanced licensees who automatically retransmit the radio signals of another amateur station. Such retransmissions are now defined (under the definition of ‘operate’) not to be operation and are therefore not subject to section 114 of the *Radiocommunications Act 1992* which requires such ‘third party’ operation to be authorised in writing.

[40] Part 5, heading

Item [40] amends Part 5 of the Principal Determination. **Item [40]** removes the existing heading for Part 5 of the Principal Determination and replaces it with a new heading. This is because the existing heading to Part 5 makes reference to conditions for amateur licence (amateur novice stations), amateur licence (amateur novice limited stations) and amateur licence (amateur standard stations). These licence options have been superseded and replaced with a single licence option: amateur licence (amateur standard station).

Accordingly, the heading substituted by **Item [40]** makes reference only to conditions pertaining to amateur licence (amateur standard stations).

[41] Sections 22 and 22A

Item [41] amends Part 5 of the Principal Determination. **Item [41]** substitutes the existing sections 22 and 22A with two new sections 22 and 22A. The substitution of these sections makes two changes to the Principal Determination.

First, references to amateur licence (amateur novice stations), (amateur novice limited stations) and (amateur standard stations) are being removed. These licence options have been superseded and replaced with a single licence option: amateur licence (amateur standard station). Accordingly, the new sections 22 and 22A make reference only to amateur licence (amateur standard station).

Second, the substituted section 22A includes an additional licence condition for licensees of amateur station (amateur standard stations). This licence condition prohibits licensees from allowing another person to operate the station unless the person is a qualified operator or qualified person.

[42] Section 24, heading

Item [42] amends Part 5 of the Principal Determination. **Item [42]** substitutes the existing heading of section 24. This is because the existing heading makes reference to a ‘station to which this Part applies.’ Due to the fact that the previous licence options to which this language refers have been superseded and replaced with a single licence option: amateur licence (amateur standard station), this heading is being changed to reflect that the section only applies to amateur standard stations.

Accordingly, **Item [42]** changes the heading of section 24 from **Emissions from a station to which this part applies** to **Emissions from an amateur standard station**.

[43] After subsection 25 (2)

Item [43] amends Part 5 of the Principal Determination. **Item [43]** inserts a note to the foot of subsection 25(2). This note clarifies the responsibilities of Advance licensees who automatically retransmit the radio signals of another amateur station. Such retransmissions are now defined (under the definition of ‘operate’) not to be operation and are therefore not subject to section 114 of the *Radiocommunications Act 1992* which requires such ‘third party’ operation to be authorised in writing.

[44] Section 26

Item [44] amends Part 6 of the Principal Determination. **Item [44]** omits the words ‘For paragraph 107(1)(f) of the Act’ from section 26 of the Principal Determination. These words represent an obsolete drafting convention and are being omitted from the Principal Determination for the sake of consistency.

[45] After section 27

Item [45] amends Part 6 of the Principal Determination. Part 6 sets out conditions for amateur licence (amateur foundation stations). **Item [45]** inserts the new section 27A into the Principal Determination. Section 27A sets out three restrictions on the operation of an amateur foundation stations.

First, subsection 27A(1) prohibits amateur foundation licensees from allowing another person to operate their station unless the person is a qualified operator or qualified person. Second, subsection 27A(2) prohibits amateur foundation licensees from operating an amateur station using an automatic or computer-controlled mode. Third, subsection 27A(3) prohibits amateur foundation licensees from operating an amateur station directly connected to a PTN (ie operate a ‘gateway’). Amateur foundation licensees are not considered to be sufficiently qualified to interconnect other amateur stations into the PTN (ie operate a gateway).

Item [45] also inserts a note at the foot of section 27A to further clarify the conditions concerning amateur foundation licensees connecting to a PTN. This note states that amateur foundation stations may be connected to a PTN indirectly through a gateway operated by another licensee.

[46] Section 30

Item [46] amends Part 6 of the Principal Determination. **Item [46]** substitutes the existing section 30 to amend the licence conditions pertaining to the transmitter output power permitted for Foundation stations.

Previously, section 30 limited Foundation stations operating with certain emission modes to a maximum transmitter power of 3 watts. However, amateur foundation licensees are only permitted to use commercially manufactured equipment. Most equipment is available with transmitter output powers of 1, 5 and 10 watts. This equipment is not readily capable of being adjusted to 3 watts. Accordingly, the Amendment Determination is varying the Principal Determination to allow amateur foundation licensees to operate with a maximum transmitter power of 10 watts for all emission modes.

[47] Section 35

Item [47] amends Part 8 of the Principal Determination. **Item [47]** omits the words ‘For paragraph 107(1)(f) of the Act’ from section 35 of the Principal Determination. These words represent an obsolete drafting convention and are being omitted from the Principal Determination for the sake of consistency.

[48] Section 38

Item [48] amends Part 9 of the Principal Determination. **Item [48]** omits the words ‘For paragraph 107(1)(f) of the Act’ from section 38 of the Principal Determination. These words represent an obsolete drafting convention and are being omitted from the Principal Determination for the sake of consistency.

[49] After section 41

Item [49] amends Part 9 of the Principal Determination. **Item [49]** inserts a note to the foot of section 41. This note clarifies the responsibilities of Advance licensees who automatically retransmit the radio signals of another amateur station. Such retransmissions are now defined (under the definition of ‘operate’) not to be operation and are therefore not subject to section 114 of the *Radiocommunications Act 1992* which requires such ‘third party’ operation to be authorised in writing.

[50] Schedule 1, heading

Item [50] amends Schedule 1 of the Principal Determination. **Item [50]** substitutes the existing heading of Schedule 1. The substitution reflects the fact that the emission modes set out in Schedule 1 refer not only to section 3 (as in the original heading), but also to the notes at the foot of subsections 36(3) and 43(3), as provided for in the new heading.

[51] Schedule 1, clause 2, table

Item [51] amends the table at clause 2 in Schedule 1 of the Principal Determination. **Item [51]** inserts the new item with the description ‘Necessary bandwidth is a value between 1.000 MHz and 999.999 MHz (inclusive)’ and Symbol M.

[52] Schedule 2, heading

Item [52] amends Schedule 2 of the Principal Determination. **Item [52]** removes the existing heading for Schedule 2 of the Principal Determination and replaces it with a new heading. This is because the existing heading makes reference to conditions for amateur licence (amateur limited stations), amateur licence (amateur intermediate stations) and amateur licence (amateur unrestricted stations). These licence options have been superseded and replaced with a single licence option: amateur licence (amateur advanced station). Accordingly, the heading substituted by **Item [52]** makes reference only to conditions pertaining to amateur licence (amateur advanced stations).

[53] Schedule 2, Part 2, note 2

Item [53] amends Schedule 2 of the Principal Determination. **Item [53]** removes reference to amateur unrestricted, amateur limited and amateur intermediate stations in note 2 of part 2. These licence options have been superseded and reference to them is no longer necessary.

[54] Schedule 2, Part 2, note 3

Item [54] amends Schedule 2 of the Principal Determination. **Item [53]** removes reference to amateur unrestricted, amateur limited and amateur intermediate stations in note 3 of part 2. These licence options have been superseded and reference to them is no longer necessary.

[55] Schedule 3, heading

Item [55] amends Schedule 3 of the Principal Determination. **Item [52]** removes the existing heading for Schedule 3 of the Principal Determination and replaces it with a new heading. This is because the existing heading makes reference to conditions for amateur licence (amateur novice limited stations), amateur licence (amateur novice stations) and amateur licence (amateur standard stations). These licence options have been superseded and replaced with a single licence option: amateur licence (amateur standard station). Accordingly, the heading substituted by **Item [55]** makes reference only to conditions pertaining to amateur licence (amateur standard stations).

[56] Schedule 7, heading

Item [56] amends Schedule 1 of the Principal Determination. **Item [56]** substitutes the existing heading of Schedule 1. The substitution reflects the fact that the emission modes set out in Schedule 1 refer not only to section 3 (as in the original heading), but also to the notes at the foot of subsections 36(3) and 43(3), as provided for in the new heading.

[57] Schedule 7, Part 3, table

Item [57] amends Schedule 7 of the Principal Determination. **Item [57]** substitutes the existing table at Part 3. The substituted table includes the additional VHF television channel 0 stations that have been allocated since the Principal Determination was last amended.

[58] Further amendments

Item [58] makes a series of amendments to the following sections and subsections of the Principal Determination: sections 13, 14, 15A, 15B, 23, 24, 37 and 44; and subsections 15(1), 15(2), 15(3), 16(1), 16(2), 25(1), 25(2) and 40(2). The following changes apply:

For the sections 13, 14, 15A, 15B and subsections 16(1) and 16(2): the text ‘a station to which this part applies’ is being substituted with the text ‘an amateur advanced station.’ Due to the fact that the previous licence options to which this language refers have been superseded and replaced with a single licence option: amateur licence (amateur advanced station), this text is being changed to reflect that the section only applies to amateur advanced stations.

For the sections 23, 24 and subsections 25(1) and 25(2): the text ‘a station to which this part applies’ is being substituted with the text ‘an amateur standard station.’ Due to the fact that the previous licence options to which this language refers have been superseded and replaced with a single licence option: amateur licence (amateur standard station), this text is being changed to reflect that the section only applies to amateur standard stations.

For the subsections 15(2) and 15(3): the text ‘a station to which this part applies’ is being substituted with the text ‘the station.’ This text is being changed to reflect that the text applies to an amateur station.

For sections 37 and 44 and subsections 40(2): the text ‘ACA’ is being substituted with the text ‘ACMA.’ This is because ACMA (the Australian Communications and Media Authority) has replaced the ACA (the Australian Communications Authority). ACMA was formed by the merger of the Australian Broadcasting Authority and the ACA on 1 July 2005.