



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

Radiocommunications Act 1992

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Determination under paragraph 107 (1) (f) of the *Radiocommunications Act 1992*.

Dated 7th February 2008

CHRIS CHAPMAN
Member

LYN MADDOCK
Member

Australian Communications and Media Authority

1 Name of Determination

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

2 Commencement

This Determination commences on the day after it is registered.

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

Schedule 1 amends the *Radiocommunications Licence Conditions (Amateur Licence) Determination No. 1 of 1997*.

Schedule 1 Amendments

(section 3)

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

substitute

- (b) every amateur licence (amateur advanced station) is also subject to the conditions in Part 3;
- (c) every amateur licence (amateur standard station) is also subject to the conditions in Part 5;

[2] Subsection 2 (2)

omit

- (2) However,
insert
- (2) Subject to subsection (3),

[3] After subsection 2 (2)

insert

- (3) Subsection (2) does not apply to the condition set out in subsection 8 (1A).

[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)*

omit

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

insert

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

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

substitute

licence means:

- (a) an amateur licence (amateur advanced station); or
- (b) an amateur licence (amateur beacon station); or
- (c) an amateur licence (amateur foundation station); or

-
- (d) an amateur licence (amateur repeater station); or
 - (e) an amateur licence (amateur standard station).

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

insert

operate has the meaning given in subsection (1A).

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

insert

pX means peak envelope power.

pY means mean power.

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

omit

Radiocommunications (Qualified Operators) Determination No. 1 of 1993.

insert

Radiocommunications (Qualified Operators) Determination 2005.

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

insert

qualified person means a person who holds an overseas qualification equivalent to the certificate of proficiency for a qualified operator.

[11] After subsection 3 (1)

insert

(1A) In this Determination:

operate means take an action to control the operation of the amateur transmitter, other than:

- (a) in relation to an amateur standard station or an amateur advanced station — an action taken by a person who is not a qualified operator or a qualified person, that is done in the presence of and under the supervision of a qualified operator or qualified person, to activate by switch or voice a microphone connected to a transmitter, when the operation of the transmitter:
 - (i) is limited to causing the transmitter to transmit or to cease to transmit; and
 - (ii) is otherwise controlled by the qualified operator or qualified person; or

- (b) in relation to an amateur standard station or an amateur advanced station — an action taken by a person who is not a qualified operator or a qualified person, that is done in the presence of and under the supervision of a qualified operator or qualified person, to control the operation of a transmitter while being trained or examined for the purpose of becoming a qualified operator; or
- (c) in relation to an amateur standard station or an amateur advanced station — an action taken by a person who is not a qualified operator or a qualified person, to activate by switch or voice a microphone connected to a transmitter through a public communications network if:
 - (i) the action is limited to causing the transmitter to transmit or to cease to transmit; and
 - (ii) the operation of the transmitter is otherwise controlled by a qualified operator or qualified person present at the transmitter;or
- (d) in relation to an amateur standard station or an amateur advanced station, for a station which receives radio signals from a second amateur station and automatically retransmits those signals by radio — an action taken by the operator of the second amateur station if that action causes the retransmitting station's transmitter to only transmit or to cease to transmit; or
- (e) in relation to an amateur standard station or an amateur advanced station, for a station which receives signals through a public telecommunications network from a second amateur station and automatically retransmits those signals by radio — an action taken by the operator of the second amateur station if that action causes the retransmitting station's transmitter to only transmit or to cease to transmit; or
- (f) in relation to an amateur repeater station:
 - (i) which receives radio signals from a second amateur station and automatically retransmits those signals; or
 - (ii) which is connected to a public telecommunications network which receives signals from a second amateur station and automatically retransmits those signals;an action by the operator of the second amateur station that causes the first station's transmitter to only transmit or to cease to transmit.

Note 1 The operation of transmitters used to transmit signals to amateur stations that receive radio signals and automatically retransmit those signals remains subject to the provisions of this Determination.

Note 2 All actions taken to control the operation of a transmitter used to transmit signals to stations mentioned in paragraphs (d) and (f) are considered to be operation of the transmitter.

[12] Section 4

omit

For paragraph 107 (1) (f) of the Act, every

insert

Every

[13] Subsection 5 (1)

omit

natural

[14] Subsection 5 (3)

omit

the ACA

insert

ACMA

[15] Subsection 5 (4)

omit

[16] Section 5, at the foot

insert

Note Subject to subsections 5 (1) and (2), a licensee may transmit messages, on behalf of a third party, to any amateur station, including an amateur station in a foreign country. Other countries may permit the transmission or reception of messages on behalf of third parties only in the case of emergencies or disaster relief. Licensees should respect any restrictions applied to amateur stations in foreign countries in relation to the transmission or reception of messages on behalf of a third party.

[17] Section 7

substitute

7 Interference

The licensee must not operate an amateur station if its operation causes harmful interference to radiocommunications.

7A Spurious emission limits for an amateur station

- (1) The licensee must not operate an amateur station if the emissions of the station include spurious emissions that are not attenuated below the power of the wanted emission supplied to the antenna transmission line by:
 - (a) for frequencies less than 30 MHz — the lesser of:
 - (i) $43 + 10 \log (\text{PEP})$ dB; and
 - (ii) 50 dB; or
 - (b) for frequencies above 30 MHz — the lesser of:
 - (i) $43 + 10 \log (P)$ dB; and
 - (ii) 70 dB.
- (2) In subsection (1):

P means mean power in watts supplied to the antenna transmission line.

PEP means peak envelope power in watts supplied to the antenna transmission line.

[18] Before subsection 8 (1)

insert

- (1A) The licensee of an amateur station (other than an amateur beacon station or amateur repeater station) may, on the following days, substitute the prefix letters VK in the call sign printed on the licensee's amateur licence with the prefix letters AX:
 - (a) 26 January;
 - (b) 25 April;
 - (c) 17 May.

Example

If the call sign specified in the licensee's licence is VK1ZZZ, the licensee may use the call sign AX1ZZZ on the days mentioned in paragraphs (a) to (c) above.

Note 26 January is Australia Day, 25 April is Anzac Day and 17 May is World Telecommunication Day.

[19] Subsection 8 (1)

omit

- (1) If

insert

- (1) Subject to subsection (2A), if

[20] Subsection 8 (2)

omit

(2) If

insert

(2) Subject to subsection (2A), if

[21] After subsection 8 (2)

insert

(2A) If a network of amateur operators is participating in emergency services operations or related training exercises, for transmissions relating to those operations or exercises, the licensee must ensure that arrangements are in place for at least 1 station in the network to transmit the call signs of the stations participating in the network:

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

[22] Subsection 8 (3)

omit

The licensee

insert

Subject to subsection (3A), the licensee

[23] After subsection 8 (3)

insert

(3A) The licensee must not operate an amateur station to transmit signals that are encoded for the purpose of obscuring the meaning of the signals, except for:

- (a) signals exchanged between an amateur station and a space station in the amateur satellite service for the purpose of controlling the operation of the space station; and
- (b) signals exchanged between an amateur station and an unattended amateur station for the purpose of controlling the operation of the unattended amateur station; and
- (c) intercommunications when participating in emergency services operations or related training exercises.

[24] After section 8

insert

8A Transmission on authorised frequency bands

- (1) The licensee must not operate an amateur station to transmit a signal to another amateur station, through an amateur repeater station, if the licensee is not authorised under the licence to transmit on the repeater output of the amateur repeater station.
- (2) The licensee must not operate an amateur station to transmit a signal to another amateur station, through an amateur repeater station linked to a second amateur repeater station, if the licensee is not authorised under the licence to use the repeater output of the second repeater station.
- (3) The licensee must not operate an amateur station to transmit a signal to a second amateur station through a third amateur station if the licensee is not authorised under the licence to transmit on the third amateur station's transmit frequency.

Note A licensee may transmit a signal over a repeater link, whether or not the licensee is authorised to transmit on the repeater link frequencies.

[25] Subsection 9 (1)

omit

by, or under the supervision of, a qualified operator,

insert

by a qualified operator or qualified person in attendance at the amateur station,

[26] Paragraph 9 (1) (d)

omit

radioteletype mode).

insert

radioteletype mode); or

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

insert

- (e) an amateur station at a remote location.

[28] Subsection 9 (2), note*omit**Radiocommunications (Qualified Operators) Determination No. 1 of 1993.**insert**Radiocommunications (Qualified Operators) Determination 2005.***[29] Section 10, note***omit*

the ACA

insert

ACMA

[30] After section 10*insert*

Part 2A Conditions for amateur licence (amateur standard station, amateur advanced station and amateur repeater station)

[31] Section 11*substitute***11 Conditions**

Every licence for a station to which section 11A or 11B applies is subject to the additional conditions in this Part relating to the operation by the licensee under the licence of the station.

11A Restrictions on connection to a public telecommunications network — general

- (1) This section applies to
- (a) an amateur standard station; and
 - (b) an amateur advanced station; and
 - (c) an amateur repeater station.

- (2) The licensee must not, directly or indirectly, connect the station to a public telecommunications network, unless the licensee has implemented reasonable measures to ensure that only appropriately licensed persons access the station to transmit a signal to another amateur station.

- (3) In this section:

appropriately licensed person means a person holding a licence that authorises that person to operate a station using the frequency and emission mode of the station being accessed.

Note 1 A licensee who operates a station connected to the public telecommunications network is not required to authorise other persons to operate the station for the purpose of accessing the station.

Note 2 For the purpose of the amateur service, the Internet is considered to be part of a public telecommunications network.

11B Restrictions on connection from a public telecommunications network

- (1) This subsection applies to:
- (a) an amateur standard station; and
 - (b) an amateur advanced station.
- (2) If a licensee connects a person from a public telecommunications network to the station, whether manually or automatically, the licensee must:
- (a) advise the person being connected that his or her transmissions may be overheard by other persons; and
 - (b) advise the person being connected to disconnect if he or she does not wish to proceed with the connection.

Note It is an offence, under subsection 7 (1) of the *Telecommunications (Interception and Access) Act 1979* to intercept a communication passing over a telecommunications system. Under subsection 6 (1) of that Act, interception of a communication passing over a telecommunications system means listening to or recording, by any means, such a communication in its passage over that telecommunications system without the knowledge of the person making the communication.

[32] Part 3, heading

substitute

Part 3 Conditions for amateur licence (amateur advanced station)

[33] Sections 12 and 12A

substitute

12 Conditions

Every amateur licence (amateur advanced station) is subject to the additional conditions in this Part relating to the operation by the licensee under the licence of the station.

12A Restrictions on operation of station

The licensee of an amateur advanced station must not authorise another person to operate the station if the other person is not a qualified operator or qualified person.

[34] Section 14, heading

substitute

14 Emissions from an amateur advanced station**[35] Section 15, heading**

substitute

15 Operating an amateur advanced station in the frequency band 50 MHz to 52 MHz**[36] Section 15A, heading**

substitute

15A Operating an amateur advanced station in the frequency bands 3.425 GHz to 3.4425 GHz and 3.475 GHz to 3.4925 GHz**[37] Section 15B, heading**

substitute

15B Operating an amateur advanced station in the frequency bands 3.4425 GHz to 3.475 GHz and 3.5425 GHz to 3.575 GHz

[38] Subsection 16 (2)

omit

The licensee

insert

Subject to section 15, the licensee

[39] After subsection 16 (2)

insert

Note The licensee of an amateur advanced station who operates an amateur station to automatically retransmit radio signals from another amateur station is not required to authorise the person operating the other amateur station to operate the licensee's station for the purpose of the retransmission.

[40] Part 5, heading

substitute

**Part 5 Conditions for amateur licence
(amateur standard station)**

[41] Sections 22 and 22A

substitute

22 Conditions

Every amateur licence (amateur standard station) is subject to the additional conditions in this Part relating to the operation by the licensee under the licence of the station.

22A Restriction on operation of station

The licensee of an amateur standard station must not authorise another person to operate the station if the other person is not a qualified operator or qualified person.

[42] Section 24, heading

substitute

24 Emissions from an amateur standard station

[43] After subsection 25 (2)

insert

Note The licensee of an amateur standard station who operates an amateur station to automatically retransmit radio signals from another amateur station is not required to authorise the person operating the other amateur station to operate the licensee's station for the purpose of the retransmission.

[44] Section 26

omit

For paragraph 107 (1) (f), every

insert

Every

[45] After section 27

insert

27A Restrictions on operation of an amateur foundation station

- (1) The licensee of an amateur licence (amateur foundation station) must not authorise another person to operate the licensee's amateur station if the other person is not a qualified operator or qualified person.
- (2) The licensee of an amateur licence (amateur foundation station) must not operate an amateur station using automatic mode or computer controlled mode.
- (3) The licensee of an amateur licence (amateur foundation station) must not operate an amateur station that is directly connected to a public telecommunications network.

Note An amateur foundation station may be indirectly connected to a public telecommunications network through a gateway operated by another licensee.

[46] Section 30

substitute

30 Transmitter output power

The licensee must not operate an amateur foundation station using a transmitter output power of more than 10 watts pX.

[47] Section 35

omit

For paragraph 107 (1) (f) of the Act, every

insert

Every

[48] Section 38

omit

For paragraph 107 (1) (f) of the Act, every

insert

Every

[49] After section 41

insert

Note The licensee of an amateur licence (amateur repeater station) is not required to authorise other persons to operate the station for the purpose of accessing the repeater.

[50] Schedule 1, heading

substitute

Schedule 1 Emission modes

(section 3 and notes at the foot of subsections 36 (3) and 43 (3))

[51] Schedule 1, clause 2, table

after

Necessary bandwidth is a value between 1.000 kHz and 999.999 kHz (inclusive) K

insert

Necessary bandwidth is a value between 1.000 MHz and 999.999 MHz (inclusive) M

[52] **Schedule 2, heading**

substitute

Schedule 2 Permitted frequencies and emission modes (amateur advanced stations)

(sections 13 and 14)

[53] **Schedule 2, Part 2, note 2**

omit

amateur unrestricted station, amateur limited station, amateur intermediate station or

[54] **Schedule 2, Part 2, note 3**

omit

amateur unrestricted station, amateur limited station, amateur intermediate station or

[55] **Schedule 3, heading**

substitute

Schedule 3 Permitted frequencies and emission modes (amateur standard station)

(sections 23 and 24)

[56] **Schedule 7, heading**

substitute

Schedule 7 Information about VHF television channel 0 stations

(notes at the foot of subsections 15 (3), 36 (3) and 43 (3))

[57] Schedule 7, Part 3, table*substitute*

| Call sign | Location | Latitude | Longitude | Australian Map Grid coordinates |
|------------------|---------------------------------|-------------------|-------------------|---|
| ABMN11 | Young, New South Wales | 34° 17' 57" south | 148° 18' 18" east | Zone 55 Easting 620100 Northing 6203900 |
| ABMN57 | Tumut, New South Wales | 35° 17' 39" south | 148° 14' 46" east | Zone 55 Easting 613300 Northing 6093600 |
| ABMN58 | Junee, New South Wales | 34° 52' 44" south | 147° 34' 30" east | Zone 55 Easting 552553 Northing 6140223 |
| ABMN59 | Cootamundra, New South Wales | 34° 38' 45" south | 148° 2' 50" east | Zone 55 Easting 595980 Northing 6165725 |
| ABMN66 | Tumbarumba, New South Wales | 35° 46' 40" south | 148° 1' 12" east | Zone 55 Easting 592200 Northing 6040200 |
| ABMN67 | Adelong, New South Wales | 35° 18' 23" south | 148° 5' 36" east | Zone 55 Easting 599400 Northing 6092400 |
| ABMN67 | Mannus, New South Wales | 35° 53' 59" south | 147° 56' 54" east | Zone 55 Easting 585580 Northing 6026750 |
| ABMN68 | Batlow, New South Wales | 35° 32' 49" south | 148° 11' 49" east | Zone 55 Easting 608499 Northing 6065599 |
| NEN67 | Currabubula, New South Wales | 31° 15' 24" south | 150° 43' 47" east | Zone 56 Easting 283848 Northing 6539692 |
| RTQ10 | Miles, Queensland | 26° 39' 3" south | 150° 16' 10" east | Zone 56 Easting 228207 Northing 7049297 |
| RTQ65 | Bell, Queensland | 26° 56' 6" south | 151° 27' 21" east | Zone 56 Easting 346703 Northing 7019796 |
| RTQ65 | Toowoomba, Queensland | 27° 32' 42" south | 151° 58' 14" east | Zone 56 Easting 398361 Northing 6952766 |
| RTQ66 | Murgon, Queensland | 26° 11' 12" south | 151° 57' 26" east | Zone 56 Easting 395800 Northing 7103200 |
| RTQ66 | Tara, Queensland | 27° 16' 47" south | 150° 27' 37" east | Zone 56 Easting 248601 Northing 6979997 |

[58] Further amendments

| <i>Provision</i> | <i>omit</i> | <i>insert</i> |
|-------------------|--|-----------------------------|
| Section 13 | a station to which this Part applies | an amateur advanced station |
| Section 14 | a station to which this Part applies | an amateur advanced station |
| Subsection 15 (1) | a station to which this Part applies | an amateur advanced station |
| Subsection 15 (2) | the station to which this Part applies | the station |
| Subsection 15 (3) | the station to which this Part applies | the station |
| Section 15A | a station to which this Part applies | an amateur advanced station |
| Section 15B | a station to which this Part applies | an amateur advanced station |
| Subsection 16 (1) | a station to which this Part applies | an amateur advanced station |
| Subsection 16 (2) | a station to which this Part applies | an amateur advanced station |
| Section 23 | a station to which this Part applies | an amateur standard station |
| Section 24 | a station to which this Part applies | an amateur standard station |
| Subsection 25 (1) | a station to which this Part applies | an amateur standard station |
| Subsection 25 (2) | a station to which this Part applies | an amateur standard station |
| Section 37 | the ACA | ACMA |
| Subsection 40 (2) | the ACA | ACMA |
| Section 44 | the ACA | ACMA |