



# Radiocommunications Licence Conditions (Fixed Licence) Amendment Determination 2009 (No. 1)<sup>1</sup>

*Radiocommunications Act 1992*

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

Dated 11<sup>th</sup> September 2009

*Chris Chapman*  
[signed]  
Member

*Brendan Byrne*  
[signed]  
General Manager

Australian Communications and Media Authority

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## **1 Name of Determination**

This Determination is the *Radiocommunications Licence Conditions (Fixed Licence) Amendment Determination 2009 (No. 1)*.

## **2 Commencement**

This Determination commences on the day after it is registered.

**3 Amendment of *Radiocommunications Licence Conditions (Fixed Licence) Determination 1997***

Schedule 1 amends the *Radiocommunications Licence Conditions (Fixed Licence) Determination 1997*.

**Schedule 1 Amendments**

(section 3)

**[1] Paragraph 2 (1) (b)**

*omit*

paragraph (ba) or (bb)

*insert*

paragraph (ba), (bb) or (bc)

**[2] Paragraph 2 (1) (bb)**

*substitute*

(bb) certain fixed licences (point to multipoint station) for a station that operates in the 1900–1920 MHz or 2010–2025 MHz frequency band are subject to the conditions in Part 3D;

(bc) every fixed licence (point to multipoint station) for a station that operates in the 1427–1535 MHz, 1900–1920 MHz, 2010–2025 MHz or 3400–3700 MHz frequency band is subject to the conditions in Part 3E;

**[3] Subsection 3 (1), definition of *2.5 GHz band***

*substitute*

*2.5 GHz band* means the frequency band 2500–2690 MHz.

**[4] Subsection 3 (1), after definition of *13 GHz band***

*insert*

*Act* means the *Radiocommunications Act 1992*.

**[5] Subsection 3 (1), after definition of *supplementary base station* and before the note**

*insert*

*wireless access services (WAS) band* means the frequency band:

(a) 1427–1535 MHz; or

(b) 1900–1920 MHz; or

- 
- (c) 2010–2025 MHz; or
  - (d) 3400–3700 MHz.

[6] **Part 3, heading**  
*substitute*

**Part 3**                    **Conditions for fixed licences (point to multipoint station) except licences for stations used to provide distance education or stations that operate in wireless access services (WAS) bands**

[7] **Paragraph 6 (b)**  
*substitute*

- (b) a station that operates in a wireless access service (WAS) band;

[8] **Subparagraph 11D (a) (i)**  
*omit*

ACA;

*insert*

ACMA;

[9] **Paragraph 11M (a)**  
*omit*

after 27 April 2005;

*insert*

after 27 April 2005 and before 15 February 2008;

[10] **Subsections 11O (2) and (3)**  
*omit each mention of*

ACA

*insert*

ACMA

**[11] Subsection 11O (4), including the notes**

*substitute*

- (4) Subsection (3) only has effect if, at the time of renewal, the holder has not met both rollout goals.

*Note 1* For monitoring the meeting of the rollout goals, the ACMA may specify, as the period for which a licence remains in force, a period less than the maximum period permissible under subsection 103 (3) of the Act.

*Note 2* The ACMA intends to monitor compliance with the rollout goals primarily at the time of licence renewal and such compliance will constitute one of the matters the ACMA considers when making its decision on whether to renew the licence.

**[12] Subsection 11Q (1)**

*omit*

ACA:

*insert*

ACMA:

**[13] Subsection 11Q (3)**

*omit*

ACA

*insert*

ACMA

**[14] After Part 3D**

*insert*

**Part 3E Conditions for fixed licences (point to multipoint station) for stations that operate in wireless access services (WAS) bands**

**11R Conditions**

For paragraph 107 (1) (f) of the Act, every fixed licence (point to multipoint station) for a station that operates in a wireless access services (WAS) band is subject to the conditions in this Part.

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**11S Remote stations**

If the station is a remote station, the licensee:

- (a) must not operate the station if its operation causes harmful interference to a service provided by another station; and
- (b) must operate the station to transmit to the base station using the receive or transmit frequencies specified on the licence for the base station.

**11T Adjacent channel interference**

- (1) If the station is a base station that operates using time division duplex, the licensee:
  - (a) must not cause harmful interference to a base station receiver operating on an adjacent channel that:
    - (i) operates using time division duplex; and
    - (ii) is operated in accordance with its licence; or
  - (b) cannot claim protection from harmful interference caused by a base station operating on an adjacent channel that:
    - (i) operates using time division duplex; and
    - (ii) is operated in accordance with its licence.
- (2) The licensee is taken to have complied with subsection (1) in relation to another licensee if the licensee:
  - (a) align transmission and reception timing as soon as practicable to avoid the interference; or
  - (b) make other arrangements that avoid the interference.
- (3) In this section:  
***adjacent channel***, in relation to a licence, means a frequency band that:
  - (a) is within a wireless access services (WAS) band; and
  - (b) is immediately adjacent to the frequency band to which the licence relates.

**11U Adaptive transmit power control**

The licensee must use adaptive transmit power control on each station that is authorised to be operated under the licence.

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**Note**

- 1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.