



# Radiocommunications (subsection 145 (3) Certificates) Determination 2012

*Radiocommunications Act 1992*

---

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Determination under section 266A of the *Radiocommunications Act 1992*.

Dated 15 August 2012

Chris Chapman  
[signed]  
Member

Richard Bean  
[signed]  
Member/ ~~General Manager~~

Australian Communications and Media Authority

---

## 1 Title

This determination is the *Radiocommunications (subsection 145 (3) Certificates) Determination 2012*.

## 2 Commencement

This determination commences on the day after it is registered.

*Note* 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>.

## 3 Revocation of *Radiocommunications (section 145 (3) Certificates) Determination 2000*

The *Radiocommunications (section 145 (3) Certificates) Determination 2000* is revoked.

## 4 Purpose

This determination sets out the conditions that apply in relation to the issuing of a certificate under subsection 145 (3) of the Act.

## 5 Interpretation

In this determination, unless the contrary intention appears:

***accredited person*** means a person accredited under section 263 of the Act to issue certificates for the purposes of section 145 of the Act.

***Act*** means the *Radiocommunications Act 1992*.

***geographic area*** in relation to a spectrum licence, means the area within which operation of a radiocommunications device is authorised under the licence.

***guard area*** means additional geographic separation from the licence boundary within the geographic area of the spectrum licence.

***guard band*** means additional frequency separation within the frequency band of the spectrum licence.

***guard space*** means isolation achieved by means of:

- (a) guard area;
- (b) guard band; or
- (c) a combination of the above,

to ensure that a radiocommunications transmitter operated under a spectrum licence does not radiate significant levels of emission outside the spectrum space of that licence.

***section 145 determination*** means a determination made by the ACMA under subsection 145 (4) of the Act specifying what are unacceptable levels of interference for a particular frequency band.

---

**spectrum space** means a three dimensional space consisting of a frequency band and a geographic area.

*Note* The following terms, used in this determination, are defined in the Act and have the meaning given to them by the Act:

- ACMA
- frequency band
- interference
- licensee
- radiocommunications device
- radiocommunications transmitter
- spectrum licence

## 6 Conditions

The conditions for the issue of a certificate under subsection 145 (3) of the Act, for a radiocommunications transmitter operating under a spectrum licence issued for a frequency band, are that:

- (a) the accredited person is satisfied that the operation of the radiocommunications transmitter will not cause an unacceptable level of interference as set out in the section 145 determination for the frequency band; or
- (b) the accredited person is satisfied that the use of guard space is sufficient to mitigate potential interference from the radiocommunications transmitter; or
- (c) the accredited person is satisfied that consent in writing to interference from the radiocommunications transmitter has been given by all licensees who, in the opinion of the accredited person, may be affected by the interference.

*Note* Additional information on the registration of radiocommunications devices using guard space or agreement is available in the *Registration of radiocommunications devices under spectrum licences* information paper, available on the ACMA's website.