



Radiocommunications Licence Conditions (PTS Licence) Determination 2013

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

Dated 20th December 2013

Chris Chapman
[signed]
Member

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

Australian Communications and Media Authority

Section 1

Part 1 Preliminary**1 Name of Determination**

This Determination is the *Radiocommunications Licence Conditions (PTS Licence) Determination 2013*.

1A 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>.

1B Revocation of previous Determination

The *Radiocommunications Licence Conditions (PTS Licence) Determination 1997* (Federal Register of Legislative Instruments No. F2010C00533) is revoked.

2 Scope

- (1) This Determination sets out conditions to which a PTS licence is subject in the following manner:
 - (a) every PTS licence is subject to the conditions in Part 2;
 - (b) every PTS licence (PMTS B) is also subject to the conditions in Part 3;
 - (c) every PTS licence (PMTS C) is also subject to the conditions in Part 4.
- (2) However, if a condition in this Determination is inconsistent with a condition specified in the licence, the condition specified in the licence applies.

3 Interpretation

- (1) In this Determination, unless the contrary intention appears:

licence means:

- (a) a PTS licence (PMTS B); or
- (b) a PTS licence (PMTS C).

licensee means the holder of a licence and includes any person authorised by the licensee to operate a station under the licence.

PTS licence (PMTS B) means a PTS licence that authorises the holder to operate a land station in a PMTS Class B.

PTS licence (PMTS C) means a PTS licence that authorises the holder to operate a station in a PMTS Class C.

repeater station means a station that is used for the reception and automatic retransmission of radio signals.

Section 3

Note For the definitions of other expressions used in this Determination, see the *Radiocommunications Act 1992*, the *Radiocommunications (Interpretation) Determination 2000* and the *Radiocommunications Regulations 1993*.

- (2) For this Determination, a frequency band described using 2 frequencies starts immediately above the lower frequency and ends at the higher frequency.

Section 4

Part 2 Conditions for every PTS licence**4 Conditions**

Every PTS licence is subject to the conditions set out in this Part relating to the operation of a station under the licence by the licensee.

5 Record keeping

- (1) The licensee must keep a record of the location, frequency and technical parameters of each station.
- (2) If the ACMA asks the licensee for a copy of the record, the licensee must, as soon as practicable, give the ACMA:
 - (a) a copy of the record; and
 - (b) if the record is not in English — an English translation of the record.
- (3) Subsections (1) and (2) do not apply in relation to a station operated under a PTS licence where the station:
 - (a) has an indoor fixed antenna and a radiated true mean power less than or equal to 24 dBm EIRP/occupied bandwidth; and
 - (b) uses the receive or transmit frequencies and the emission designator specified in the licence; and
 - (c) is within the coverage area of the base station specified in the licence.

5A Stations exempt from subsections 5 (1) and 5 (2)

A station that meets the specifications set out in subsection 5 (3) must be operated:

- (a) in a manner that does not cause harmful interference to licensed radiocommunications devices; and
- (b) on the basis that the licensee cannot claim protection from harmful interference from other licensed radiocommunications devices.

Part 3 Conditions for PTS licence (PMTS B)

6 Conditions

Every PTS licence (PMTS B) is subject to the additional conditions set out in this Part relating to the operation of a land station under the licence by the licensee.

7 Location of land stations

- (1) The licensee must not operate a land station unless:
 - (a) the location of the station is specified in the licence; or
 - (b) the licensee notifies the ACMA of the location of the station before the licensee first operates it.
- (2) Subsection (1) does not apply in relation to a land station operated under a licence where the station:
 - (a) has an indoor fixed antenna and a radiated true mean power less than or equal to 24 dBm EIRP/occupied bandwidth; and
 - (b) uses the receive or transmit frequencies and the emission designator specified in the licence; and
 - (c) is used only to overcome deficiencies within the coverage area of the base station specified in the licence; and
 - (d) is not used to extend the coverage area of the base station specified in the licence.

7A Land stations exempt from subsection 7 (1)

A land station that meets the specifications set out in subsection 7 (2) must be operated:

- (a) in a manner that does not cause harmful interference to licensed radiocommunications devices; and
- (b) on the basis that the licensee cannot claim protection from harmful interference from other licensed radiocommunications devices.

8 Repeater stations

If the licensee operates a repeater station under the licence, 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 using only the receive or transmit frequencies that are authorised by the licence.

Section 9

Part 4 Conditions for PTS licence (PMTS C)**9 Conditions**

Every PTS licence (PMTS C) is subject to the additional conditions set out in this Part relating to the operation of any station under the licence by the licensee.

10 On-ground operation

- (1) The licensee may operate a station to which this Part applies while the aircraft is grounded for testing and maintenance purposes.
- (2) However:
 - (a) the licensee must take appropriate steps to ensure that the potential for interference to other services is reduced; and
 - (b) the licensee must not operate the station if its operation causes harmful interference to a service provided by another station; and
 - (c) the licensee cannot claim protection from harmful interference.
- (3) If the operation of a station under this Part causes harmful interference to another radiocommunications device, the operator must cease transmissions from the station until the interference has been resolved.

11 Compliance with *Civil Aviation Safety Regulations 1998*

- (1) The licensee must ensure that any radiocommunications device that is:
 - (a) in an aircraft; and
 - (b) operated for the purpose of the provision of a public mobile telecommunications service using a station to which this Part applies; complies with this section.

Imported aircraft

- (2) If:
 - (a) the aircraft was imported into Australia; and
 - (b) the radiocommunications device was fitted when the aircraft was manufactured;

the aircraft must have been certified by a National Airworthiness Authority (NAA) of a country specified in regulation 21.012 of the *Civil Aviation Safety Regulations 1998*.

Section 11

Australian aircraft

- (3) If:
- (a) the aircraft was manufactured in Australia; and
 - (b) the radiocommunications device was fitted when the aircraft was manufactured;
- the aircraft must have been certified by the Civil Aviation Safety Authority under the *Civil Aviation Safety Regulations 1998*.

Modified aircraft

- (4) If:
- (a) the radiocommunications device was not fitted when the aircraft was manufactured; and
 - (b) the aircraft was modified for the purpose of fitting the radiocommunications device;
- the modification of the aircraft must be in accordance with Part 21 of the *Civil Aviation Safety Regulations 1998*.
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