



Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence 2014

made under subsection 132(1) of the

Radiocommunications Act 1992

Dated *15 December 2014*

Chris Chapman
[signed]
Member

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

Australian Communications and Media Authority

Part 1 Introductory

1 **Name of Class Licence**

This Class Licence is the *Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence 2014*.

2 **Commencement**

This Class Licence commences on the later of:

- (a) the day after it is registered; and
- (b) the day on which it is published in the Gazette;

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.comlaw.gov.au>.

Note 2 Both of these events must occur before this Class Licence commences.

3 **Definitions**

In this Class Licence, unless the context otherwise requires:

Act means the *Radiocommunications Act 1992*.

device compliance day, for a radiocommunications device to which this Class Licence applies, means the most recent of the following days:

- (a) if the device was manufactured in Australia — the day it was manufactured;
- (b) if the device was manufactured overseas and imported — the day it was imported;
- (c) if the device was altered or modified in a material respect in Australia — the day it was altered or modified.

licensed apparatus means a station in relation to which an apparatus licence is in force.

technical specification means a document mentioned in Schedule 1 of this Class Licence.

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

4 **Revocation**

The *Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence 2002* [F2005B00122] is revoked.

Part 2 Application of Class Licence

5 Radiocommunications devices affected

- (1) Subject to subsection (2), a station is in the class of radiocommunications devices to which this Class Licence applies if:
 - (a) the station is not in an aircraft that is in the air; and
 - (b) the station communicates with a station authorised under a PTS licence.
- (2) The class of radiocommunications devices to which this Class Licence applies does not include a licensed apparatus authorised to operate for a purpose that is substantially the same as the purpose for which, except for this subsection, its operation would be authorised by this Class Licence.
- (3) This Class Licence authorises the operation of a station where:
 - (a) the station is in an aircraft that is in the air; and
 - (b) the operation of the station is to communicate only with a station that is:
 - (i) on board the aircraft; and
 - (ii) authorised by a PTS licence.

Note 1 Under the PTS licence, the station on board the aircraft will only be permitted to operate at a minimum height above ground level as provided in the conditions specified in the licence pursuant to paragraph 107(1)(g) of the Act. Accordingly, the stations authorised by subsection (3) must not be used below those altitudes.

Note 2 Under regulation 309A of the *Civil Aviation Regulations 1988*, the operator, or pilot in command, of an Australian aircraft may give an instruction, prohibiting or limiting the doing of an act on board the aircraft during flight time in the aircraft. This may include instructions relating to the operation of devices otherwise authorised by this Class Licence.

6 Authorised frequencies

- (1) A radiocommunications device to which this Class Licence applies must be operated only on the frequencies assigned to the station authorised under a PTS licence with which it communicates.
- (2) The radiocommunications device must transmit only on a frequency on which the station authorised under a PTS licence is authorised to receive.
- (3) The radiocommunications device must receive only on a frequency on which the station authorised under a PTS licence is authorised to transmit.

7 Conditions — interference with other communications

The operation of a radiocommunications device to which this Class Licence applies must not cause interference to a radiocommunications service.

Note 1 Section 197 of the Act imposes a penalty for knowingly or recklessly doing any act or thing likely to:

Section 5

- (a) interfere substantially with radiocommunications; or
- (b) otherwise substantially disrupt or disturb radiocommunications.

Note 2 A radiocommunications device to which this Class Licence applies will not be afforded protection from interference caused by other radiocommunications services.

8 **Conditions — technical specifications applying before commencement of *Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence Variation 2009 (No. 1)***

- (1) This section applies to a radiocommunications device to which this Class Licence applies if the device compliance day for the device occurs before 11 February 2009.
- (2) The device must comply with each of the technical specifications mentioned in Schedule 1 that:
 - (a) applies to the device; and
 - (b) was published most recently before the device compliance day for the device.

Note Some of the technical specifications mentioned in Schedule 1 were published on the same day. The device may be required to comply with each of the specifications.

8A **Conditions applying after commencement of *Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence Variation 2009 (No. 1)***

- (1) This section applies to a radiocommunications device to which this Class Licence applies if the device compliance day for the device occurs on or after 11 February 2009.
- (2) The device must comply with each requirement of an instrument made under subsection 407 (1) of the *Telecommunications Act 1997* that applies to the device on the device compliance day.
- (3) The supplier of the device must have complied with each requirement of an instrument made under subsection 407 (1) of the *Telecommunications Act 1997* that applies to the supplier in respect of the device on the device compliance day.

Note To comply with the conditions in section 8A, the device or its packaging must be labelled by the supplier in accordance with an instrument made under subsection 407 (1) of the *Telecommunications Act 1997*. The instrument may provide for circumstances in which the instrument does not apply.

9 **Conditions — standards**

- (1) If:
 - (a) a radiocommunications device is a handset; and
 - (b) the device compliance day for the device occurred on or after 15 December 1999 and on or before 31 December 2001;

Section 9

the device must comply with the *Radiocommunications (Electromagnetic Radiation — Human Exposure) Standard 1999* as in force on the device compliance day.

- (2) If:
- (a) a radiocommunications device is a handset; and
 - (b) the device compliance day for the device occurred on or after 1 January 2002 and on or before 28 February 2003;
- the device must comply with the *Radiocommunications (Electromagnetic Radiation — Human Exposure) Standard 2001* as in force on the device compliance day.
- (3) If the device compliance day for any radiocommunications device to which this Class Licence applies occurs on or after 1 March 2003, the device must comply with any standard applicable to it as in force on the device compliance day.

Note 1 If a standard mentioned in subsection (1) or (2) is amended or replaced by another standard following the device compliance day for a radiocommunications device, the radiocommunications device need not comply with the new or amended standard.

Note 2 Section 5 of the Act provides that **standard** means a standard made under section 162 of the Act.

Note 3 The *Radiocommunications (Electromagnetic Radiation — Human Exposure) Standard 1999*, as in force immediately before 1 January 2002 was revoked by the *Radiocommunications (Electromagnetic Radiation — Human Exposure) Standard 2001*.

Note 4 The *Radiocommunications (Electromagnetic Radiation — Human Exposure) Standard 2001* as in force immediately before 1 March 2003 was revoked by the *Radiocommunications (Electromagnetic Radiation — Human Exposure) Standard 2003*.

Note 5 The *Radiocommunications (Electromagnetic Radiation — Human Exposure) Standard 2003* as in force immediately before 8 July 2014 was revoked by the *Radiocommunications (Electromagnetic Radiation — Human Exposure) Standard 2014*.

Schedule 1 Technical specifications

(section 8)

Description of specification	Date of effect
Digital Cellular Mobile Telecommunications System — GSM Mobile Station — number TS 018	15 August 1991
Digital Cellular Mobile Telecommunications System — GSM Mobile Station — number TS 018-1994	18 April 1994
Digital Cellular Mobile Telecommunications System — GSM Mobile Station — number TS 018-1995	4 October 1995
Digital Cellular Mobile Telecommunications System — GSM Mobile Station — number TS 018-1997	9 April 1997
Digital Cellular Mobile Telecommunications System — GSM Mobile Station — number ACA TS 018-1997	8 December 1997
Telecommunications Technical Standard (Requirements for connection to an air interface of a Telecommunications Network — Part 3: GSM Customer Equipment — AS/ACIF S042.3:2005) 2005	5 April 2006
Telecommunications Technical Standard (Requirements for connection to an air interface of a telecommunications network — Part 1: General AS/ACIF S042.1:1999) 2006	29 June 2006 to 1 July 2008 <i>Note</i> Different provisions of this specification had different dates of effect in that period.
Telecommunications Technical Standard (Requirements for connection to an air interface of a Telecommunications Network — Part 1: General — AS/ACIF S042.1:2006) 2006	29 June 2006