



## **Radiocommunications Licence Conditions (Aeronautical Licence) Determination 2015**

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

Dated 27<sup>th</sup> March 2015

*Chris Chapman*  
[signed]  
Member

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

Australian Communications and Media Authority

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## Part 1 Preliminary

### 1 Name of Determination

This Determination is the *Radiocommunications Licence Conditions (Aeronautical Licence) Determination 2015*.

### 1A Commencement

This Determination commences on the day after it is registered.

*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>.

### 1B Revocation

The *Radiocommunications Licence Conditions (Aeronautical Licence) Determination No. 1 of 1997* [F2005B01209] is revoked.

### 2 Scope

- (1) This Determination sets out conditions to which an aeronautical licence is subject in the following manner:
  - (a) every aeronautical licence is subject to the conditions in Part 2;
  - (b) every aeronautical licence (aeronautical assigned system station) is also subject to the conditions in Part 3.
- (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

In this Determination, unless the contrary intention appears:

*Act* means the *Radiocommunications Act 1992*.

*aeronautical assigned system* means a system of one or more associated aeronautical stations operating on an assigned frequency.

*aeronautical assigned system station* means one or more aeronautical stations operating on an assigned aeronautical frequency.

*aeronautical licence (aeronautical assigned system station)* means an aeronautical licence authorising the holder to operate an aeronautical assigned system station.

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

*UNICOM* means Universal Communications.

*Note* In accordance with paragraph 13(1)(b) of the *Legislative Instruments Act 2003*, other expressions in this Determination have the same meaning as in the Act. In accordance with section 64 of the *Australian Communications and Media Authority Act 2005*, other

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expressions in this Determination have the same meaning as in the *Radiocommunications (Interpretation) Determination 2015*. These expressions include:

- aeronautical licence
- aeronautical station
- aircraft station
- standard

## Part 2                      Conditions for every aeronautical licence

### 4                      Conditions

For paragraph 107(1)(f) of the Act, every aeronautical licence is subject to the conditions in this Part relating to the operation of any aeronautical station under the licence by the licensee.

### 5                      Technical performance of an aeronautical station

- (1) Subject to subsections (2) and (3), an aeronautical station must comply with the requirements of a standard that consists of or includes requirements that apply to the station, as in force at the time the station was manufactured or imported into Australia.
- (2) If:
  - (a) a station was modified after the station was manufactured or imported into Australia; and
  - (b) the modification is material;the station must comply with:
  - (c) a standard that consists of or includes requirements that apply to the station, as in force at the time the station was modified.

*Note* A modification of a station is **material** if the modification would or could reasonably be expected to affect whether the station, as modified, complies with the standard or document in force at the time the station was manufactured or imported into Australia.
- (3) This section does not apply to an aeronautical station operated by:
  - (a) Airservices Australia; or
  - (b) the Civil Aviation Safety Authority.

### 6                      Communications between aeronautical stations

- (1) The licensee must operate an aeronautical station to allow communications between aeronautical stations only in relation to:
  - (a) the safe and expeditious conduct of a flight; or
  - (b) an emergency; or
  - (c) a matter that relates to the particular occupation or industry in which the aircraft to which the aeronautical station relates is engaged.
- (2) However, subsection (1) does not apply to the following licensees:
  - (a) Airservices Australia;

- (b) the Civil Aviation Safety Authority;
- (c) a licensee that operates an aeronautical station providing UNICOM or Certified Air/Ground Radio services.

## **7 Communications between an aeronautical station and aircraft station**

- (1) The licensee must operate an aeronautical station to allow communications between an aeronautical station and an aircraft station only in relation to:
  - (a) the safe and expeditious conduct of a flight; or
  - (b) an emergency; or
  - (c) a matter that relates to the particular occupation or industry in which the aircraft station to which the aeronautical station relates is engaged.
- (2) However, subsection (1) does not apply to the following licensees:
  - (a) Airservices Australia;
  - (b) the Civil Aviation Safety Authority;
  - (c) a licensee that operates an aeronautical station providing UNICOM or Certified Air/Ground services.

### **7A Operator qualifications**

A person may operate an aeronautical station only if the person is qualified to operate the station in accordance with the Civil Aviation Regulations and the relevant Civil Aviation Orders made under the *Civil Aviation Act 1988*.

## **8 Station identification**

The licensee must operate an aeronautical station using:

- (a) the call sign allocated to the station; or
- (b) another form of identification that clearly identifies the station.

*Note* Other requirements, under legislation administered by Airservices Australia or the Civil Aviation Safety Authority, may apply to the licensee in relation to the operation of an aeronautical station.

## **Part 3 Conditions for aeronautical licence (aeronautical assigned system station)**

### **10A Conditions**

For paragraph 107(1)(f) of the Act, every aeronautical licence (aeronautical assigned system station) is subject to the additional conditions in this Part relating to the operation of any aeronautical assigned system station under the licence by the licensee.

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**10B Frequencies that may be used**

The licensee must not operate an aeronautical assigned system station unless the licensee:

- (a) operates the station on a frequency specified in the transmitter licence;  
or
- (b) operates the station on any of the following frequencies for the purposes of search and rescue only:
  - (i) 3,023 kHz;
  - (ii) 5,680 kHz;
  - (iii) 121.5 MHz;
  - (iv) 123.1 MHz.