

EXPLANATORY STATEMENT

Prepared by the Australian Communications and Media Authority

Radiocommunications Act 1992

Radiocommunications Licence Conditions (Maritime Coast Licence)

Determination 2015

Purpose

The Australian Communications and Media Authority (**the ACMA**) has made the *Radiocommunications Licence Conditions (Maritime Coast Licence) Determination 2015 (the Determination)* under paragraph 107(1)(f) of the *Radiocommunications Act 1992 (the Act)*. The Determination revokes and replaces the *Radiocommunications Licence Conditions (Maritime Coast Licence) Determination 2002 (the 2002 Determination)* with modifications to update and replace outdated provisions.

Under Part 6 of the *Legislative Instruments Act 2003 (the LIA)*, most legislative instruments 'sunset' (that is, they are automatically repealed) on the 1 April or 1 October that first occurs 10 years after they are registered on the Federal Register of Legislative Instruments.

The 2002 Determination was due to sunset on 1 October 2015 and has been remade in a new instrument prior to the sunset date without significant changes, so that its ongoing effect is preserved.

Legislative provisions

The Determination has been made by the ACMA under paragraph 107(1)(f) of the Act, and subsection 33(3) of the *Acts Interpretation Act 1901 (the AIA)*.

Paragraph 107(1)(f) of the Act allows the ACMA to determine licence conditions for the operation of apparatus licences. The Determination sets out conditions to which a maritime coast licence (as defined in the Determination) is subject.

Subsection 33(3) of the AIA provides that where an Act confers a power to make a legislative instrument, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

The Determination is a disallowable legislative instrument for the purposes of the LIA.

Background

The Determination, in conjunction with other related instruments is intended to ensure that maritime ship stations and coast stations use the appropriate maritime frequencies, transmitter output power and protocols to minimise the potential for interference to maritime radio operation. These frequencies, powers and protocols are set internationally and used by all commercial shipping and recreational boaters around the world. Instruments like the Determination are put in place with the objective of harmonising marine radio use in Australia.

Lack of harmonisation would have the potential to cause serious damage to the Australian marine radio framework and to place vessels in serious danger. Australia operates as part of the international marine radio community, with all international ships visiting using the same channels as Australian vessels. If existing arrangements were not in place, businesses and individual boaters could find the marine radio network becoming overloaded and congested due to misuse. Significant costs could accrue if alternative communication methods needed to be employed. Therefore, it is appropriate to remake the 2002 Determination as it has ongoing relevance.

Summary of Changes

The main differences between the 2002 Determination and the new Determination include:

- Updating references to standards and technical documents with which licensees are required to comply. Several of the standards/documents referred to in the 2002 Determination were outdated and/or not readily accessible. Licensees are required to ensure that the operation of a maritime coast station complies with the standards and documents specified in Schedule 1 to the Determination that apply to the station. Different standards and documents apply depending on the type of station, and the equipment that the station includes.
- Inclusion of grandfathering provisions for maritime coast stations manufactured in or imported into Australia before the commencement of the new Determination. If the operation of such a station is in compliance with provisions in the 2002 Determination that require the station to comply with specified standards or documents, the station is taken to be in compliance with equivalent provisions in the new Determination.
- Updating of the names of marine radio certificates of proficiency following changes made at recent World Radio Conferences. For example, the Marine Radio Operator's Certificate of Proficiency and Marine Radio Operator's VHF Certificate of Proficiency have been updated to the Long Range and Short Range Operator Certificates of Proficiency respectively.
- Updating of references from 'ACA' to 'the ACMA'.
- Updating of frequencies, transmission powers and protocols to reflect current international practice with regard to frequencies, powers and protocols used in maritime communications.

Documents incorporated by reference

The following documents are incorporated by reference:

- International Standard IEC 62320-1, Maritime navigation and radiocommunication equipment and systems — Automatic identification system (AIS) — Part 1: AIS Base Stations — Minimum operational and performance requirements, methods of testing and required test results, published by the International Electrotechnical Commission and as in existence from time to time. Documents made or published by the International Electrotechnical Commission are available at <http://www.iec.ch>.
- International Standard IEC 62320-2, Maritime navigation and radiocommunication equipment and systems — Automatic identification system (AIS) — Part 2: AIS AtoN Stations — Operational and performance requirements, methods of testing and required test results, published by the International Electrotechnical Commission and as in existence from time to time.
- International Standard IEC 62320-3, Maritime navigation and radiocommunication equipment and systems – Automatic identification systems (AIS) – Part 3: Repeater Stations – Minimum operational and performance requirements - Methods of test and required test results, published by the International Electrotechnical Commission and as in existence from time to time.
- International Telecommunication Union (ITU) Radio Regulations (including Appendixes 2, 3 and 17) published by the ITU and accessible at www.itu.int.
- *Radiocommunications (Devices Used in the Inshore Boating Radio Services Band) Standard 2008.*
- *Radiocommunications (MF and HF Radiotelephone Equipment - International Maritime Mobile Service) Standard 2014.*
- *Radiocommunications (VHF Radiotelephone Equipment – Maritime Mobile Service) Standard 2014.*

Regulation Impact Statement (RIS)

The Office of Best Practice Regulation (**OBPR**) has advised that the ACMA can self-assess the performance of the Determination and follow an alternate self-certification process to remake it without significant change. The OBPR reference number is: RIS ID 17346.

Public consultation

The ACMA conducted public consultation on the remake of the 2002 Determination by releasing a draft of the new Determination and a consultation paper outlining the changes for comment. The consultation paper and draft instrument were made available on the ACMA website from 6 May 2015 to 19 June 2015. Submissions were received from Marine Rescue New South Wales and the Australian Maritime Safety Authority (**AMSA**). The ACMA considered the submissions and as a result of AMSA's submission, section 7.14 of the Determination was amended to change some of the carrier frequencies on which licensees of limited coast marine rescue stations are required to maintain a listening watch (monitor) at all times. In addition, the ACMA has consulted with AMSA to ensure that the Determination reflects current international practice with regard to frequencies, transmission powers and protocols used in maritime communications.

Notes on Sections

The provisions of the Determination, and how they operate, are described in **Attachment A**.

Statement of Compatibility with Human Rights

A statement of compatibility with human rights for the purposes of Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* is set out in **Attachment B**.

ATTACHMENT A

NOTES ON SECTIONS

Part 1 — Preliminary

Section 1.1 Name of Determination

Section 1.1 provides that the name of the Determination is the *Radiocommunications Licence Conditions (Maritime Coast Licence) Determination 2015*.

Section 1.2 Commencement

Section 1.2 provides that the Determination commences on the day after it is registered on the Federal Register of Legislative Instruments.

Section 1.3 Revocation

Section 1.3 revokes the *Radiocommunications Licence Conditions (Maritime Coast Licence) Determination 2002*.

Section 1.4 Definitions

Subsection 1.4(1) provides definitions for terms used in the Determination and notes that terms used in the Determination which are defined in the *Radiocommunications (Interpretation) Determination 2015* (the **Interpretation Determination**), the Act or the *Radiocommunications Regulations 1993* (the **Regulations**) have the same meaning as in the Interpretation Determination, Act or Regulations.

Subsection 1.4(2) provides that unless the contrary intention appears, terms used in the Determination which are defined in the ITU Radio Regulations have the same meaning as in those regulations. Subsection 1.4(3) provides that unless the contrary intention appears, a reference to another legislative instrument in the Determination is a reference to that other legislative instrument as in force from time to time.

Section 1.5 Structure of Determination

Section 1.5 sets out the structure of the Determination and describes the purpose of Parts 2 to 8 of the Determination. Subsection 1.5(8) provides that if a condition of the Determination is inconsistent with a condition specified in a licence, the condition in the licence applies.

Part 2 — Conditions that apply to the operation of stations

Section 2.1 Application of Part 2

Section 2.1 provides that the conditions in Part 2 apply to all maritime coast stations to which the Determination applies.

Section 2.2 Acknowledging distress communications and record keeping

Section 2.2 provides that if a licensee receives a distress call and message that is not immediately acknowledged by another maritime coast station, the licensee must acknowledge the call and forward it to the appropriate station or authority by the quickest and most effective means available. The licensee must also record specified information about the call and message, and the action taken to comply with the requirements of subsection 2.2(2), and keep the records for at least 2 years.

Section 2.3 Technical requirements – VHF IMM service equipment

Section 2.3 requires maritime coast stations that include very high frequency (VHF) international maritime mobile (IMM) service equipment to comply with the requirements of any standards mentioned in Part 2 of Schedule 1, which apply to the station and which were in force at the time the station was manufactured in Australia or imported. This section replaces sections 3.3, 4.5, 5.4, 6.10 and 7.10 of the 2002 Determination, with a single provision which applies to all of the types of maritime coast stations covered by Parts 3, 4, 5, 6 and 7 of the Determination.

Part 3 – Additional conditions for the operation of major coast A stations

Section 3.1 Application of Part 3

Section 3.1 provides that the licence conditions in Part 3 apply to all major coast A stations to which the Determination applies. These conditions are in addition to those in Part 2.

Section 3.2 Technical requirements – MF or HF IMM service equipment

Section 3.2 provides that major coast A stations that include medium frequency (MF) or high frequency (HF) IMM service equipment must comply with the requirements of the edition of a document mentioned in Part 1 of Schedule 1 that applies to the station, and that was last published before, and was in force when, the station was manufactured in Australia or imported.

Section 3.3 Services that may be provided to maritime ship stations

Section 3.3 specifies the only services that a licensee of a maritime coast licence (major coast A station) can provide under the licence, to maritime ship stations.

Section 3.4 Operator's qualifications

Section 3.4 provides that a person who operates a major coast A station under a licence, must be the holder of at least one of the certificates of proficiency specified in paragraphs 3.4(1)(a) to (e), and must have any other qualifications, training or experience required by AMSA (or a Commonwealth body with functions similar to AMSA) for the operation of major coast A stations.

Section 3.5 Call signs

Section 3.5 provides that a licensee who operates a major coast A station, must, at the start of each transmission or series of transmissions, transmit a call sign, location, name or maritime mobile service identity (MMSI) relating to the station, whichever applies. The licensee must not use a voice privacy device when transmitting the call sign or identity.

Part 4 – Additional conditions for the operation of major coast B stations

Section 4.1 Application of Part 4

Section 4.1 provides that the conditions in Part 4 apply to all major coast B stations to which the Determination applies. These conditions are in addition to those in Part 2.

Section 4.2 Technical requirements – MF or HF IMM service equipment

Section 4.2 provides that major coast B stations that include MF or HF IMM service equipment must comply with the requirements of the edition of a document mentioned in Part 1 of Schedule 1 that applies to the station, and that was last published before, and was in force when, the station was manufactured in Australia or imported.

Section 4.3 Technical requirements – MF or HF service equipment (except IMM equipment)

Section 4.3 provides that a major coast B station that is a remotely located land station or a land mobile station, and that includes MF or HF equipment other than IMM service equipment, must comply with the requirements of a standard mentioned in Part 3 of Schedule 1 that applies to the station and was in force at the time the station was manufactured in Australia or imported.

Section 4.4 Services to maritime ship stations

Section 4.4 specifies the only services that may be provided by a licensee of a maritime coast licence (major coast B station) to maritime ship stations, under the licence.

Section 4.5 Services to remotely located land stations, land mobile stations and stations on aircraft

Section 4.5 provides that a licensee of a maritime coast licence (major coast B station) must not provide a service to a remotely located land station, a land mobile station or a station on an aircraft that is not an aircraft station, unless the service is for public correspondence.

Section 4.6 Operator's qualifications

Section 4.6 provides that a person who operates a major coast B station under a licence, must be the holder of at least one of the certificates of proficiency specified in paragraphs 4.6(1)(a) to (e), and must have any other qualifications, training or experience required by AMSA (or a Commonwealth body with functions similar to AMSA) for the operation of major coast B stations.

Section 4.7 Call signs

Section 4.7 provides that a licensee who operates a major coast B station, must, at the start of each transmission or series of transmissions, transmit a call sign, location name or MMSI, as applicable. Subsection 4.7(2) prohibits the use of a voice privacy device when transmitting the call sign or identity.

Part 5 – Additional conditions for the operation of limited coast assigned system stations

Section 5.1 Application of Part 5

Section 5.1 provides that the conditions in Part 5 apply to all limited coast assigned system stations to which the Determination applies. These conditions are in addition to those in Part 2.

Section 5.2 Technical requirements – MF or HF IMM service equipment

Section 5.2 provides that all limited coast assigned system stations that include MF or HF IMM service equipment must comply with the requirements of a standard mentioned in Part 3 of Schedule 1 that applies to the station and was in force at the time the station was manufactured in Australia or imported.

Section 5.3 Technical requirements – 27 MHz inshore boating radio service equipment

Section 5.3 provides that all limited coast assigned system stations that include 27 MHz inshore boating radio service equipment must comply with the requirements of a standard mentioned in Part 4 of Schedule 1 that applies to the station and was in force at the time of the station's manufacture in Australia or importation.

Section 5.4 Automatic Identification System (AIS)

Section 5.4 provides that all limited coast assigned system stations that include Automatic Identification System (AIS) equipment must comply with the requirements of the edition of a document mentioned in Part 5 of Schedule 1 that applies to the station, was last published before the station's manufacture in Australia or importation, and was in force at the time of manufacture or importation.

Section 5.5 No public correspondence

Section 5.5 provides that a limited coast assigned system station must not be operated for public correspondence.

Section 5.6 Operator's qualifications

Section 5.6 provides that a person who operates a limited coast assigned system station must be, or must be under the supervision of, a qualified operator, or a qualified operator who holds at least one of the certificates of proficiency specified (different certificates are required depending on the frequency band in which the station is operated), or a person holding qualifications recognised by the ACMA as equivalent qualifications for the station.

Section 5.7 Repeater stations

Section 5.7 provides that if a licensee of a limited coast assigned system station is authorised to operate a repeater station (defined in section 1.4) to provide a maritime mobile service on a VHF frequency to a maritime ship station, certain conditions must be met. These are that:

- the repeater station must be operated principally for communications for safety of ships and persons and movement of ships and must be available for communications at all times and without restriction;

- where physical access to the repeater station is difficult, the licensee must make available a device which may be operated at another location to terminate transmissions from the repeater station; and
- the repeater station must not transmit a signal:
 - if it did not receive the signal, the transmission is likely to cause harmful interference, or the station has malfunctioned;
 - if it is connected to a telecommunications network operated by a carrier or carriage service provider;
 - continually for longer than one minute.

Section 5.8 Stand-by facility

Section 5.8 provides that if a licensee of a limited coast assigned system station is authorised to operate a stand-by facility for the station, the facility must be operated under the licensee's supervision and only when the station is not in working order.

Section 5.9 Call signs

Section 5.9 provides that a licensee who operates a limited coast assigned system station on the 27 MHz, MF or HF frequency bands, or the VHF frequency band (except a repeater station), must, at the start of each transmission or series of transmissions, transmit a call sign, MMSI, or another form of identity that identifies the station, as applicable. The licensee must not use a voice privacy device when transmitting the call sign or identity.

Part 6 — Additional conditions for the operation of limited coast non assigned stations

Section 6.1 Application of Part 6

Section 6.1 provides that the conditions in Part 6 apply to all limited coast non assigned stations to which the Determination applies. These conditions are in addition to those in Part 2.

Section 6.2 Permitted communications

Section 6.2 provides that a licensee must only operate a limited coast non assigned station for the operations or activities specified in the section, and in accordance with the requirements in Part 6 about the operation or activity.

Section 6.3 Distress, urgency, safety or calling

Section 6.3 provides the operating conditions, under a licence, of a limited coast non assigned station for distress, urgency, safety or calling operations or activities. The frequencies, maximum transmitter output power, purpose and limitations (if any) are specified in Schedule 2 (radiotelephony) or Schedule 3 (digital selective calling, DSC), as applicable. Subsection 6.3(2) provides that if a limitation in column 4 of Schedule 2 states that subsection 6.3(2) applies, the carrier frequency specified in column 2 of the item must not be used as a calling frequency.

Section 6.4 Commercial operations

Section 6.4 provides the conditions applicable to the operation of a limited coast non assigned station for the purposes of commercial operations. The licensee must operate the station for the purpose of calling and working, and must use radiotelephony. The frequencies, maximum transmitter output power and limitations (if any) on operation are specified in Schedule 4.

Section 6.5 Non-commercial operations

Section 6.5 provides the conditions applicable to the operation of a limited coast non assigned station for non-commercial operations. The frequencies, maximum transmitter output power, purposes and limitations (if any) are specified in Schedule 5. The station must be operated using radiotelephony.

Section 6.6 Port operations

Section 6.6 provides the conditions applicable to the operation of a limited coast non assigned station for port operations. The frequencies and maximum transmitter output power are specified in Schedule 6. The station must be operated for the purpose of calling and working and must be operated using radiotelephony.

Section 6.7 Professional fishing operations

Section 6.7 provides the conditions applicable to the operation of a limited coast non assigned station for professional fishing operations. The frequencies, maximum transmitter output power and purposes are specified in Schedule 7. The station must be operated for the purpose of calling and working, or for another purpose identified in Schedule 7, and must be operated using radiotelephony.

Section 6.8 Technical requirements – MF or HF IMM service equipment

Section 6.8 provides that all limited coast non assigned stations that include MF or HF IMM service equipment must comply with the requirements of a standard mentioned in Part 3 of Schedule 1 that applies to the station and was in force at the time the station was manufactured in Australia or imported.

Section 6.9 Technical requirements – 27 MHz inshore boating radio service equipment

Section 6.9 provides that all limited coast non assigned stations that include 27 MHz inshore boating radio service equipment must comply with the requirements of a standard mentioned in Part 4 of Schedule 1 that applies to the station and was in force at the time the station was manufactured in Australia or imported.

Section 6.10 No public correspondence

Section 6.10 provides that a limited coast non assigned station must not be operated for public correspondence.

Section 6.11 Operator's qualifications

Section 6.11 provides that a person who operates a limited coast non assigned station must be, or must be under the supervision of, a qualified operator, or a qualified operator who holds at least one of several specified certificates of proficiency (different certificates apply depending on the frequency band in which the station is operated), or a person holding qualifications recognised by the ACMA as equivalent qualifications for the station.

Section 6.12 Repeater stations – maritime ship station at sea

Section 6.12 provides that if a licensee of a limited coast non assigned station is authorised (under a maritime coast licence (limited coast assigned system station)) to operate a repeater station to provide a maritime mobile service on a VHF frequency to a maritime ship station, certain conditions must be met. These are that:

- the repeater station must be operated principally for communications for safety of ships and persons and movement of ships;
- the repeater station may only be operated on a frequency mentioned in column 2 of an item in Schedule 8 to communicate with a maritime ship station if:
 - direct ship-to-shore communication on other VHF frequencies is not practicable; and
 - the licensee operates the repeater station using a transmitter power not exceeding that specified in column 3 of the item, for the safety of ships and persons and movement of ships, and using radiotelephony;
- if physical access to the repeater station is difficult, the licensee must make available a device which may be operated at another location to terminate a transmission from the station; and
- the repeater station must be available for communications at all times and without restriction, and must not transmit a signal:
 - if it did not receive the signal, or it is likely to cause harmful interference, or has malfunctioned;
 - if it is connected to a telecommunications network operated by a carrier or carriage service provider;
 - continually for longer than one minute.

Section 6.13 Stand-by facility

Section 6.13 provides that if a licensee of a limited coast non assigned station is authorised to operate a stand-by facility for the station, the facility must be operated under the licensee's supervision and only when the station is not in working order.

Section 6.14 Call signs

Section 6.14 provides that a licensee who operates a limited coast non assigned station on the 27MHz, MF or HF frequency bands, or VHF frequency band (except for a repeater station), must, at the start of each transmission or series of transmissions, transmit a call sign, MMSI or another form of identity that clearly identifies the station, as applicable. The licensee must not use a voice privacy device when transmitting the call sign or identity.

Part 7 Additional conditions for the operation of limited coast marine rescue stations

Section 7.1 Application of Part 7

Section 7.1 provides that the conditions in Part 7 apply to all limited coast marine rescue stations to which the Determination applies. These conditions are in addition to those in Part 2.

Section 7.2 Permitted communications

Section 7.2 provides that a licensee must only operate a limited coast marine rescue station for the operations or activities specified in the section, and in accordance with the requirements in Part 7 about the operation or activity.

Section 7.3 Distress, urgency, safety or calling

Section 7.3 provides the operating conditions, under a licence, of a limited coast marine rescue station for distress, urgency, safety or calling. The frequencies, maximum transmitter output power, purpose and limitations (if any) are specified in Schedule 2 (radiotelephony) or Schedule 3 (digital selective calling, DSC), as applicable. Subsection 7.3(2) provides that if a limitation in column 4 of Schedule 2 states that subsection 7.3(2) applies, the carrier frequency specified in column 2 of the item must not be used as a calling frequency.

Section 7.4 Commercial operations

Section 7.4 provides the conditions applicable to the operation of a limited coast marine rescue station for the purposes of commercial operations.

The licensee must operate the station for the purpose of calling and working, and must use radiotelephony. The frequencies, maximum transmitter output power and limitations (if any) on operation, are specified in Schedule 4.

Section 7.5 Non-commercial operations

Section 7.5 provides the conditions applicable to the operation of a limited coast marine rescue station for non-commercial operations. The frequencies, maximum transmitter output power, purposes and limitations (if any) are specified in Schedule 5. The station must be operated using radiotelephony.

Section 7.6 Port operations

Section 7.6 provides the conditions applicable to the operation of a limited coast marine rescue station for port operations. The frequencies and maximum transmitter output power are specified in Schedule 6. The station must be operated for the purpose of calling and working and using radiotelephony.

Section 7.7 Professional fishing operations

Section 7.7 provides the conditions applicable to the operation of a limited coast marine rescue station for professional fishing operations.

The frequencies, maximum transmitter output power and purposes are specified in Schedule 7. The station must be operated for the purpose of calling and working, or for another purpose identified in Schedule 7, and must be operated using radiotelephony.

Section 7.8 Technical requirements – MF or HF IMM service equipment

Section 7.8 provides that all limited coast marine rescue stations that include MF or HF IMM service equipment must comply with the requirements of a standard mentioned in Part 3 of Schedule 1 that applies to the station and was in force at the time of the station's manufacture in Australia or importation.

Section 7.9 Technical requirements – 27 MHz inshore boating radio service equipment

Section 7.9 provides that all limited coast marine rescue stations that include 27 MHz inshore boating radio service equipment must comply with the requirements of a standard mentioned in Part 4 of Schedule 1 that applies to the station and was in force at the time of the station's manufacture in Australia or importation.

Section 7.10 No public correspondence

Section 7.10 provides that a limited coast marine rescue station must not be operated for public correspondence.

Section 7.11 Operator's qualifications

Section 7.11 provides that a person who operates a limited coast marine rescue station must be, or must be under the supervision of, a qualified operator, a qualified operator who holds at least one of several specified certificates of proficiency (different certificates apply depending on the frequency band in which the station is operated), or a person holding qualifications recognised by the ACMA as equivalent qualifications for the station.

Section 7.12 Repeater stations – maritime ship station at sea

Section 7.12 provides that if a licensee of a limited coast marine rescue station is authorised (under a maritime coast licence (limited coast assigned system station)) to operate a repeater station to provide a maritime mobile service on a VHF frequency to a maritime ship station, certain conditions must be met. These are that:

- the repeater station must be operated principally for communications for safety of ships and persons and movement of ships;
- the repeater station may only be operated on a frequency mentioned in column 2 of an item in Schedule 8 to communicate with a maritime ship station if:
 - direct ship-to-shore communication on other VHF frequencies is not practicable; and
 - the licensee operates the repeater station using a transmitter power not exceeding that specified in column 3 of the item, for the safety of ships and persons and movement of ships, and using radiotelephony;
- if physical access to the repeater station is difficult, the licensee must make available a device, which may be operated at another location to terminate a transmission from the station; and
- the repeater station must be available for communications at all times and without restriction, and must not transmit a signal:
 - if it did not receive the signal, or it is likely to cause harmful interference, or has malfunctioned;
 - if it is connected to a telecommunications network operated by a carrier or carriage service provider;
 - continually for longer than one minute.

Section 7.13 Stand-by facility

Section 7.13 provides that if a licensee of a limited coast marine rescue station is authorised to operate a stand-by facility for the station, the facility must be operated under the licensee's supervision and only when the station is not in working order.

Section 7.14 Operating requirements

Section 7.14 provides the frequencies on which a licensee of a limited coast marine rescue station must provide a listening watch, and the frequencies on which it must transmit.

Section 7.15 Call signs

Section 7.15 provides that a licensee who operates a limited coast marine rescue station on the 27MHz, MF or HF frequency bands, or VHF frequency band (except for a repeater

station), must, at the start of each transmission or series of transmissions, transmit a call sign, MMSI or another form of identity that clearly identifies the station, as applicable. The licensee must not use a voice privacy device when transmitting the call sign or identity.

Part 8 Transitional and savings

Section 8.1 Definitions

Section 8.1 provides definitions of terms used in Part 8. 'Station' is defined as meaning the types of maritime coast stations covered by the Determination.

Section 8.2 Effect despite revocation

Section 8.2 provides that Part 8 has effect despite the revocation of the 2002 Determination.

Section 8.3 Application

Section 8.3 specifies that Part 8 only applies to stations (as defined in section 8.1) that were manufactured in Australia or imported before the day on which the Determination commenced (as specified in section 1.2), and the operation of which, under a provision of the 2002 Determination (equivalent provision), was subject to a condition that the station must comply with requirements in specified documents listed in Schedule 1 of that determination.

Section 8.4 Deemed compliance

Section 8.4 provides that a licensee who operates a station, under a licence, to which Part 8 applies is taken to comply with a provision in the Determination requiring the station to comply with a standard or document mentioned in Schedule 1, if the station complies with an equivalent provision of the 2002 Determination, as in force immediately before the Determination commenced. This allows licensees to continue to operate stations manufactured or imported before the Determination commenced without contravening the Determination, in relation to compliance with technical requirements in specified standards and documents.

For example, if a licensee operates a major coast A station that contains MF or HF IMM service equipment which was manufactured or imported before the Determination commenced, the licensee is taken to comply with section 3.2 of the Determination, if the operation of the station is in compliance with section 3.2 of the 2002 Determination.

Schedule 1 Specified documents and standards

Part 1 MF or HF international maritime mobile service equipment (major coast A station and major coast B station)

Part 1 specifies the technical specification limits that major coast A and major coast B stations including MF or HF IMM service equipment are required to comply with. The technical specifications are contained in Appendixes 2, 3 and 17 of the ITU Radio Regulations which are specified documents for the purposes of sections 3.2 and 4.2 of the Determination.

Part 2 VHF international maritime mobile service equipment (major coast A station, major coast B station, limited coast assigned system station, limited coast non assigned station and limited coast marine rescue station)

Part 2 specifies the standard made under section 162 of the Act that a maritime coast station including VHF IMM service equipment is required to comply with, under section 2.3. The standard is a registered legislative instrument.

Part 3 MF or HF fixed and land mobile equipment and international maritime mobile service equipment (major coast B station, limited coast assigned system station, limited coast non assigned station and limited coast marine rescue station)

Part 3 specifies the standard made under section 162 of the Act that major coast B stations, limited coast assigned system stations, limited coast non assigned stations and limited coast marine rescue stations which include MF or HF fixed and land mobile equipment, or MF or HF IMM service equipment are required to comply with under sections 4.3, 5.2, 6.8 and 7.8. The standard is a registered legislative instrument.

Part 4 27 MHz inshore boating radio service equipment (limited coast assigned system station, limited coast non assigned station and limited coast marine rescue station)

Part 4 specifies the standard made under section 162 of the Act that limited coast assigned system stations, limited coast non assigned stations and limited coast marine rescue stations which include 27 MHz inshore boating radio service equipment are required to comply with under sections 5.3, 6.9 and 7.9. The standard is a registered legislative instrument.

Part 5 Automatic Identification System (AIS) equipment

Part 5 specifies the documents that a limited coast assigned system station including AIS equipment is required to comply with, under section 5.4. The documents are international standards published by the International Electrotechnical Commission.

Schedule 2 Distress, urgency, safety or calling requirements using radiotelephony

Schedule 2 provides the carrier frequency, the maximum transmitter output power, the purpose and any limitations that apply to the operation of a limited coast non assigned station or a limited coast marine rescue station for distress, urgency, safety or calling purposes, using radiotelephony. Licensees are required to operate the stations in accordance with Schedules 2 or 3 under sections 6.3 and 7.3.

Schedule 3 Distress, urgency, safety or calling requirements using DSC

Schedule 3 provides the carrier frequency, the maximum transmitter output power, and the purpose that apply to the operation of a limited coast non assigned station or a limited coast marine rescue station for distress, urgency, safety or calling purposes, using DSC. Licensees are required to operate the stations in accordance with Schedules 2 or 3 under sections 6.3 and 7.3.

Schedule 4 Commercial operations

Schedule 4 provides the carrier frequency, maximum transmitter output power and limitations for the operation of limited coast non assigned stations or limited coast marine rescue stations communicating for commercial operations. Licensees are required to operate the stations in accordance with Schedule 4, under sections 6.4 and 7.4.

Schedule 5 Non-commercial operations

Schedule 5 provides the carrier frequency, maximum transmitter output power, purpose and limitations for the operation of limited coast non assigned stations or limited coast marine rescue stations communicating for non-commercial operations. Licensees are required to operate the stations in accordance with Schedule 5, under sections 6.5 and 7.5.

Schedule 6 Port operations

Schedule 6 provides the carrier frequency and maximum transmitter output power that apply to the operation of limited coast non assigned stations or limited coast marine rescue stations for port operations. Licensees are required to operate the stations in accordance with Schedule 6, under sections 6.6 and 7.6.

Schedule 7 Professional fishing operations

Schedule 7 provides the carrier frequency, maximum transmitter output power and the purpose that apply to the operation of limited coast non assigned stations or limited coast marine rescue stations for professional fishing operations. Licensees are required to operate the stations in accordance with Schedule 7, under sections 6.7 and 7.7.

Schedule 8 Communication using a repeater station

Schedule 8 provides the carrier frequency and maximum transmitter output power under which a limited coast non assigned station or a limited coast marine rescue station may

operate under when communicating using a repeater station. Licensees are required to operate the stations in accordance with Schedule 8, under sections 6.12 and 7.12.

ATTACHMENT B

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

Radiocommunications Licence Conditions (Maritime Coast Licence) Determination 2015

This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The *Radiocommunications Licence Conditions (Maritime Coast Licence) Determination 2015* (the Determination) revokes and replaces the *Radiocommunications Licence Conditions (Maritime Coast Licence) Determination 2002* without making significant changes to the regulatory arrangements created by that instrument.

The Determination is made under paragraph 107(1)(f) of the *Radiocommunications Act 1992* and sets out the licence conditions to which maritime coast licences are subject. The licence conditions ensure that all maritime coast licences are operated using the appropriate maritime frequencies, transmitter output power and protocols, to minimise the potential for interference to maritime radio operation in Australia. The conditions are also consistent with international regulations.

Human Rights Implications

The Determination does not engage any of the applicable rights or freedoms.

Conclusion

The Determination is compatible with human rights as it does not raise any human rights issues.