



Radiocommunications (Register of Radiocommunications Licences) Determination 2017

The Australian Communications and Media Authority makes the following determination under sections 144, 147 and 149 of the *Radiocommunications Act 1992*.

Dated: 18 August 2017

Richard Bean

[signed]

Member

James Cameron

[signed]

Member/~~General Manager~~

Australian Communications and Media Authority

1 Name

This is the *Radiocommunications (Register of Radiocommunications Licences) Determination 2017*.

2 Commencement

This Determination commences at the start of the day after it is registered on the Federal Register of Legislation.

Note: The Federal Register of Legislation may be accessed at www.legislation.gov.au.

3 Authority

This instrument is made under sections 144, 147 and 149 of the *Radiocommunications Act 1992*.

4 Repeal of the *Radiocommunications (Register of Radiocommunications Licences) Determination 1997*

The *Radiocommunications (Register of Radiocommunications Licences) Determination 1997* (F2007B00310) is repealed.

5 Definitions

In this Determination:

ACN has the same meaning as it has in section 9 of the *Corporations Act 2001*.

Act means the *Radiocommunications Act 1992*.

effective occupied bandwidth, in relation to a transmitter, means the minimum width of a frequency band having fixed upper and lower limits that is necessary to contain 99% of the true mean power of the transmitter's emission at any time.

emission centre frequency, in relation to a transmitter, means the frequency midway between the lower and upper frequency limits of the transmitter's effective occupied bandwidth.

emission designator has the meaning given by section 7.

fixed receiver means a receiver that is principally located at a fixed point.

fixed transmitter means a transmitter that is principally located at a fixed point.

group of receivers has the meaning given by section 9.

group of transmitters has the meaning given by section 8.

interference impact certificate means a certificate issued by an accredited person under subsection 145(3) of the Act.

Register means the Register of Radiocommunications Licences established under section 143 of the Act.

s.145 determination means, in respect of a spectrum licence, the determination of unacceptable levels of interference, made under section 145 of the Act, that is specified in that spectrum licence.

- Note 1: Each s.145 determination is a legislative instrument, accessible free of charge at www.legislation.gov.au.
- Note 2: A number of other expressions used in this instrument are defined in the Act or the *Radiocommunications (Interpretation) Determination 2015*, including the following:
- (a) ACMA;
 - (b) radiocommunications receiver;
 - (c) radiocommunications transmitter;
 - (d) Radio Regulations;
 - (e) receiver; and
 - (f) transmitter.

6 References to other instruments

In this Determination, unless the contrary intention appears:

- (a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and
- (b) a reference to any other kind of instrument is a reference to that other kind of instrument as in force from time to time.

- Note 1: For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.
- Note 2: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

7 Emission designator

- (1) In this Determination, a reference to an emission designator, in relation to a transmitter operated under an apparatus licence or a spectrum licence, is a reference to the designation of the transmitter's emission worked out in accordance with the Radio Regulations published by the International Telecommunication Union.

Note: The Radio Regulations are available from the International Telecommunication Union's website at: <http://www.itu.int>.

- (2) For the purpose of working out the designation of the emission of a transmitter operated under a spectrum licence, the references to necessary bandwidth for a given class of emission are taken to be references to the effective occupied bandwidth of the transmitter.

8 Group of transmitters

- (1) In this Determination, two or more fixed transmitters are a **group of transmitters** if:
 - (a) they have the same centre frequency and emission designator;
 - (b) they are operated for the purpose of communicating with the same radiocommunications receiver or group of radiocommunications receivers;
 - (c) each has an antenna of the same type, model and manufacturer;
 - (d) the antenna used with each fixed transmitter is located on the same structure and within 20 metres of the phase centre of all antennas within the group of radiocommunications transmitters; and
 - (e) the identification number assigned by the ACMA to the antenna used with each radiocommunications transmitter is the same.

- (2) Despite subsection (1), two or more fixed transmitters are not a group of transmitters if any of those transmitters already belong to a group of transmitters, the details of which are included in the Register.
- (3) The location of a group of transmitters is calculated in accordance with the relevant s.145 determination.

9 Group of receivers

- (1) In this Determination, two or more fixed receivers are a **group of receivers** if:
 - (a) they are operated for the purpose of communicating with the same transmitter or group of transmitters;
 - (b) each has an antenna of the same type, model and manufacturer;
 - (c) the antenna used with each fixed receiver is located on the same structure and within 20 metres of the phase centre of all antennas within the group of radiocommunications receivers; and
 - (d) the identification number assigned by the ACMA to the antenna used with each radiocommunications receiver is the same.
- (2) Despite subsection (1), two or more fixed radiocommunications receivers are not a group of receivers if any of those receivers already belong to a group of receivers, the details of which are included in the Register.
- (3) The location of a group of radiocommunications transmitters is calculated in accordance with the relevant s.145 determination.

10 Details for apparatus licences

- (1) The part of the Register relating to apparatus licences must contain the details set out in this section about each apparatus licence and the devices operated under the licence.

Note: Under paragraphs 147(1)(a) and (b) of the Act, the Register must contain, for each apparatus licence, the licensee's name and postal address, and the dates of issue and expiry of the licence. The further details mentioned in subsections 10(2) to 10(7) have been determined by the ACMA under paragraphs 147(1)(c), (d) or (e) of the Act, as the case may be, or are otherwise considered to be details necessary or convenient for the purposes of the Act: see subsection 147(2) of the Act.

- (2) The details about each licensee of an apparatus licence are:
 - (a) the client number assigned by the ACMA to the licensee;
 - (b) the licensee's trading name (if any); and
 - (c) if the licensee is a company—its ACN.
- (3) The details about each apparatus licence are:
 - (a) the licence number;
 - (b) the date of effect;
 - (c) the licence callsign;
 - (d) the licence type;
 - (e) the status of the licence (for example, whether the licence is suspended);
 - (f) the ship station name (where applicable);
 - (g) the special conditions in the licence (if any); and
 - (h) the advisory notes in the licence (if any).

- (4) The details about the use of the spectrum by each device authorised to be operated under the licence are:
- (a) the number assigned by the ACMA to that use;
 - (b) the carrier frequency;
 - (c) the assigned frequency;
 - (d) the bandwidth;
 - (e) the status (that is, whether approved or not);
 - (f) the hours of operation of the device;
 - (g) the date the use of the spectrum was approved;
 - (h) if the operation of the device is related to a geographic area—that area;
 - (i) whether the coverage is by means of a low power spectrum access within the meaning of that term in the *Radiocommunications (Transmitter Licence Tax) Determination 2015*; and
 - (j) the identifier allotted by the International Telecommunication Union Radiocommunication Bureau.
- (5) The details about each device authorised to be operated under the licence are:
- (a) the registration number assigned by the ACMA;
 - (b) whether the device is a transmitter or a receiver;
 - (c) the emission designator;
 - (d) for a device whose power is measured as equivalent isotropically radiated power—the maximum equivalent isotropically radiated power;
 - (e) the transmitter power;
 - (f) the form the power of the radiofrequency transmitter is expressed in as defined in the Radio Regulations published by the International Telecommunication Union;
 - (g) the antenna height above ground level;
 - (h) the azimuth for a device using a directional antenna, being the bearing along the centre of the beamwidth;
 - (i) the intended polarisation of the radiation; and
 - (j) the antenna tilt relative to the perpendicular.
- (6) The details about each antenna are:
- (a) the identification number assigned by the ACMA;
 - (b) the forward gain for the intended polarisation, in units of dBi;
 - (c) the 3 dB beamwidth for the intended polarisation, in degrees;
 - (d) the front to back ratio for the intended polarisation, in decibels;
 - (e) the antenna size;
 - (f) the antenna type;
 - (g) the antenna model; and
 - (h) the antenna manufacturer.
- (7) The details about each site where a device is located are:
- (a) the site identification number assigned by the ACMA;
 - (b) the site name;
 - (c) the site address;
 - (d) the site latitude and longitude and the precision of those coordinates; and

- (e) whether the site is within a high density area, a medium density area or a low density area within the meaning of those terms in the *Radiocommunications (Transmitter Licence Tax) Determination 2015*.

11 Details for spectrum licences

- (1) The part of the Register relating to spectrum licences must contain the details set out in this section about each spectrum licence.

Note: Under paragraphs 144(1)(a) and (b) of the Act, the Register must contain, for each spectrum licence, the licensee's name and postal address, and the dates of issue and expiry of the licence. The further details mentioned in subsections 11(2), 11(3) and 12(1) to 12(6) have been determined by the ACMA under paragraphs 144(1)(c), (d) or (e) of the Act, as the case may be, or are otherwise considered to be details necessary or convenient for the purposes of the Act: see subsection 144(2) of the Act.

- (2) The details about each licensee of a spectrum licence are:
 - (a) the client number assigned by the ACMA to the licensee;
 - (b) the licensee's trading name (if any); and
 - (c) if the licensee is a company—its ACN.
- (3) The details about each spectrum licence are:
 - (a) the licence number;
 - (b) the date of effect;
 - (c) the identification code assigned by the ACMA to the frequency band in relation to which the licence is issued;
 - (d) the core conditions of the licence;
 - (e) the periods specified in the licence during which operation of devices is authorised under the licence;
 - (f) the conditions included in the licence by the ACMA under section 71 of the Act;
 - (g) the title of the s.145 determination;
 - (h) the title of the guidelines (if any) issued by the ACMA under section 262 of the Act about the co-ordination of devices operated under the licence with other specified devices, whether or not those other devices are also operated under the licence; and
 - (i) if particular kinds of transmitters are exempt from meeting the requirements of the ACMA under Part 3.5 of the Act for registration under that Part—a description of the kinds of transmitters.

12 Details for devices operated under spectrum licences

- (1) The part of the Register relating to spectrum licences must contain the details set out in this section about:
 - (a) each transmitter authorised to be operated under each spectrum licence, unless registration of the transmitter is exempt under a condition included in the licence relating to the transmitter under subsection 69(2) of the Act; and
 - (b) if a licensee registers a receiver—each receiver that is so registered.
- (2) The details are:
 - (a) the licence number;
 - (b) the device identification number assigned by the ACMA to each device;
 - (c) the registration identification number assigned by the ACMA to each device;
 - (d) whether the device is a transmitter or a receiver;

- (e) the number assigned by the ACMA to the person who applied to register the device;
 - (f) if the device is a transmitter—the client number assigned by the ACMA to the person accredited under section 263 of the Act who issued the interference impact certificate for the device;
 - (g) the date and time of registration of the device; and
 - (h) an indication of whether the operation of the device is authorised during certain times only.
- (3) The details about each antenna are:
- (a) the identification number assigned by the ACMA;
 - (b) the forward gain for the intended polarisation, in units of dBi;
 - (c) the 3 dB beamwidth for the intended polarisation, in degrees;
 - (d) the front to back ratio for the intended polarisation, in decibels;
 - (e) the antenna size;
 - (f) the antenna type;
 - (g) the antenna model; and
 - (h) the antenna manufacturer.
- (4) The details about each site where a device is located are:
- (a) the site identification number assigned by the ACMA;
 - (b) the site name;
 - (c) the site address;
 - (d) the site latitude and longitude and the precision of those coordinates; and
 - (e) whether the site is within a high density area, a medium density area or a low density area, within the meaning of those terms in the *Radiocommunications (Transmitter Licence Tax) Determination 2015*.
- (5) If the device is a transmitter, the details are:
- (a) the emission centre frequency;
 - (b) the emission designator;
 - (c) the effective occupied bandwidth;
 - (d) for a device whose power is measured as equivalent isotropically radiated power—the maximum equivalent isotropically radiated power;
 - (e) the transmitter power;
 - (f) the form the power of the radiofrequency transmitter is expressed in as defined in the Radio Regulations published by the International Telecommunication Union;
 - (g) the antenna height above ground level;
 - (h) the azimuth for a device using a directional antenna, being the bearing along the centre of the beamwidth;
 - (i) the intended polarisation of the radiation;
 - (j) the antenna tilt relative to the perpendicular;
 - (k) the parameters relating to the operation of devices that are used in working out unacceptable levels of interference under the s.145 determination; and
 - (l) whether the device is registered as part of a group of transmitters.
- (6) If the device is a receiver, the details are:
- (a) the emission centre frequency of the intended received signal;
 - (b) the emission designator of the intended received signal;

- (c) the effective occupied bandwidth of the intended received signal;
- (d) the antenna height above ground level;
- (e) the azimuth for a device using a directional antenna, being the bearing along the centre of the beamwidth;
- (f) the polarisation of the intended received signal;
- (g) the antenna tilt relative to the perpendicular; and
- (h) whether the device is registered as part of a group of receivers.

13 Details for class licences

The part of the Register relating to class licences must contain, for each class licence, the title of the class licence.

Note: Class licences issued by the ACMA under s. 132 of the Act are available on the Federal Register of Legislation which may be accessed at www.legislation.gov.au.