Radiocommunications Licence Conditions (Amateur Licence) Omnibus Amendment Instrument 2019 (No.1)

The Australian Communications and Media Authority makes this instrument under paragraph 107(1)(f) and subsection 132(1) of the *Radiocommunications Act 1992*.

Dated: 12 September 2019

Nerida O'Loughlin
[signed]
Member

Creina Chapman
[signed]
Member/~~General Manager~~

Australian Communications and Media Authority

1 Name

This is the *Radiocommunications Licence Conditions (Amateur Licence) Omnibus Amendment Instrument 2019 (No.1)*.

2 Commencement

This instrument 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 free of charge at www.legislation.gov.au.

3 Authority

This instrument is made under paragraph 107(1)(f) and subsection 132(1) of the *Radiocommunications Act 1992*.

4 Amendments – *Radiocommunications Licence Conditions (Amateur Licence) Determination 2015* [F2015L01113]

The instrument that is specified in Schedule 1 is amended as set out in the items in that Schedule.

5 Amendments – *Radiocommunications (Overseas Amateurs Visiting Australia) Class Licence 2015* [F2015L01114]

The instrument that is specified in Schedule 2 is amended as set out in the items in that Schedule.

Schedule 1—Amendments

(section 4)

Radiocommunications Licence Conditions (Amateur Licence) Determination 2015 [F2015L01113]

1A Paragraph 2(1)(d)

After "in" insert "section 11A, section 11B and".

1 Section 3, before the definition of *amateur licence (amateur advanced station)*

Insert:

3.6 GHz band means the frequency range 3575 MHz to 3700 MHz.

Adelaide and Eastern Metropolitan Australia designated areas means each of the named areas of Adelaide, Brisbane, Canberra, Melbourne and Sydney as defined in subsection 5(3) the *Radiocommunications (Spectrum Re-allocation – 3.6 GHz Band for Adelaide and Eastern Metropolitan Australia) Declaration 2018*.

2 Section 3, after the definition of *operate*

Insert:

Perth designated area means the named area of Perth as defined in subsection 5(3) of the *Radiocommunications (Spectrum Re-allocation – 3.6 GHz Band for Perth) Declaration 2018*.

3 Section 3, definition of *public telecommunications network*

Omit "telecommuncations", insert "telecommunications".

4 Section 3, after the definition of *qualified person*

Insert:

Regional Australia designated area means the named area of Regional Australia as defined in subsection 5(3) of the *Radiocommunications (Spectrum Re-allocation – 3.6 GHz Band for Regional Australia) Declaration 2018*.

5 After paragraph 9(1)(e)

Omit both the examples.

6 Heading to Part 2A

After "for" insert "amateur licence (amateur foundation station),".

7 Subsection 11A(1)

Before paragraph (a) insert:

(aa) an amateur licence (amateur foundation station);

8 Subsection 11B(1)

Before paragraph (a) insert:

(aa) an amateur licence (amateur foundation station);

9 After section 15D

Insert:

15E Operating an amateur advanced station in the 3.6 GHz band

The licensee must not operate an amateur advanced station in the 3.6 GHz band if:

(a) the operation of the station is in an area specified in column 1 of an item in the table in Schedule 7; and

(b) the operation of the station occurs after the date specified in column 2 of an item in the table in Schedule 7.

10 Section 27A

Repeal the section.

11 Section 28

Repeal the section.

12 Paragraph 29(b)

Repeal the paragraph.

13 Schedule 2, Part 1, Table

Repeal the table, substitute:

	Column 1	*Column 2*
Item	**Frequency band**	**Permitted emission modes**
1A	135.7 kHz–137.8 kHz [see note 5] 472 kHz–479 kHz [see note 6]	Any emission mode with a necessary bandwidth no greater than 2.1 kHz.
1	1.800 MHz–1.875 MHz 3.500 MHz–3.700 MHz 7.000 MHz–7.100 MHz 14.000 MHz–14.350 MHz 18.068 MHz–18.168 MHz 21.000 MHz–21.450 MHz 24.890 MHz–24.990 MHz	Any emission mode. Where the necessary bandwidth exceeds 8 kHz, the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz.
2	28.000 MHz–29.700 MHz	Any emission mode. Where the necessary bandwidth exceeds 16 kHz, the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz.

3	3.776 MHz–3.800 MHz 7.100 MHz–7.300 MHz 10.100 MHz–10.150 MHz	Any emission mode with a necessary bandwidth no greater than 8 kHz.
4	50.000 MHz–52.000 MHz	Any emission mode with a necessary bandwidth no greater than 100 kHz.
5	52.000 MHz–54.000 MHz 144.000 MHz–148.000 MHz 430.000 MHz–450.000 MHz 1 240.000 MHz–1 300.000 MHz 2 300.000 MHz–2 302.000 MHz 2 400.000 MHz–2 450.000 MHz 3.300 GHz–3.425 GHz [see note 2] 3.425 GHz–3.4425 GHz [see note 3] 3.4425 GHz–3.475 GHz [see note 4] 3.475 GHz–3.4925 GHz [see note 3] 3.4925 GHz–3.5425 GHz [see note 2] 3.5425 GHz–3.575 GHz [see note 4] 3.575 GHz–3.600 GHz [see note 7] 5.650 GHz–5.850 GHz 10.000 GHz–10.500 GHz 24.000 GHz–24.250 GHz 47.000 GHz–47.200 GHz 76.000 GHz–81.000 GHz 122.250 GHz–123.000 GHz 134.000 GHz–141.000 GHz 241.000 GHz–250.000 GHz	Any emission mode.

14 Schedule 2, Part 1, after the Table

Insert:

Note 1 Operating restrictions imposed under sections 15 and 16 are not affected by the operation of this Schedule.

Note 2 The operation of an amateur advanced station in the bands 3.400 GHz–3.425 GHz and 3.4925 GHz–3.5425 GHz is subject to the limitation mentioned in section 15AA.

Note 3 The operation of an amateur advanced station in the bands 3.425 GHz–3.4425 GHz and 3.475 GHz–3.4925 GHz is subject to the limitation mentioned in section 15A.

Note 4 The operation of an amateur advanced station in the bands 3.4425 GHz–3.475 GHz and 3.5425 GHz–3.575 GHz is subject to the limitation mentioned in section 15B.

Note 5 The operation of an amateur advanced station in the band 135.7 kHz–137.8 kHz is subject to the limitation mentioned in section 15C.

Note 6 The operation of an amateur advanced station in the band 472 kHz–479 kHz is subject to the limitation mentioned in section 15D.

Note 7 The operation of an amateur advanced station in the band 3.575 GHz to 3.600 GHz is subject to the limitations specified in section 15E.

15 Schedule 2, Part 2, Notes

Delete all the notes.

16 Schedule 3, Table

Repeal the table, substitute:

	Column 1	*Column 2*
Item	**Frequency band**	**Permitted emission modes**
1	3.500 MHz–3.700 MHz 7.000 MHz–7.100 MHz	Any emission mode.
	14.000 MHz–14.350 MHz 21.000 MHz–21.450 MHz	Where the necessary bandwidth exceeds 8 kHz, the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz.
2	28.000 MHz–29.700 MHz	Any emission mode. Where the necessary bandwidth exceeds 16 kHz, the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz.
3	7.100 MHz–7.300MHz	Any emission mode with a necessary bandwidth no greater than 8 kHz.
4	52.00 MHz–54.000 MHz 144.000 MHz–148.000 MHz 430.000 MHz–450.000 MHz 1 240.000 MHz–1 300.000 MHz 2 400.000 MHz–2 450.000 MHz 5.650 GHz–5.850 GHz	Any emission mode.

17 Schedule 3A, Table

Repeal the table, substitute:

	Column 1	*Column 2*
Item	**Frequency band**	**Permitted emission modes**
1	3.500 MHz–3.700 MHz 7.000 MHz–7.100 MHz	Any emission mode.
	21.000 MHz–21.450 MHz	Where the necessary bandwidth exceeds 8 kHz, the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz.
2	28.000 MHz–29.700 MHz	Any emission mode. Where the necessary bandwidth exceeds 16 kHz, the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz.
3	7.100 MHz–7.300 MHz	Any emission mode with a necessary bandwidth no greater than 8 kHz.
4	144.000 MHz–148.000 MHz 430.000 MHz–450.000 MHz	Any emission mode.

18 After Schedule 6

Insert:

Schedule 7 3.6 GHz band – excluded areas

(section 15E)

	Column 1	*Column 2*
Item	**Area of operation**	**Exclusion commencement date**
1	Adelaide and Eastern Metropolitan Australia designated areas	28 March 2020
2	Perth designated area	28 March 2023
3	Regional Australia designated area	28 March 2025

Schedule 2 – Amendments

(section 5)

Radiocommunications (Overseas Amateurs Visiting Australia) Class Licence 2015 [F2015L01114]

1 Section 3, before the definition of *ASMG*

Insert:

3.6 GHz band means the frequency range 3575 MHz to 3700 MHz.

Adelaide and Eastern Metropolitan Australia designated areas means each of the named areas of Adelaide, Brisbane, Canberra, Melbourne and Sydney as defined in subsection 5(3) of the *Radiocommunications (Spectrum Re-allocation – 3.6 GHz Band for Adelaide and Eastern Metropolitan Australia) Declaration 2018*.

2 Section 3, after the definition of *operate*

Insert:

Perth designated area means the named area of Perth as defined in subsection 5(3) of the *Radiocommunications (Spectrum Re-allocation – 3.6 GHz Band for Perth) Declaration 2018*.

3 Section 3, after the definition of *qualified person*

Insert:

Regional Australia designated area means the designated area of Regional Australia as defined in subsection 5(3) of the *Radiocommunications (Spectrum Re-allocation – 3.6 GHz Band for Regional Australia) Declaration 2018*.

4 Section 21, Table 1A

Repeal the table, substitute:

	Column 1	***Column 2***
Item	**Frequency band**	**Permitted emission modes**
1A	135.7 kHz–137.8 kHz 472 kHz–479 kHz	Any emission mode with a necessary bandwidth no greater than 2.1 kHz.
1	1.800 MHz–1.875 MHz 3.500 MHz–3.700 MHz	Any emission mode.
	7.000 MHz–7.100 MHz 14.000 MHz–14.350 MHz 18.068 MHz–18.168 MHz 21.000 MHz–21.450 MHz 24.890 MHz–24.990 MHz	Where the necessary bandwidth exceeds 8 kHz, the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz.
2	28.000 MHz–29.700 MHz	Any emission mode. Where the necessary bandwidth exceeds 16 kHz, the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz.
3	3.776 MHz–3.800 MHz 7.100 MHz–7.300 MHz 10.100 MHz–10.150 MHz	Any emission mode with a necessary bandwidth no greater than 8 kHz.

Item	*Column 1* Frequency band	*Column 2* Permitted emission modes
4	50.000 MHz–52.000 MHz	Any emission mode with a necessary bandwidth no greater than 100 kHz
5	52.000 MHz–54.000 MHz 144.000 MHz–148.000 MHz 430.000 MHz–450.000 MHz 1 240.000 MHz–1 300.000 MHz 2 300.000 MHz–2 302.000 MHz 2 400.000 MHz–2 450.000 MHz 3.300 GHz–3.425 GHz 3.425 GHz–3.4425 GHz 3.4425 GHz–3.475 GHz 3.475 GHz–3.4925 GHz 3.4925 GHz–3.5425 GHz 3.5425 GHz–3.575 GHz 3.575 GHz–3.600 GHz [see Note 1] 5.650 GHz–5.850 GHz 10.000 GHz–10.500 GHz 24.000 GHz–24.250 GHz 47.000 GHz–47.200 GHz 76.000 GHz–81.000 GHz 122.250 GHz–123.000 GHz 134.000 GHz–141.000 GHz 241.000 GHz–250.000 GHz	Any emission mode.

Note The operation of an amateur station in the 3.6 GHz band is subject to the limitations specified in section 24AA.

5 After section 24

Insert:

24AA Operation in the 3.6 GHz band

An amateur station must not be operated in the 3.6 GHz band if:

(a) the operation of the station is in an area specified in column 1 of an item in the table in Schedule 6; and

(b) the operation of the station occurs after the date specified in column 2 of an item in the table in Schedule 6.

6 Section 28, Table 2

Repeal the table, substitute:

Item	*Column 1* Frequency band	Column 2 Permitted emission modes
1	472 kHz–479 kHz 3.500 MHz–3.700 MHz 7.000 MHz–7.100 MHz	Any emission mode. Where the necessary bandwidth exceeds 8 kHz, the maximum power spectral density from the transmitter must not

Item	*Column 1* Frequency band	Column 2 Permitted emission modes
	14.000 MHz–14.350 MHz 21.000 MHz–21.450 MHz	exceed 1 watt per 100 kHz.
2	28.000 MHz–29.700 MHz	Any emission mode. Where the necessary bandwidth exceeds 16 kHz, the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz.
3	7.100 MHz–7.300 MHz	Any emission mode with a necessary bandwidth no greater than 8 kHz.
4	52.000 MHz–54.000 MHz 144.000 MHz–148.000 MHz 430.000 MHz–450.000 MHz 1 240.000 MHz–1 300.000 MHz 2 400.000 MHz–2 450.000 MHz 5.650 GHz–5.850 GHz	Any emission mode.

7 Section 31

Repeal the section.

8 Section 32

Repeal the section.

9 Paragraph 34(b)

Repeal the paragraph.

10 Section 34, Table 3

Repeal the table, substitute:

Item	*Column 1* Frequency band	*Column 2* Permitted emission modes
1	3.500 MHz–3.700 MHz 7.000 MHz–7.100 MHz	Any emission mode.
	21.000 MHz–21.450 MHz	Where the necessary bandwidth exceeds 8 kHz, the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz.
2	28.000 MHz–29.700 MHz	Any emission mode. Where the necessary bandwidth exceeds 16 kHz, the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz.
3	7.100 MHz–7.300 MHz	Any emission mode with a necessary bandwidth no greater than 8 kHz.

Item	*Column 1* **Frequency band**	*Column 2* **Permitted emission modes**
4	144.000 MHz–148.000 MHz 430.000 MHz–450.000 MHz	Any emission mode.

11 Section 37

Repeal the section.

12 Section 39, Table 4A

Repeal the table, substitute:

Item	*Column 1* **Frequency band**	*Column 2* **Permitted emission modes**
1	50.000 MHz–52.000 MHz	Any emission mode with a necessary bandwidth no greater than 100 kHz.
2	52.000 MHz–54.000 MHz 144.000 MHz–148.000 MHz 430.000 MHz–450.000 MHz 1 240.000 MHz–1 300.000 MHz 2 300.000 MHz–2 302.000 MHz 2 400.000 MHz–2 450.000 MHz 3.300 GHz–3.425 GHz 3.425 GHz–3.4425 GHz 3.4425 GHz–3.475 GHz 3.475 GHz–3.4925 GHz 3.4925 GHz–3.5425 GHz 3.5425 GHz–3.575 GHz 3.575 GHz–3.600 GHz [see Note 1] 5.650 GHz–5.850 GHz 10.000 GHz–10.500 GHz 24.000 GHz–24.250 GHz 47.000 GHz–47.200 GHz 76.000 GHz–81.000 GHz 122.250 GHz–123.000 GHz 134.000 GHz–141.000 GHz 241.000 GHz–250.000 GHz	Any emission mode.

Note The operation of an amateur station in the 3.6 GHz band is subject to the limitations specified in section 42A.

13 After section 42

Insert:

42A Operation in the 3.6 GHz band

An amateur station must not be operated in the 3.6 GHz band if:

(a) the operation of the station is in an area specified in column 1 of an item in the table in Schedule 6; and

(b) the operation of the station occurs after the date specified in column 2 of an item in the table in Schedule 6.

14 Section 45

Repeal the section.

15 Section 47

Repeal the section, insert:

47 Permitted emission mode

An amateur station must not be operated unless the transmission remains entirely within the frequency band mentioned in section 46.

16 After Schedule 5

Insert:

Schedule 6 3.6 GHz band – excluded areas

(sections 24AA and 42A)

	Column 1	*Column 2*
Item	**Area of operation**	**Exclusion commencement date**
1	Adelaide and Eastern Metropolitan Australia designated areas	28 March 2020
2	Perth designated area	28 March 2023
3	Regional Australia designated area	28 March 2025