

# SUPPLEMENTARY EXPLANATORY STATEMENT

Approved by the Australian Communications and Media Authority

*Radiocommunications Act 1992*

***Radiocommunications (Conditions of Frequency Assignment Certificates – Apparatus Licences)  
Determination 2021***

## Authority

The Australian Communications and Media Authority (**the ACMA**) has made the *Radiocommunications (Conditions of Frequency Assignment Certificates – Apparatus Licences) Determinations 2021 (instrument)* under section 266A of the *Radiocommunications Act 1992 (the Act)*.

This supplementary explanatory statement amends the explanatory statement to the instrument as set out below.

## Purpose and operation of the instrument

After the seventh paragraph, insert:

Accredited persons are people who have training and experience in the activities of frequency assignment (the identification and allocation of frequencies for use by radiocommunications transmitters) and registration (the recording of information on the Register of Radiocommunications Licences, maintained under Part 3.5 of the Act). When an accredited person issues a FAC to support an application for an apparatus licence, they provide information directly to the ACMA. For more information about the current requirements a person must meet to become an accredited person, see Part 5.4 of the Act and the Accreditation Rules.

An applicant for an apparatus licence may engage an accredited person to issue a frequency assignment certificate to support the application. Accordingly, the conditions in the instrument are not matters for the applicant to comply with. An applicant does not need to obtain a FAC before applying for an apparatus licence, but it will generally be to their advantage if they do so. An accredited person, if asked to issue a FAC, does not have to issue one.

The procedural documents in Attachment B constitute the technical instructions for how the ACMA would assess the operation of a device under an apparatus licence, and perform related tasks, in the absence of a FAC, as at the time the instrument was made. The ACMA would perform such tasks in deciding whether to issue the apparatus licence applied for, to determine the risk of interference. An accredited person is expected to act similarly in issuing a FAC.

## Documents incorporated by reference

After the third paragraph, insert:

The procedural documents that are currently incorporated by reference into the instrument are set out in **Attachment B**.

## **Attachment A**

### **Section 9 Belief that ACMA would issue the licence**

After the paragraph, insert:

Given the role of accredited persons in issuing FACs and dealing with the ACMA, the training and experience necessary to obtain accreditation, and the guidance provided by the procedural documents, the ACMA considers that accredited persons are well positioned to form a reasonable belief as to whether the ACMA would issue an apparatus licence authorising operation of a particular device with particular operating characteristics.

## **Attachment A**

### **Section 10 Special cases – where spectrum licences planned or issued**

After the fourth paragraph, insert:

In each case, given the role of accredited persons in issuing FACs and dealing with the ACMA, the training and experience necessary to obtain accreditation, and the guidance provided by the procedural documents, the ACMA considers that accredited persons are well positioned to form a reasonable belief as to whether the ACMA would issue an apparatus licence authorising operation of a particular device with particular operating characteristics, after consultation with the ACMA.

## **Attachment A**

After the Attachment, insert Attachment B to this supplementary explanatory memorandum.

## List of procedural documents

The following documents are located here: <https://www.acma.gov.au/frequency-assignment-practices>

1. Frequency Assignment Practice Guideline 1, *Area wide land mobile services used for voice communications or low duty cycle data applications*
2. Frequency Assignment Practice Guideline 2, *Area wide land mobile services used in support of differential GPS and other high duty cycle data applications*
3. Frequency Assignment Practice Guideline 3, *Site single frequency operation in two frequency land mobile segments*
4. Frequency Assignment Practice Guideline 4, *Assigning harmonised government spectrum (GS) in the 400 MHz band*
5. Frequency Assignment Practice Guideline 5, *Use of voting systems in the land mobile radio service*
6. Frequency Assignment Practice Guideline 6, *Use of the radiolocation service between 3 and 50 MHz to support oceanographic radar operations*
7. Frequency Assignment Practice Guideline 7, *Assigning rail industry spectrum in the 400 MHz band*
8. Frequency Assignment Practice Guideline 8, *Assignment of HF fixed and land mobile services*

The following documents are located here: <https://www.acma.gov.au/ralis-frequency-coordination>

1. RALI FX01 *Frequency assignment requirements for narrowband fixed and mobile services with wideband fixed services in the 403-420 MHz band*
2. RALI FX03 *Microwave fixed services frequency coordination including information on RPE data files*
3. RALI FX14 *Point to multipoint fixed services in specified parts of the 3.4-3.5 GHz band*
4. RALI FX16 *Point to multipoint fixed services in the VHF high, 400 MHz and 800 MHz bands*
5. RALI FX17 *Frequency assignment requirements for narrowband single channel two frequency point to point services in the VHF high and 400 MHz bands*
6. RALI FX19 *Frequency coordination and licensing procedures for apparatus licensed broadband wireless access services in the 1900-1920 and 3575-3700 MHz bands*
7. RALI FX20 *Millimetre wave point to point (self-coordinated) stations operating in the 58 GHz, 75 GHz and 85 GHz bands*
8. RALI FX21 *Television outside broadcasting services in the bands 1980-2110 MHz and 2170-2300 MHz*
9. RALI FX22 *Frequency assignment requirements for the fixed service in the 800 MHz band*
10. RALI FX23 *Frequency coordination and licensing procedures for point to multipoint services in the 5.6 GHz band*
11. RALI LM02 *Paging services*
12. RALI LM05 *Frequency assignment procedures for land mobile services adjacent to TV channels 2, 3 and 6*
13. RALI LM08 *Frequency assignment requirements for the land mobile service*
14. RALI LM09 *Frequency assignment procedures for apparatus licensed wireless audio devices*
15. RALI MS31 *Notification zones for apparatus licensed services around radio astronomy facilities*
16. RALI MS32 *Coordination of apparatus licensed services within the ARQZWA*
17. RALI MS33 *Frequency coordination and licensing procedures for apparatus licensed PTS in the 2 GHz bands*

18. RALI MS34 *Frequency coordination and licensing procedures for apparatus licensed PTS in the 1800 MHz band*
19. RALI MS35 *Coordination of 2.5 GHz band spectrum licensed transmitters with radiodetermination stations operated by the Department of Defence in the 2700-2900 MHz band*
20. RALI MS37 *Coordination of spectrum licensed devices operating in the 2.3 GHz band with SRS earth stations in the 2290-2300 MHz band*
21. RALI MS38 *Coordination between earth station transmitters in the fixed-satellite service and other services in the 25.5-30 GHz band*
22. RALI MS39 *Frequency coordination and licensing procedures for apparatus licensed public telecommunications services in the 3.5 GHz band*
23. RALI MS43 *Coordination procedures between New Norcia earth station and other services*
24. RALI MS44 *Frequency coordination procedures for the earth station protection zones*
25. RALI MS45 *Frequency coordination requirements between microwave fixed point to point links and FSS earth stations*
26. RALI MS46 *Licensing and coordination procedures for area-wide apparatus licensed services in the 26/28 GHz bands*
27. RALI SM26 *Restrictions on Apparatus Licensing in Spectrum Licensed Spaces*
28. SP 4/93 *Coordination procedures for the licensing of services sharing the 857-861 MHz band*
29. *Low power open narrowcasting service (LPONs)*

The following documents are located here: <https://www.acma.gov.au/business-operating-procedures-spectrum>

1. *Audit of frequency assignment certificates*
2. *Apply for endorsement of aeronautical or aircraft frequency*
3. *Submit RPE data for antennas*
4. *Limit on assignments in VHF and UHF bands*
5. *Apply to vary LPON conditions*
6. *Apply to operate AIS in maritime mobile band*
7. *Restriction on earth station licensing near Alice Springs*
8. *Procedures for space and space receive licensing*
9. *Procedures for earth and earth receive licensing, and registering earth stations*
10. *Create and manage radiocommunications site data*
11. *Correct a record in the Register of Radiocommunications Licences*
12. *Use the coverage data field on a spectrum access*