



Radiocommunications Licence Conditions (Scientific Licence) Determination 2023

The Australian Communications and Media Authority issues the following instrument under subsection 110A(2) of the *Radiocommunications Act 1992*.

Dated: 28 August 2023

Adam Suckling
[signed]
Member

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

Australian Communications and Media Authority

1 Name

This is the *Radiocommunications Licence Conditions (Scientific Licence) Determination 2023*.

2 Commencement

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

Note: The Federal Register of Legislation is available, free of charge, at www.legislation.gov.au.

3 Authority

This instrument is made under subsection 110A(2) of the Act.

4 Repeal of the *Radiocommunications Licence Conditions (Scientific Licence) Determination 2015*

The *Radiocommunications Licence Conditions (Scientific Licence) Determination 2015* (F2015L01284) is repealed.

5 References to other instruments

In this instrument, 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 or writing is a reference to that other instrument or writing as in force, or existing, 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.

Note 3: See section 314A of the Act.

6 Application

- (1) Subject to subsection (3), every scientific licence is subject to the conditions specified in sections 7 and 8.

Note 1: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) equipment;
- (b) radiocommunication;
- (c) radiocommunications transmitter.

Note 2: Other expressions used in this instrument may be defined in a determination made under subsection 64(1) of the *Australian Communications and Media Authority Act 2005*, including:

- (a) Act;
- (b) scientific licence;
- (c) scientific non assigned station.

- (2) Subject to subsection (3), every scientific licence that authorises the operation of a scientific non assigned station is subject to the condition in section 9.

- (3) If:
- (a) a condition is specified in a scientific licence under paragraph 107(1)(g) of the Act, or imposed on the licence under paragraph 111(1)(a) of the Act; and
 - (b) that condition is inconsistent with a condition specified in this instrument;
- then, to the extent of any inconsistency, the condition mentioned in paragraph (a) prevails.

7 Condition – purpose of operation

A person must not operate a radiocommunications transmitter under a scientific licence unless the transmitter is operated primarily to perform one of the following:

- (a) research into radiocommunications;
- (b) investigation of radiocommunications;
- (c) instruction in radiocommunications;
- (d) demonstration of equipment;
- (e) testing of equipment;
- (f) trials of new radiocommunications technology;
- (g) radio propagation path testing;
- (h) repair and maintenance of the transmitter.

8 Condition – call sign

- (1) A person must not operate a radiocommunications transmitter under a scientific licence except in accordance with subsection (2) or (3).
- (2) A person operates a radiocommunications transmitter in accordance with this subsection if the person transmits the relevant call sign, or another form of identification that clearly identifies the radiocommunications transmitter, at the start of each transmission, or at the start of each series of transmissions.
- (3) A person operates a station in accordance with this subsection if the station is operated:
 - (a) to transmit information that is inaudible; or
 - (b) using a mode of transmission such that it is not practicable to identify the station in accordance with subsection (2).
- (4) In this section, **relevant call sign**, in relation to a scientific licence, means the call sign specified in the licence by the ACMA at the time the licence was issued.

9 Conditions – non-assigned scientific licences

- (1) If:
- (a) a scientific licence was in force immediately before the commencement of this instrument; and
 - (b) the licence authorised the operation of a scientific non assigned station on the frequencies specified in the *Radiocommunications Licence Conditions (Scientific Licence) Determination 2015*, as in force immediately before the commencement of this instrument;
- then:
- (c) the licence is subject to each condition in Part 3 of the *Radiocommunications Licence Conditions (Scientific Licence) Determination 2015*, as in force immediately before the commencement of this instrument; and

- (d) for the avoidance of doubt, the scientific non assigned station may only be operated under the licence on the frequencies specified for the operation of scientific non assigned stations in the *Radiocommunications Licence Conditions (Scientific Licence) Determination 2015*, as in force immediately before the commencement of this instrument, in accordance with the conditions that apply in relation to those frequencies in that instrument.
- (2) Subsection (1) ceases to have effect after the end of the 12 month period commencing at the time this instrument commenced.

Note: From the commencement of the *Radiocommunications (Science and Research) Class Licence 2023*, the operation of scientific non assigned stations that were authorised by a scientific licence is authorised by that class licence. However, existing scientific licences for scientific non assigned stations, in force immediately before the commencement of this instrument, will continue in force until their expiry.