



Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence 2024

The Australian Communications and Media Authority issues the following class licence under section 132 of the *Radiocommunications Act 1992*.

Dated: 14 March 2024

Adam Suckling
[signed]
Member

Samantha Yorke
[signed]
Member/~~General Manager~~

Australian Communications and Media Authority

Part 1 Preliminary

1 Name

This is the *Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence 2024*.

2 Commencement

This instrument commences at the start of the day after the day it is registered.

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

3 Authority

This instrument is made under section 132 of the *Radiocommunications Act 1992*.

4 Repeal

The *Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence 2014* [F2014L01794] is repealed.

5 Interpretation

(1) In this instrument, unless the contrary intention appears:

ARPANSA standard means:

- (a) the *Radiation Protection Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz (2021)*, published by the Australian Radiation Protection and Nuclear Safety Agency; or
- (b) if a later standard is published by the Australian Radiation Protection and Nuclear Safety Agency as a replacement of that standard – the later standard.

Note: The ARPANSA standard is available, free of charge, from the website of the Australian Radiation Protection and Nuclear Safety Agency at www.arpansa.gov.au.

communicate: see subsection (2).

device compliance day, in relation to a radiocommunications device, means the later of:

- (a) if the device was manufactured in Australia – the day it was manufactured; or
- (b) if the device was imported – the day it was imported; or
- (c) if the device was altered or modified in a material respect in Australia – the day it was so altered or modified.

licensed device means a radiocommunications device the operation of which is authorised by an apparatus licence.

PTS device: see subsection (3).

PTS receiver: see paragraph (3)(b).

PTS transmitter: see paragraph (3)(a).

relevant PTS licence for a PTS device: see subsection (4).

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

- (a) ACMA;
- (b) apparatus licence;

- (c) equipment rules;
- (d) radiocommunication;
- (e) radiocommunications device;
- (f) radiocommunications receiver;
- (g) 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*, that applies to this instrument, including:

- (a) Act;
- (b) PTS licence;
- (c) station.

- (2) In this instrument:
- (a) a radiocommunications transmitter **communicates** with a radiocommunications receiver if the person operating the transmitter designs or intends radiocommunications made by the transmitter to be received by the receiver;
 - (b) a radiocommunications receiver **communicates** with a radiocommunications transmitter if the person operating the receiver designs or intends the receiver to receive radiocommunications made by the transmitter.
- (3) Each of the following is a **PTS device**:
- (a) a radiocommunications transmitter, the operation of which is authorised by a PTS licence (**PTS transmitter**);
 - (b) if a radiocommunications transmitter mentioned in paragraph (a) is part of a station – each radiocommunications receiver that is part of the same station (**PTS receiver**).
- (4) The **relevant PTS licence for a PTS device** is:
- (a) for a PTS transmitter – the PTS licence that authorises operation of the transmitter;
 - (b) for a PTS receiver that is part of the same station as a PTS transmitter – the PTS licence that authorises operation of the PTS transmitter.
- (5) In this instrument, unless the contrary intention appears, a reference to a part of the spectrum or frequency band includes all frequencies that are greater than but not including the lower frequency, up to and including the higher frequency.
- (6) Unless the contrary intention appears, no condition in Part 3 limits any other condition in that Part.

6 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.

Part 2 Class licence

7 Class licence

- (1) This instrument authorises a person to operate a radiocommunications device to communicate with a PTS device, subject to subsection (2) and to the conditions in Part 3.
- (2) This instrument does not authorise a person to operate a licensed device.

Part 3 Conditions

8 Operation – communication with PTS devices

A person must not operate the radiocommunications device otherwise than to communicate with a PTS device.

9 Operation – authorised frequencies

- (1) A person must not operate a radiocommunications receiver to communicate with a PTS transmitter unless the receiver is operated on a frequency on which operation of the PTS transmitter is authorised by the relevant PTS licence for the PTS transmitter.
- (2) A person must not operate a radiocommunications transmitter (the *first transmitter*) unless:
 - (a) the first transmitter communicates with a PTS receiver; and
 - (b) the person operates the first transmitter on a frequency specified for the PTS receiver by the relevant PTS licence for the PTS receiver.

Note: A PTS licence does not authorise operation of a PTS receiver. It authorises the operation of a PTS transmitter that is part of the same station as a PTS receiver. However, the PTS licence may still specify frequencies on which the PTS receiver is operated.

10 Operation – interference

A person must not operate a radiocommunications device if the operation causes interference to radiocommunications.

Note 1: Under section 197 of the Act, a person must not engage in conduct that will result, or is likely to result in, substantial interference, substantial disruption or substantial disturbance to radiocommunications within Australia, or to radiocommunications between a place in Australia and a place outside Australia.

Note 2: The ACMA will generally not afford protection from interference to radiocommunications involving a radiocommunications device operated under this instrument.

11 Operation – compliance with labelling and related requirements

Telecommunication requirements

- (1) A person must not operate a radiocommunications device that is customer equipment unless the manufacturer or importer of the device has complied with each requirement (if any) in relation to the device imposed on the manufacturer or importer by an instrument made under subsection 407(1) of the *Telecommunications Act 1997*.

Note: An instrument under subsection 407(1) of the *Telecommunications Act 1997* requires the manufacturer or importer of customer equipment to apply a label to the equipment, or to its packaging, to represent that the equipment complies with standards made under subsection 376(1) of that Act. The instrument may impose other requirements on the manufacturer or importer of the equipment, and may provide for circumstances in which any of the requirements do not apply.

- (2) A person must not operate a radiocommunications device that is customer equipment unless the device complies with each requirement (if any) specified for the device specified in an instrument made under subsection 376(1) of the *Telecommunications Act 1997*.
- (3) In subsections (1) and (2), each of *customer equipment* and *import* has the same meaning as in the *Telecommunications Act 1997*.

Radiocommunication requirements

- (4) A person must not operate a radiocommunications device unless:
- (a) if the device compliance day for the device occurs on or after 1 March 2003 but before 17 June 2021 – the device complies with each requirement (if any) specified for the device in any standard applicable to the device, as in force on the device compliance day;
 - (b) if the device compliance day for the device occurs on or after 17 June 2021 – the operation of the device would not contravene a prohibition or obligation in any equipment rules, as in force on the device compliance day.

Note: The *Radiocommunications Equipment (General Rules) 2021* imposed prohibitions and obligations in relation to the possession, operation, or supply of equipment, including radiocommunications devices, that do not comply with standards set out in that instrument. See Parts 2, 3 and 4 of, and Schedules 4 and 5 to, that instrument.

- (5) In paragraph (4)(a), **standard** has the same meaning as in the Act, as in force immediately before 17 June 2021.

Note: On 17 June 2021, Part 4.1 of the Act was replaced, and standards were replaced by equipment rules.

- (6) A person must not operate a radiocommunications device, or a group of radiocommunications devices, if the electromagnetic energy emitted by the device, or by the group, exceeds the general public exposure limits specified in the ARPANSA standard in a place accessible by the public.