



Radiocommunications Licence Conditions (PTS Licence) Determination 2024

The Australian Communications and Media Authority makes the following determination under subsection 110A(2) 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 Licence Conditions (PTS Licence) Determination 2024*.

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 (PTS Licence) Determination 2013*

The *Radiocommunications Licence Conditions (PTS Licence) Determination 2013* (F2014L00045) is repealed.

5 Interpretation

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

base station means a station that is, or incorporates, a radiocommunications transmitter:

- (a) operation of which is authorised by a PTS licence;
- (b) that is not a repeater station; and
- (c) unless the station is a registration exempt station – that is specified in the licence.

Note: A PTS licence may authorise the operation of base stations that are not registration exempt stations, stations that are registration exempt stations, and repeater stations.

emission designator: see subsection (2).

licensed radiocommunications means radiocommunications of a radiocommunications transmitter operated as authorised by a licence.

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

PTS licence (PMTS Class B) means a PTS licence that authorises the operation of a land station for the purposes of PMTS Class B.

PTS licence (PMTS Class C) means a PTS licence that authorises the operation of a station for the purposes of PMTS Class C.

registration exempt station means a station:

- (a) that is, or incorporates, one or more radiocommunications transmitters (a **relevant transmitter**), operation of which is authorised by a PTS licence; and
- (b) is either:

- (i) a base station operated on a frequency specified in the licence for the operation of a radiocommunications transmitter that is, or is part of, another base station under the licence (the **other base station**); or
- (ii) a repeater station;
- (c) for which each relevant transmitter:
 - (i) has a fixed indoor antenna; and
 - (ii) is operated with a radiated true mean power not greater than 24 dBm EIRP per occupied bandwidth; and
 - (iii) if the licence specifies an emission designator for emissions made by a radiocommunications transmitter that is, or is part of, the other base station – is operated in accordance with that emission designator; and
 - (iv) if subparagraph (b)(i) applies – is not used to extend the coverage area within which radiocommunications made by the other base station may be received;
 - (v) if subparagraph (b)(ii) applies – is not used to extend the coverage area within which radiocommunications made by a base station may be received.

repeater station means a station that is, or incorporates, a radiocommunications transmitter:

- (a) operation of which is authorised by a PTS licence; and
- (b) is used for the reception and automatic retransmission of radiocommunications.

Note 1: A PTS licence may authorise the operation of:

- (a) base stations and repeater stations (other than registration exempt stations), which are specified in the licence; and
- (b) stations that are registration exempt stations, which may not be specified in the licence.

Note 2: A number of other expressions used in this instrument are defined in the Act, including the following:

- (a) ACMA;
- (b) import;
- (c) licence;
- (d) radiocommunication;
- (e) radiocommunications device
- (f) radiocommunications receiver;
- (g) radiocommunications transmitter;
- (h) re-allocation period;
- (i) Register;
- (j) spectrum licence;
- (k) spectrum re-allocation declaration.

Note 3: 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) EIRP;
- (c) harmful interference;
- (d) land station;
- (e) PMTS Class B;
- (f) PMTS Class C;
- (g) PTS licence;
- (h) public mobile telecommunications service;
- (i) Radio Regulations;
- (j) station.

- (2) Subject to subsection (3), for the purpose of this instrument, the designation of a radiocommunications transmitter's emission (**emission designator**) is determined using the methods specified in the Radio Regulations.

- (3) For the purpose of determining the emission designator of a radiocommunications transmitter using the methods specified in the Radio Regulations, references in the Radio Regulations to “necessary bandwidth” for a given class of emission are taken to be references to the occupied bandwidth of the transmitter.

Note: At the time the ACMA made this instrument, Appendix 1 of the Radio Regulations set out the method to be used for determining the designation of a radiocommunications transmitter’s emission.

- (4) 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.
- (5) Unless the contrary intention appears, no condition in Part 2 or Part 3 limits any other condition in those Parts.

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 Conditions – PMTS Class B

7 Application and interpretation of Part 2

- (1) Subject to subsection (2), every PTS licence (PMTS Class B) is subject to the conditions in this Part.
- (2) If:
 - (a) a condition is specified in a PTS licence (PMTS Class B) 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 Part;then, to the extent of any inconsistency, the condition mentioned in paragraph (a) prevails.
- (3) In this Part, the **relevant licence**, in relation to a radiocommunications device that is part of a station, is the PTS licence (PMTS Class B) that authorises a person to operate a radiocommunications transmitter that is part of the station.

8 Condition – registration of devices

A person must not operate a radiocommunications transmitter that is, or is part of, a station other than a registration exempt station, unless:

- (a) the details, in relation to the transmitter, set out in subsections 10(4), 10(5), 10(6) and 10(7) of the *Radiocommunications (Register of Radiocommunications Licences) Determination 2017* have been entered in the Register; and
- (b) the transmitter complies with the details in relation to it that have been entered in the Register.

Note 1: Section 8 is a condition of the kind referred to in subsections 10(4A), (5A), (6A) and (7A) of the *Radiocommunications (Register of Radiocommunications Licences) Determination 2017*. That instrument is available, free of charge, from the Federal Register of Legislation at www.legislation.gov.au.

Note 2: The ACMA generally will not afford protection from harmful interference to radiocommunications of a radiocommunications transmitter, the details of which are not entered in the Register, where the interference is caused by licensed radiocommunications.

9 Condition – registration exempt stations and harmful interference

A person must not operate a radiocommunications transmitter that is, or is part of, a registration exempt station if operation of the transmitter would cause harmful interference to licensed 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 generally will not afford protection from harmful interference to radiocommunications of a radiocommunications transmitter that is, or is part of, a registration exempt station, where the interference is caused by licensed radiocommunications.

10 Condition – repeater stations and harmful interference

A person must not operate a radiocommunications transmitter that is, or is part of, a repeater station that is not a registration exempt station if operation of the transmitter would cause harmful interference to licensed 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 generally will not afford protection from harmful interference to radiocommunications of a radiocommunications transmitter that is, or is part of, a repeater station, where the interference is caused by licensed radiocommunications.

11 Condition – repeater stations and authorised frequencies

A person must not operate a radiocommunications transmitter that is, or is part of, a repeater station unless:

- (a) the person operates the transmitter on any frequency specified in the relevant licence for operation of a radiocommunications device that is, or is part of, a base station; and
- (b) if a radiocommunications receiver is part of the repeater station – the person operates the receiver on any frequency specified in the relevant licence for a radiocommunications receiver that is, or is part of, a base station.

- Note: The radiocommunications transmitter may operate on the same frequencies as those specified in the PTS licence for:
- (a) the operation of the base station’s radiocommunications transmitter; and
 - (b) the operation of the base station’s radiocommunications receiver.

12 Condition – registration exempt stations not authorised to operate in same parts of the spectrum and geographic areas declared for spectrum licensing

- (1) This section applies if the ACMA makes a spectrum re-allocation declaration, that:
 - (a) a specified part of the spectrum is subject to re-allocation under Part 3.6 (the ***declared part of the spectrum***) in relation to the re-allocation period for the declaration; and
 - (b) under subsection 153B(3) of the Act, specifies an area (the ***declared area***) for the declared part of the spectrum.
- (2) A person must not operate a radiocommunications transmitter that is, or is part of, a registration exempt station at frequencies in the declared part of the spectrum and within the declared area on or after the day the re-allocation period for the declaration ends.

- Note: Subject to limited exceptions, if an apparatus licence authorises the operation of a radiocommunications device at frequencies in the declared part of the spectrum and the declared area at the end of the re-allocation period, the licence is cancelled by section 153H of the Act.

13 Condition – registration exempt stations not authorised to operate in same frequencies and areas as covered by a spectrum licence

- (1) This section applies if a spectrum licence authorises a person to operate radiocommunications devices:
 - (a) at one or more frequencies; and
 - (b) within one or more areas.
- (2) A person must not operate a radiocommunications transmitter that is, or is part of, a registration exempt station:
 - (a) at those frequencies; and
 - (b) within those areas.

Part 3 Conditions – PMTS Class C

14 Application of Part 3

- (1) Subject to subsection (2), every PTS licence (PMTS Class C) is subject to the conditions in this Part.
- (2) If:
 - (a) a condition is specified in a PTS licence (PMTS Class C) 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 Part;then, to the extent of any inconsistency, the condition mentioned in paragraph (a) prevails.

15 Condition – registration of devices

A person must not operate a radiocommunications transmitter that is, or is part of, a station other than a registration exempt station, unless:

- (a) the details, in relation to the transmitter, set out in subsections 10(4), 10(5) (other than paragraph (5)(g)) and 10(6) of the *Radiocommunications (Register of Radiocommunications Licences) Determination 2017* have been entered in the Register; and
- (b) the transmitter complies with the details in relation to it that have been entered in the Register.

Note 1: Section 15 is a condition of the kind referred to in subsections 10(4A), (5A) and (6A) of the *Radiocommunications (Register of Radiocommunications Licences) Determination 2017*. That instrument is available, free of charge, from the Federal Register of Legislation at www.legislation.gov.au.

Note 2: The ACMA generally will not afford protection from harmful interference to radiocommunications of a radiocommunications transmitter, the details of which are not entered in the Register, where the interference is caused by licensed radiocommunications.

16 Condition – registration exempt stations not authorised to operate in same parts of the spectrum and geographic areas declared for spectrum licensing

- (1) This section applies if the ACMA makes a spectrum re-allocation declaration, that:
 - (a) a specified part of the spectrum is subject to re-allocation under Part 3.6 (the ***declared part of the spectrum***) in relation to the re-allocation period for the declaration; and
 - (b) under subsection 153B(3) of the Act, specifies an area (the ***declared area***) for the declared part of the spectrum.
- (2) A person must not operate a radiocommunications transmitter that is, or is part of, a registration exempt station at frequencies in the declared part of the spectrum and within the declared area on or after the day the re-allocation period for the declaration ends.

Note: Subject to limited exceptions, if an apparatus licence authorises the operation of a radiocommunications device at frequencies in the declared part of the spectrum and the declared area at the end of the re-allocation period, the licence is cancelled by section 153H of the Act.

17 Condition – registration exempt stations not authorised to operate in same frequencies and areas as covered by a spectrum licence

- (1) This section applies if a spectrum licence authorises a person to operate radiocommunications devices:
 - (a) at one or more frequencies; and
 - (b) within one or more areas.
- (2) A person must not operate a radiocommunications transmitter that is, or is part of, a registration exempt station:
 - (a) at those frequencies; and
 - (b) within those areas.

18 Condition – on-ground operation

- (1) A person must not operate a radiocommunications transmitter that is on board an aircraft that is not in the air except in accordance with both subsections (2) and (3).
- (2) A person operates a radiocommunications transmitter in accordance with this subsection if the person operates the transmitter solely for the purposes of testing and maintenance of the transmitter, or of the station the transmitter is part of.
- (3) A person operates a radiocommunications transmitter in accordance with this subsection if the operation of the transmitter does not cause harmful interference to licensed radiocommunications.

Note: The ACMA generally will not afford protection from harmful interference to radiocommunications of a radiocommunications transmitter that is operated in accordance with both subsections (2) and (3), where the interference is caused by licensed radiocommunications.