Radiocommunications (Qualified Operators) Determination 2016

Radiocommunications Act 1992

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Determination under section 119 of the Radiocommunications Act 1992

Dated: 21 March 2016

Richard Bean
[signed]
Member

Brendan Byrne
[signed]
Member / General Manager

1 Name of Determination
This Determination is the Radiocommunications (Qualified Operators) Determination 2016.

2 Commencement
This Determination commences on the day after it is registered.


3 Revocation
Section 4

4 Interpretation

(1) In this Determination:

*AMSA* has the meaning given by the *Navigation Act 2012*.

*GMDSS Certificate* has the meaning given by the *Marine Orders – Part 6: Marine Radio Qualifications, Issue 5*.

*ITU Radio Regulations – Article 47* means Article 47 of the Radio Regulations published by the International Telecommunications Union, as existing from time to time.

*major coast station* means a station that is a major coast A station or a major coast B station.


*Note 2* In accordance with paragraph 13(1)(b) of the *Legislation Act 2003*, other expressions in this Determination have the same meaning as in the Act, including:

- certificate of proficiency
- qualified operator
- transmitter
- transmitter licence

*Note 3* In accordance with section 64 of the *Australian Communications and Media Authority Act 2005*, other expressions in this Determination have the same meaning as in the *Radiocommunications (Interpretation) Determination 2015*, including:

- Act
- amateur advanced station
- amateur beacon station
- amateur foundation station
- amateur licence
- amateur repeater station
- amateur standard station
- HF
- limited coast assigned system station
- limited coast marine rescue station
- limited coast non assigned station
- major coast A station
- major coast B station
- maritime coast licence
- maritime ship licence
- MF
- ship station Class B
5 Qualified operators

(1) For section 119 of the Act, and subject to subsection (2), a person must be a qualified operator to operate a transmitter under an amateur licence that authorises a person to operate:

(a) an amateur advanced station; or
(b) an amateur beacon station; or
(c) an amateur foundation station; or
(d) an amateur repeater station; or
(e) an amateur standard station.

(2) Subsection (1) does not apply to a person who is a qualified person within the meaning of the Radiocommunications Licence Conditions (Amateur Licence) Determination 2015.

(3) For section 119 of the Act, and subject to subsection (4), a person must be a qualified operator to operate a transmitter under a transmitter licence included in the following classes of transmitter licences:

(a) maritime coast licences that authorise a person to operate:
   (i) a limited coast assigned system station; or
   (ii) a limited coast marine rescue station; or
   (iii) a limited coast non assigned station; or
   (iv) a major coast station;
(b) maritime ship licences that authorise a person to operate a ship station Class B.

(4) Subsection (3) does not apply to a person in relation to a licence specified in column 1 of the table in the Schedule, if the person holds the overseas qualification specified in the corresponding item in column 2 of the table.

(5) For section 119 of the Act, and subject to subsection (6), a person must be a qualified operator to operate a transmitter under a maritime ship licence that authorises a person to operate a ship station Class C.

(6) Subsection (5) does not apply to a person who holds:

(a) a GMDSS Certificate; or
(b) overseas qualifications recognised by the AMSA as equivalent qualifications to a GMDSS Certificate.
## Schedule

### Overseas qualifications for maritime licences

(subsection 5(4))

<table>
<thead>
<tr>
<th>Item</th>
<th>Column 1 Licence</th>
<th>Column 2 Overseas qualification</th>
</tr>
</thead>
</table>
| 1    | Maritime coast licence that authorises a person to operate:  
(a) a limited coast assigned system station on frequencies in the MF or HF bands;  
(b) a limited coast non-assigned station on frequencies in the MF or HF bands;  
(c) a limited coast marine rescue station on frequencies in the MF or HF bands | (a) First-class radio electronic certificate 
(b) Second-class radio electronic certificate 
(c) General operator’s certificate 
(d) Long-range certificate |
| 2    | Maritime ship licence that authorises a person to operate a ship station class B | (a) First-class radio electronic certificate 
(b) Second-class radio electronic certificate 
(c) General operator’s certificate 
(d) Long-range certificate |
| 3    | Maritime coast licence that authorises a person to operate a major coast station | (a) First-class radio electronic certificate 
(b) Second-class radio electronic certificate 
(c) General operator’s certificate |
| 4    | Any maritime coast licence, or any maritime ship licence that authorises a person to operate a ship station other than a ship station class B, mentioned in subsection 5(3) of this Determination but not otherwise mentioned in this table | (a) First-class radio electronic certificate 
(b) Second-class radio electronic certificate 
(c) General operator’s certificate 
(d) Long-range certificate 
(e) Short-range certificate |

In this table:

(a) a reference to a certificate is a reference to a certificate of the same name mentioned in the ITU Radio Regulations – Article 47;

(b) a reference to a certificate includes a reference to a certificate replaced by that certificate.

*Note* The ITU Radio Regulations – Article 47 lists certificates that have been superseded by the certificates specified in the table (see Nos. 47.26A to 47.26F).