



## Radiocommunications (Overseas Amateurs Visiting Australia) Class Licence 2008

*Radiocommunications Act 1992*

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The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY issues this Class Licence under subsection 132 (1) of the *Radiocommunications Act 1992*.

Dated 7<sup>th</sup> February 2008.

*Chris Check*

Member



*My Madde*

Member

Australian Communications and Media Authority

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## Part 1 Preliminary

### 1 Name of Class Licence

This Class Licence is the *Radiocommunications (Overseas Amateurs Visiting Australia) Class Licence 2008*.

### 2 Commencement

This Class Licence commences on 14 February 2008.

#### Note

This Class Licence allows a person to operate an amateur station only if the person is an amateur visiting from overseas and holds an overseas amateur qualification or licence.

This Class Licence authorises operation of the amateur station for 90 days after each entry to Australia. If the operation starts or finishes more than 90 days after the overseas amateur enters Australia, the operation must be authorised by an apparatus licence. An apparatus licence is issued under Part 3.3 of the *Radiocommunications Act 1992*. An overseas amateur may choose to operate for the first 90 days under this Class Licence, but would need to apply for an apparatus licence if they desire to continue operating after those 90 days.

This Class Licence sets out conditions that apply when a person visiting from overseas wants to operate an amateur station under this licence. For example, this Class Licence provides for five different levels of operation. Each of these levels relates to a specific level of overseas qualification or overseas licence. Information about which level of operation applies to a person's qualification or licence can be found in the Australian Communications and Media Authority's policy information paper entitled 'Apparatus Licensing – Amateurs Visiting Australia'.

This Class Licence applies to Australian territories in the same way that it applies to mainland Australia.

If a person claims to operate an amateur station under this Class Licence, the person must meet all the relevant conditions. Otherwise, their operation of an amateur station is unauthorised and will be covered by the offence provisions of the *Radiocommunications Act 1992*.

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**Section 3****3 Interpretation**

(1) In this Class Licence:

**ACMA** means the Australian Communications and Media Authority.

**Act** means the *Radiocommunications Act 1992*.

**amateur repeater station** means a station established at a fixed location for:

- (a) the reception of radio signals from amateur stations; and
- (b) the automatic retransmission of those signals by radio.

*Note* Amateur repeater stations are authorised under apparatus licences, not this Class Licence. Apparatus licences are issued under a process outlined in Part 3.3 of the Act.

**amateur station** means a station that:

- (a) is operated for the purposes of self-training in radiocommunications, intercommunication using radiocommunications, and technical investigation into radiocommunications by persons:
  - (i) who do so solely with a personal aim; and
  - (ii) who have no pecuniary interest in the outcome of the operation of the station; and
- (b) is operated on amateur frequencies or frequency bands; and
- (c) may participate in the amateur-satellite service.

**Australia**, when used in a geographical sense, includes the external Territories.

**Australian Map Grid coordinate** means a point determined with reference to the Australian Geodetic Datum 1966 (also known as AGD66), published in *Gazette* No. GN84 of 6 October 1966.

**Australian resident** means:

- (a) a person who holds a permanent visa (as defined in the *Migration Act 1958*) that is in effect; or
- (b) a New Zealand citizen who is usually resident in Australia and who holds a special category visa (as defined in the *Migration Act 1958*) that is in effect; or
- (c) any other person who is usually resident in Australia and whose continued presence in Australia is not subject to a limitation as to time imposed by law.

**authorised officer** means:

- (a) a member of the Australian Federal Police; or
- (b) a member of the police force of a State or Territory; or
- (c) a Defence Force officer; or
- (d) an Australian Maritime Safety Authority officer employed in the Rescue Coordination Centre of Australian Search and Rescue (also known as 'AusSAR'); or
- (e) any officer specified in Schedule 5; acting in the course of his or her duties.

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**emergency services** means services provided by an organisation established in a State or Territory for purposes that include the provision of services during an emergency.

**emission mode** means the mode used to transmit and may be determined with reference to the Table in Schedule 1 for:

- (a) the necessary bandwidth of the transmission (item 1); and
- (b) the modulation of the main carrier of the transmission (item 2); and
- (c) the nature of the signal or signals modulating the main carrier of the transmission (item 3); and
- (d) the kind of information to be transmitted (item 4).

**Gazette** means the Commonwealth of Australia Gazette.

**harmful interference** means interference that:

- (a) endangers the operation of a radionavigation service, or any safety service, operating in accordance with:
  - (i) the International Telecommunication Union Radio Regulations; or
  - (ii) the Australian radiofrequency spectrum plan; or
- (b) obstructs, repeatedly interrupts or seriously degrades a radiocommunication service operating in accordance with:
  - (i) the International Telecommunication Union Radio Regulations; or
  - (ii) the Australian radiofrequency spectrum plan.

**inspector** has the same meaning as in section 267 of the Act.

*Note* Section 267 of the Act defines **inspector** to include the following:

- (a) a Commonwealth or State officer appointed as an inspector by a written instrument made by ACMA;
- (b) a person in a class of officers appointed as inspectors by a written instrument made by ACMA and published in the *Gazette*;
- (c) a member, other than a special member, of the Australian Federal Police or the police force of a Territory.

**intercommunication** means two-way communication between stations in the amateur service in Australia and:

- (a) other stations in the amateur service in Australia; or
- (b) amateur stations overseas;

but does not include communication with stations of other radiocommunications services.

**manually operated morse key** means a straight or up-and-down morse key or a manually operated mechanical automatic or semi-automatic 'bug' style morse key, but does not include a key that is part of a keyboard.

**Melbourne Area** means the geographic area in Victoria that includes all places located no more than 250 km from the Melbourne General Post Office at the corner of Bourke and Elizabeth Streets, Melbourne, Victoria 3000, being latitude 37° 48' 53" south, longitude 144° 57' 42" east.

*Note* The Melbourne General Post Office may also be referenced by its Australian Map Grid coordinates, which are Zone 55, Easting 320605, Northing 5812740.

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**necessary bandwidth** means, for a given type of emission, the width of the frequency band that is just sufficient to ensure the transmission of information at the rate, and with the quality, required under specified conditions.

**operate** means an action taken to control the operation of a transmitter, other than an action:

- (a) taken by a person who is not a qualified person; and
- (b) taken in relation to a station to which Division 2 or 3 of Part 3 applies; and
- (c) consisting of:
  - (i) the activation, by use of a switch or voice, of a microphone connected to a transmitter, where:
    - (A) the action occurs in the presence of, and under the supervision of, a qualified person; and
    - (B) the action causes the transmitter to only transmit or cease to transmit; and
    - (C) all other control of the transmitter is by a qualified person; or
  - (ii) despite sub-subparagraph (i) (C), the activation, by use of a switch or voice, of a microphone connected to a transmitter through a public telecommunications network, where the action causes the transmitter to only transmit or cease to transmit; or
  - (iii) despite sub-subparagraph (i) (C), control of the transmitter of a station which receives radio signals from a second amateur station and automatically retransmits those signals by radio, where the action:
    - (A) occurs at the second station; and
    - (B) causes the retransmitting station's transmitter to only transmit or cease to transmit; or
  - (iv) despite sub-subparagraph (i) (C), control of the transmitter of a station which receives signals from a second amateur station through a public telecommunications network and automatically retransmits those signals by radio, where the action:
    - (A) occurs at the second station; and
    - (B) causes the retransmitting station's transmitter to only transmit or cease to transmit.

*Note* Only the limited operation of the retransmitting station's transmitter is excluded from the definition by subparagraphs (c) (iii) and (c) (iv). An action taken to control the operation of a transmitter at the second station is 'operation' and is subject to the conditions of the licence authorising the operation of the second station.

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**Perth Area** means the geographic area that includes all places located no more than 250 km from the Perth General Post Office at 3 Forrest Place, Perth, Western Australia 6000, being latitude 31° 57' 12" south, longitude 115° 51' 27" east.

*Note* The Perth General Post Office may also be referenced by its Australian Map Grid coordinates, which are Zone 50, Easting 392020, Northing 6464140.

**public telecommunications network** means a carriage service supplied to the public, and includes the internet.

**pX** means peak envelope power.

**pY** means mean power.

**qualified person** has the meaning given in subsection 6 (3).

**spurious emissions** means emissions on a frequency or frequencies outside the necessary bandwidth where the level of the emissions can be reduced without affecting the relevant transmission of information and includes the following:

- (a) harmonic emissions;
- (b) parasitic emissions;
- (c) intermodulation products;
- (d) frequency conversion products;

but not out-of-band emissions.

**Sydney Area** means the geographic area that includes all places located no more than 270 km from the Sydney General Post Office at 130 Pitt Street, Sydney, New South Wales 2000, being latitude 33° 52' 14" south, longitude 151° 12' 26" east.

*Note* The Sydney General Post Office may also be referenced by its Australian Map Grid coordinates, which are Zone 56, Easting 334188, Northing 6250750.

**Tables of Equivalent Qualifications and Licences** means the tables of equivalent qualifications and licences in the Amateurs Visiting Australia section of the Australian Communications and Media Authority website at <http://www.acma.gov.au>.

**third party** means a person who does not hold an amateur licence.

- (2) For this Class Licence, a frequency band described using 2 frequencies starts immediately above the lower frequency and ends at the higher frequency.
- (3) A reference in this Class Licence to an instrument or writing is to that instrument or writing as in force or existing from time to time.

*Note* See section 314A of the Act for the power to incorporate the instruments and writings as in force or existing from time to time.



## Part 2                      Class Licence

### 4                      Class Licence — what is permitted?

This Class Licence authorises any person to operate an amateur station if the amateur station is operated in accordance with all of the relevant conditions of this Class Licence.

## Part 3                      Conditions

### Division 1                      Conditions applying to all stations operated under this Class Licence

#### 5                      Operation subject to conditions

For section 133 of the Act, operation of an amateur station under this Class Licence is subject to all of the conditions set out in this Division.

#### 6                      Who may operate under this Class Licence?

- (1) This section explains who may operate an amateur station under this Class Licence.
- (2) The amateur station may be operated by a person who:
  - (a) is visiting Australia from another country; and
  - (b) is not an Australian resident; and
  - (c) entered Australia 90 days or less beforehand; and
  - (d) holds:
    - (i) an amateur licence, issued by the administration of another country, that has been recognised by ACMA for the purpose of operating the amateur station in Australia; or
    - (ii) an amateur qualification, issued by the administration of another country, that has been recognised by ACMA for the purpose of operating the amateur station in Australia; and
  - (e) has been issued with a callsign by the administration of the country that:
    - (i) issued the amateur licence mentioned in paragraph 6 (2) (d) (i); or
    - (ii) issued the amateur qualification mentioned in paragraph 6 (2) (d) (ii).
- (3) A person who meets the criteria in subsection (2) is a **qualified person**.
- (4) For subparagraphs 6 (2) (d) (i) and 6 (2) (d) (ii), an amateur licence or amateur qualification is **recognised by ACMA** if it is listed in:
  - (a) Table C (i); or
  - (b) Table C (ii); or
  - (c) Table C (iii); or
  - (d) Table C (iv); or

(e) Table C (v);  
of the Tables of Equivalent Qualifications and Licences.

*Note* Amateur licences and amateur qualifications recognised by ACMA for the purpose of operating an amateur station under this Class Licence will also, from time to time, be detailed in the *Gazette* by ACMA.

## **7 Production of evidence — length of stay and qualifications**

- (1) If a person who is operating, or has operated, an amateur station is asked by an inspector to produce evidence of the following:
  - (a) that the person entered Australia less than 90 days before operating the station;
  - (b) that the person holds, or held at the relevant time, an amateur licence or amateur qualification:
    - (i) of a type mentioned in subsection 6 (2); and
    - (ii) relied upon by the person when operating the station;the person must produce the evidence.
- (2) If the person does not produce the evidence, the person is not authorised to operate an amateur station under this Class Licence.

- (3) Subsection (2) ceases to apply when the person produces the evidence.

*Note* This section does not require people to present the relevant evidence to an inspector before they begin operating an amateur station under this Class Licence. While operating the station, however, it is advisable that they have this evidence with them.

## **8 Communication by an amateur station**

- (1) An amateur station may be operated under this Class Licence to transmit a message solicited from a third party only if the message relates to a disaster and subsections (2) and (3) are complied with.
- (2) An amateur station must not be operated to transmit a message on behalf of a third party:
  - (a) enabling any person to obtain a financial gain or other reward, directly or indirectly; or
  - (b) relating to the commercial or financial affairs of any person.
- (3) An amateur station must not be operated to transmit messages to an amateur station in a foreign country if:
  - (a) ACMA has published a notice in the *Gazette* to the effect that the government of that country has given notice that it objects to the transmission and reception of messages between amateur stations in that country and amateur stations outside that country; and

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- (b) no notice of the withdrawal of that objection has since been published in the *Gazette* by ACMA.

*Note 1* Subject to the conditions in subsections (2) and (3), an amateur station operated under this Class Licence may be used to transmit messages on behalf of a third party to any other amateur station, including an amateur station in another country.

*Note 2* If another country permits the transmission or reception of messages on behalf of third parties only in a case of emergency or disaster relief, a person operating an amateur station in accordance with this Class Licence should respect any such restrictions applying to amateur stations in that country.

- (4) An amateur station must not be operated:
- (a) in a way that would be likely to cause a reasonable person, justifiably in all the circumstances, to be seriously alarmed or seriously affronted; or
  - (b) for the purpose of harassing a person.

## 9 Use of an amateur station

- (1) An amateur station:
- (a) must be operated solely for the purpose of:
    - (i) self training in radiocommunications; or
    - (ii) intercommunications; or
    - (iii) technical investigations into radiocommunications; or
    - (iv) transmitting news and information services related to the operation of amateur stations, as a means of facilitating intercommunication; and
  - (b) must not be operated for financial gain; and
  - (c) must not be operated to transmit:
    - (i) a message that is, or includes, an advertisement; or
    - (ii) any form of entertainment.
- (2) An amateur station must not be operated as a beacon station.

*Note* A beacon station is an amateur station used solely for the purpose of identifying propagation conditions between the location of the beacon station and other locations. An amateur beacon station is authorised under an apparatus licence, not this Class Licence. Apparatus licences are issued under a process outlined in Part 3.3 of the Act.

- (3) An amateur station must not be operated solely or principally for:
- (a) the automatic reception of:
    - (i) radio signals from amateur stations; or
    - (ii) signals from a public telecommunications network; or
  - (b) the automatic retransmission by radiocommunications of:
    - (i) the radio signals mentioned in subparagraph (a) (i); or

- (ii) the signals mentioned in subparagraph (a) (ii).

*Note* Such automatic reception and automatic retransmission means that a station is operating as an amateur repeater station. An amateur repeater station is authorised under an apparatus licence, not this Class Licence. Apparatus licences are issued under a process outlined in Part 3.3 of the Act.

## **10 Interference**

- (1) An amateur station must not be operated if its operation causes harmful interference to radiocommunications.
- (2) An amateur station must not be operated if its operation causes interference to radiocommunications services because of transmissions that:
  - (a) vary from the nominal frequency; or
  - (b) have key impact emissions as a side-effect of morse code transmission; or
  - (c) contain harmonics; or
  - (d) make other inessential emissions.
- (3) As far as is reasonably practicable, an amateur station must be erected, fixed, placed and used in a way that avoids interference to the efficient and convenient working of other stations.
- (4) An amateur station must not be operated if its emissions include spurious emissions not attenuated below the power of the wanted emission supplied to the antenna transmission line:
  - (a) on frequencies not greater than 30 MHz — by  $43 + 10 \log(\text{PEP})\text{dB}$  or 50 dB, whichever is less; and
  - (b) on frequencies above 30 MHz — by  $43 + 10 \log(P)\text{dB}$  or 70 dB, whichever is less.
- (5) For subsection (4):

**PEP** means peak envelope power in watts supplied to the antenna transmission line.

**P** means mean power in watts supplied to the antenna transmission line.

## **11 Use of callsigns**

- (1) An amateur station must not be operated unless a qualified person operating the station identifies the station by use of the callsign, mentioned in subsection 6 (2), followed by the suffix VK.
- (2) Subject to subsection (4), if an amateur station is being operated to make a single transmission, the qualified person must:
  - (a) transmit the callsign of any station being called or communicated with, followed by the amateur station's callsign, followed by the word 'portable', and followed by the location of the amateur station; and

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- (b) transmit the information mentioned in paragraph (a):
  - (i) by voice (using the English language), by visual image or by an internationally recognised code; and
  - (ii) at the beginning and end of the transmission; and
  - (iii) for a transmission that lasts more than 10 minutes — at least once during each period of 10 minutes in the transmission.
- (3) Subject to subsection (4), if an amateur station is being operated to make a series of transmissions to a station with which communications have been established, the qualified person must:
  - (a) transmit the callsign of any station being called or communicated with, followed by the amateur station's callsign, followed by the word 'portable', and followed by the location of the amateur station; and
  - (b) transmit the information mentioned in paragraph (a):
    - (i) by voice (using the English language), by visual image or by an internationally recognised code; and
    - (ii) at the beginning and end of the series; and
    - (iii) for a series that lasts more than 10 minutes — at least once during each period of 10 minutes in the series.
- (4) If a network of amateur stations is participating in emergency services operations or related training exercises:
  - (a) a qualified person operating an amateur station in the network must ensure that arrangements are in place for at least one person operating a station in that network to transmit the callsigns of the stations participating in the network; and
  - (b) each of the callsigns must be transmitted:
    - (i) by voice (using the English language), by visual image or by an internationally recognised code; and
    - (ii) at the beginning and end of transmissions; and
    - (iii) for a transmission or series of transmissions that lasts more than 30 minutes — at least once during each period of 30 minutes.

**12 Transmission of carrier waves and encoded signals**

- (1) An amateur station must not be operated in a way that causes a carrier wave to be emitted, unless the wave:
  - (a) is subjected to intelligible modulation; or
  - (b) is emitted during a brief test or an adjustment.
- (2) An amateur station must not be operated to transmit a signal encoded so that the meaning of the signal is unclear unless the signal is sent during intercommunication for the purpose of emergency services operations or related training exercises.

**13 Retransmission of other amateur stations' transmissions**

An amateur station must not be operated to retransmit another amateur station's transmission unless:

- (a) permission to retransmit has been given by the person operating the other amateur station; and
- (b) as part of the transmission:
  - (i) the callsign of the other amateur station is transmitted at the beginning and end; and
  - (ii) it is identified as a retransmission of a transmission of another amateur station.

**14 Control of equipment at an amateur station**

An amateur station must not be operated unless the qualified person operating it is physically present with the station.

**15 Transmission on authorised frequency bands**

- (1) An amateur station (the *first station*) must not be operated to transmit a signal to another amateur station, through an amateur repeater station, unless the person operating the first station is otherwise permitted by this Class Licence to transmit on the output frequencies of the amateur repeater station.
- (2) An amateur station (the *first station*) must not be operated to transmit a signal to another amateur station, through an amateur repeater station linked to a further amateur repeater station, unless the person operating the first station is otherwise permitted by this Class Licence to transmit on the output frequencies of the further amateur repeater station.

*Note* Regardless of the frequencies of a repeater link, this Class Licence does not prohibit a qualified person from using an amateur station to transmit a signal over a repeater link.

- (3) An amateur station (the *first station*) must not be operated to transmit a signal to another amateur station, through a further amateur station, unless the person operating the first station is otherwise permitted by this Class Licence to transmit on the output frequencies of the further station.

**16 Connection to a public telecommunications network**

- (1) An amateur station must not be connected, directly or indirectly, to a public telecommunications network unless the person operating the amateur station takes reasonable measures to ensure that only persons who have a qualification or licence appropriate for operating the station can access the station to transmit a signal to another amateur station.

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- (2) An amateur station must not be operated to connect a person (the *connected person*) from a public telecommunications network to an amateur transmitter unless the person operating the station has advised the connected person to the effect that:
- (a) transmissions made by the connected person may be overheard by other persons; and
  - (b) the connected person may choose to disconnect rather than proceed with the connection to the transmitter.

*Note* It is an offence under subsection 7 (1) of the *Telecommunications (Interception and Access) Act 1979* to intercept a communication passing over a telecommunications system. Under that Act, interception means listening to or recording the communication when it is passing over the system without the knowledge of the person making the communication.

**17 Directions from inspectors and other officers**

- (1) An amateur station must not be operated if its operation would result in non-compliance with a written direction:
- (a) issued to a person by an inspector; and
  - (b) relating to interference to radiocommunications caused or likely to be caused by:
    - (i) the adjustment, installation or maintenance of an amateur station, or of accessory apparatus for use with an amateur station, by the person; or
    - (ii) the operation of an amateur station by the person.
- (2) An amateur station must not be operated if its operation would result in non-compliance with a direction:
- (a) given to a person by an authorised officer; and
  - (b) reasonably necessary to:
    - (i) ensure the safety of an aircraft or vessel that is in danger; or
    - (ii) deal with an emergency involving a serious threat to the environment; or
    - (iii) deal with an emergency involving a risk of death or injury to a person; or
    - (iv) deal with an emergency involving the risk of substantial damage to, or substantial loss of, property.

**18 Category of station under other Divisions**

An amateur station must not be operated unless it is operated in accordance with all of the conditions specified in one of the other Divisions of this Part.

*Note* This Class Licence provides for five different levels of operation. Each of these levels relates to a specific type of overseas qualification or overseas licence. Divisions 2 to 6 of Part 3 set out the conditions applying to an amateur station, depending on which of the five levels the station belongs to.



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**Division 2                      Additional conditions — station operated by a person with a qualification or licence listed in Table C (i) of the Tables of Equivalent Qualifications and Licences**

**19                      Operation subject to conditions — qualification or licence listed in Table C (i)**

For section 133 of the Act, operation of an amateur station under this Class Licence is subject to the conditions set out in this Division if that operation is by a person who holds a qualification or licence listed in Table C (i) of the Tables of Equivalent Qualifications and Licences.

**20                      Permitted frequency bands**

An amateur station must only be operated on a frequency that is:

- (a) in a frequency band mentioned in an item in Table 1A; and
- (b) outside any frequency range mentioned in relation to an area of operation mentioned in an item in Table 1B.

**21                      Permitted emissions**

An amateur station must not be operated in a frequency band mentioned in an item in Table 1A unless:

- (a) it is operated using an emission mode mentioned in the item; and
- (b) the transmission remains entirely within the frequency band mentioned in the item.

**22                      Operation in the frequency band 50 MHz to 52 MHz**

- (1) Subsections (2) and (3) apply if an amateur station is to be operated in the frequency band 50.000 MHz to 52.000 MHz.
- (2) An amateur station must not be operated if it causes interference to the reception of the transmissions of television channel 0.
- (3) An amateur station must only be operated in New South Wales, Victoria, Queensland or the Australian Capital Territory if, when it is operated in the frequency band 50.000 MHz to 50.300 MHz:
  - (a) only the following are used:
    - (i) emission mode 200HA1A and a transmitter power not greater than 100 watts pY;
    - (ii) emission mode 1K12F1D and a transmitter power not greater than 30 watts pY;

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- (iii) emission mode 4K00J3E and a transmitter power not greater than 100 watts pX; and
- (b) the place is:
  - (i) at least 120 km from a television channel 0 main station mentioned in Part 1 of Schedule 4; and
  - (ii) at least 60 km from a television channel 0 translator station mentioned in Part 2 of Schedule 4; and
  - (iii) at least 60 km from a television translator station that has inputs on television channel 0 and is mentioned in Part 3 of Schedule 4.

**23 Operation in the frequency bands 3.425 GHz to 3.4425 GHz and 3.475 GHz to 3.4925 GHz**

An amateur station must not be operated in the frequency band 3.425 GHz to 3.4425 GHz or 3.475 GHz to 3.4925 GHz in a designated area mentioned in Schedule 2.

**24 Operation in the frequency bands 3.4425 GHz to 3.475 GHz and 3.5425 GHz to 3.575 GHz**

An amateur station must not be operated in the frequency band 3.4425 GHz to 3.475 GHz or 3.5425 GHz to 3.575 GHz in a designated area mentioned in Schedule 3.

**25 Permitted transmitter output power**

- (1) Subject to section 22, an amateur station must not be operated using a transmitter output power greater than 400 watts pX if the emission mode of the station includes:
  - (a) C3F; or
  - (b) J3E; or
  - (c) R3E.
- (2) Subject to section 22, an amateur station must not be operated using:
  - (a) an emission mode not mentioned in subsection (1); and
  - (b) a transmitter output power greater than 120 watts pY.