



# Radiocommunications (Qualified Operators) Determination 2016

## *Radiocommunications Act 1992*

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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

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### **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.

*Note* All legislation is registered on the Federal Register of Legislation kept under the *Legislation Act 2003*. See [www.legislation.gov.au](http://www.legislation.gov.au).

### **3 Revocation**

The *Radiocommunications (Qualified Operators) Determination 2005* [F2005L03116] is revoked.

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## 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 1* The *Marine Orders – Part 6: Marine Radio Qualifications, Issue 5* are available on the Federal Register of Legislation.

*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

- ship station Class C

- (2) In this Determination, unless the contrary intention appears, a reference to another legislative instrument is a reference to that other legislative instrument as in force from time to time.

*Note 1* For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; 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 available at [www.legislation.gov.au](http://www.legislation.gov.au).

## 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 of overseas qualifications**

Item	Column 1 Licence	Column 2 Overseas qualification
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).