

Radiocommunications Licence Conditions (Amateur Licence) Omnibus Amendment Instrument 2019 (No.1)

The Australian Communications and Media Authority makes this instrument under paragraph 107(1)(f) and subsection 132(1) of the *Radiocommunications Act 1992*.

Dated: 2019

Member

Member/General Manager

Australian Communications and Media Authority

1 Name

This is the *Radiocommunications Licence Conditions (Amateur Licence) Omnibus Amendment Instrument 2019 (No.1).*

2 Commencement

This instrument commences at the start of the day after it is registered on the Federal Register of Legislation.

Note: The Federal Register of Legislation may be accessed at [www.legislation.gov.au](http://www.legislation.gov.au).

3 Authority

This instrument is made under paragraph 107(1)(f) and subsection 132(1) of the *Radiocommunications Act 1992.*

4 Amendments - Radiocommunications Licence Conditions (Amateur Licence) Determination 2015 [F2015L01113]

The instrument that is specified in Schedule 1 is amended as set out in the items in that Schedule.

5 Amendments – *Radiocommunications (Overseas Amateurs Visiting Australia) Class Licence 2015* [F2015L01114]

The instrument that is specified in Schedule 2 is amended as set out in the items in that Schedule.

6 References to other instruments

In this instrument, unless the contrary intention appears:

1. a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and
2. a reference to any other kind of instrument is a reference to that other instrument as in force 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.

Schedule 1—Amendments

 (Section 4)

Radiocommunications Licence Conditions (Amateur Licence) Determination 2015 [F2015L01113]

1 Section 3 Interpretation, before the definition of *amateur licence (amateur advanced station)*

Insert:

 *3.6 GHz band* means the frequency range 3575 to 3700 MHz.

*Adelaide and Eastern Metropolitan Australia designated areas* means each of the named areas of Adelaide, Brisbane, Canberra, Melbourne and Sydney as defined in subsection 5(3) the *Radiocommunications (Spectrum Re-allocation – 3.6 GHz Band for Adelaide and Eastern Metropolitan Australia) Declaration 2018.*

2 Section 3 Interpretation, after the definition of *operate*

Insert:

***Perth designated area*** means the named area of Perth as defined in subsection 5(3) of the *Radiocommunications (Spectrum Re-allocation – 3.6 GHz Band for Perth) Declaration 2018.*

3 Section 3 Interpretation, definition of *public telecommunications network*

Omit “telecommuncations”, insert “telecommunications”.

4 Section 3 Interpretation, after the definition of *qualified person*

Insert:

***Regional Australia designated area*** means the named area of Regional Australia as defined in subsection 5(3) of the *Radiocommunications (Spectrum Re-allocation – 3.6 GHz Band for Regional Australia) Declaration 2018.*

5 After paragraph 9(1)(e)

Omit both the examples.

6 Heading to Part 2A

After the text “for” insert “amateur licence (amateur foundation station),”.

7 Subsection 11A(1)

Before paragraph (a) insert:

 (aa) an amateur licence (amateur foundation station);

8 Subsection 11B(1)

Before paragraph (a) insert:

 (aa) an amateur licence (amateur foundation station);

9 After Section 15D

Insert:

15E Operating an amateur advanced station in the 3.6 GHz band

The licensee must not operate an amateur advanced station in the 3.6 GHz band if:

1. the operation of the station is in an area specified in column 1 of an item in the table in Schedule 7; and
2. the operation of the station occurs after the date specified in column 2 of an item in the table in Schedule 7.

10 Section 27A

Repeal the section.

11 Section 28

Repeal the section.

12 Paragraph 29(b)

Repeal the paragraph.

13 Schedule 2, Part 1, Table

Repeal the table, substitute:

|  |  |  |
| --- | --- | --- |
| Item | *Column 1*Frequency band | *Column 2*Permitted emission modes |
| 1A | 135.7 kHz–137.8 kHz [see note 5]472 kHz–479 kHz [see note 6] | Any emission mode with a necessary bandwidth no greater than 2.1 kHz. |
| 1 | 1.800 MHz–1.875 MHz3.500 MHz–3.700 MHz 7.000 MHz–7.100 MHz14.000 MHz–14.350 MHz18.068 MHz–18.168 MHz21.000 MHz–21.450 MHz24.890 MHz–24.990 MHz | Any emission mode.Where the necessary bandwidth exceeds 8 kHz the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz. |
| 2 | 28.000 MHz–29.700 MHz | Any emission mode.Where the necessary bandwidth exceeds 16 kHz the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz. |
| 3 | 3.776 MH–3.800 MHz7.100 MHz–7.300 MHz10.100 MHz–10.150 MHz  | Any emission mode with a necessary bandwidth no greater than 8 kHz. |
| 4 | 50.000 MHz–52.000 MHz | Any emission mode with a necessary bandwidth no greater than 100 kHz. |
| 5 | 52.000 MHz–54.000 MHz144.000 MHz–148.000 MHz430.000 MHz–450.000 MHz1 240.000 MHz–1 300.000 MHz2 300.000 MHz–2 302.000 MHz2 400.000 MHz–2 450.000 MHz3.300 GHz–3.425 GHz [see note 2]3.425 GHz–3.4425 GHz [see note 3]3.4425 GHz–3.475 GHz [see note 4]3.475 GHz–3.4925 GHz [see note 3]3.4925 GHz–3.5425 GHz [see note 2]3.5425 GHz–3.575 GHz [see note 4]3.575 GHz–3.600 GHz [see note 7]5.650 GHz–5.850 GHz10.000 GHz–10.500 GHz24.000 GHz–24.250 GHz47.000 GHz–47.200 GHz76.000 GHz–81.000 GHz122.250 GHz–123.000 GHz134.000 GHz–141.000 GHz241.000 GHz–250.000 GHz | Any emission mode. |

14 Schedule 2, Part 1, after the Table

Insert:

*Note 1* Operating restrictions imposed under sections 15 and 16 are not affected by the operation of this Schedule.

*Note 2* The operation of an amateur advanced station in the bands 3.400 GHz–3.425 GHz and 3.4925 GHz–3.5425 GHz is subject to the limitation mentioned in section 15AA.

*Note 3* The operation of an amateur advanced station in the bands 3.425 GHz–3.4425 GHz and 3.475 GHz–3.4925 GHz is subject to the limitation mentioned in section 15A.

*Note 4* The operation of an amateur advanced station in the bands 3.4425 GHz–3.475 GHz and 3.5425 GHz–3.575 GHz is subject to the limitation mentioned in section 15B.

*Note 5* The operation of an amateur advanced station in the band 135.7 kHz–137.8 kHz is subject to the limitation mentioned in section 15C.

*Note 6* The operation of an amateur advanced station in the band 472 kHz–479 kHz is subject to the limitation mentioned in section 15D.

*Note 7* The operation of an amateur advanced station in the band 3.575 GHz to 3.600 GHz is subject to the limitations specified in section 15E.

15 Schedule 2, Part 2, Notes

Delete all notes.

16 Schedule 3, Table

Repeal the table, substitute:

|  |  |  |
| --- | --- | --- |
| Item | *Column 1*Frequency band | *Column 2*Permitted emission modes |
| 1 | 3.500 MHz–3.700 MHz7.000 MHz–7.100 MHz14.000 MHz–14.350 MHz21.000 MHz–21.450 MHz | Any emission mode.Where the necessary bandwidth exceeds 8 kHz the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz. |
| 2 | 28.000 MHz–29.700 MHz | Any emission mode.Where the necessary bandwidth exceeds 16 kHz the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz. |
| 3 | 7.100 MHz–7.300MHz | Any emission mode with a necessary bandwidth no greater than 8 kHz. |
| 4 | 52.00 MHz–54.000 MHz144.000 MHz–148.000 MHz430.000 MHz–450.000 MHz1 240.000 MHz–1 300.000 MHz2 400.000 MHz–2 450.000 MHz5.650 GHz–5.850 GHz | Any emission mode. |

17 Schedule 3A, Table

Repeal the table, substitute:

|  |  |  |
| --- | --- | --- |
| Item | *Column 1*Frequency band | *Column 2*Permitted emission modes |
| 1 | 3.500 MHz–3.700 MHz7.000 MHz–7.100 MHz21.000 MHz–21.450 MHz | Any emission mode.Where the necessary bandwidth exceeds 8 kHz the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz |
| 2 | 28.000 MHz–29.700 MHz | Any emission mode.Where the necessary bandwidth exceeds 16 kHz the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz. |
| 3 | 7.100 MHz–7.300 MHz | Any emission mode with a necessary bandwidth no greater than 8 kHz. |
| 4 | 144.000 MHz–148.000 MHz430.000 MHz–450.000 MHz | Any emission mode. |

18 After Schedule 6

 Insert:

**Schedule 7 3.6 GHz band - excluded areas**

(section 15E)

|  |  |  |
| --- | --- | --- |
| *Item* | *Column 1*Area of operation | *Column 2*Exclusion commencement date |
| 1 | Adelaide and Eastern Metropolitan Australia designated areas | 28 March 2020 |
| 2 | Perth designated area | 28 March 2023 |
| 3 | Regional Australia designated area | 28 March 2025 |

Schedule 2 - Amendments

 (Section 5)

Radiocommunications (Overseas Amateurs Visiting Australia) Class Licence 2015 [F2015L01114]

1 Section 3 Interpretation, before the definition of *ASMG*

Insert:

***3.6 GHz band*** means the frequency range 3575 to 3700 MHz.

*Adelaide and Eastern Metropolitan Australia* *designated areas* means each of the named areas of Adelaide, Brisbane, Canberra, Melbourne and Sydney as defined in subsection 5(3) of the *Radiocommunications (Spectrum Re-allocation – 3.6 GHz Band for Adelaide and Eastern Metropolitan Australia) Declaration 2018.*

2 Section 3 Interpretation, after the definition of *operate*

Insert:

***Perth designated area*** means the named area of Perth as defined in subsection 5(3) of the *Radiocommunications (Spectrum Re-allocation – 3.6 GHz Band for Perth) Declaration 2018.*

3 Section 3 Interpretation, after the definition of *qualified person*

Insert:

***Regional Australia designated area*** means the designated area of Regional Australia as defined in subsection 5(3) of the *Radiocommunications (Spectrum Re-allocation – 3.6 GHz Band for Regional Australia) Declaration 2018.*

4 After section 21, Table 1A

Repeal the table, substitute:

| Item | *Column 1*Frequency band | *Column 2*Permitted emission modes |
| --- | --- | --- |
| 1A | 135.7 kHz–137.8 kHz 472 kHz–479 kHz  | Any emission mode with a necessary bandwidth no greater than 2.1 kHz. |
| 1 | 1.800 MHz–1.875 MHz3.500 MHz–3.700 MHz7.000 MHz–7.100 MHz14.000 MHz–14.350 MHz18.068 MHz–18.168 MHz21.000 MHz–21.450 MHz24.890 MHz–24.990 MHz | Any emission mode.Where the necessary bandwidth exceeds 8 kHz the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz. |
| 2 | 28.000 MHz–29.700 MHz | Any emission mode.Where the necessary bandwidth exceeds 16 kHz the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz. |
| 3 | 3.776 MHz–3.800 MHz7.100 MHz–7.300 MHz10.100 MHz–10.150 MHz | Any emission mode with a necessary bandwidth no greater than 8 kHz. |
| 4 | 50.000 MHz–52.000 MHz  | Any emission mode with a necessary bandwidth no greater than 100 kHz |
| 5 | 52.000 MHz–54.000 MHz144.000 MHz–148.000 MHz 430.000 MHz–450.000 MHz1 240.000 MHz–1 300.000 MHz2 300.000 MHz–2 302.000 MHz2 400.000 MHz–2 450.000 MHz3.300 GHz–3.425 GHz3.425 GHz–3.4425 GHz 3.4425 GHz–3.475 GHz 3.475 GHz–3.4925 GHz 3.4925 GHz–3.5425 GHz3.5425 GHz–3.575 GHz 3.575 GHz–3.600 GHz [see Note 1]5.650 GHz–5.850 GHz10.000 GHz–10.500 GHz24.000 GHz–24.250 GHz47.000 GHz–47.200 GHz76.000 GHz–81.000 GHz122.250 GHz–123.000 GHz134.000 GHz–141.000 GHz241.000 GHz–250.000 GHz | Any emission mode. |

*Note 1* The operation of an amateur station in the 3.6 GHz band is subject to the limitations specified in section 24AA.

5 After section 24

Insert:

24AA Operation in the 3.6 GHz band

 An amateur station must not be operated in the 3.6 GHz band if:

1. the operation of the station is in an area specified in column 1 of an item in the table in Schedule 6; and
2. the operation of the station occurs after the date specified in column 2 of an item in the table in Schedule 6.

6 After Section 28, Table 2

 Repeal the table, substitute:

| Item | *Column 1*Frequency band | Column 2Permitted emission modes |
| --- | --- | --- |
| 1 | 472 kHz–479 kHz3.500 MHz–3.700 MHz7.000 MHz–7.100 MHz14.000 MHz–14.350 MHz21.000 MHz–21.450 MHz | Any emission mode.Where the necessary bandwidth exceeds 8 kHz the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz. |
| 2 | 28.000 MHz–29.700 MHz | Any emission mode.Where the necessary bandwidth exceeds 16 kHz the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz. |
| 3 | 7.100 MHz–7.300 MHz | Any emission mode with a necessary bandwidth no greater than 8 kHz. |
| 4 | 52.000 MHz–54.000 MHz144.000 MHz–148.000 MHz430.000 MHz–450.000 MHz1 240.000 MHz–1 300.000 MHz2 400.000 MHz–2 450.000 MHz5.650 GHz–5.850 GHz | Any emission mode |

7 Section 31

Repeal the section.

8 Section 32

Repeal the section.

9 Paragraph 34(b)

Repeal the paragraph.

10 After Section 34, Table 3

Repeal the table, substitute:

| Item | *Column 1*Frequency band | *Column 2*Permitted emission modes |
| --- | --- | --- |
| 1 | 3.500 MHz–3.700 MHz7.000 MHz–7.100 MHz21.000 MHz–21.450 MHz | Any emission mode.Where the necessary bandwidth exceeds 8 kHz the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz. |
| 2 | 28.000 MHz–29.700 MHz | Any emission mode.Where the necessary bandwidth exceeds 16 kHz the maximum power spectral density from the transmitter must not exceed 1 watt per 100 kHz. |
| 3 | 7.100 MHz–7.300 MHz | Any emission mode with a necessary bandwidth no greater than 8 kHz. |
| 4 | 144.000 MHz–148.000 MHz430.000 MHz–450.000 MHz | Any emission mode. |

11 Section 37

Repeal the section

12 After Section 39, Table 4A

Repeal the table, substitute:

| Item | *Column 1*Frequency band | *Column 2*Permitted emission modes |
| --- | --- | --- |
| 1 | 50.000 MHz–52.000 MHz  | Any emission mode with a necessary bandwidth no greater than 100 kHz. |
| 2 | 52.000 MHz–54.000 MHz144.000 MHz–148.000 MHz430.000 MHz–450.000 MHz1 240.000 MHz–1 300.000 MHz2 300.000 MHz–2 302.000 MHz2 400.000 MHz–2 450.000 MHz3.300 GHz–3.425 GHz3.425 GHz–3.4425 GHz3.4425 GHz–3.475 GHz3.475 GHz–3.4925 GHz3.4925 GHz–3.5425 GHz3.5425 GHz–3.575 GHz3.575 GHz–3.600 GHz [see Note 1]5.650 GHz–5.850 GHz10.000 GHz–10.500 GHz24.000 GHz–24.250 GHz47.000 GHz–47.200 GHz76.000 GHz–81.000 GHz122.250 GHz–123.000 GHz134.000 GHz–141.000 GHz241.000 GHz–250.000 GHz | Any emission mode. |

*Note 1* The operation of an amateur station in the 3.6 GHz band is subject to the limitations specified in section 42A.

13 After Section 42

Insert:

42A Operation in the 3.6 GHz band

 An amateur station must not be operated in the 3.6 GHz band if:

1. the operation of the station is in an area specified in column 1 of an item in the table in Schedule 6; and
2. the operation of the station occurs after the date specified in column 2 of an item in the table in Schedule 6.

14 Section 45

Repeal the section.

15 Section 47

Repeal the section, insert:

47 Permitted emission mode

 An amateur station must not be operated unless the transmission remains entirely within the frequency band mentioned in section 46.

16 After Schedule 5

 Insert:

**Schedule 6 3.6 GHz band - excluded areas**

(sections 24AA and 42A)

|  |  |  |
| --- | --- | --- |
| *Item* | *Column 1*Area of operation | *Column 2*Exclusion commencement date |
| *1* | Adelaide and Eastern Metropolitan Australia designated areas | 28 March 2020 |
| *2* | Perth designated area | 28 March 2023 |
| *3* | Regional Australia designated area | 28 March 2025 |