

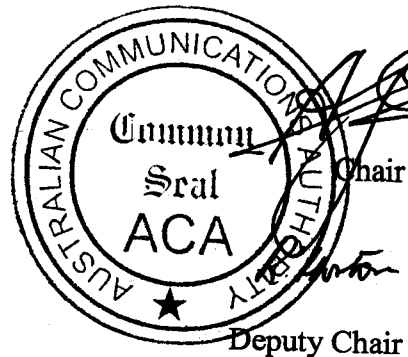


# Radiocommunications (Spread Spectrum Devices) Class Licence 2002

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The AUSTRALIAN COMMUNICATIONS AUTHORITY issues this Class Licence under subsection 132 (1) and section 135 of the *Radiocommunications Act 1992*.

Dated 11 December 2002



Australian Communications Authority

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## Section 1

**Part 1 Preliminary****1 Name of Class Licence**

This Class Licence is the *Radiocommunications (Spread Spectrum Devices) Class Licence 2002*.

**2 When this Class Licence comes into force**

This Class Licence comes into force on gazettal.

**3 Interpretation****(1) In this Class Licence:**

*Act* means the *Radiocommunications Act 1992*.

*device compliance day*, for a spread spectrum device, means the most recent of the following days:

- (a) if the spread spectrum device was manufactured in Australia — the day it was manufactured;
- (b) if the spread spectrum device was imported — the day it was imported;
- (c) if the spread spectrum device was altered or modified in a material way — the day it was altered or modified.

*ETSI* means European Telecommunications Standards Institute.

*FCC* means Federal Communications Commission of the United States of America.

*licensed apparatus* means a station for which an apparatus licence is in force.

*spread spectrum device* means a radiocommunications device that employs direct sequence spread spectrum modulation technique, frequency hopping spread spectrum modulation technique, or both, to transmit information.

*Note* For the definitions of other expressions used in this Class Licence, see the Act, the *Radiocommunications Regulations 1993* and *Radiocommunications (Interpretation) Determination 2000*.

- (2)** A reference in this Class Licence to another instrument made under the Act is a reference to the instrument as in force or existing from time to time.

**NOTE**

A spread spectrum device supported under this Class Licence can be expected to be operating in radiofrequency spectrum also used by other radiocommunications devices (that is, it shares the spectrum with them). Spread spectrum devices supported under this Class Licence are typically used for communications over short distances.

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**NOTE (continued)**

By placing appropriate limits on parameters such as device type, radiated power levels and frequencies of operation, the interference potential of a spread spectrum device may be held to a sufficiently low level that enables sharing the spectrum with other radiocommunications devices on an uncoordinated basis in most circumstances.

It is recognised that interference arising from the operation of a spread spectrum device is still possible, although under less likely circumstances. As an aid to interference resolution in those circumstances, it is a condition of the operation of a spread spectrum device under this Class Licence that the spread spectrum device does not cause interference to other radiocommunications devices; as well, a spread spectrum device will not be afforded protection from interference caused by other radiocommunications services (see section 6 and Note 1 at the foot of section 6 of this Class Licence).

Should interference occur, the onus is on the user of a spread spectrum device to take measures to resolve that interference, for example, by re-tuning or ceasing to operate the device. Some spread spectrum devices are designed so that they are able to be re-tuned, to assist the user in avoiding interference locally.

Some of the frequency bands mentioned in this Class Licence cover bands designated for industrial, scientific and medical (*ISM*) applications. ISM applications generate radio frequency energy and use it locally for non-radiocommunications applications (eg. microwave ovens). Radiocommunications services operating in ISM-designated bands may experience interference from ISM applications. In accordance with the internationally-recognised arrangements for interference resolution that apply in such bands, this Class Licence notes that radiocommunications devices operating in ISM-designated bands are not afforded protection from interference that may be caused by ISM applications (see Note 2 at the foot of section 6 of this Class Licence).

Spread spectrum devices are generally used for radio applications with commercial implications and may be used for applications having safety implications. Users of such applications are encouraged to have particular regard to the suitability of operating under this Class Licence for their radiocommunications needs.

Manufacturers and suppliers of radiocommunications products able to be supported under this Class Licence are encouraged to have regard to the information in this note when forming advice about the suitability of their products for the intended application of the products by customers.

**4****Revocation**

For section 135 of the Act, the Radiocommunications Class Licence (Spread Spectrum Devices), notified in the *Gazette* on 29 May 1996, is revoked.

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**Part 2                      Effect of Class Licence****5                      Radiocommunications devices affected**

- (1) A station is in the class of radiocommunications devices to which this Class Licence applies if the station is a spread spectrum device.

*Note* Subsection 132(2) of the Act authorises any person to operate a radiocommunications device of a kind specified in a class licence.

- (2) However, this Class Licence does not apply to a radiocommunications device that is a licensed apparatus authorised to operate for a purpose substantially the same as a purpose for which a device could be authorised to be operated under this Class Licence.

**6                      General conditions — interference**

- (1) The operation of a spread spectrum device must not cause interference to a licensed radiocommunications device.

- (2) The operation of a spread spectrum device must comply with footnote AUS 32 and footnote 150 to the Table of Allocations in the Australian Radiofrequency Spectrum Plan.

*Note 1* A spread spectrum device will not be afforded protection from interference caused by licensed radiocommunications devices. A spread spectrum device is generally not expected to suffer interference. However, a spread spectrum device may experience, from other radiocommunications devices, interference arising from the particular circumstances of the spread spectrum device's operation.

*Note 2* In accordance with the requirements of footnote AUS 32 and footnote 150 to the Table of Allocations in the Australian Radiofrequency Spectrum Plan, a spread spectrum device will not be afforded protection from interference that may be caused by ISM applications in the ISM bands 918 MHz–926 MHz, 2400 MHz–2500 MHz and 5725 MHz–5875 MHz.

**7                      General conditions — frequency band 915–928 MHz**

- (1) This section applies to a spread spectrum device operating in the frequency band 915–928 MHz.

- (2) The spread spectrum device must not transmit at an EIRP exceeding 1 watt.

- (3) If the device compliance day of the spread spectrum device is on or after 29 May 1996 and before the day on which this Class Licence comes into force, its operation must comply with the requirements of Sec. 15.247 of the *Rules and Regulations* published by the FCC and as in force on 29 May 1996, other than the requirements relating to:

- (a) frequency bands of operation; and
- (b) transmitter power; and
- (c) antenna gain.

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- (4) If the device compliance day of the spread spectrum device is on or after the day on which this Class Licence comes into force, its operation must comply with the requirements of Sec. 15.247 of the *Rules and Regulations* published by the FCC and as in force on 1 October 2001, other than the requirements relating to:
- (a) frequency bands of operation; and
  - (b) transmitter power; and
  - (c) antenna gain.

**8**      **General conditions — frequency band 2400–2483.5 MHz and operation not exceeding 500 milliwatts EIRP**

- (1) This section applies to a spread spectrum device operating in the frequency band 2400–2483.5 MHz.
- (2) The spread spectrum device must not transmit at an EIRP exceeding 500 milliwatts.
- (3) If the device compliance day of the spread spectrum device is on or after the day on which this Class Licence comes into force, its operation must comply with the requirements of:
- (a) Sec. 15.247 of the *Rules and Regulations* published by the FCC and as in force on 1 October 2001, other than the requirements in:
    - (i) Sec. 15.247 (a) (1) (i); and
    - (ii) Sec. 15.247 (a) (1) (ii); and
    - (iii) Sec. 15.247 (b); or
  - (b) standard ETSI EN 300 328-1 V1.3.1, published by ETSI on 4 December 2001.

*Note* This section relates to the operation of frequency hopping devices with a bandwidth greater than 1 MHz.

**9**      **General conditions — frequency band 2400–2483.5 MHz and operation not exceeding 4 watts EIRP**

- (1) This section applies to a spread spectrum device operating in the frequency band 2400–2483.5 MHz.
- (2) The spread spectrum device must not transmit at an EIRP exceeding 4 watts.
- (3) If the device compliance day of the spread spectrum device is on or after 29 May 1996 and before the day on which this Class Licence comes into force, its operation must comply with the requirements of:
- (a) Sec. 15.247 of the *Rules and Regulations* published by the FCC and as in force on 29 May 1996, other than the requirements relating to:
    - (i) frequency bands of operation; and
    - (ii) transmitter power; and
    - (iii) antenna gain; or

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- (b) standard ETS 300 328, published by ETSI and as in force on 29 May 1996.
- (4) If the device compliance day of the spread spectrum device is on or after the day on which this Class Licence comes into force, its operation must comply with the requirements of:
  - (a) Sec. 15.247 of the *Rules and Regulations* published by the FCC and as in force on 1 October 2001, other than the requirements in:
    - (i) Sec. 15.247 (a) (1) (i); and
    - (ii) Sec. 15.247 (a) (1) (iii); and
    - (iii) Sec. 15.247 (b); or
  - (b) standard ETSI EN 300 328-1 V1.3.1, published by ETSI on 4 December 2001.

*Note* This section relates to the operation of devices other than frequency hopping devices with a bandwidth greater than 1 MHz.

**10 General conditions — frequency band 5725–5875 MHz**

- (1) This section applies to a spread spectrum device operating in the frequency band 5725–5875 MHz.
- (2) The spread spectrum device must not transmit at an EIRP exceeding 1 watt.
- (3) If the device compliance day of the spread spectrum device is on or after 29 May 1996 and before the day on which this Class Licence comes into force, its operation must comply with the requirements of Sec. 15.247 of the *Rules and Regulations* published by the FCC and as in force on 29 May 1996, other than the requirements relating to:
  - (a) frequency bands of operation; and
  - (b) transmitter power; and
  - (c) antenna gain.
- (4) If the device compliance day of the spread spectrum device is on or after the day on which this Class Licence comes into force, its operation must comply with the requirements of Sec. 15.247 of the *Rules and Regulations*, published by the FCC and as in force on 1 October 2001, other than the requirements relating to:
  - (a) frequency bands of operation; and
  - (b) transmitter power; and
  - (c) antenna gain.

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**Section 11****11 Standards**

If the device compliance day for a spread spectrum device occurs on or after the day on which this Class Licence comes into force, the spread spectrum device must comply with any standard applicable to it as in force on that day.

*Note 1* The Australian Communications Authority wishes to make it clear that if a standard mentioned in this section is amended or replaced by another standard following the device compliance day for the spread spectrum device, the spread spectrum device need not comply with the amended or replaced standard.

*Note 2* Section 5 of the Act defines *standard* to mean a standard made under section 162 of the Act.