

Remaking the qualified operators determination

Consultation paper

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Contents

Background	1
Brief details of the QOD	2
Proposed changes to the QOD	3
Proposed amendments to maritime radiocommunications instruments	4
Invitation to comment	5
Making a submission	5
Publication of submissions	5
Privacy	5

Background

Under Part 4 of Chapter 3 of the *Legislation Act 2003*, most legislative instruments ‘sunset’. They are automatically repealed on 1 April or 1 October that first occurs 10 years after they are registered. This is an automatic process applying to most legislative instruments regardless of their content.

The below legislative instrument is due to sunset:

Name of instrument	Sunset date
Radiocommunications (Qualified Operators) Determination 2016 (QOD)	1 April 2026

Maritime radio communications international framework

Maritime radio in Australia provides search and rescue assistance to ships in distress, and commercial and recreational communications for marine users.

The international framework for maritime radio is established through:

- the International Telecommunication Union’s (ITU) Radio Regulations (Radio Regulations)
- the International Maritime Organization’s (IMO) International Convention for the Safety of Life at Sea (the SOLAS Convention).

For most countries, including Australia, spectrum and frequency planning is informed by participation in the ITU. The SOLAS Convention is an international maritime treaty that sets minimum safety standards in the construction, equipment and operation of merchant ships. Australia is a signatory to the Constitution and Convention of the ITU and the SOLAS Convention.

The QOD, in conjunction with other related instruments, ensures that operators of maritime ship stations and maritime coast stations are appropriately qualified according to international requirements set by the ITU and the IMO. Domestic implementation of qualification requirements ensure the frequencies, transmit powers and protocols of the Global Maritime Distress and Safety Service (GMDSS) are used consistently around the world, and effectively in our region.

Preliminary view

We have formed the preliminary view that the QOD is operating effectively and efficiently. It continues to form a necessary part of the Australia’s domestic legislative framework. We propose to remake the QOD prior to its sunset date, with minor changes, so that its effect is preserved. We also propose to rename it the Radiocommunications (Qualified Operators – Maritime) Determination 2026 (the draft Maritime QOD 2026).

We also propose to make minor amendments to maritime radiocommunication instruments, which are discussed below.

Brief details of the QOD

The Radio Regulations require administrations to verify that operators of specified radiocommunications devices are appropriately qualified. Under the Australian regulatory framework, this is managed through the QOD, which sets out that a person must be a qualified operator to operate a transmitter under maritime coast licences and maritime ship licences. A person is a qualified operator if the person holds a certificate of proficiency issued by the ACMA under section 121 of the *Radiocommunications Act 1992* (the Act).

The QOD provides some exceptions to these requirements relating to holders of:

- an overseas qualification relevant to the specified licences
- holders of a GMDSS certificate conferred by the Australian Maritime Safety Authority (AMSA) under the *Navigation Act 2012*
- holders of overseas qualifications that AMSA recognises as an equivalent qualification.

The overseas qualifications and the GMDSS certificate are referred to in Article 47 of the Radio Regulations.

Proposed changes to the QOD

We consider that the QOD is operating effectively and continues to form a necessary part of the maritime radio legislative framework.

We propose to remake the QOD with only the minor changes that are summarised below.

We have introduced, removed and amended definitions to enhance their clarity. A number of definitions relate to terms used in the Radio Regulations. We have provided notes indicating where those terms can be found. We have also removed definitions that are no longer relevant or are defined in the [Radiocommunications \(Interpretation\) Determination 2025](#).

We propose to include a condition to hold a Maritime Satellite Communications Endorsement (MSCE) when operating a maritime ship station on maritime mobile satellite frequencies in the QOD. This condition was included in the [Radiocommunications \(Communication with Space Object\) Class Licence 2015](#) (CSO Class Licence). As it only relates to maritime radiocommunications, we consider it is more appropriate to provide this condition in the QOD.

We have restructured and modernised language, including:

- correcting typographical or grammatical errors
- retitling, reordering, renumbering and rewording conditions and sections
- consolidating conditions and sections
- removing duplicate or obsolete provisions
- correcting references to things that have not been described properly
- replacing outdated references to legislation or bodies.

These changes are reflected in the draft Maritime QOD 2026, which is available on the consultation page.

Proposed amendments to maritime radiocommunications instruments

We are also proposing complementary changes to maritime legislative instruments. This will reduce duplication and clarify maritime qualification arrangements.

The qualification requirements in the [Radiocommunications Licence Conditions \(Maritime Coast Licence\) Determination 2025](#) (Maritime Coast LCD) and the [Radiocommunications Licence Conditions \(Maritime Ship Licence\) Determination 2025](#) (Maritime Ship LCD) are contained in the draft Maritime QOD 2026. We propose to remove the qualification requirements from the Maritime Coast LCD and Maritime Ship LCD and insert a note that refers to the Maritime QOD 2026 and paragraph 108(2)(e) of the Act.

We also propose to make minor amendments to the [Radiocommunications \(Maritime Ship Station\) Class Licence 2025](#). These amendments include:

- removing a definition for Automatic Identification System satellite communications
- correcting a related condition
- including the condition to hold a MSCE when operating a maritime ship station on maritime mobile satellite frequencies that was previously contained in the CSO Class Licence.

These changes are reflected in the draft Radiocommunications (Maritime Licensing) Amendment Instrument 2026 (No. 1), which is available on the consultation page.

Invitation to comment

Making a submission

We invite comments on the issues set out in this consultation paper.

[Online submissions](#) can be made by uploading a document. Submissions in PDF, Microsoft Word or Rich Text Format are preferred.

Submissions by post can be sent to:

The Manager
Spectrum Licensing Policy Section
Australian Communications and Media Authority
PO Box 13112
Law Courts
Melbourne VIC 8010

The closing date for submissions is **COB, Thursday 5 February 2026**.

You can email consultation enquiries to SLPSConsultations@acma.gov.au.

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