Radiocommunications (Communication with Space Object) Class Licence 1998

as amended

made under subsection 132 (1) of the

Radiocommunications Act 1992

This compilation was prepared on 24 August 2011
taking into account amendments up to Radiocommunications (Communication with Space Object) Class Licence Variation 2011 (No. 2)

Prepared by the Office of Legislative Drafting and Publishing, Attorney-General’s Department, Canberra
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1 Name of Class Licence [see Note 1]

This Class Licence is the Radiocommunications (Communication with Space Object) Class Licence 1998.

2 Commencement [see Note 1]

This Class Licence commences on gazettal.

3 Definitions

(1) In this Class Licence:


*device compliance day*, for a device to which this Class Licence applies, means the most recent of the following days:

(a) if the station was manufactured in Australia — the day it was manufactured;

(b) if the station was manufactured overseas and imported — the day it was imported;

(c) if the station was altered or modified in a material respect — the day it was altered or modified.

*emergency position-indicating radiobeacon station* has the meaning given by subsection 3 (1) of the spectrum plan.

*Facility* means the Australia Telescope National Facility.

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

*numeral plan* means the plan made by the ACA under section 455 of the Telecommunications Act 1997, as in force from time to time.

*qualified operator* means a person who holds:

(a) a qualification mentioned in Schedule 1; or

(b) an overseas qualification recognised by the ACA or the Australian Maritime Safety Authority as an equivalent qualification.

(2) A reference in this Class Licence to an instrument made under the Act, or to a document published by the International Maritime Organisation (IMO), is a reference to the instrument or document as in force or existing from time to time.

(3) In this Class Licence, the range of numbers that identifies a frequency band is taken to include the higher, but not the lower, number.

*Example*

The 148 to 150.05 MHz frequency band is made up of radio frequencies that exceed 148 MHz but do not exceed 150.05 MHz.
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Note For definitions of other expressions used in this Class Licence, see the Act, the Radiocommunications Regulations 1993 and the Radiocommunications (Interpretation) Determination 2000.
Part 2 Effect of licence

4 Radiocommunications devices affected

(1) A station is in the class of radiocommunications devices to which this Class Licence applies if the station is not located on a space object.

(2) The class does not include licensed apparatus authorised to operate for a purpose that is substantially the same as the purpose for which, except for this subsection, its operation would be authorised by this Class Licence.

5 Authorised use of a licensed device

A station to which this Class Licence applies may be used for communications with:

(a) licensed apparatus located on a space object; or
(b) another station through licensed apparatus located on a space object.

Note The ACA proposes to give affected persons notice if licensed apparatus on a space object ceases to be licensed.
Part 3  Conditions

6 Authorised frequencies

(1) This Class Licence authorises transmission and reception of radio emissions by a station at a frequency, or frequencies, at which operation of licensed apparatus mentioned in paragraph 5 (a) or (b), as applicable, is authorised to operate.

(2) For transmissions, the station is also limited to the range:
   (a) 148 to 150.05 MHz; or
   (b) 1610 to 1660.5 MHz; or
   (c) 1980 to 1994.5 MHz; or
   (d) 1994.5 to 2000 MHz; or
   (e) 2000 to 2009 MHz; or
   (f) 2009 to 2010 MHz; or
   (g) 14 to 14.5 GHz; or
   (h) 28.5 to 29.1 GHz; or
   (i) 29.5 to 30 GHz.

(3) For reception, the station is also limited to the range:
   (a) 137 to 138 MHz; or
   (b) 400.05 to 400.15 MHz; or
   (c) 400.15 to 401 MHz; or
   (d) 1164 to 1215 MHz; or
   (e) 1215 to 1260 MHz; or
   (f) 1525 to 1559 MHz; or
   (g) 1559 to 1610 MHz; or
   (h) 1613.8 to 1626.5 MHz; or
   (i) 2170 to 2178.5 MHz; or
   (j) 2178.5 to 2184 MHz; or
   (k) 2184 to 2193 MHz; or
   (l) 2193 to 2200 MHz; or
   (m) 2483.5 to 2500 MHz; or
   (n) 11.7 to 12.75 GHz; or
   (o) 18.8 to 19.3 GHz; or
   (p) 19.7 to 20.2 GHz.

Note 1 For radiocommunications in a frequency range outside the range for which the licensed station is authorised, or outside the ranges mentioned in subs (2) and (3), the operator of the station would need authorisation under an apparatus licence or a spectrum licence (if available).
Note 2  Footnote 266 in Part 4 of the spectrum plan provides that the frequency band 406–406.1 MHz may be used only by a low power satellite emergency position-indicating radiobeacon station.

Note 3  For the frequency band mentioned in paragraph 6 (2) (a):

- Footnote 209 in Part 4 of the spectrum plan provides that the use of the frequency band by a mobile-satellite service is limited to non-geostationary-satellite systems.
- Footnotes 219 and 221 in Part 4 of the spectrum plan apply to the use of the frequency band 148–149.9 MHz by a mobile-satellite service.
- Footnote 220 in Part 4 of the spectrum plan applies to the use of the frequency band 149.9–150.05 MHz by a mobile-satellite service.
- Footnote 224A in Part 4 of the spectrum plan provides that the use of the frequency band 149.9–150.05 MHz by a mobile-satellite service (Earth-to-space) is limited to the land mobile-satellite service (Earth-to-space) until 1 January 2015.
- Footnote 224B in Part 4 of the spectrum plan provides that the allocation of the frequency band 149.9–150.05 MHz to the radionavigation-satellite service will be effective until 1 January 2015.

Note 4  For the frequency band mentioned in paragraph 6 (2) (b):

- Footnote 351 in Part 4 of the spectrum plan provides that the frequency bands 1626.5–1645.5 MHz and 1646.5–1660.5 MHz must not be used for feeder links of any service, but that in exceptional circumstances an earth station at a specified fixed point in any of the mobile-satellite services may be authorised by an administration to communicate via space stations using those frequency bands.
- Footnote 353A in Part 4 of the spectrum plan applies to the use of the frequency band 1626.5–1645.5 MHz by a mobile-satellite service.
- Footnote 357A in Part 4 of the spectrum plan applies to the use of the frequency band 1646.5–1656.5 MHz by a mobile-satellite service.
- Footnote 364 in Part 4 of the spectrum plan applies to the use of the frequency band 1610–1626.5 MHz by a mobile-satellite service (Earth-to-space) and by a radiodetermination-satellite service (Earth-to-space).

Note 5  From 1 January 2003, the frequency band mentioned in paragraph 6 (2) (d) may only be used for mobile-satellite services (Earth-to-space) — see subsections 6 (2) and (3) of the Mobile-Satellite Service (2 GHz) Frequency Band Plan 2002.

Note 6  From 1 August 2004, the frequency band mentioned in paragraph 6 (2) (e) may only be used for mobile-satellite services (Earth-to-space) — see subsection 6 (3) of the Mobile-Satellite Service (2 GHz) Frequency Band Plan 2002.

Note 7  For the frequency band mentioned in paragraph 6 (3) (a):

- Footnote 209 in Part 4 of the spectrum plan provides that the use of the frequency band by a mobile-satellite service is limited to non-geostationary-satellite systems.

A mobile-satellite service operating in the frequency band will not be afforded protection from interference from a television station operating in a frequency band 137 to 144 MHz (VHF television channel 5A).

Note 8  Footnote 261 in Part 4 of the spectrum plan applies to a mobile-satellite service operating at a frequency in the band mentioned in paragraph 6 (3) (b).

Note 9  For the frequency band mentioned in paragraph 6 (3) (f):

- Footnote 351 in Part 4 of the spectrum plan provides that the frequency bands 1525–1544 MHz and 1545–1559 MHz must not be used for feeder links of any service, but that in exceptional circumstances an earth station at a specified fixed point in any of the mobile-satellite services may be authorised by an administration to communicate via space stations using those frequency bands.
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- Footnote 353A in Part 4 of the spectrum plan applies to the use of the frequency band 1530–1544 MHz by a mobile-satellite service.
- Footnote 356 in Part 4 of the spectrum plan provides that the use of the frequency band 1544–1545 MHz by the mobile-satellite service (space-to-Earth) is limited to distress and safety communications.

Note 10 From 1 January 2003, the frequency band mentioned in paragraph 6 (3) (j) may only be used for mobile-satellite services (space-to-Earth) — see subsections 8 (2) and (3) of the Mobile-Satellite Service (2 GHz) Frequency Band Plan 2002.

Note 11 From 1 August 2004, the frequency band mentioned in paragraph 6 (3) (k) may only be used for mobile-satellite services (space-to-Earth) — see subsection 8 (3) of the Mobile-Satellite Service (2 GHz) Frequency Band Plan 2002.

Note 12 Footnote 150 in Part 4 of the spectrum plan applies to a radiocommunications service operating in the frequency band mentioned in paragraph 6 (3) (m).

6A Standards

If the device compliance day for a device to which this Class Licence applies is on or after the day on which the Radiocommunications (Communication with Space Object) Class Licence Variation 2003 (No. 1) comes into force, the device must comply with any standard applicable to it as in force on that day.

Note 1 The ACA wishes to make it clear that if a standard mentioned in section 6A is amended or replaced by another standard after the device compliance day for a device to which this Class Licence applies, the device need not comply with the amended or new standard.

Note 2 Section 5 of the Act provides that standard means a standard made under section 162 of the Act.

7 Interference with other communications

This Class Licence authorises operation of a station only when its operation does not interfere with:
(a) the operation of a radiocommunications receiver; or
(b) the operation of a low power satellite emergency position-indicating radiobeacon station in the frequency band 406–406.1 MHz.

Note 1 Section 197 of the Act provides a penalty for knowingly or recklessly doing any act or thing likely to:
(a) interfere substantially with radiocommunications; or
(b) otherwise substantially disrupt or disturb radiocommunications.

Note 2 A radiocommunications device to which this Class Licence applies will not be afforded protection from the interference caused by other radiocommunications services.

8 Interference with radio astronomy

(1) This Class Licence does not authorise operation of a station when and where the operation could interfere with the operation of radio astronomy observations by any of the following radio astronomy observatories:
(a) an observatory that is part of the Facility;
(b) the Canberra Deep Space Communications Complex;
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(c) the Mt Pleasant Observatories; or
(d) the Murchison Radioastronomy Observatory.

(2) Subsection (1) is contravened if the station is operated in the frequency range of 1610 to 1626.5 MHz within 20 kilometres distance from a radio astronomy observatory mentioned in subsection (1) at a time when the observatory is being used for observations in the hydroxyl frequency range of 1610.6 to 1613.8 MHz.

(3) However, subsection (2) does not apply if:

(a) the station is operated because of an emergency and:

(i) its use is limited to delivering a message to an emergency call service, within the meaning of the Telecommunications Act 1997, at a number that, under the numbering plan, is a primary or secondary emergency service number; and

(ii) no suitable alternative means of communication is reasonably available; or

(b) the operator, or the operator of the licensed apparatus with which the station is authorised to communicate, has sought advice from each radio astronomy observatory mentioned in subsection (1) about the times when the observatory will be used to make observations in the range mentioned in subsection (2), and the station is operated at a time other than a time notified as a time when such an observation is scheduled to be made.

(4) Subsection (1) is contravened if the station is operated at any time in the frequency range of 1660 to 1660.5 MHz within 500 kilometres distance from a radio astronomy observatory mentioned in subsection (1), unless the place at which the station is operated is east of the Great Dividing Range.

(5) Paragraph (1) (d) is contravened only if the interference is caused by a station that is:

(a) operating in the frequency bands mentioned in paragraphs 6 (2) (a) to (g); and

(b) is located within 70 kilometres distance from the Murchison Radioastronomy Observatory.

Note 1 Section 46 of the Act provides a penalty for knowingly or recklessly operating a radiocommunications device, without reasonable excuse, otherwise than as authorised by a licence under the Act. In most cases, it can be expected that reliance on the operator of the associated licensed apparatus (the satellite operator) to obtain observation schedules, and take appropriate action, will be a reasonable excuse for a contravention mentioned in subsection (2).

Note 2 At the commencement of this licence, the Facility comprises the following observatories:

- Coonabarabran — Mopra Observatory, at latitude 31° 16' 4.451" South, longitude 149° 5' 58.732" East
- Narrabri — Paul Wild Observatory, at latitude 30° 59' 52.048" South, longitude 149° 32' 56.327" East
- Parkes — Parkes Observatory, at latitude 32° 59' 59.8657" South, longitude 148° 15' 44.3591" East.
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*Note 3* On the day on which the *Radiocommunications (Communication with Space Object) Class Licence Variation 2003 (No. 1)* comes into force, the Canberra Deep Space Communications Complex is situated at latitude 35° 23’ 54” South, longitude 148° 58’ 40” East.

*Note 4* On the day on which the *Radiocommunications (Communication with Space Object) Class Licence Variation 2003 (No. 1)* comes into force, the Mt Pleasant Observatories in Hobart are situated at latitude 42° 48’ 12.9207” South, longitude 147° 26’ 25.854” East.

*Note 5* On the day on which the *Radiocommunications (Communication with Space Object) Class Licence Variation 2011 (No.1)* comes into force, the Murchison Radioastronomy Observatory is situated at latitude 26.704167 South, longitude 116.658889 East (GDA94).

#### 9 Operation of station in an aircraft

This Class Licence does not authorise operation of a station in the frequency range of 1660 to 1660.5 MHz when the station is in an airborne aircraft.

#### 10 Equipment performance standards for ship Earth terminals

This Class Licence authorises operation of a device that is a ship Earth terminal specified in Resolutions of the International Maritime Organisation (IMO) only on condition that the device complies with the relevant performance standard in the following table:

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*Note* Some State legislation requires compliance with the standard ‘Maximum Exposure Levels – 100 kHz to 300 GHz (AS 2772 Part 1 Radio Frequency Radiation) 1990’ published by Standards Australia.

#### 11 Qualified operator

This Class Licence authorises operation of a device that is an Inmarsat-A, Inmarsat-B or Inmarsat-C terminal only on the condition that the operator of the terminal must be a qualified operator.

#### 12 Emergency and safety priorities for reception

This Class Licence authorises operation of a device that is an Inmarsat-A, Inmarsat-B or Inmarsat-C terminal only on the condition that priority is given to the reception of distress, urgency or safety messages over the reception of public correspondence.
## Schedule 1 Qualifications

(subsection 3 (1), definition of *qualified operator*)

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Notes to the Radiocommunications (Communication with Space Object) Class Licence 1998

Table of Instruments

Notes to the *Radiocommunications (Communication with Space Object) Class Licence 1998*

**Note 1**

The Radiocommunications (Communication with Space Object) Class Licence 1998 (in force under subsection 132 (1) of the Radiocommunications Act 1992) as shown in this compilation is amended as indicated in the Tables below.

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