Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence 2002

as amended

made under subsection 132 (1) and section 135 of the

Radiocommunications Act 1992

This compilation was prepared on 6 July 2010
taking into account amendments up to Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence Variation 2010 (No. 1)

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General’s Department, Canberra
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Part 1 Introductory

1 Name of Class Licence [see Note 1]
This Class Licence is the Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence 2002.

2 When Class Licence comes into force [see Note 1]
This Class Licence comes into force on gazettal.

3 Definitions
In this Class Licence:
device compliance day, for a radiocommunications device to which this Class Licence applies, means the most recent of the following days:
(a) if the radiocommunications device was manufactured in Australia — the day it was manufactured;
(b) if the radiocommunications device was manufactured overseas and imported — the day it was imported;
(c) if the radiocommunications device was altered or modified in a material respect in Australia — the day it was altered or modified.
licensed apparatus means a station in relation to which an apparatus licence is in force.

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

4 Revocation
Part 2 Application of Class Licence

Section 5

5 Radiocommunications devices affected
(1) Subject to subsection (2), a station is in the class of radiocommunications devices to which this Class Licence applies if the station communicates with a station authorised under a PTS apparatus licence.

(2) The class of radiocommunications devices to which this Class Licence applies 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.

(3) This Class Licence authorises the operation of a station where:
(a) the station is in an aircraft; and
(b) the operation of the station is to communicate only with a station that is:
   (i) on board the aircraft; and
   (ii) authorised by a PTS licence.

Note Under the PTS licence, the station on board the aircraft will only be permitted to operate at a minimum height above ground level as provided in the conditions specified in the licence pursuant to paragraph 107(1)(g) of the Act.

6 Authorised frequencies
(1) A radiocommunications device to which this Class Licence applies must be operated only on the frequencies assigned to the station authorised under a PTS apparatus licence with which it communicates.

(2) The radiocommunications device must transmit only on a frequency on which the station authorised under a PTS apparatus licence is authorised to receive.

(3) The radiocommunications device must receive only on a frequency on which the station authorised under a PTS apparatus licence is authorised to transmit.

7 Conditions — interference with other communications
The operation of a radiocommunications device to which this Class Licence applies must not cause interference to a radiocommunications service.

Note 1 Section 197 of the Act imposes 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 interference caused by other radiocommunications services.
8 Conditions — technical standards applying before commencement of Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence Variation 2009 (No. 1)

(1) This section applies to a radiocommunications device to which this Class Licence applies if the device compliance day for the device occurs before the commencement of the Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence Variation 2009 (No. 1).

(2) The device must comply with each of the technical standards mentioned in Schedule 1 that:
   (a) applies to the radiocommunications device; and
   (b) was published most recently before the device compliance day for the radiocommunications device.

Note Some of the technical standards mentioned in Schedule 1 were published on the same day. The device may be required to comply with each of the standards.

8A Conditions — technical standards applying after commencement of Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence Variation 2009 (No. 1)

(1) This section applies to a radiocommunications device to which this Class Licence applies if the device compliance day for the device occurs on or after the commencement of the Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence Variation 2009 (No. 1).

(2) The device must comply with each requirement of a notice made under subsection 407 (1) of the Telecommunications Act 1997 that applies to the radiocommunications device on the device compliance day.

(3) The supplier of the device must have complied with each requirement of a notice made under subsection 407 (1) of the Telecommunications Act 1997 that applies to the supplier in respect of the device on the device compliance day.

Note To comply with the conditions in section 8A, the device or its packaging must be labelled by the supplier in accordance with a notice made under subsection 407 (1) of the Telecommunications Act 1997. The notice may provide for circumstances in which the notice does not apply.

9 Conditions — standards

(1) If:
   (a) a radiocommunications device is a handset; and
   (b) the device compliance day for the radiocommunications device occurred on or after 15 December 1999;

the radiocommunications device must comply with the Radiocommunications (Electromagnetic Radiation — Human Exposure) Standard 1999 as in force on the device compliance day.
(2) If the device compliance day for any radiocommunications device to which this Class Licence applies occurs on or after this Class Licence comes into force, the radiocommunications device must comply with any standard applicable to it as in force on the device compliance day.

Note 1 The Australian Communications and Media Authority wishes to make it clear that if a standard mentioned in subsection (1) or (2) is amended or replaced by another standard following the device compliance day for a radiocommunications device, the radiocommunications device need not comply with the new or amended standard.

Note 2 Section 5 of the Act provides that standard means a standard made under section 162 of the Act.
### Schedule 1 Technical standards

*(section 8)*

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<td>Note Different provisions of this standard had different dates of effect in that period.</td>
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Notes to the *Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence 2002*

**Note 1**

The *Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence 2002* (in force under subsection 132 (1) and section 135 of the *Radiocommunications Act 1992*) as shown in this compilation is amended as indicated in the Tables below.

### Table of Instruments

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Note: ad. = added or inserted, am. = amended, rep. = repealed, rs. = repealed and substituted.