



## **Radiocommunications (Conditions of Interference Impact Certificates) Determination 2021**

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The Australian Communications and Media Authority makes the following determination under section 266A of the *Radiocommunications Act 1992*.

Dated: 10 June 2021

Fiona Cameron  
[signed]  
Member

Creina Chapman  
[signed]  
Member/~~General Manager~~

Australian Communications and Media Authority

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## 1 Name

This is the *Radiocommunications (Conditions of Interference Impact Certificates) Determination 2021*.

## 2 Commencement

This instrument commences on the later of the following:

- (a) the same time as the *Radiocommunications Accreditation (General) Rules 2021*;
- (b) the day after the day the instrument is registered on the Federal Register of Legislation.

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

## 3 Authority

This instrument is made under section 266A of the *Radiocommunications Act 1992*.

## 4 Repeal of the *Radiocommunications (subsection 145 (3) Certificates) Determination 2012*

The *Radiocommunications (subsection 145 (3) Certificates) Determination 2012* (F2012L01719) is repealed.

## 5 Definitions

In this instrument:

**accredited person** means a person who holds a kind of accreditation specified in the legislative rules for the purposes of subsection 145(3) of the Act.

**Act** means the *Radiocommunications Act 1992*.

**frequency range**, for a spectrum licence, means a part of the spectrum specified in the core condition of the licence mentioned in paragraph 66(1)(a) of the Act.

**geographic area**, for a spectrum licence, means the area specified in the core condition of the licence mentioned in paragraph 66(1)(c) of the Act.

**guard area** means a part of the geographic area for a spectrum licence that:

- (a) adjoins the outer boundary of the geographic area; and
- (b) within which no radiocommunications devices are registered, or intended by the licensee to be registered, on the Register in relation to the licence.

**guard band** means a part of the frequency range for a spectrum licence that:

- (a) adjoins either the upper or the lower boundary of the frequency range; and
- (b) within which no radiocommunications devices are registered, or intended by the licensee to be registered, on the Register in relation to the licence.

**guard space**, in relation to a spectrum licence, means:

- (a) a guard area; or
- (b) a guard band; or
- (c) a combination of a guard area and a guard band;

for the spectrum licence that is designed to limit the radio emissions of devices operated under the licence outside the spectrum space of the licence.

***interference impact certificate*** means a certificate issued under subsection 145(3) of the Act.

***section 145 determination*** means a determination made under subsection 145(4) of the Act.

***spectrum space***, in relation to a spectrum licence, means the combination of the frequency range and geographic area for the licence.

Note 1: A number of other expressions used in this instrument are defined in the Act, including the following:

- (a) accreditation;
- (b) device;
- (c) interference;
- (d) legislative rules;
- (e) radiocommunications device;
- (f) radiocommunications transmitter;
- (g) radio emission;
- (h) Register;
- (i) spectrum licence.

Note 2: Other expressions used in this instrument may be defined in a determination made under subsection 64(1) of the *Australian Communications and Media Authority Act 2005*.

## 6 References to other instruments

In this instrument, unless the contrary intention appears:

- (a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and
- (b) a reference to any other kind of instrument or writing is a reference to that other instrument or writing as in force or in existence 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.

## 7 Condition to be satisfied – no unacceptable level of interference

- (1) This section sets out a condition to be satisfied by the operation of a radiocommunications transmitter under a spectrum licence, for the purposes of subsection 145(3) of the Act.
- (2) Subject to subsections (3) and (4), the operation of the radiocommunications transmitter under the spectrum licence must not cause an unacceptable level of interference, within the meaning given by the section 145 determination (if any) that applies in relation to the spectrum licence.
- (3) Subsection (2) does not apply if the accredited person issuing the interference impact certificate is satisfied that the use of guard space is sufficient to mitigate potential interference from the radiocommunications transmitter.
- (4) Subsection (2) does not apply if the accredited person issuing the interference impact certificate is satisfied that each person who, in the accredited person's opinion, may be affected by the interference has given consent in writing to interference from the radiocommunications transmitter.