Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence 2016

Radiocommunications Act 1992

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Class Licence under subsection 132 (1) of the *Radiocommunications Act 1992*.

Dated *17 August 2016*

*R Bean
[signed]*
Member

*Brendan Byrne**[signed]* ~~Member/~~General Manager

Australian Communications and Media Authority

Part 1 Preliminary

1 Name of Class Licence

 This Class Licence is the Radiocommunications *(Aircraft and Aeronautical Mobile Stations) Class Licence 2016*.

2 Commencement

 This Class Licence commences on the day after it is registered.

*Note*   All legislative instruments and compilations are registered on the Federal Register of Legislation kept under the *Legislation Act 2003*. See https://www.legislation.gov.au.

3 Revocation

 The *Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence 2006* [F2006L02974] is revoked.

4 Definitions

 (1) In this Class Licence:

***aero club*** means a club formed by individuals to participate in activities relating to aircraft other than model aircraft.

***Aeronautical Information Publication*** means the publication, as in existence from time to time, referred to in regulation 4.12 of the *Air Services Regulations 1995*.

***aeronautical licence (aeronautical assigned system station)*** has the meaning given by section 3 of the *Radiocommunications Licence Conditions (Aeronautical Licence) Determination 2015*.

***aeronautical mobile station*** means a station that:

 (a) is a mobile station, other than an aircraft station or an earth station, that operates:

 (i) on any of the frequencies mentioned in subsection 11 (2); and

 (ii) with a transmitter output power that:

 (A) if the mobile station is operated at a location, and on a frequency, that is the same as the location from which, and frequency on which, a second station is authorised to operate in accordance with an aeronautical licence other than an aeronautical licence (aeronautical assigned system station) – does not exceed 25 watts; or

 (B) in any other case – does not exceed 5 watts; or

 (b) is a mobile station operated for a purpose mentioned in column 2 of Part 1.4 of Schedule 1, and on a frequency in the frequency band mentioned in column 3 of that item in relation to that purpose.

***aircraft*** has the meaning given by section 3 of the *Civil Aviation Act 1988*.

***aircraft station*** means a station that:

 (a) is operated on board an aircraft for communication with:

 (i) another aircraft station, the operation of which is authorised by this Class Licence; or

 (ii) aeronautical stations, whether fixed or mobile; and

 (b) operates on any of the frequencies mentioned in subsection 11 (1) or section 12;

and includes equipment of a kind that is in a survival craft of an aircraft.

***Airservices Australia*** means the body established by subsection 7 (1) of the *Air Services Act 1995*.

***CASA*** means the Civil Aviation Safety Authority established by subsection 8 (1) of the *Civil Aviation Act 1988*.

***charter purposes***means the purposes prescribed in paragraph 206 (1) (b) of the Civil Aviation Regulations.

***Civil Aviation Regulations*** means the *Civil Aviation Regulations 1988*.

***Civil Aviation Orders*** means orders issued by CASA under regulation 5 of the Civil Aviation Regulations.

***flight level*** has the meaning given by the Dictionary to the *Civil Aviation Safety Regulations 1998*.

***ICAO*** means the International Civil Aviation Organization referred to in the Convention on International Civil Aviation, ratified in Chicago on 7 December 1944.

***nationality mark*** has the meaning given by Part 45 of the *Civil Aviation Safety Regulations 1998*.

***radionavigation*** means the use of radiocommunications (including radiodetermination) for the purpose of navigation or obstruction warning.

***registration mark*** has the meaning given by Part 45 of the *Civil Aviation Safety Regulations 1998*.

***sport aviation body*** has the meaning given by subregulation 2 (1) of the Civil Aviation Regulations.

*Note 1*In accordance with paragraph 13(1)(b) of the *Legislation Act 2003*, other expressions in this Class Licence have the same meaning as in the Act, unless the contrary intention appears, including:

* ACMA (see section 5)
* Australia (see section 5)
* device (see section 9)
* frequency band (see section 5)
* radiocommunications device (see section 7)
* standard (see section 7)
* transmitter (see section 8)

The definition of ***aircraft*** differs from that in section 5 of the Act.

*Note* *2*   In accordance with section 64 of the *Australian Communications and Media Authority Act 2005*, other expressions in this Class Licence have the same meaning as in the *Radiocommunications (Interpretation) Determination 2015*, unless the contrary intention appears, including:

* Act (see section 4)
* aeronautical licence (see Schedule 1)
* aeronautical station (see Schedule 1)
* Automatic Identification System (AIS) (see Schedule 1)
* earth station (see Schedule 1)
* mobile station (see Schedule 1)
* radiodetermination (see Schedule 1)
* Radio Regulations (see Schedule 1)
* survival craft station (see Schedule 1)

The definition of ***aircraft station*** differs from that in the *Radiocommunications (Interpretation) Determination 2015*.

(2) In this Class Licence, unless the contrary intention appears, a reference to another legislative instrument is a reference to that other legislative instrument as in force 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.

Part 2 Class licence

5 Class Licence

 (1) Subject to subsection (2), this Class Licence authorises a person to operate the following stations, subject to the conditions set out in Part 3 of this Class Licence:

 (a) an aircraft station;

 (b) an aeronautical mobile station.

*Note*   Other requirements, for example those imposed by Airservices Australia or CASA, may apply to the person in relation to the operation of an aircraft station or an aeronautical mobile station.

 (2)This Class Licence does not apply to anyradiocommunications device operating under an apparatus licence.

Part 3 Conditions

6 Compliance with specifications, equipment compliance requirements and standards

 A person must not operate an aircraft station or an aeronautical mobile station unless, for each device included in the station:

1. if the device was manufactured or imported into Australia before the commencement of this Class Licence – the device complies with section 6 of the *Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence 2006* as in force immediately prior to the commencement of this Class Licence; or
2. if the device was manufactured or imported into Australia on or after the commencement of this Class Licence:

 (i) if the *Radiocommunications (118 MHz to 137 MHz Amplitude Modulated Equipment – Aeronautical Radio Service) Standard 2012* applies to the device — the device complies with that standard;

 (ii) if the *Radiocommunications (406 MHz Satellite Distress Beacons) Standard 2014* applies to the device — the device complies with that standard;

 (iii) if the *Radiocommunications (VHF Radiotelephone Equipment – Maritime Mobile Service) Standard 2014* applies to the device —the device complies with that standard; and

 (iv) if the document titled ‘AS/NZS IEC 62287.1: 2007: Maritime navigation and radiocommunication equipment and systems – Class B shipborne equipment of the Automatic Identification System (AIS) - Part 1: Carrier-sense time division multiple access (CSTDMA) techniques’, published by Standards Australia International, as in existence from time to time, or another document published by Standards Australia International that replaces that document, applies to the device — the device complies with that document (except that it need not comply with clause 6.5.2 of that document).

*Note 1*   If radiocommunications equipment is required to be fitted to, or carried on, an aircraft under the Civil Aviation Regulations, it must also comply with any relevant Civil Aviation Orders, Minimum Operational Performance Specifications and Technical Standard Orders.

 *Note 2*   Clause 6.5.2 of the “AS/NZS IEC 62287.1: 2007: Maritime navigation and radiocommunication equipment and systems—Class B shipborne equipment of the automatic identification system (AIS), Part 1: Carrier‑sense time division multiple access (CSTDMA) techniques” sets out the information reporting intervals that must be used when operating Class B shipborne equipment of the Automatic Identification System (AIS).

*Note 3*   It is permissible to use information reporting intervals of no less than 2 seconds if operating VHF international marine mobile service equipment for the purposes of search and rescue or the safe and expeditious conduct of a flight.

7 Operator qualifications

 A person must not operate an aircraft station or an aeronautical mobile station unless the person is qualified to operate the station in accordance with the Civil Aviation Regulations and any relevant Civil Aviation Orders.

8 Station identification

(1) A person who operates an aircraft station must identify the station using:

 (a) the nationality mark and the registration mark of the relevant aircraft; or

 (b) the registration issued for that aircraft station by a sport aviation body; or

 (c) any other form of identification that clearly identifies the station.

(2) A person who operates an aeronautical mobile station must identify the station using a form of identification that clearly identifies the station.

*Note*   Other requirements, for example those imposed by Airservices Australia or CASA, may apply to the person in relation to the operation of an aircraft station or an aeronautical mobile station.

9 Communications between stations

 (1) A person may operate an aircraft station to communicate only with:

 (a) another aircraft station operating on a frequency permitted under paragraph 11 (1) (c), (d) or (e);

 (b) an aeronautical station; or

 (c) a station operating for a purpose mentioned in an item in column 2 of Part 1.1, Part 1.2, Part 1.3 or Part 1.4 of Schedule 1, on a frequency mentioned in column 3 of that item in relation to that purpose.

 (2) A person may operate an aeronautical mobile station to communicate only with:

(a) an aircraft station operating on a frequency permitted under paragraph 11 (1) (c), (d) or (e);

 (b) an aeronautical station;

(c) an aeronautical mobile station operating on a frequency permitted under paragraph 11 (2) (c);

(d) an aeronautical mobile station operating on a frequency mentioned in paragraph 11 (2) (d); or

(e) a station operating for a purpose mentioned in an item in column 2 of Part 1.1, Part 1.2, Part 1.3 or Part 1.4 of Schedule 1, on a frequency mentioned in column 3 of that item in relation to that purpose.

 (3) A person may operate a station in accordance with subsection (1) or (2) only if the operation is for a communication that relates to:

 (a) the safe and expeditious conduct of a flight;

 (b) an emergency; or

 (c) a matter that relates to the particular occupation or industry in which:

 (i) the aircraft to which the aircraft station relates is engaged; or

 (ii) the aeronautical mobile station is engaged.

 (4) However, subsection (3) does not apply to a person employed by:

 (a) Airservices Australia; or

 (b) CASA.

10 Operations outside Australia (aircraft stations)

 (1) A person may operate an aircraft station outside Australia only in accordance with:

 (a) the Radio Regulations; and

 (b) if the station is in the territory of another country — the requirements of the country applicable to radiocommunications.

*Note*   The Radio Regulations mentioned in paragraph 10(1)(a) are those made by the International Telecommunication Union.

 (2) If an aircraft station is to be operated outside Australia on a frequency authorised by ICAO and published in an Aeronautical Information Publication (or a similar document, as in existence from time to time, for the country in whose territory the station is located), the person may operate the station only to communicate with:

 (a) an aeronautical station operated in another country; or

 (b) another aircraft station.

*Note*   Section 16 of the Act provides that the Act applies outside Australia in particular circumstances. See also sections 23 and 195.

11 Use of frequencies

 (1) A person may operate an aircraft station only:

 (a) for a purpose mentioned in column 2 of an item in Part 1.1 of Schedule 1, and on a carrier frequency mentioned in column 3 of the item, utilising single sideband modulation using upper sideband with a necessary bandwidth not exceeding 2.8 kHz;

 (b) for a purpose mentioned in column 2 of an item in Part 1.2 of Schedule 1, and on a carrier frequency mentioned in column 3 of the item in relation to that purpose;

 (c) on a frequency permitted in an Aeronautical Information Publication;

 (d) for the purposes of search and rescue:

 (i) on one of the following frequencies:

 (A) 2 182 kHz;

 (B) 3 023 kHz;

 (C) 4 125 kHz;

 (D) 5 680 kHz;

 (E) 121.5 MHz;

 (F) 123.1 MHz;

 (G) 123.2 MHz;

 (H) 156.3 MHz;

 (I) 156.8 MHz; or

 (ii) if the station is an Automatic Identification System (AIS) that operates on 161.975 MHz or 162.025 MHz; or

 (e) if the station is an Automatic Identification System (AIS) — for the purpose of the safe and expeditious conduct of a flight, on 161.975 MHz or 162.025 MHz.

 (2) A person may operate an aeronautical mobile station only:

 (a) for a purpose mentioned in column 2 of an item in Part 1.2 of Schedule 1, on a carrier frequency mentioned in column 3 in relation to that purpose;

 (b) for a purpose mentioned in column 2 of an item in Part 1.4 of Schedule 1, on a frequency band mentioned in column 3 of the item;

 (c) on a frequency permitted in an Aeronautical Information Publication, as existing from time to time; or

 (d) on any of the following frequencies for the purposes of search and rescue:

 (i) 3 023 kHz;

 (ii) 5 680 kHz;

 (iii) 121.5 MHz;

 (iv) 123.1 MHz;

 (v) 123.2 MHz.

12 Operation on radionavigation frequencies (aircraft stations)

 A person may operate an aircraft station on radionavigation frequencies only:

 (a) for a purpose mentioned in column 2 of an item in Part 1.3 of Schedule 1; and

 (b) on a frequency in a frequency band mentioned in column 3 of the item in relation to that purpose.

Schedule 1 Frequencies for operation

(sections 11 and 12)

Part 1.1 Operation on high frequencies — aircraft stations

|  |  |  |
| --- | --- | --- |
| Item | Purpose | Carrier frequency(kHz) |
| 1 | Surveying | 2 1404 615 1 |
| 2 | General use | 3 216 13 7043 8766 6286 697 |

*Note*

1 This frequency can be used only for aeronautical communications, including communications relating to flight coordination, outside national or international civil air routes.

Part 1.2 Operation on very high frequencies — aircraft stations and aeronautical mobile stations

| Item | Purpose | Carrier frequency(MHz) |
| --- | --- | --- |
| 1 | (a) aero club operations(b) flight training operations(c) firefighting operations | 119.1 |
| 2 | Parachute club operations | 119.2 |
| 3 | Helicopter operations:(a) air to air communications only(b) ground to air and air to ground communications only | 120.4120.8 |
| 4 | Aviation sport | 120.85 |
| 5 | Emergency operation:(a) Satellite location and aircraft stations(b) Homing for aircraft stations only | 406–406.1121.5 |
| 6 | Glider or sailplane operations | 122.5, 122.7, 122.9 |
| 7 | Fishing operations or agricultural operations including aerial mustering | 122.8 |
| 8 | Pilot to pilot communications | 123.45 |
| 9 | Air show | 127.9 |
| 10 | Traffic information broadcasts by aircraft (TIBA):(a) at or above Flight Level 200(b) below Flight Level 200 | 128.95126.35 |
| 11 | Aircraft industry testing | 129.1 |
| 12 | Agricultural operations including crop dusting | 129.6 |
| 13 | Aerodrome operations | 129.9 |
| 14 | Charter purposes (above 20 000 feet) | 135.95 |
| 15 | Charter purposes and other purposes not listed in another item | 126.4, 128.9, 135.55 |

Part 1.3 Operation on radionavigation frequencies — aircraft stations

| Item | Purpose | Frequency band(MHz) |
| --- | --- | --- |
| 1 | Aeronautical Radionavigation Distance Measuring Equipment | 1024–1151 |
| 2 | Airborne Collision Avoidance System (interrogator) | 1026–1034 |
| 3 | Secondary Surveillance RADARAirborne Collision Avoidance System (reply)Automatic Dependant Surveillance — Broadcast | 1087–1093 |
| 4 | Radio altimeter | 4200–4400 |
| 5 | Weather RADAR | 5350–54709300–9500 |
| 6 | Doppler RADAR | 8750–885013250–13400 |

Part 1.4 Operation on radionavigation frequencies — aeronautical mobile stations

| Item | Purpose | Frequency band (MHz) |
| --- | --- | --- |
| 1 | Automatic Dependent Surveillance — Broadcast | 1087–1093 |
| 2 | Advanced Surface Movement Guidance and Control Systems – Reply | 1087–1093 |