



# **Radiocommunications (Intelligent Transport Systems) Class Licence 2017**

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made under section 132 of the  
*Radiocommunications Act 1992*

## **Compilation No. 2**

**Compilation date:** 17 November 2021

**Includes amendments up to:** F2021L01568

Prepared by the Australian Communications and Media Authority, Melbourne

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## About this compilation

### **This compilation**

This is a compilation of the *Radiocommunications (Intelligent Transport Systems) Class Licence 2017* that shows the text of the law as amended and in force on 17 November 2021 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

### **Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Federal Register of Legislation ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Federal Register of Legislation for the compiled law.

### **Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### **Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Federal Register of Legislation for the compiled law.

### **Self-repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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## Part 1 Preliminary

### 1 Name

This is the *Radiocommunications (Intelligent Transport Systems) Class Licence 2017*.

### 3 Authority

This instrument is made under section 132 of the Act.

### 4 Interpretation

(1) In this instrument:

**ARPANSA Standard** means the *Radiation Protection Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz (2021)*, or any standard published as a replacement of that standard, by the Australian Radiation Protection and Nuclear Safety Agency.

*Note* The ARPANSA Standard is available from the Australian Radiation Protection and Nuclear Safety Agency website: <http://www.arpansa.gov.au>.

**ETSI** means the European Telecommunications Standards Institute.

**ETSI Standard EN 302 571** means *Intelligent Transport Systems (ITS); Radiocommunications equipment operating in the 5 855 MHz to 5 925 MHz frequency band; Harmonised Standard covering the essential requirements of article 3.2 of Directive 2014/53/EU*, published by ETSI, as existing from time to time.

**external antenna** means a removable antenna that is not an integral antenna.

**integral antenna** means an antenna that is permanently fixed to a device, or which is intended for direct attachment to a fixed connector on the device, without the use of an external cable.

**ITS station** means a radiocommunications transmitter that is operated as part of an intelligent transport system established for the purpose of road transport that is:

- (a) on a vehicle;
- (b) part of a vehicle, regardless of whether the transmitter was part of the vehicle when the vehicle was manufactured;
- (c) held or carried by an individual in relation to a vehicle; or
- (d) on, or part of, a fixed or mobile roadside structure.

**maximum EIRP**, for a transmitter that is an ITS station, means the largest EIRP that may be radiated by the transmitter in any direction.

**radiated power** means the power that is emitted from either of the following:

- (a) an integral antenna; or

(b) an external antenna.

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

- ACMA
- device
- equipment rules
- interference
- radiocommunications device
- radiocommunications transmitter
- Register
- transmitter.

*Note 2* In accordance with subsection 65(1) of the *Australian Communications and Media Authority Act 2005*, other expressions in this instrument have the same meaning as in the *Radiocommunications (Interpretation) Determination 2015*, unless the contrary intention appears, including:

- Act
- EIRP
- fixed-satellite service.

- (2) In this instrument, latitude and longitude are measured with reference to the geodetic datum designated as the “Geocentric Datum of Australia (GDA94)” gazetted in the Commonwealth of Australia *Gazette* No. GN 35 on 6 September 1995.

*Note* More information on the Geodetic Datum of Australia is available from the Geoscience Australia website: <http://www.ga.gov.au>.

## 5 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 is a reference to that other kind of 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.

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## Part 2 Class Licence

### 6 Class Licence

- (1) This instrument authorises a person to operate an ITS station subject to the following conditions:
- (a) the ITS station must be operated:
    - (i) on a frequency, or within a range of frequencies, greater than 5855 MHz and not greater than 5925 MHz; and
    - (ii) at a radiated power that does not exceed a maximum EIRP of 23 dBm/MHz;
  - (b) the ITS station must not be operated within 70 kilometres of the Murchison Radioastronomy Observatory located at latitude 26° 42' 15" south, longitude 116° 39' 32" east;
  - (c) the ITS station must comply with ETSI Standard EN 302 571; and
  - (d) the ITS station must comply with section 7 of this instrument.
- (2) In the event of any inconsistency, the requirements contained in subparagraphs (1)(a)(i) and (ii) take precedence over the requirements of the ETSI Standard EN 302 571.

*Note 1* An ITS station operated under this instrument can be expected to be operating in parts of the radiofrequency spectrum used by other radiocommunications devices in the frequency range 5855 to 5875 MHz. A receiver tuned to the relevant ITS station will not be afforded protection from interference caused by these devices within this frequency range.

*Note 2* An ITS station operated under this instrument can be expected to be operating in parts of the radiofrequency spectrum adjacent to fixed radiocommunications devices operating above 5925 MHz. A receiver tuned to a relevant ITS station operating within the frequency range 5905 to 5925 MHz will not be afforded protection from interference from fixed radiocommunications devices.

*Note 3* An ITS station operated under this instrument can be expected to be operating in parts of the radiofrequency spectrum used by fixed-satellite service devices with an elevation angle of greater than 15 degrees. A receiver tuned to the relevant ITS station will not be afforded protection from interference caused by fixed-satellite service devices within a 1 kilometre radius from their location as recorded in the Register.

*Note 4* An ITS station operated under this instrument can be expected to be operating in parts of the radiofrequency spectrum used by fixed-satellite service devices with an elevation angle of less than 15 degrees. A receiver tuned to the relevant ITS station will not be afforded protection from interference caused by these fixed-satellite service devices.

*Note 5* In accordance with the requirements of international footnote reference 150 in Part 4 of the *Australian Radiofrequency Spectrum Plan 2017*, an ITS station will not be afforded protection from interference that may be caused by industrial, scientific and medical (**ISM**) applications in the ISM band 5725 MHz to 5875 MHz.

*Note 6* The operation of a device with an external antenna, other than an antenna supplied with the device, may result in a breach of the conditions of this instrument.

## Part 3 Additional Conditions

### 7 Applicable instruments

- (1) A person must not operate an ITS station under this instrument unless the ITS station complies with any equipment rules that apply to the ITS station.

Note 1: The upper and lower limits of the permitted operating frequency band mentioned in subparagraph 6(1)(a)(i) apply to an ITS station, irrespective of any frequency limits specified in any applicable instrument for the transmitter.

Note 2: If a device is labelled with the RCM under the *Radiocommunications (Compliance Labelling – Devices) Notice 2014*, or under the applicable equipment rules, it is a representation by the supplier that the device, as supplied, complies with any standard or equipment rule that applies to the device at the time the device is supplied.

Note 3: Equipment rules may be amended over time, or may incorporate amendments to other instruments. A person who wishes to operate a transmitter should check the ACMA's equipment rules and other instruments to determine which version applies to the transmitter.

- (2) A person must not operate a transmitter, or a group of transmitters, under this Class Licence in a place accessible by the public if the electromagnetic radiation emitted by the transmitter or group of transmitters exceeds the general public exposure limits specified in the ARPANSA Standard.

*Note 1* A transmitter with an integral antenna must not be supplied unless it complies with the standard prescribed by Schedule 4 to the *Radiocommunications Equipment (General) Rules 2021*, which adopts the exposure limits specified in the ARPANSA Standard. Subsection 7(3) has the effect that the exposure limits specified in the ARPANSA Standard must also be met by a transmitter (whether on its own or included in a group of transmitters) to which, after it is supplied, a person attaches an external antenna, located in an area accessible to the public.

*Note 2* A transmitter with a dedicated antenna (as defined in ETSI Standard EN 302 571) is equivalent to a transmitter with an integral antenna for the purposes of the ARPANSA Standard.

## Endnotes

### Endnote 1 – About the endnotes

The endnotes provide information about this compilation and the compiled law.

Endnote 2 (Abbreviation key) sets out abbreviations that may be used in the endnotes.

Endnote 3 (Legislation history) provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

Endnote 4 (Amendment history) provides information about the amendments at the provision (generally section or equivalent) level and includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

It also includes information about any misdescribed amendment (that is, an amendment that does not accurately describe the amendment to be made). If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history. If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

### Endnote 2—Abbreviation key

|   |   |
|---|---|
| ad = added or inserted                                | (md not incorp) = misdescribed amendment cannot be given effect     |
| am = amended  | mod = modified/modification   |
| amdt = amendment                                      | No. = Number(s)   |
| c = clause(s)   | par = paragraph(s)/subparagraph(s)<br>/sub-subparagraph(s)          |
| Ch = Chapter(s)                                       | Pt = Part(s)  |
| def = definition(s)                                   | r = regulation(s)/rule(s)   |
| Dict = Dictionary                                     | rep = repealed  |
| disallowed = disallowed by Parliament                 | rs = repealed and substituted                                       |
| Div = Division(s)                                     | s = section(s)/subsection(s)  |
| exp = expires/expired or ceases/ceased to have effect | Sch = Schedule(s)   |
| F = Federal Register of Legislation                   | Sdiv = Subdivision(s)   |
| gaz = gazette   | <u>underlining</u> = whole or part not commenced or to be commenced |
| LA = <i>Legislation Act 2003</i>                      |   |
| LIA = <i>Legislative Instruments Act 2003</i>         |   |
| (md) = misdescribed amendment can be given effect     |   |

### Endnote 3—Legislation history

| Name   | Registration                          | Commencement     | Application, saving and transitional provisions |
|--|---------------------------------------|------------------|---|
| <i>Radiocommunications (Intelligent Transport Systems) Class Licence 2017</i>        | 5 January 2018<br>(see F2018L00026)   | 6 January 2018   |   |
| <i>Radiocommunications (Class Licence) Amendment Instrument 2021 (No. 1)</i>         | 11 June 2021<br>(see F2021L00734)     | 17 June 2021     |   |
| <i>Radiocommunications (Electromagnetic Energy) Amendment Instrument 2021 (No.1)</i> | 16 November 2021<br>(see F2021L01568) | 17 November 2021 |   |

### Endnote 4—Amendment history

| Provision affected  | How affected    |
|---------------------|-----------------|
| s.2.....            | rep. LA s.48D   |
| s.4(1).....         | am. F2021L00734 |
| s.7(1).....         | rs. F2021L00734 |
| s.7(2), note 1..... | am. F2021L01568 |