

# EXPLANATORY STATEMENT

Approved by the Australian Communications and Media Authority

*Radiocommunications Act 1992*

***Radiocommunications (Low Interference Potential Devices) Class Licence 2025***

***Radiocommunications (Low Interference Potential Devices) (Consequential Amendments) Instrument 2025 (No. 1)***

## Authority

The Australian Communications and Media Authority (the **ACMA**) has made the *Radiocommunications (Low Interference Potential Devices) Class Licence 2025* (the **Instrument**) under subsection 132 of the *Radiocommunications Act 1992* (the **Act**).

Subsection 132(1) of the Act provides that the ACMA may, by legislative instrument, issue class licences. A class licence authorises any person to operate a radiocommunications device of a specified kind or for a specified purpose, or to operate a radiocommunications device of a specified kind for a specified purpose.

Under section 137 of the Act, the ACMA must not issue a class licence that is inconsistent with the *Australian Radiofrequency Spectrum Plan 2021* (the **spectrum plan**) or any relevant frequency band plan. Subsection 9(2) of the spectrum plan provides that any frequency band specified in the spectrum plan may be used by a device that operates in accordance with a class licence, which includes the Instrument. Subsection 9(5) of the *Radiocommunications (Australian Radio Quiet Zone Western Australia) Frequency Band Plan 2023* provides that the frequency bands covered by that band plan may be used for services provided under, and in accordance with, the conditions of a class licence, which includes the Instrument. Paragraphs 6(1)(e) and 6(2)(e) of the *Radiocommunications (Mobile-Satellite Service) (1980–2010 MHz and 2170–2200 MHz) Frequency Band Plan 2022* provide that the frequency bands covered by that band plan may be used for the operation of a radiocommunications device in accordance with the Instrument. Paragraphs 7(1)(g) and 7(2)(g) of the *Radiocommunications (Television Outside Broadcasting) (2010–2110 MHz and 2200–2300 MHz) Frequency Band Plan 2022* provide that the frequency bands covered by that band plan may be used for the operation of a radiocommunications device in accordance with the Instrument.

Under section 138 of the Act, before issuing a class licence that authorises the operation of radiocommunications devices at frequencies that are within a part of the spectrum covered by a spectrum licence or a marketing plan, the ACMA must be satisfied that:

- issuing the class licence would not result in unacceptable levels of interference to the operation of radiocommunications devices operated, or likely to be operated, under spectrum licences; and
- issuing the class licence would be in the public interest.

The ACMA must also consult with all affected spectrum licensees.

The ACMA has made the *Radiocommunications (Low Interference Potential Devices) (Consequential Amendments) Instrument 2025 (No. 1)* (the **Amendment Instrument**) under subsections 27(2) and 262(1) of the Act and subsection 33(3) of the *Acts Interpretation Act 1901* (the **AIA**).

Subsection 27(2) of the Act provides that the ACMA may determine that acts or omissions by members of a class of persons performing a function or duty, in relation to certain defence, law

enforcement and emergency services matters or organisations, are exempt from certain provisions of the Act.

Subsection 262(1) of the Act provides that the ACMA may make written advisory guidelines about any aspect of radiocommunication or radio emission. The ACMA must give a copy of each advisory guideline it makes to the Minister, and publish each such advisory guideline in the way it thinks fit (subsection 262(3)).

Subsection 33(3) of the AIA relevantly provides that where an Act confers a power to make a legislative instrument, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

## **Purpose and operation of the instruments**

### *The Instrument*

It is a general requirement of the Act that the operation of all radiocommunications devices within Australia be authorised by a radiocommunications licence. A class licence is one type of licence available to authorise the operation of radiocommunications devices. It is an effective and efficient means of spectrum management for services where a limited set of common frequencies are employed, and equipment is operated under a common set of conditions. A class licence is not issued to an individual user and does not involve the payment of licence fees.

The Instrument authorises the operation of a wide range of low interference radiocommunications transmitters in various segments of the radiofrequency spectrum. The Instrument sets out the conditions under which these transmitters may be operated. These transmitters do not require individual frequency coordination because of their low interference potential characteristics. Examples of transmitters covered by the Instrument include WiFi equipment, radio-frequency identification transmitters, personal alarms, and ground and wall penetrating radar devices.

A radiocommunications transmitter authorised by this Instrument can be expected to be operating in radiofrequency spectrum also used by other radiocommunications devices (that is, it shares the spectrum with them).

By placing appropriate limits on parameters such as transmitter type, radiated power levels and frequencies of operation, the interference potential of a low interference potential device (**LIPD**) may be held to a sufficiently low level that enables sharing the spectrum with other radiocommunications devices on an uncoordinated basis in most circumstances.

The ACMA recognises that interference arising from the operation of a LIPD is still possible, although under less likely circumstances. As an aid to interference resolution in those circumstances, it is a condition of the operation of a device under this Instrument that the device not cause interference to other radiocommunications devices; as well, a device will not be afforded protection from interference caused by other radiocommunications services (see subsection 8(1) and Note 1 after section 7 of the Instrument). That is, the ACMA will generally not act to prevent interference caused to a LIPD by other radiocommunications services.

Should interference occur, the onus is on the user of a LIPD to take measures to resolve that interference; for example, by re-tuning or ceasing to operate the LIPD. Some LIPDs are designed so that they are able to be re-tuned, to assist the user in avoiding interference locally.

Some of the frequency bands mentioned in the Instrument cover bands designated for industrial, scientific and medical (**ISM**) applications. ISM applications generate electromagnetic energy and use

it locally for non-radiocommunications applications (e.g. microwave ovens, industrial heating and welding applications). Radiocommunications services operating in ISM-designated bands may experience interference from ISM applications. In accordance with the internationally-recognised arrangements for interference resolution that apply in such bands, this Instrument notes that radiocommunications devices operating in ISM-designated bands are not afforded protection from interference that may be caused by ISM applications (see Note 2 after section 7 of the Instrument).

LIPDs are sometimes used for radiocommunication applications with commercial or safety-of-life implications. Users of such applications are encouraged to have particular regard to the suitability of operating under the Instrument for their radiocommunications needs.

Some applications of LIPDs require that a device meet additional physical or technical requirements outside the scope of the Instrument. The use, marketing and supply of such devices in Australia may be dependent on the approval of the appropriate regulatory body, such as the Therapeutic Goods Administration or State government authorities (see Note 3 after section 7 of the Instrument).

Manufacturers and suppliers of radiocommunications devices able to be operated under the Instrument are encouraged to have regard to this information when forming advice about the suitability of their products for the intended application of the products by customers. Suppliers and users of such devices should make their own inquiries into what other requirements may need to be met.

Many LIPDs are everyday devices used by many people, such as television remote controls, wireless microphones, WiFi routers and medical equipment.

The Instrument replaces the *Radiocommunications (Low Interference Potential Devices) Class Licence 2015* (the **2015 class licence**).

The ACMA has made the Instrument because the 2015 class licence ‘sunsets’ on 1 October 2025, in accordance with Part 4 of Chapter 3 of the *Legislation Act 2003* (the **LA**). The instrument largely replicates the purpose and practical effect of the 2015 class licence with some minor changes.

The Instrument also includes new items in Schedule 1, that authorise the operation of more radiocommunications transmitters than the 2015 class licence, including:

- wireless audio transmitters using wireless multi-channel audio systems (**WMAS**) in the 520–694 MHz frequency band;
- digital modulation radiocommunications transmitters in the 5150–5250 MHz frequency band;
- frequency-hopping radiocommunications transmitters in the 5150–5250 MHz frequency band;
- RLAN radiocommunications transmitters in the 5925–6425 MHz frequency band;
- radiodetermination radiocommunications transmitters in the 13.4–14 GHz frequency band;
- radiodetermination radiocommunications transmitters in the 76–77 GHz frequency band.

Section 28C of the Act requires the ACMA to have regard to any relevant Ministerial policy statements when performing its spectrum management functions, which includes its functions under section 132 of the Act. The ACMA has had regard to the *Radiocommunications (Ministerial Policy Statement – 3.4–4.0 GHz) Instrument 2022* in making the Instrument. The Instrument authorises the operation of some LIPDs in parts of the 3400–4000 MHz frequency band (the **3.4 GHz band**). This helps support access to the 3.4 GHz band for a range of use cases and users, in circumstances where other users of the band are unlikely to be affected by the LIPDs.

Operation of a radiocommunications device is not authorised by a class licence if the operation is not in accordance with the conditions of the licence (subsection 132(3) of the Act). Subject to some exceptions in the Act, it is an offence, and subject to a civil penalty, to operate a radiocommunications device otherwise than as authorised by a spectrum licence, apparatus licence or class licence (section 46 of the Act). The Act prescribes the following maximum penalties for the offence, the monetary value of which is reflected at the time of making the Instrument (\$330 per penalty unit):

- if the radiocommunications device is a radiocommunications transmitter, and the offender is an individual – imprisonment for 2 years;
- if the radiocommunications device is a radiocommunications transmitter, and the offender is not an individual – 1,500 penalty units (\$495,000);
- if the radiocommunications device is not a radiocommunications transmitter – 20 penalty units (\$6,600).

The Act also includes a civil penalty provision for the operation of a radiocommunications device otherwise than as authorised by a licence. The Act prescribes the following maximum civil penalties:

- if the radiocommunications device is a radiocommunications transmitter – 300 penalty units (\$99,000);
- if the radiocommunications device is not a radiocommunications transmitter – 20 penalty units (\$6,600).

It is an offence, and subject to a civil penalty, to possess a radiocommunications device for the purpose of operating the device otherwise than as authorised by a spectrum licence, apparatus licence or class licence (section 47 of the Act). The Act prescribes the same maximum penalties for this offence and civil penalty contravention as for the offence and civil penalty contravention in section 46.

#### *The Amendment Instrument*

As a result of the sunset of the 2015 class licence and the making of the Instrument, some legislative instruments that referred to the 2015 class licence have been amended to refer instead to the Instrument.

The Amendment Instrument amends the following legislative instruments to update the references:

- the *Radiocommunications Advisory Guidelines (Managing Interference from Spectrum Licensed Transmitters – 700 MHz Band) 2023* (the **700 MHz Guidelines**) made under subsection 262(1) of the Act;
- the *Radiocommunications Advisory Guidelines (Managing Interference from Spectrum Licensed Transmitters – 26 GHz Band) 2020* (the **26 GHz Guidelines**) made under subsection 262(1) of the Act;
- the *Radiocommunications Advisory Guidelines (Managing Interference to Spectrum Licensed Receivers – 850/900 MHz Band) 2021* (the **850/900 MHz Guidelines**) made under subsection 262(1) of the Act;
- the *Radiocommunications (Exemption – Remotely Piloted Aircraft Disruption) Determination 2022* (the **RPAS Exemption Determination**) made under subsection 27(2) of the Act.

In each case, the amendments are designed to maintain the current effect of the legislative instrument.

The Act does not prescribe any consequences for failing to comply with the 700 MHz Guidelines, the 26 GHz Guidelines or the 850/900 MHz Guidelines.

A person who is covered by, and acts in accordance with, the RPAS Exemption Determination is exempt from Part 3.1, Part 4.1 and Part 4.2 of the Act.

#### *Generally*

A provision-by-provision description of the Instrument is set out in the notes at **Attachment A**. A provision-by-provision description of the Amendment Instrument is set out in the notes at **Attachment B**.

Each of the Instrument and the Amendment Instrument is a legislative instrument for the purposes of the LA, and is disallowable.

Each of the Instrument, the 700 MHz Guidelines, the 26 GHz Guidelines, the 850/900 MHz Guidelines and the RPAS Exemption Determination is subject to the sunset provisions of the LA.

#### **Documents incorporated by reference**

Subsection 314A(1) of the Act provides that an instrument under the Act may make provision in relation to a matter by applying, adopting or incorporating (with or without modifications) provisions of any Act as in force at a particular time, or from time to time. Subsection 314A(2) of the Act provides that an instrument under the Act may make provision in relation to a matter by applying, adopting or incorporating (with or without modifications) matters contained in any other instrument or writing as in force or existing at a particular time, or from time to time.

The Instrument incorporates all or part the following Act and legislative instruments, as in force from time to time:

- the *Broadcasting Services Act 1992*;
- the *Radiocommunications (Citizen Band Radio Stations) Class Licence 2015*;
- the *Radiocommunications Equipment (General) Rules 2021* (the **General Equipment Rules**).

The above Act and legislative instruments are available, free of charge, from the Federal Register of Legislation at [www.legislation.gov.au](http://www.legislation.gov.au).

The Instrument incorporates by reference the following documents, as existing from time to time:

- ETSI EN 300 328, Wideband transmission systems; Data transmission equipment operating in the 2,4 GHz band; Harmonised Standard for access to radio spectrum (**EN 300 328**), published by ETSI;
- ETSI EN 300 422-1, Wireless Microphones; Audio PME up to 3 GHz; Part 1: Audio PMSE Equipment up to 3 GHz; Harmonised Standard for access to radio spectrum (**EN 300 422-1**), published by ETSI;
- ETSI EN 300 440, Short Range Devices (SRD); Radio equipment to be used in the 1 GHz to 40 GHz frequency range; Harmonised Standard for access to radio spectrum (**EN 300 440**), published by ETSI;
- ETSI EN 301 091-1, Short Range Devices; Transport and Traffic Telematics (TTT); Radar equipment operating in the 76 GHz to 77 GHz range; Harmonised Standard covering the essential requirements of article 3.2 of Directive 2014/53/EU; Part 1: Ground based vehicular radar (**EN 301 091-1**), published by ETSI;
- ETSI EN 301 091-2, Short Range Devices; Transport and Traffic Telematics (TTT); Radar equipment operating in the 76 GHz to 77 GHz range; Harmonised Standard covering the essential requirements of article 3.2 of Directive 2014/53/EU; Part 2: Fixed infrastructure radar equipment (**EN 301 091-2**), published by ETSI;

- ETSI EN 301 091-3, Short Range Devices; Transport and Traffic Telematics (TTT); Radar equipment operating in the 76 GHz to 77 GHz range; Harmonised Standard covering the essential requirements of article 3.2 of Directive 2014/53/EU; Part 3: Railway/Road Crossings obstacle detection system applications (**EN 301 091-3**), published by ETSI;
- ETSI EN 301 357, Cordless audio devices in the range 25 MHz to 2 000 MHz; Harmonised Standard covering the essential requirements of article 3.2 of the Directive 2014/53/EU (**EN 301 357**), published by ETSI;
- ETSI EN 301 559, Short Range Devices (SRD); Low Power Active Medical Implants (LP-AMI) and associated Peripherals (LP-AMI-P) operating in the frequency range 2 483,5 MHz to 2 500 MHz; Harmonised Standard covering the essential requirements of article 3.2 of the Directive 2014/53/EU (**EN 301 559**), published by ETSI;
- ETSI EN 301 839, Ultra Low Power Active Medical Implants (ULP-AMI) and associated Peripherals (ULP-AMI-P) operating in the frequency range 402 MHz to 405 MHz; Harmonised Standard covering the essential requirements of article 3.2 of the Directive 2014/53/EU (**EN 301 839**), published by ETSI;
- ETSI EN 302 065-1, Short Range Devices (SRD) using Ultra Wide Band technology (UWB); Harmonised Standard covering the essential requirements of article 3.2 of the Directive 2014/53/EU; Part 1: Requirements for Generic UWB applications (**EN 302 065-1**), published by ETSI;
- ETSI EN 302 065-2, Short Range Devices (SRD) using Ultra Wide Band technology (UWB); Harmonised Standard covering the essential requirements of article 3.2 of the Directive 2014/53/EU; Part 2: Requirements for UWB location tracking (**EN 302 065-2**), published by ETSI;
- ETSI EN 302 065-4, Short Range Devices (SRD) using Ultra Wide Band technology (UWB); Harmonised Standard covering the essential requirements of article 3.2 of the Directive 2014/53/EU; Part 4: Material Sensing devices using UWB technology below 10,6 GHz (**EN 302 065-4**), published by ETSI;
- ETSI EN 302 065-5, Short Range Devices (SRD) using Ultra Wide Band technology (UWB); Harmonised Standard covering the essential requirements of article 3.2 of the Directive 2014/53/EU; Part 5: Devices using UWB technology onboard aircraft (**EN 302 065-5**), published by ETSI;
- ETSI EN 302 066, Short Range Devices (SRD) Ground- and Wall- Probing Radio determination (GPR/WPR) devices; Harmonised Standard for access to radio spectrum (**EN 302 066**), published by ETSI;
- ETSI EN 302 264, Short Range Devices; Transport and Traffic Telematics (TTT); Short Range Radar equipment operating in the 77 GHz to 81 GHz band; Harmonised Standard covering the essential requirements of article 3.2 of Directive 2014/53/EU (**EN 302 264**), published by ETSI;
- ETSI EN 302 288, Short Range Devices; Transport and Traffic Telematics (TTT); Ultra-wideband radar equipment operating in the 24,35 GHz to 26,65 GHz range; Harmonised Standard covering the essential requirements of article 3.2 of Directive 2014/53/EU (**EN 302 288**), published by ETSI;
- ETSI EN 302 372, Short Range Devices (SRD); Tank Level Probing Radar (TLPR) equipment operating in the frequency ranges 4,5 GHz to 7 GHz, 8,5 GHz to 10,6 GHz, 24,05 GHz to 27 GHz, 57 GHz to 64 GHz, 75 GHz to 85 GHz; Harmonised Standard covering the essential requirements of article 3.2 of the Directive 2014/53/EU (**EN 302 372**), published by ETSI;
- ETSI EN 302 537, Ultra Low Power Medical Data Service (MEDS) Systems operating in the frequency range 401 MHz to 402 MHz and 405 MHz to 406 MHz; Harmonised Standard

covering the essential requirements of article 3.2 of the Directive 2014/53/EU (**EN 302 537**), published by ETSI;

- ETSI EN 302 729, Short Range Devices (SRD); Level Probing Radar (LPR) equipment operating in the frequency ranges 6 GHz to 8,5 GHz, 24.05 GHz to 26,5 GHz, 57 GHz to 64 GHz, 75 GHz to 85 GHz; Harmonised Standard covering the essential requirements of article 3.2 of the Directive 2014/53/EU (**EN 302 729**), published by ETSI;
- ETSI EN 303 203, Short Range Devices (SRD); Medical Body Area Network Systems (MBANSs) operating in the 2 483,5 MHz to 2 500 MHz range; Harmonised Standard covering the essential requirements of article 3.2 of the Directive 2014/53/EU (**EN 303 203**), published by ETSI;
- Federal Communications Commission Rules Title 47 (Telecommunications) Part 15–Radio Frequency Devices (the **FCC Rules**);
- the Geocentric Datum of Australia (**GDA94**), gazetted in Commonwealth of Australia Gazette No. 35 on 6 September 1995, available, free of charge, from [www.legislation.gov.au](http://www.legislation.gov.au);
- TS 38.101-2, Group Radio Access Network; NR; User Equipment (UE) radio transmission and reception; Part 2: Range 2 Standalone (**TS 38.101-2**), published by the 3rd Generation Partnership Project;
- TS 38.104, Group Radio Access Network; NR; Base Station (BS) radio transmission and reception (**TS 38.104**), published by the 3rd Generation Partnership Project;
- the *Radiation Protection Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz (2021)* (the **ARPANSA Standard**), published by the Australian Radiation Protection and Nuclear Safety Agency (**ARPANSA**).

The documents published by ETSI are available, free of charge, from the ETSI website at [www.etsi.org](http://www.etsi.org).

The FCC Rules are available, free of charge, from the United States Code of Federal Regulations website at [www.ecfr.gov](http://www.ecfr.gov).

The documents published by the 3<sup>rd</sup> Generation Partnership Project are available, free of charge, from its website at [www.3gpp.org](http://www.3gpp.org).

The ARPANSA Standard is available, free of charge, from ARPANSA's website at [www.arpansa.gov.au](http://www.arpansa.gov.au).

The Amendment Instrument amends each of the 700 MHz Guidelines, the 26 GHz Guidelines, the 850/900 MHz Guidelines and the RPAS Exemption Determination to incorporate the Instrument by reference as in force from time to time. The Instrument is available, free of charge, from the Federal Register of Legislation at [www.legislation.gov.au](http://www.legislation.gov.au).

## Consultation

Before the Instrument and the Amending Instrument were made, the ACMA was satisfied that consultation was undertaken to the extent appropriate and reasonably practicable, in accordance with section 17 of the LA.

On 19 March 2025, the ACMA commenced a public consultation on a proposal to remake the 2015 class licence. The ACMA published a page on its website describing the proposal, the process for contributing to the consultation and provided a draft of the instrument. The ACMA also wrote to all affected spectrum licensees to invite them to make submissions to the consultation on 21 March 2025, as required by subsection 138(2) of the Act.

The consultation closed on 16 May 2025. The ACMA received 30 written submissions in response to the consultation, which are available on the ACMA website at [www.acma.gov.au](http://www.acma.gov.au). While the respondents supported the proposal to remake the 2015 class licence, there were comments on some of the new items that were proposed to be included in the Instrument.

To address feedback received on frequency-hopping radiocommunications transmitters in the 5925–6425 MHz frequency band, a requirement for these devices to use contention-based protocols has been included in the Instrument. No other changes were made to the Instrument after consultation. Details are included in the outcomes paper which is available on the ACMA website.

### **Statement of compatibility with human rights**

Subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* requires the rule-maker in relation to a legislative instrument to which section 42 (disallowance) of the LA applies to cause a statement of compatibility with human rights to be prepared in respect of that legislative instrument.

The statement of compatibility with human rights set out at **Attachment C** has been prepared to meet that requirement.



## Notes to the *Radiocommunications (Low Interference Potential Devices) Class Licence 2025*

### Part 1—Preliminary

#### Section 1      Name

This section provides for the Instrument to be cited as the *Radiocommunications (Low Interference Potential Devices) Class Licence 2025*.

#### Section 2      Commencement

This section provides for the instrument to commence at the start of 1 October 2025.

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

#### Section 3      Authority

This section identifies the provision of the Act that authorises the making of the instrument, namely section 132 of the Act.

#### Section 4      Interpretation

This section provides definitions and other interpretative information applicable to the Instrument.

Terms used in the Instrument may also be defined in the Act or in the *Radiocommunications (Interpretation) Determination 2025*.

#### Section 5      References to other instruments

This section provides that in the instrument, 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; and
- a reference to any other kind of instrument or writing is a reference to that other instrument or writing as in force or existing from time to time.

### Part 2—Class licence

#### Section 6      Class licence

This section authorises the use of a radiocommunications transmitter included in a class of radiocommunications transmitters (which is each class set out in a table item in Schedule 1 to the Instrument), subject to the conditions set out in Part 3 of the Instrument.

### Part 3—Conditions

#### Section 7      Operation – operating parameters set out in Schedule 1

This section imposes conditions on the use of a radiocommunications transmitter included in a class of radiocommunications transmitters. The authorisation to operate a radiocommunications transmitter is dependent on the transmitter meeting requirements set out in Schedule 1, including the permitted frequency range within which the transmitter must operate, the maximum effective isotropically radiated power (**EIRP**) of the transmitter, and other limitations imposed by the Schedule.

Some limitations are imposed by reference to another document, such as a document published by ETSI. Those limitations are to be interpreted by reference to any interpretative provisions in that document. However, those interpretative provisions in the document do not affect the interpretation of other limitations that are directly set by the Schedule, such as the permitted frequencies and the maximum EIRP.

Some limitations imposed by reference to another document, such as a document published by ETSI, are not required to be met by radiocommunications transmitters that are imported solely for use in connection with a significant event, where the transmitters meet any other requirements. The ACMA may declare events to be significant events under the General Equipment Rules.

## **Section 8      Operation – interference**

This section imposes a condition that the operation of a radiocommunications transmitter:

- must not cause interference to other radiocommunications services; and
- must not be on a frequency within a specific frequency range in the vicinity of the Murchison Radioastronomy Observatory in such a way that causes interference to radio astronomy observations.

## **Section 9      Operation – compliance with ARPANSA Standard**

This section imposes a condition that a person must not operate a radiocommunications transmitter, or a group of transmitters, if the electromagnetic radiation emitted by the transmitter, or the group of transmitters, exceeds the general public exposure limits set out in the ARPANSA Standard in a place accessible by the public.

## **Schedule 1      Conditions – operating parameters**

This Schedule lists and describes the radiocommunications transmitters, the operation of which is authorised by the Instrument. The Schedule lists classes of transmitters that are grouped by ‘application’ (i.e., the purpose for which the transmitter is generally used). Each Part of the Schedule contains a different application grouping. Within the groupings the classes of transmitters are typically listed in frequency band order in individual tables for each application. The tables have 4 columns.

Column 1 contains a descriptive name of the class of radiocommunications transmitter.

Column 2 contains the permitted operating frequency band identified by a lower frequency limit and an upper frequency limit. The band includes all frequencies greater than the lower frequency limit (but not the lower frequency limit itself) and includes the upper frequency limit.

Column 3 contains the maximum EIRP that may be radiated from the transmitter and attached antenna. Sometimes, the maximum EIRP is set by reference to another document, such as a document published by ETSI.

Column 4 contains any additional limitations on the operation of the transmitter for the purposes of minimising the risk of interference to radiocommunications services. Not all transmitters in all frequencies are subject to additional limitations. Many of the additional limitations relate to the following matters:

- permitted emission bandwidths;
- the modulation of any emissions;
- permitted carrier frequencies;
- the site of transmission, where transmission occurs within a channel used by a broadcasting service within the broadcasting services bands (in many cases, transmitters must not be

operated within a licence area or coverage area of a broadcasting service, or within a part of that licence area or coverage area where operation of the transmitter may cause interference);

- the location of the transmitter (for example, in some cases a transmitter must be inside a building);
- compliance with international instruments;
- the minimum distance the transmitter must be operated from a radio-astronomy site or a SRS earth station;
- in some cases, the EIRP (for example, the maximum EIRP for some medical implant communications systems transmitters is to be assessed outside the body in which the transmitter has been implanted).

The application groupings are:

- Part 1 – general radiocommunications transmitters.
- Part 2 – wireless microphones and audio equipment.
- Part 3 – medical telemetry and telecommand transmitters.
- Part 4 – general telemetry and telecommand transmitters.
- Part 5 – radiofrequency identification tags.
- Part 6 – radiocommunications transmitters used in tunnels, etc.
- Part 7 – radiocommunications transmitters used in alarms, etc.
- Part 8 – frequency hopping, WiFi and RLAN transmitters.
- Part 9 – radiocommunications transmitters used in sensors using radar for measurement (radiodetermination).
- Part 10 – radiocommunications transmitters used for other purposes.

Except for the following, no change is intended to the operation of radiocommunications transmitters that was permitted by the 2015 class licence:

- wireless audio transmitters using WMAS in the 520–694 MHz frequency band;
- digital modulation radiocommunications transmitters in the 5150–5250 MHz frequency band;
- frequency-hopping radiocommunications transmitters in the 5925–6425 MHz frequency band;
- RLAN radiocommunications transmitters in the 6425–6585 MHz frequency band;
- radiodetermination radiocommunications transmitters in the 13.4–14 GHz frequency band;
- radiodetermination radiocommunications transmitters in the 76–77 GHz frequency band.

**Notes to the *Radiocommunications (Low Interference Potential Devices) (Consequential Amendments) Instrument 2025 (No. 1)***

**Section 1      Name**

This section provides for the Amendment Instrument to be cited as the *Radiocommunications (Low Interference Potential Devices) (Consequential Amendments) Instrument 2025 (No. 1)*.

**Section 2      Commencement**

This section provides for the instrument to commence at the start of 1 October 2025, or immediately after the Instrument, whichever is the later.

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

**Section 3      Authority**

This section identifies the provision of the Act that authorises the making of the instrument, namely subsection 27(2) and subsection 262(1) of the Act.

**Section 4      Amendments**

This section provides that the amendments specified in the Schedule have effect.

**Schedule 1      Amendments**

**Items 1 and 2**

The 700 MHz Guidelines provide guidance to assist in managing the potential for interference to particular radiocommunications receivers, operating (or receiving communications from radiocommunications transmitters operating) under apparatus or class licences, from interference caused by radiocommunications transmitters operating under spectrum licences in 703 MHz to 748 MHz and 758 MHz to 803 MHz.

Items 1 and 2 amend the 700 MHz Guidelines to replace references to the 2015 class licence with references to the Instrument, as in force from time to time.

**Item 3**

The 26 GHz Guidelines provide guidance to assist in managing the potential for interference to particular radiocommunications receivers, operating (or receiving communications from radiocommunications transmitters operating) under apparatus or class licences, from interference caused by radiocommunications transmitters operating under spectrum licences in 25.1 GHz to 27.5 GHz.

Item 3 amends the 26 GHz Guidelines to replace a reference to the 2015 class licence with a reference to the Instrument, as in force from time to time.

**Item 4**

The 850/900 MHz Guidelines provide guidance to assist in managing the potential for interference to radiocommunications receivers operating under spectrum licences in 814 MHz to 859 MHz, 859 MHz to 915 MHz and 935 MHz to 960 MHz, from interference caused by radiocommunications operating under other spectrum licences, apparatus licences or class licences.

Item 4 amends the 850/900 MHz Guidelines to replace a reference to the 2015 class licence with a reference to the Instrument, as in force from time to time.

#### **Item 5**

The RPAS Exemption Determination exempts the acts and omissions of certain members of an Australian police force, and related persons, from Parts 3.1, 4.1 and 4.2 of the Act, where certain circumstances exist. The main circumstance that must exist is that the act or omission must occur in relation to the use of equipment to disrupt or disable a remotely piloted aircraft (**RPA**) or RPA system (**RPAS**) on particular frequency bands set out in, among other things, the 2015 class licence.

Item 5 amends the RPAS Exemption Determination to replace a reference to frequency bands set out in the 2015 class licence with the same frequency bands set out in the Instrument.

## Statement of compatibility with human rights

Prepared by the Australian Communications and Media Authority under subsection 9(1) of the  
*Human Rights (Parliamentary Scrutiny) Act 2011*

### *Radiocommunications (Low Interference Potential Devices) Class Licence 2025*

### *Radiocommunications (Low Interference Potential Devices) (Consequential Amendments) Instrument 2025 (No. 1)*

#### *Overview of the instruments*

Subsection 132(1) of the *Radiocommunications Act 1992* (the **Act**) provides that the ACMA may, by legislative instrument, issue class licences. A class licence authorises any person to operate a radiocommunications device of a specified kind or for a specified purpose, or to operate a radiocommunications device of a specified kind for a specified purpose.

It is a general requirement of the Act that the operation of all radiocommunications devices within Australia be authorised by a radiocommunications licence. A class licence is one type of licence available to authorise the operation of radiocommunications devices. It is an effective and efficient means of spectrum management for services where a limited set of common frequencies are employed, and equipment is operated under a common set of conditions. A class licence is not issued to an individual user and does not involve the payment of licence fees.

The *Radiocommunications (Low Interference Potential Devices) Class Licence 2025* (the **Instrument**) authorises the operation of radiocommunications transmitters in specific frequency bands, using common set of limitations, by the general public. The Instrument updates and clarifies definitions and equipment standards that were set out in the 2015 class licence, and introduces new or updated arrangements to support the use of:

- wireless audio transmitters using WMAS in the 520–694 MHz frequency band.
- digital modulation radiocommunications transmitters in the 5150–5250 MHz frequency band.
- frequency-hopping radiocommunications transmitters in the 5925–6425 MHz frequency band.
- RLAN radiocommunications transmitters in the 6425–6585 MHz frequency band.
- radiodetermination radiocommunications transmitters in the 13.4–14 GHz frequency band.
- radiodetermination radiocommunications transmitters in the 76–77 GHz frequency band.

These new items will allow greater access and utility than was available under the 2015 class licence. If the Instrument were not made, a person would be prohibited from operating a radiocommunications transmitter covered by the Instrument under the Act, or would require another licence under the Act to operate a radiocommunications transmitter that is covered by the Instrument.

The *Radiocommunications (Low Interference Potential Devices) (Consequential Amendments) Instrument 2025 (No. 1)* (the **Amendment Instrument**) amends several legislative instruments, to remove references to the *Radiocommunications (Low Interference Potential Devices) Class Licence 2015* and replace each with a reference to the Instrument.

### ***Human rights implications***

The ACMA has assessed whether the Instrument and the Amendment Instrument are compatible with human rights, being the rights and freedoms recognised or declared by the international instruments listed in subsection 3(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* as they apply to Australia.

Article 19 of the International Covenant on Civil and Political Rights provides:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as provided by law and are necessary:
  - a. For respect of the rights or reputations of others;
  - b. For the protection of national security or of public order (ordre public), or of public health or morals.

Having considered the likely impact of the Instrument and the Amendment Instrument, and the nature of the applicable rights and freedoms, the ACMA has formed the view that the Instrument and the Amendment Instrument positively engage the freedom of expression. The Instrument enables individuals to operate radiocommunications devices to communicate with others where it would otherwise be prohibited, or an apparatus licence or spectrum licence would otherwise be required. The Amendment Instrument facilitates this by including references to the Instrument in other legislative instruments.

### ***Conclusion***

The Instrument and the Amendment Instrument are compatible with human rights as they positively engage the human right of freedom of expression.