

# EXPLANATORY STATEMENT

Approved by the Australian Communications and Media Authority

*Radiocommunications Act 1992*

## ***Radiocommunications (Citizen Band Radio Stations) Class Licence 2025***

### **Authority**

The Australian Communications and Media Authority (the **ACMA**) has made the *Radiocommunications (Citizen Band Radio Stations) Class Licence 2025* (the **instrument**) under section 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.

### **Purpose and operation of the instrument**

It is a requirement of the Act that the operation of a radiocommunications device, or the possession for the purpose of operation of a radiocommunications device, must be licensed by one of 3 types of licence: spectrum, apparatus, or class.

The purpose of the instrument is to preserve the class-licensing arrangements for citizen band (**CB**) radios created by the *Radiocommunications (Citizen Band Radio Stations) Class Licence 2015* (the **2015 class licence**), without making significant changes to those arrangements. The ACMA has made the instrument because the 2015 class licence was due to “sunset” on 1 October 2025, in accordance with Part 4 of Chapter 3 of the *Legislation Act 2003* (the **LA**).

The instrument authorises the operation, and possession for the purpose of operation, of CB radios, referred to in the instrument as CB stations. Such radios are two-way radiocommunications devices used for both personal and business purposes. The instrument authorises any person to operate a CB station on one or more of several shared frequencies (or channels) in high frequency (**HF**) and ultra-high frequency (**UHF**) spectrum subject to conditions specified in the instrument. Those conditions deal with both technical and operational matters. Operation of a radiocommunications device is not authorised by a class licence if it is not in accordance with the conditions of the licence (subsection 132(3) of the Act).

Under section 46 of 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 a class licence. The Act prescribes the following maximum penalties for the offence:

- 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 (which is \$495,000 based on the current penalty amount of \$330);
- if the radiocommunications device is not a radiocommunications transmitter – 20 penalty units (\$6,600).

The Act prescribes the following maximum civil penalties:

- if the radiocommunications device is a radiocommunications transmitter – 300 penalty units (\$00,000);
- 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 penalties for this offence and civil penalty contravention as for the offence and civil penalty contravention in section 46.

Following a review of the 2015 class licence, and consultation described below, the ACMA formed the view that the 2015 class licence was operating effectively and efficiently and continued to form a necessary and useful part of the legislative framework. Accordingly, the ACMA has made the instrument, which reflects the 2015 class licence arrangements. The instrument also includes some changes considered necessary to reflect technological and operational developments in CB radio since the ACMA made the 2015 class licence.

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

The instrument is a legislative instrument for the purposes of the LA and is disallowable. The instrument is subject to the sunset provisions in Part 4 of Chapter 3 of the LA.

### **Documents incorporated by reference**

The instrument incorporates all or part of the following Acts and legislative instruments, as in force from time to time:

- regulations made for the purposes of subparagraph 108(3)(b)(v) of the Act (currently, the *Radiocommunications Regulations 2023*);
- the *Defence Act 1903*;
- the *Radiocommunications Equipment (General) Rules 2021*.

Each of these Acts and the legislative instrument is available, free of charge, from the Federal Register of Legislation at [www.legislation.gov.au](http://www.legislation.gov.au).

The instrument incorporates all or part of the following documents, as existing from time to time:

- the Geocentric Datum of Australia, gazetted in Commonwealth of Australia *Gazette* No. 35 on 6 September 1995, which is available, free of charge, at [www.legislation.gov.au](http://www.legislation.gov.au);
- 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) and available, free of charge, from ARPANSA's website at [www.arpansa.gov.au](http://www.arpansa.gov.au);
- the International Telecommunication Union's Radio Regulations, which are available, free of charge, from the International Telecommunication Union's website at [www.itu.int](http://www.itu.int).

### **Consultation**

Before the ACMA made the instrument, it was satisfied that consultation was undertaken to the extent appropriate and reasonably practicable, in accordance with section 17 of the LA. The ACMA published a draft of the instrument and an accompanying consultation paper on its website on 2 June 2025, calling for comments. The ACMA notified subscribers to its e-bulletin service about the

publication of the material and used social media to notify persons more broadly. The public consultation period closed on 15 July 2025.

The ACMA received 60 submissions. Most of the submissions were from individual users of CB stations, but the ACMA also received submissions from 3 volunteer bodies, a state police service and 3 shire councils. Some submitters commented on the draft instrument only, whereas others offered additional comments or suggestions about CB arrangements more broadly.

The ACMA considered every submission in making the instrument. Post consultation, the ACMA made a change to subsection 7(1) of the instrument to clarify the purposes for which the frequencies specified in the subsection must be used.

### **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 in **Attachment B** has been prepared to meet that requirement.

## Notes to the *Radiocommunications (Citizen Band Radio Stations) Class Licence 2025*

### Section 1      Name

This section provides for the instrument to be cited as the *Radiocommunications (CB Stations) Class Licence 2025*.

### Section 2      Commencement

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

A note to the section advises that 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 defines several key terms used throughout the instrument.

Several other expressions used in the instrument are defined in the Act.

Subsection 4(4) explains that—unless the contrary intention appears—a part of the spectrum or frequency band referred to in the instrument includes the higher frequency but not the lower one.

Subsection 4(5) explains that—unless the contrary intention appears—no condition in the instrument limits another condition in the instrument.

### Section 5      References to other instruments

This section provides that in the instrument, unless the contrary intention appears:

- a reference to any other 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 is a reference to that other instrument as in force or existing from time to time.

### Section 6      Class licence

Subsection 6(1) is an authorisation for any person to operate a CB station to which one of subsections (2), (4) or (5) applies. The authorisation is subject to the conditions in sections 7 and 8 of the instrument.

Subsection 6(2) applies to a CB station (**station 1**) that communicates directly with another CB station using the radiofrequency spectrum. Station 1 must operate on one of the frequencies specified in the items in the table in Schedule 1 to the instrument, and in accordance with the restrictions that apply to the relevant frequency.

Subsection 6(3) provides that a CB station to which subsection 6(2) applies may also be operated for the carriage of speech indirectly to another CB station, using either an internet-based technology or application.

Subsection 6(4) applies to a CB station that transmits signals to identify itself or indicate its geographic location. Operation of the CB station must occur on a frequency specified in table item 4 or 6 in Schedule 1 to the instrument, and in accordance with the restrictions that apply to the relevant frequency.

Subsection 6(5) applies to a CB station that transmits data to communicate with another CB station on a frequency specified in table item 5 of Schedule 1, and in accordance with the restrictions that apply to the relevant frequency.

## **Section 7      Conditions – general**

Section 7 specifies the main conditions that apply to the operation of a CB station.

Subsection 7(1) provides that a person must not operate a CB station on any of the 3 channels specified, except in the case of an emergency or during a natural disaster, or for the purposes of an emergency services organisation's response, or ability to respond, to an emergency or natural disaster. Operation for the purposes of an organisation's ability to respond to an emergency or natural disaster might include operation for purposes such as:

- the coordination of members of the organisation, or the organisation with other organisations;
- the testing of equipment;
- training members of the organisation
- preparatory activities for an impending natural disaster;
- the issuing of warnings to the public.

Subsection 7(2) prohibits the use of encryption on speech transmissions on any of the 3 channels specified in subsection 7(1).

Subsection 7(3) prohibits the alteration of a CB station where, after the alteration, the operation of the station is likely to cause interference to radiocommunications, and the alteration was not authorised by a direction given under section 9 or section 10 of the instrument.

Subsection 7(4) provides that a person must not operate a CB station on any of the frequencies specified in Schedule 1 where the operation will cause harmful interference to another CB station that is operating on the same frequency as the first station.

Subsection 7(5) provides that a person must not operate a CB station if they have received a direction given under section 9 or section 10 and have not complied with that direction, or the operation of the station does not comply with the direction.

Subsection 7(6) prohibits the use of speech on channels 22 (476.95 MHz) and 23 (476.975 MHz). The instrument authorises the use of the 2 channels for the transmission of data only.

Subsection 7(7) applies to a CB station that transmits signals to identify itself or indicate its geographic location. The provision specifies that the operation of such a station must not occur where the station's duty cycle is greater than 1/360. This duty cycle is equal to 10 seconds of transmission in a one-hour period.

Subsection 7(8) applies to the same kind of CB station referred to in subsection 7(7). Subsection 7(8) authorises the operation of such a station where the duty cycle is appended at the end of a voice transmission and the data burst is equal to, or less than, 400 milliseconds.

Subsections 7(9) and (10) prohibit the operation of a CB station within 70 kilometres of Inyarrimanha Ilgari Bundara, the Commonwealth Scientific and Industrial Research Organisation's observatory

located in Murchison, Western Australia, if the operation of the station causes harmful interference to radio astronomical observations.

Subsection 7(11) prohibits the operation of a CB station or group of stations where the *Radiocommunications Equipment (General) Rules 2021* do not prescribe the electromagnetic energy requirements for the station or stations, and the station or group does not comply with the basic restrictions for general public exposure specified in the ARPANSA standard.

## **Section 8      Transmission of audio tones**

Section 8 is about the operation of a CB station which transmits audio tones for initiating communication. Paragraph 8(a) provides that a person must not operate such a station where it is on a frequency specified in table item 1, 2 or 3 of Schedule 1 unless the audible audio tones transmitted are for less than 3 seconds in a 60-second period. Paragraph 8(b) provides that where the station is operating on a frequency specified in table item 4 or 6 in Schedule 1, the time limit of the audible audio tones must be the same as in paragraph 8(a) or the tones must be subaudible.

## **Section 9      Direction in relation to CB station – emergencies**

This section is about the direction that one of several specified persons can give to the user of a CB station. The direction must be given in specified emergency circumstances.

Subsection 9(1) empowers a type of person specified in subsection 9(2) to give a direction to a person, in relation to the operation of a CB station. Because the direction must relate to specified emergency circumstances, it is appropriate that the direction be able to be given orally, and not necessarily in writing.

Subsection 9(2) specifies the persons who may give a direction: police officers, certain Defence force officers, certain officers of the Australian Maritime Safety Authority, and certain officers who are able to give directions to apparatus licensees under subsection 108(3) of the Act.

Subsection 9(3) specifies that a direction may only be given where the person giving it is satisfied that the direction is reasonably necessary to:

- secure the safety of an aircraft or vessel that is in danger;
- deal with an emergency that is a serious threat to the environment;
- deal with an emergency that involves the risk of death, or serious injury;
- deal with an emergency that involves the risk of substantial damage to or substantial loss of property.

Accordingly, in giving such a direction, the person giving it will need to have regard to the relevant circumstances and the necessity for giving the direction. The direction will not be necessary if, for example, it is apparent that a person would operate a CB station in an appropriate manner without the direction being given.

Subsection 9(4) empowers the person who gave the direction to vary or revoke it.

Subsection 9(5) provides that the user of a CB station who receives a direction or a variation to a direction may apply to the Administrative Review Tribunal for a review of the decision to give the direction or vary the direction.

## **Section 10      Direction in relation to CB station – inspectors**

This section is about the direction an inspector can give to a person in specified circumstances.

Subsection 10(1) specifies the circumstances in which an inspector may give a person a written direction. The written direction must relate to the management of interference to radiocommunications that is caused, or likely to be caused, by a CB station.

Subsection 10(2) specifies the matters to which an inspector must have regard before giving a person a written direction. These matters include whether the direction is necessary or convenient to prevent or minimise interference, and the extent to which interference would be reduced or removed if no direction were given. For example, if an inspector informed a person about interference, and the person voluntarily amended the operation of a CB station, a direction would not be necessary.

Subsection 10(3) provides that an inspector may vary or revoke a written direction given to a user of a CB station. The variation or revocation of the original written direction must be in writing.

Subsection 10(4) provides that the user of a CB station who receives a written direction or a variation of a written direction may apply to the Administrative Review Tribunal for a review of the inspector's decision.

### **Schedule 1—CB station frequencies and restrictions**

Part 1 of Schedule 1 specifies the HF frequencies on which a CB station may operate. For each frequency, a channel number is specified, as are the restrictions that apply to the operation of a station on the frequency.

Part 2 of Schedule 1 specifies the UHF frequencies on which a CB station may operate, where the channels have a 12.5 kHz bandwidth. For each frequency, a channel number is specified, as are the restrictions that apply to the operation of a station on the frequency.

Part 3 of Schedule 1 specifies the UHF frequencies on which a CB station may operate, where the channels have a 25 kHz bandwidth. For each frequency, a channel number is specified, as are the restrictions that apply to the operation of a station on the frequency.

## 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 (Citizen Band Radio Stations) Class Licence 2025*

#### **Overview of the instrument**

The Australian Communications and Media Authority (the **ACMA**) has made the *Radiocommunications (Citizen Band Radio Stations) Class Licence 2025* (the **instrument**) under section 132 of the *Radiocommunications Act 1992* (the **Act**).

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The ACMA has made the instrument because the 2015 class licence was due to “sunset” on 1 October 2025, in accordance with Part 4 of Chapter 3 of the *Legislation Act 2003*. Following a review of the 2015 class licence the ACMA formed the view that the 2015 class licence was operating effectively and efficiently and continued to form a necessary and useful part of the legislative framework. The instrument includes some changes to the 2015 class licence arrangements considered necessary to reflect technological and operational developments in CB radio since the ACMA made the 2015 class licence.

The instrument authorises the operation, and possession for the purpose of operation, of CB radios, referred to in the instrument as CB stations. Such radios are two-way radiocommunications devices used for both personal and business purposes. The instrument authorises any person to operate a CB station on one or more of several shared frequencies (or channels) in high frequency (**HF**) and ultra-high frequency (**UHF**) spectrum subject to conditions specified in the instrument. Those conditions deal with both technical and operational matters. Operation of a radiocommunications device is not authorised by a class licence if it is not in accordance with the conditions of the licence (subsection 132(3) of the Act).

#### **Human rights implications**

The ACMA has assessed whether the instrument is 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 nature of the applicable rights and freedoms, the ACMA has formed the view that the instrument positively engages the freedom of expression. The instrument authorises any person to operate, or possess for the purpose of operation, a CB station, where it would otherwise be prohibited, or an apparatus licence or spectrum licence would otherwise be required.

### ***Conclusion***

The instrument is compatible with human rights because it promotes the freedom of expression.