EXPLANATORY STATEMENT

Approved by the Australian Communications and Media Authority

Radiocommunications Act 1992

Radiocommunications Licence Conditions (Maritime Coast Licence) Determination 2025

Radiocommunications (Maritime Ship Station) Class Licence 2025

Authority

The Australian Communications and Media Authority (the **ACMA**) has made the *Radiocommunications Licence Conditions (Maritime Coast Licence) Determination 2025* (the **Maritime Coast LCD**) under subsection 110A(2) of the *Radiocommunications Act 1992* (the **Act**), and under subsection 33(3) of the *Acts Interpretation Act 1901* (the **AIA**).

Subsection 110A(2) of the Act provides that the ACMA may, by legislative instrument, determine that each apparatus licence included in a specified class of apparatus licences is taken to include one or more specified conditions.

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.

The ACMA has made the *Radiocommunications (Maritime Ship Station) Class Licence 2025* (the **Maritime Ship Station Class Licence**) under section 132 of the Act and subsection 33(3) of the AIA.

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 a 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 Maritime Ship Station Class Licence. Subsection 9(5) of the *Radiocommunications (Australian Radio Quiet Zone Western Australia) Frequency Band Plan 2023* provides that the frequency bands covered by that instrument may be used for services provided under, and in accordance with, the conditions of a class licence, which includes the Maritime Ship Station Class Licence.

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 instrument does not authorise the operation of radiocommunications devices at such frequencies.

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Purpose and operation of the instruments

International Maritime radiocommunications framework

The international framework for maritime radio is established through the International Telecommunication Union's (**ITU**) Radio Regulations and the International Maritime Organization's International Convention for the Safety of Life at Sea (the **SOLAS Convention**). Australia is a signatory to the Constitution and Convention of the ITU and the SOLAS Convention.

For most countries, including Australia, spectrum and frequency planning primarily occurs through participation in the ITU. The ITU maintains the Radio Regulations, which regulate radiocommunications services on an international basis and govern the utilisation of radio frequencies. This includes provisions for the operational use of the global maritime distress and safety system (the **GMDSS**). The concept of GMDSS is that ashore authorities, as well as ships within the immediate vicinity of a vessel in distress, will be rapidly alerted to a distress incident and provide assistance as required under the SOLAS Convention. The functional requirements of the GMDSS are set forth in the SOLAS Convention, which is an international maritime treaty that sets minimum safety standards in the construction, equipment and operation of merchant ships.

The Radio Regulations are revised by ITU World Radiocommunication Conferences, normally held every 4 years, and member states subsequently take binding treaty action to give effect to the changes to the Radio Regulations. The ACMA gives effect to the Radio Regulations requirements through domestic licensing and planning instruments, including the Maritime Coast LCD and the Maritime Ship Station Class Licence.

Amendments to the Radio Regulations following agreement at the World Radiocommunication Conference 2023 (**WRC-23**) had not been ratified by Australia prior to the ACMA's consultation on making the Maritime Coast LCD and the Maritime Ship Station Class licence. As such, no changes arising from WRC-23 have been included in the Maritime Coast LCD or the Maritime Ship Station Class Licence at this stage.

Maritime Coast LCD

An apparatus licence may be either a transmitter licence or a receiver licence. Maritime coast licences are a type of transmitter licence and generally authorise the operation of a 'maritime coast station' (that is, broadly speaking, a radiocommunications transmitter on land that communicates with ships). Maritime coast stations in Australia are used to provide search and rescue assistance to ships in distress, while also providing commercial and recreational communications for marine users.

The purpose of the Maritime Coast LCD is to revoke and replace the *Radiocommunications Licence Conditions (Maritime Coast Licence) Determination 2015* (the **2015 Determination**) without making any significant changes to the regulatory arrangements created by the 2015 Determination. The 2015 Determination imposed conditions on maritime coast licences.

The ACMA has made the Maritime Coast LCD because the 2015 Determination was due to 'sunset' (that is, to be automatically repealed) on 1 October 2025 under Part 3 of Chapter 4 of the *Legislation Act 2003* (the **LA**). Following a review, informed by a public consultation process described below, the ACMA formed the view that the 2015 Determination was operating effectively and efficiently, and continued to form a necessary and useful part of the legislative framework. Accordingly, the

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ACMA has remade the 2015 Determination by making the Maritime Coast LCD, without any significant changes, so that its on-going effect is preserved.

The Maritime Coast LCD specifies the conditions regarding the operation of maritime coast stations, including the operating frequencies for some stations, and the maximum power that may be used for various technologies or purposes. Several of these conditions provide for the domestic implementation of requirements from international law, conventions and agreements.

Generally, the changes to the 2015 Determination that have been included in the Maritime Coast LCD fall into one of the following groups:

- the provisions have been restructured, retitled and renumbered, and their drafting has been modernised. A table that shows where an equivalent condition from the 2015 Determination is found within the Maritime Coast LCD was included in the consultation paper mentioned below, and is available from the ACMA's website.
- some simplification has been undertaken, by removing Schedules relating to the Automatic Identification System and Application Specific Messaging, and moving those provisions into the main body of the Maritime Coast LCD.
- conditions relating to Major Coast B stations have been removed. There are no current licences issued that authorise the operation of Major Coast B stations and there have been no applications for a new licence in the last decade.
- conditions that duplicated, or largely duplicated, the effect of the *Radiocommunications Equipment (General) Rules 2021* (the **General Equipment Rules**) and the transmitter licence condition in paragraph 107(1)(d) of the Act have been removed.

Operation of a radiocommunications device is not authorised by an apparatus licence (including a maritime coast licence) if it is not in accordance with the conditions of the licence (subsection 97(4) 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 unit 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 ($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

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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.

In addition, an apparatus licensee, or a person authorised under section 114 of the Act in relation to an apparatus licence, must not contravene a condition of the licence. Contravention is subject to a civil penalty (section 113 of the Act). The Act prescribes a maximum civil penalty of 100 penalty units ($33,000).

Maritime Ship Station Class Licence

A class licence sets out the conditions under which any person is permitted to operate any device to which the class licence is applicable; it is not issued to an individual user, and does not involve the payment of licence fees. Class licences are issued by the ACMA as legislative instruments and are registered on the Federal Register of Legislation.

The Maritime Ship Station Class Licence authorises the operation of particular radiocommunications devices in the 27 MHz and VHF maritime mobile band, subject to specified conditions.

The purpose of the Maritime Ship Station Class Licence is to revoke and replace the *Radiocommunications (Maritime Ship Station — 27 MHz and VHF) Class Licence 2015* (the **2015 Class Licence**) without making any significant changes to the regulatory arrangements created by the 2015 Class Licence. A further purpose of the Maritime Ship Station Class licence is to revoke the *Radiocommunications – Maritime Omnibus Variation 2019 (No. 1)* (the **Maritime Omnibus Variation Instrument**). The purpose of the Maritime Omnibus Variation Instrument was to amend or vary several maritime radiocommunication instruments that apply to the Very High Frequency (**VHF**) component of the maritime mobile band. The Maritime Omnibus Variation Instrument had served its purpose upon being made and is no longer required.

The ACMA has made the Maritime Ship Station Class Licence because the 2015 Class Licence was due to 'sunset' on 1 October 2025, in accordance with Part 4 of Chapter 3 of the LA. Following a review, informed by a public consultation process 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 remade the 2015 Class Licence by making the Maritime Ship Station Class Licence, without any significant changes, so that its on-going effect is preserved.

Generally, the changes to the 2015 Class Licence that have been included in the Maritime Ship Station Class Licence fall into one of the following groups:

- the provisions have been restructured, retitled and renumbered, and their drafting has been modernised. A table that shows where an equivalent condition from the 2015 Class Licence is found within the Maritime Ship Station Class Licence was included in the consultation paper mentioned below, and is available from the ACMA's website.
- some simplification has been undertaken, by removing Schedules relating to the Automatic Identification System and Application Specific Messaging, and moving those provisions into the main body of the Maritime Ship Station Class Licence.
- the provisions regarding qualifications now specify what foreign issued marine radio operators certificates are considered equivalent to Australian issued certificates. Reference to the ACMA considering whether a qualification is recognised as equivalent to the Australian

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Waters Qualification has been removed. Recognition processes are available through Registered Training Organisations that provide the Australian Waters Qualification.
- conditions that duplicate, or largely duplicate, the effect of the General Equipment Rules have been removed.

Operation of a radiocommunications device is not authorised by a class licence (including the Maritime Ship Station 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 penalties applicable in relation to a contravention of section 46 are set out above.

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.

Generally

A provision-by-provision description of

- the Maritime Coast LCD is set out in the notes at **Attachment A**.
- the Maritime Ship Station Class Licence is set out in the notes at **Attachment B**.

Each instrument is a legislative instrument for the purposes of the LA, and is disallowable. The Maritime Coast LCD and the Maritime Ship Station Class Licence are subject to the sunsetting provisions in Part 4 of Chapter 3 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) matter contained in any other instrument or writing as in force or existing at a particular time, or from time to time.

The Maritime Coast LCD and the Maritime Ship Station Class Licence incorporate all or part of the following Act and legislative instrument, as in force from time to time:

- *Marine Order 70 (Seafarer certification) 2014*;
- the *Navigation Act 2012*.

The Maritime Ship Station Class Licence also incorporates part of the *Seas and Submerged Lands Act 1973*, as in force from time to time.

Each of these Acts and the legislative instrument is available, free of charge, from the Federal Register of Legislation at www.legislation.gov.au.

The Maritime Coast LCD and the Maritime Ship Station Class Licence also incorporate parts of the Radio Regulations published by the ITU, as existing from time to time. The Maritime Coast LCD also

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incorporates parts of the Radio Regulations as existing at particular times, namely, the time each major coast A station operated under certain maritime coast licences was manufactured in Australia, imported, or altered or modified in Australia after it was manufactured or imported (see section 10 of the Maritime Coast LCD). The Radio Regulations are available, free of charge, from the ITU's website at www.itu.int.

The Maritime Coast LCD incorporates all or part of the following documents:

- IEC 62320-1, *Maritime navigation and radiocommunication equipment and systems – Automatic identification system (AIS) – Part 1: AIS Base Stations – Minimum operational and performance requirements, methods of testing and required test results*, published by the International Electrotechnical Commission;
- IEC 62320-2, *Maritime navigation and radiocommunication equipment and systems – Automatic identification system (AIS) – Part 2: AIS AtoN Stations – Operational and performance requirements, methods of testing and required test results*, published by the International Electrotechnical Commission;
- IEC 62320-3, *Maritime navigation and radiocommunication equipment and systems – Automatic identification system (AIS) – Part 3: Repeater Stations – Minimum operational and performance requirements, methods of testing and required test results*, published by the International Electrotechnical Commission.
- the National Search and Rescue Manual, published by the Australian Maritime Safety Authority (**AMSA**).

Each of IEC 62320-1, IEC 62320-2 and IEC 62320-3 is incorporated as existing at particular times, namely, the time each limited coast assigned system station operated under certain maritime coast licences was manufactured in Australia, imported, or altered or modified in Australia after it was manufactured or imported (see section 15 of the Maritime Coast LCD). Each of IEC 62320-1, IEC 62320-2 and IEC 62320-3 is available, for a fee, from the International Electrotechnical Commission's website at www.iec.ch. These documents are also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

The National Search and Rescue Manual is incorporated as existing from time to time and is available, free of charge, from AMSA's website at www.amsa.gov.au.

The Maritime Ship Station Class Licence incorporates all or part of the following documents:

- IEC 61993-2, *Maritime navigation and radiocommunication equipment and systems – Automatic identification systems – Part 2: Class A shipborne equipment of the automatic identification system (AIS) – Operation and performance requirements, methods of test and required test results*, published by the International Electrotechnical Commission;
- IEC 62287.1, *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 the International Electrotechnical Commission;
- IEC 62287.2, *Maritime navigation and radiocommunication equipment and systems – Class B shipborne equipment of the automatic identification system (AIS) – Part 2: self-organising time division multiple access (SOTDMA) techniques*, published by the International Electrotechnical Commission;

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- the Radiation Protection Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 kHz (2021) (**ARPANSA Standard**), published by the Australian Radiation Protection and Nuclear Safety Agency (**ARPANSA**);
- the Manual for Use by the Maritime Mobile and Maritime Mobile-Satellite Services, published by the ITU.

Each of IEC 61993-2, IEC 62287.1 and IEC 62287.2 is incorporated as existing at particular times, namely, the times each maritime ship station operated under the Maritime Ship Station Class Licence was manufactured in Australia, imported, or altered or modified in Australia after it was manufactured or imported (see section 9 of the Maritime Ship Station Class Licence). Each of IEC 61993-2, IEC 62287.1 and IEC 62287.2 is available, for a fee, from the International Electrotechnical Commission's website at www.iec.ch. The Manual for Use by the Maritime Mobile and Maritime Mobile-Satellite Services is incorporated as existing from time to time and is available, for a fee, from the ITU's website at www.itu.int. These documents are also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

The ARPANSA Standard is incorporated as existing from time to time and is available, free of charge, from ARPANSA's website at www.arpansa.gov.au.

Consultation

Before the Maritime Coast LCD and the Maritime Ship Station Class Licence 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.

The ACMA published drafts of the Maritime Coast LCD and the Maritime Ship Station Class Licence and an accompanying consultation paper on the ACMA website on 12 May 2025 for a period of six weeks to 23 June 2025. The consultation paper invited comments on the proposed drafts of the Maritime Coast LCD and the Maritime Ship Station Class Licence. The consultation paper also invited comments on the ACMA's proposal to repeal the Maritime Omnibus Variation Instrument and allow the *Radiocommunications Licence Conditions (Major Coast Receive) Determination 2015* to sunset. The ACMA used its bulletin subscription service to notify interested stakeholders and the public about the publication. AMSA and relevant State and Territory authorities were advised of the publication directly.

The ACMA received two submissions in response to the consultation paper. The submission received from AMSA supported all of ACMA's proposals, including remaking the Maritime Coast LCD and Maritime Ship Station Class Licence as proposed. The ACMA consulted with AMSA throughout the remaking process to ensure that the Maritime Coast LCD and Maritime Ship Station Class Licence reflect the current international practices used in maritime communications. The other submission made technical suggestions and identified some minor drafting matters that have been rectified in the Maritime Coast LCD and the Maritime Ship Station Class Licence.

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.

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

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Attachment A

Notes to the *Radiocommunications Licence Conditions (Maritime Coast Licence) Determination 2025*

Part 1 – Preliminary

Section 1 Name

This section provides for the Maritime Coast LCD to be cited as the *Radiocommunications Licence Conditions (Maritime Coast Licence) Determination 2025*.

Section 2 Commencement

This section provides for the Maritime Coast LCD to commence at the start of the day after the day it is registered on the Federal Register of Legislation.

The Federal Register of Legislation may be accessed free of charge at www.legislation.gov.au.

Section 3 Authority

This section identifies the provision of the Act that authorises the making of the Maritime Coast LCD, namely subsection 110A(2) of the Act.

Section 4 Repeal

This section provides that the 2015 Determination is repealed.

Section 5 Interpretation

This section defines a number of key terms used throughout the Maritime Coast LCD. A number of other expressions used in the instrument are defined in the Act, by a determination made under subsection 64(1) of the *Australian Communications and Media Authority Act 2005*, or by the Radio Regulations.

This section also provides that unless the contrary intention appears, no condition imposed by the Maritime Coast LCD limits any other condition so imposed.

Section 6 References to other instruments

This section provides that in the Maritime Coast LCD, 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 or writing is a reference to that other instrument or writing as in force, or existing, from time to time.

Part 2 – Conditions – all maritime coast licences

Section 7 Application and interpretation of Part 2

Section 7 provides that every maritime coast licence is subject to the conditions in Part 2, except when a condition is specified in the licence under paragraph 107(1)(g) of the Act, or imposed on the licence under paragraph 111(1)(a) of the Act that is inconsistent with a condition in Part 2.

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Section 8 Conditions – responding to distress communications, urgency communications or safety communications, and record-keeping

Section 8 imposes a condition on a person that operates a maritime coast station that receives a distress communication, an urgency communication or a safety communication from another station. The condition provides that, if that communication is not immediately acknowledged by another maritime coast station, the person must acknowledge and forward the communication to an appropriate station or authority by the quickest and most effective means available. The licensee must also record specified information about the communication, the action taken to comply with the requirements of subsection (2), and must retain such records for 2 years.

If a licensee who is required to make and retain a record is an 'organisation' within the meaning of the *Privacy Act 1988*, and the record contains personal information, then the licensee may have to comply with the Australian Privacy Principles in the handling of that information. A person will not be an 'organisation' under the *Privacy Act 1988* if, among other things, the person is a 'small business operator' within the meaning of that Act. Section 6D of the *Privacy Act 1988* sets out how to work out whether a person is a small business operator.

There may be some cases where a licensee who is required to make and retain a record is not an 'organisation' under the *Privacy Act 1988*. Where this is the case, the Office of the Australian Information Commissioner has issued general advice to the effect that such persons should, as a matter of best practice, protect any personal information they hold, and should consider whether to opt-in to the *Privacy Act 1988*, given the benefits that may result. More information can be obtained from the website of the Office of the Australian Information Commissioner at www.oaic.gov.au.

Part 3 – Conditions – maritime coast licences (major coast A station)

Section 9 Application and interpretation of Part 3

Section 9 provides that every maritime coast licence (major coast A station) is subject to the conditions specified in Part 3, except when a condition is specified in the licence under paragraph 107(1)(g) of the Act, or imposed on the licence under paragraph 111(1)(a) of the Act that is inconsistent with a condition in Part 3. A major coast A station is a maritime coast station that is operated on land principally for transmitting messages to, and receiving messages from, maritime ship stations.

Section 10 Condition – compliance with particular documents

Section 10 provides that a person must not operate a radiocommunications device that is part of a major coast A station, unless the device complies with one or more specified Appendices of the Radio Regulations, to the extent the Appendix applies to the device, as existing on the 'device compliance day'. The device compliance day for a major coast A station is the day the station was manufactured in Australia, imported into Australia, or modified or altered in Australia in a material respect.

Section 11 Condition – providing services to maritime ship stations

Section 11 provides that the only services that a person operating a major coast A station can provide to maritime ship stations are those that relate to communications for search and rescue operations, weather forecasts, navigational warnings, public correspondence or maintaining a continuous listening watch on international distress frequencies.

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Section 12 Conditions – qualifications

Section 12 provides that a person who operates a major coast A station must be the holder of one of the following:

- a GMDSS radio operator certificate, issued by AMSA under the *Navigation Act 2012*;
- a qualification recognised by AMSA under *Marine Order 70 (Seafarer certification) 2014* as an equivalent qualification to the GMDSS radio operator certificate; or
- a specified certificate of proficiency issued under the Act.

Section 13 Conditions – identification of station

Section 13 requires a person operating a major coast A station to identify the station, by the station's call sign, by another form of identification or, in some cases, by the use of a maritime mobile service identity (**MMSI**) issued by AMSA. An MMSI is a unique international identity that is entered into certain marine radiocommunications equipment. Certain transmissions, including those using digital select calling for distress communications, will include the embedded MMSI, which assists emergency services to identify the vessel in distress. Issuance and management of MMSIs is a requirement of the Radio Regulations. The use of equipment that makes transmissions with embedded MMSI is a requirement for some licences through Marine Orders made by AMSA under the *Navigation Act 2012*, which reflect requirements of the SOLAS Convention.

A Memorandum of Understanding (**MOU**) between AMSA and the ACMA facilitates cooperation between the agencies regarding search and rescue operations. The MOU has been in place since December 2005 and includes processes regarding AMSA issuing MMSI.

The ACMA notes guidance provided by the Administrative Review Council regarding the provision of merits review for administrative decisions. The ACMA considers that a decision regarding the issuing MMSI by AMSA is a decision that is unsuitable for merits review.

In practice, AMSA has limited discretion whether or not to issue an MMSI. AMSA's decision will need to accord with international processes and obligations derived from the Radio Regulations, the International Maritime Organization and the SOLAS Convention. In practice, it is largely an 'automatic' decision, in that if a person applies for an MMSI, AMSA will almost always issue an MMSI. Where a decision is made by AMSA not to issue an MMSI, it is expected that this would be due to either a lack of information provided in the application, or the unlikely event that Australia exhausts its MMSI allocation from the ITU. The Radio Regulations include provisions for seeking additional marine identifications digits used in MMSI, prior to the exhaustion of a country's allocation. There is no cost to an applicant in applying for an MMSI. AMSA currently maintains a register of MMSIs, and issues MMSIs free of charge. Where a decision is made not to issue an MMSI, the applicant could continue to work with AMSA to provide missing details or submit a new complete application.

Part 4 – Conditions – maritime coast licences (limited coast assigned system station)

Section 14 Application and interpretation of Part 4

Section 14 provides that every maritime coast licence (limited coast assigned system station) is subject to the conditions specified in Part 4, except when a condition is specified in the licence under paragraph 107(1)(g) of the Act, or imposed on the licence under paragraph 111(1)(a) of the Act that is

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inconsistent with a condition in Part 4. A limited coast assigned system station is a maritime coast station that is operated principally for communication with maritime ship stations that are in the same system of stations as the maritime coast station.

Section 15 Conditions – compliance with particular documents

Section 15 provides that a person must not operate a radiocommunications device that is part of a limited coast assigned system station that includes Automatic identification System (**AIS**) equipment, unless the device complies with any of IEC 62320-1, IEC 62320-2 or IEC 62320-3, to the extent the document applies to the device, as existing on the 'device compliance day'. The device compliance day for a limited coast assigned system station is the day the station was manufactured in Australia, imported into Australia, or modified or altered in Australia in a material respect.

Section 16 Condition – no public correspondence

Section 16 provides that a person must not operate a limited coast assigned system station for public correspondence. Public correspondence is a telecommunication (within the meaning given by the Radio Regulations) that is accepted for transmission by a station because the station is available for use by the public, or by a person or body because the person or body is required, under a licence, to accept the telecommunication from the public for transmission. Limited coast assigned system stations are intended to operate only within a particular limited coast assigned system, and to communicate only with stations within that system. As such, they are not suitable for public correspondence.

Section 17 Conditions – qualifications

Section 17 provides that a person who operates a limited coast assigned system station must be, or must be under the supervision of, the holder of a specified certificate of proficiency issued by the ACMA under the Act (depending on the particular frequency on which the station is operated).

Section 18 Condition – repeater station

Section 18 provides that a person must not operate a repeater station to provide a maritime mobile service on a very high frequency to a maritime ship station, unless certain conditions are met. A 'repeater station' is a limited coast assigned system station that is established at a fixed location for the reception and automatic retransmission of radio signals from maritime ship stations, limited coast non assigned stations or limited coast marine rescue stations. The conditions to be met are that:

- the repeater station must be operated principally for communications for safety of ships and persons and movement of ships and must be available for communications at all times and without restriction;
- where physical access to the repeater station is difficult, the person must make available a device which may be operated at another location to terminate transmissions from the repeater station;
- the repeater station must not transmit a signal if:
    - the station did not receive the signal; or
    - the transmission is likely to cause harmful interference;
    - the station has malfunctioned; or
    - the station is connected to a telecommunications network operated by a carrier or carriage service provider;

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- the repeater station must not transmit signals continuously for longer than one minute.

The section provides further conditions for the operation of a repeater station on a frequency mentioned in column 1 of the table in Schedule 6. These are that:

- the frequency of operation is authorised by a maritime coast licence (limited coast assigned system station);
- direct ship-to-shore communications on other very high frequencies is not practicable; and
- the repeater station is operated at a transmit power not exceeding 83 watts EIRP using radiotelephony.

Section 19 Condition – stand-by facility

Section 19 provides that a person must not operate a stand-by facility for a limited coast assigned system station unless the station is not in working order. A stand-by facility is an alternative station that may be operated to ensure service continuity if the primary station becomes inoperable, providing redundancy for the service.

20 Conditions – identification of station

Section 20 provides that a person operating a limited coast assigned system station must identify the station, by the station's call sign, by another form of identification or, in some cases, by the use of a MMSI issued by AMSA. The person must not use a voice privacy device when transmitting the call sign or identification.

Part 5 – Conditions – maritime coast licences (limited coast non assigned station)

Section 21 Application and interpretation of Part 5

Section 21 provides that every maritime coast licence (limited coast non assigned station) is subject to the conditions specified in Part 5, except when a condition is specified in the licence under paragraph 107(1)(g) of the Act, or imposed on the licence under paragraph 111(1)(a) of the Act that is inconsistent with a condition in Part 5. A limited coast non assigned station is a maritime coast station that is operated on shared frequencies under a maritime coast licence.

Section 22 Condition – permitted communications

Section 22 provides that a person must not operate a limited coast non assigned station otherwise than for one of the activities or operations specified in the section.

Section 23 Condition – commercial operations

Section 23 imposes the conditions applicable to the operation of a limited coast non assigned station for commercial operations. The permitted frequencies, maximum transmitter output power, permitted purposes and other limitations are specified in Schedule 1. The station must be operated using radiotelephony.

Section 24 Condition – distress communications, urgency communications, safety communications or calling

Section 24 imposes the conditions applicable to the operation of a limited coast non assigned station for the purpose of distress communications, urgency communications, safety communications, or

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calling operations or activities. The permitted frequencies, maximum transmitter output power and other limitations are specified in Schedule 2.

Section 25 Condition – non-commercial operations

Section 25 imposes the conditions applicable to the operation of a limited coast non assigned station for non-commercial operations. The permitted frequencies, maximum transmitter output power, permitted purposes and limitations are specified in Schedule 3. The station must be operated using radiotelephony.

Section 26 Condition – port operations

Section 26 imposes the conditions applicable to the operation of a limited coast non assigned station for port operations, including the maximum transmitter output power and permitted purposes. The permitted frequencies are specified in Schedule 4. The station must be operated using radiotelephony.

Section 27 Condition – professional fishing operations

Section 27 imposes the conditions applicable to the operation of a limited coast non assigned station for professional fishing operations. The permitted frequencies, maximum transmitter output power, permitted purposes are specified in Schedule 5. The station must be operated using radiotelephony.

Section 28 Condition – no public correspondence

Section 28 provides that a person must not operate a limited coast non assigned station for public correspondence.

Section 29 Conditions – qualifications

Section 29 provides that a person who operates a limited coast non assigned station must be, or must be under the supervision of, the holder of a specified certificate of proficiency issued by the ACMA under the Act.

Section 30 Condition – stand-by facility

Section 30 provides that a person must not operate a stand-by facility for a limited coast non assigned station unless the station is not in working order. A stand-by facility is an alternative station that may be operated to ensure service continuity if the primary station becomes inoperable, providing redundancy for the service.

Section 31 Conditions – identification of station

Section 31 requires a person operating a limited coast non assigned station to identify the station, by the station's call sign, by another form of identification or, in some cases, by the use of a MMSI issued by AMSA. The person must not use a voice privacy device when transmitting the call sign or identification.

Section 32 Condition – VDES communications

Section 32 imposes the conditions applicable to the operation of a limited coast non assigned station for VHF Data Exchange System (**VDES**) communications, including the maximum transmitter output power and permitted purposes. The permitted frequencies are specified in Schedule 7.

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Part 6 – Conditions – maritime coast licences (limited coast marine rescue station)

Section 33 Application and interpretation of Part 6

Section 33 provides that every maritime coast licence (limited coast marine rescue station) is subject to the conditions specified in Part 6, except when a condition is specified in the licence under paragraph 107(1)(g) of the Act, or imposed on the licence under paragraph 111(1)(a) of the Act that is inconsistent with a condition in Part 6. A limited coast marine rescue station is a maritime coast station that is operated by a body that is prepared to provide a maritime emergency radiocommunications service to vessels at sea without discrimination.

Section 34 Condition – permitted communications

Section 34 provides that a person must not operate a limited coast marine rescue station otherwise than for one of the activities or operations specified in the section.

Section 35 Condition – commercial operations

Section 35 imposes the conditions applicable to the operation of a limited coast marine rescue station for commercial operations. The permitted frequencies, maximum transmitter output power, permitted purposes and other limitations are specified in Schedule 1. The station must be operated using radiotelephony.

Section 36 Condition – distress communications, urgency communications, safety communications or calling

Section 36 imposes the conditions applicable to the operation of a limited coast marine rescue station for the purpose of distress communications, urgency communications, safety communications, or calling. The permitted frequencies, maximum transmitter output power and other limitations are specified in Schedule 2.

Section 37 Condition – non-commercial operations

Section 37 imposes the conditions applicable to the operation of a limited coast marine rescue station for non-commercial operations. The permitted frequencies, maximum transmitter output power, purposes and limitations are specified in Schedule 3. The station must be operated using radiotelephony.

Section 38 Condition – port operations

Section 38 imposes the conditions applicable to the operation of a limited coast marine rescue station for port operations including the maximum transmitter output power and permitted purposes. The permitted frequencies are specified in Schedule 4. The station must be operated using radiotelephony.

Section 39 Condition – professional fishing operations

Section 39 imposes the conditions applicable to the operation of a limited coast marine rescue station for professional fishing operations. The permitted frequencies, maximum transmitter output power, and permitted purposes are specified in Schedule 5. The station must be operated using radiotelephony.

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Section 40 Condition – no public correspondence

Section 40 provides that a person must not operate a limited coast marine rescue station for public correspondence.

Section 41 Condition – qualifications

Section 41 provides that a person who operates a limited coast marine rescue station must be, or must be under the supervision of, the holder of a specified certificate of proficiency issued by the ACMA under the Act.

Section 42 Condition – stand-by facility

Section 42 provides that a person must not operate a stand-by facility for a limited coast marine rescue station unless the station is not in working order. A stand-by facility is an alternative station that may be operated to ensure service continuity if the primary station becomes inoperable, providing redundancy for the service.

Section 43 Condition – provision of maritime mobile service in emergencies

Section 43 provides that a person operating a limited coast marine rescue station must provide a maritime mobile service in emergencies to ships at sea, without discrimination. This includes a requirement to provide a listening watch. The section specifies the frequencies on which the station must receive and transmit, which are the frequencies allocated internationally for the purpose of distress communications in the Radio Regulations.

Section 44 Conditions – identification of station

Section 44 requires a person operating a limited coast marine rescue station to identify the station, by the station's call sign, by another form of identification or, in some cases, by the use of a MMSI issued by AMSA. The person must not use a voice privacy device when transmitting the call sign or identification.

Schedule 1–Commercial operations

This Schedule specifies the permitted receive and transmit frequencies, the maximum transmitter output power and other limitations relating to the operation of limited coast non assigned stations or limited coast marine rescue stations for commercial operations.

Schedule 2–Distress, urgency, safety or calling communications

This Schedule specifies the permitted receive and transmit frequencies, the maximum transmitter output power, the permitted purposes and other limitations relating to the operation of limited coast non assigned stations or limited coast marine rescue stations for distress, urgency or safety communications, or calling.

Schedule 3–Non-commercial operations

This Schedule specifies the permitted receive and transmit frequencies, the maximum transmitter output power, the permitted purposes and other limitations relating to the operation of limited coast non assigned stations or limited coast marine rescue stations for non-commercial operations.

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Schedule 4–Port operations

This Schedule specifies the permitted receive and transmit frequencies relating to the operation of limited coast non assigned stations or limited coast marine rescue stations for port operations.

Schedule 5–Professional fishing operations

This Schedule specifies the permitted frequencies, the maximum transmitter output power and permitted purposes relating to the operation of limited coast non assigned stations or limited coast marine rescue stations for professional fishing operations.

Schedule 6–Repeater stations

This Schedule specifies the permitted receive and transmit frequencies relating to the operation of limited coast assigned system stations when communicating using a repeater station.

Schedule 7–VHF Data Exchange System (VDES)

This Schedule specifies the permitted receive and transmit frequencies relating to the operation of limited coast non assigned stations for VHF Data Exchange System (VDES) purposes.

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Attachment B

Notes to the *Radiocommunications (Maritime Ship Station) Class Licence 2025*

Part 1 – Preliminary

Section 1 Name

This section provides for the Maritime Ship Station Class Licence to be cited as the *Radiocommunications (Maritime Ship Station) Class Licence 2025.*

Section 2 Commencement

This section provides for the Maritime Ship Station Class Licence to commence at the start of 1 October 2025.

Section 3 Authority

This section identifies the provision of the Act that authorises the making of the Maritime Ship Station Class Licence, namely section 132 of the Act.

Section 4 Repeal of instrument

This section provides that Maritime Omnibus Variation Instrument is repealed.

Section 5 Interpretation

This section defines a number of key terms used throughout the Maritime Ship Station Class Licence. A number of other expressions used in the instrument are defined in the Act, by a determination made under subsection 64(1) of the *Australian Communications and Media Authority Act 2005*, or by the Radio Regulations.

This section also provides that unless the contrary intention appears, no condition imposed by Part 3 of the Maritime Ship Station Class Licence limits any other condition imposed under that Part.

Section 6 References to other instruments

This section provides that in the Maritime Ship Station Class Licence, 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 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 7 Class licence

This section authorises a person to operate a maritime ship station on board an Australian ship, subject to the conditions in Part 3.

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Part 3 – Conditions

Section 8 Operation – compliance with ARPANSA Standard

Section 8 provides that a person must not operate a maritime ship station, or a group of maritime ship stations, if the electromagnetic energy emitted by the station, or by the group, exceeds the general public exposure limits specified in the ARPANSA Standard in a place accessible by the public.

Section 9 Operation – compliance with particular documents

Section 9 provides that a person must not operate a maritime ship station unless the station complies with each of IEC 61993-2, IEC 62287.1 or IEC 62287.2, to the extent the document applies to the device, as existing on the 'device compliance day'. The device compliance day for a maritime ship station is the day the station was manufactured in Australia, imported into Australia, or modified or altered in Australia in a material respect.

Section 10 Operation – water use only

Section 10 provides that a maritime ship station must not be operated on land.

Section 11 Operation – qualifications

Section 11 provides that a person who operates a maritime ship station using VHF must be, or must be under the supervision of, a holder of one of the specified qualifications, subject to where the station is operated.

The Australian waters qualification is the minimum mandatory qualification for a person who operates a maritime ship station using VHF within the Australian territorial sea and within Australia (including inland waterways). A person who operates a maritime ship station using VHF beyond the limits of the Australian territorial sea must hold:

- a GMDSS certificate, or a qualification recognised by AMSA as equivalent to a GMDSS certificate, in accordance with Division 4 of *Marine Order 70 (Seafarer certification) 2014*; or
- a specified certificate of proficiency, or a qualification that complies with the requirements for an operator's certificate in Article 47 of the Radio Regulations and is equivalent to a specified certificate of proficiency.

Section 119 of the Act allows the ACMA to determine, by written instrument, that persons operating transmitters under certain classes of transmitters licence must be qualified operators. A person is a qualified operator if the person holds a certificate of proficiency issued by the ACMA under section 121 of the Act.

The *Radiocommunications (Qualified Operators) Determination 2016* (the **Qualified Operators Determination**) sets out the transmitter licences for which an operator must be a qualified operator and provides an exception to these requirements if a licensee holds a foreign issued certificate that meets the requirements of the determination.

A class licence is not issued to an individual, nor does class licencing result in a transmitter licence being issued. However, as certificate requirements across maritime radio instruments are the same, it

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is appropriate that a certificate of proficiency issued for the purposes of certain transmitter licences also be a suitable qualification for the purposes of the Maritime Ship Station Class Licence.

Section 12 Operation – beyond the Australian territorial sea

Section 16 of the Act provides that the Act applies outside Australia (whether or not in a foreign country), but only in relation to certain matters, including Australian vessels, and members of the crew of Australian vessels.

Section 12 provides that the operation of a maritime ship station outside the Australian territorial sea must generally comply with:

- international law requirements; and
- if the station is in the territorial sea of another country – the requirements of that country.

Section 13 Operation – identification of station

Section 13 requires a person operating a maritime ship station to identify the station, by the station's call sign, by another form of identification or, in some cases, by the use of an MMSI issued by AMSA.

An MMSI is a unique international identity that is entered into certain marine radiocommunications equipment. Certain transmissions, including those using digital select calling for distress communications, will include the embedded MMSI, which assists emergency services to identify the vessel in distress. Issuance and management of MMSIs is a requirement of the Radio Regulations. The use of equipment that makes transmissions with embedded MMSI is a requirement for some licences through Marine Orders made by AMSA under the *Navigation Act 2012*, which reflect requirements of the SOLAS Convention.

The MOU between AMSA and the ACMA facilitates cooperation between the agencies regarding search and rescue operations. The MOU has been in place since December 2005 and includes processes regarding AMSA issuing MMSI.

The ACMA notes guidance provided by the Administrative Review Council regarding the provision of merits review for administrative decisions. The ACMA considers that a decision regarding the issuing of MMSI by AMSA is a decision that is unsuitable for merits review.

In practice AMSA has limited discretion whether or not to issue an MMSI. AMSA's decision will need to accord with international processes and obligations derived from the Radio Regulations, the International Maritime Organization and the SOLAS Convention. In practice, it is largely an 'automatic' decision, in that if a person applies for an MMSI, AMSA will almost always issue an MMSI. Where a decision is made by AMSA not to issue an MMSI, it is expected that this would be due to either a lack of information provided in the application, or the unlikely event that Australia exhausts its MMSI allocation from the ITU. The Radio Regulations include provisions for seeking additional marine identifications digits used in MMSI, prior to the exhaustion of a country's allocation. There is no cost to an applicant in applying for an MMSI. AMSA currently maintains a register of MMSIs, and issues MMSIs free of charge. Where a decision is made not to issue an MMSI, the applicant could continue to work with AMSA to provide missing details or submit a new complete application.

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Section 14 Purpose of operation – distress communications, urgency communications, safety communications, or calling

Section 14 imposes the conditions applicable to the operation of maritime ship stations for distress communications, urgency communications, safety communications, or calling. The permitted frequencies, maximum transmitter output power, stations that may be communicated with, permitted purposes and other limitations are specified in Schedule 1.

Section 15 Purpose of operation – public correspondence

Section 15 imposes a condition applicable to the operation of maritime ship stations for public correspondence, including the maximum transmitter output power and stations that may be communicated with. The permitted frequencies are specified in Schedule 2.

Section 16 Purpose of operation – commercial operations

Section 16 imposes a condition applicable to the operation of maritime ship stations for commercial operations. The permitted frequencies, maximum transmitter output power and stations that may be communicated with are specified in Schedule 3.

Section 17 Purpose of operation – non-commercial operations

Section 17 imposes a condition applicable to the operation of maritime ship stations for non-commercial operations. The permitted frequencies, maximum transmitter output power, stations that may be communicated with, permitted purposes and other limitations are specified in Schedule 4.

Section 18 Purpose of operation – port operations

Section 18 imposes a condition applicable to the operation of maritime ship stations for port operations. The permitted frequencies, maximum transmitter output power, permitted purposes and stations that may be communicated with are specified in Schedule 5.

Section 19 Purpose of operation – professional fishing operations

Section 19 imposes a condition applicable to the operation of maritime ship stations for professional fishing operations. The permitted frequencies, maximum transmitter output power, permitted purposes and stations that may be communicated with are specified in Schedule 6.

Section 20 Purpose of operation – radiodetermination

Section 20 imposes a condition applicable to the operation of maritime ship stations for radiodetermination including the permitted frequencies, maximum transmitter output power and permitted purpose.

Section 21 Purpose of operation – on-board communications

Section 21 imposes a condition applicable to the operation of maritime ship stations for on-board communications, including the permitted frequencies and maximum transmitter output power.

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Section 22 Purpose of operation – Automatic Identification System (AIS)

Section 22 imposes a condition on the operation of maritime ship stations for AIS purposes. This is a system recognised by the Radio Regulations that uses automatic tracking technology in particular frequencies. The condition requires the use of specific frequencies and a maximum power.

Section 23 Purpose of operation – VDES communications

Section 23 imposes a condition on the operation of maritime ship stations for VDES purposes. This is a system recognised by the Radio Regulations that integrates the AIS and other systems in particular frequencies. The condition requires the use of specific frequencies and a maximum power, and operation for specific purposes, set out in Schedule 7. Other limitations also apply to the use of particular frequencies.

Section 24 Purpose of operation – ASM

Section 24 imposes conditions on the operation of maritime ship stations for Application Specific Messages (**ASM**) purposes. These are messages recognised by the Radio Regulations and developed to allow for added functionality in the exchange of information using the AIS. The conditions require the use of specific frequencies and a maximum power.

Schedule 1–Distress, urgency or safety communications, or calling

This Schedule specifies the permitted receive and transmit frequencies, the maximum transmitter output power, the stations that may be communicated with, and the purposes and limitations relating to the operation of maritime ship stations for the purposes of distress, urgency or safety communications, or calling.

Schedule 2–Public correspondence

This Schedule specifies the permitted receive and transmit frequencies relating to the operation of maritime ship stations for the purposes of public correspondence.

Schedule 3–Commercial operations

This Schedule specifies the permitted receive and transmit frequencies, the maximum transmitter output power and the stations that may be communicated with relating to the operation of maritime ship stations for the purposes of commercial operations.

Schedule 4–Non-commercial operations

This Schedule specifies the permitted receive and transmit frequencies, the maximum transmitter output power, the stations that may be communicated with, and the purposes and limitations relating to the operation of maritime ship stations for non-commercial operations.

Schedule 5–Port operations

This Schedule specifies the permitted receive and transmit frequencies, the maximum transmitter output power, the stations that may be communicated with, and the purposes relating to the operation of maritime ship stations for port operations.

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Schedule 6–Professional fishing operations

This Schedule specifies the permitted frequencies, the maximum transmitter output power, the stations that may be communicated with, and the purposes relating to the operation of maritime ship stations for professional fishing operations.

Schedule 7–VHF Data Exchange System (VDES)

This Schedule specifies the permitted receive and transmit frequencies, the maximum transmitter output power, and the purposes and limitations relating to the operation of maritime ship stations for VDES purposes.

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Attachment C

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 Licence Conditions (Maritime Coast Licence) Determination 2025

Radiocommunications (Maritime Ship Station) Class Licence 2025

Overview of the instruments

An apparatus licence may be either a transmitter licence or a receiver licence. Maritime coast licences are a type of transmitter licence and generally authorise the operation of a 'maritime coast station' (that is, broadly speaking, a radiocommunications transmitter on land that communicates with ships). Maritime coast stations in Australia are used to provide search and rescue assistance to ships in distress, while also providing commercial and recreational communications for marine users.

The Maritime Coast LCD specifies the conditions regarding the operation of maritime coast stations, including the operating frequencies for some stations, and the maximum power that may be used for various technologies or purposes. Several of these conditions provide for the domestic implementation of requirements from international law, conventions and agreements.

A class licence sets out the conditions under which any person is permitted to operate any device to which the class licence is applicable; it is not issued to an individual user, and does not involve the payment of licence fees.

The Maritime Ship Station Class Licence authorises the operation of particular radiocommunications devices in the 27 MHz and VHF maritime mobile band, subject to specified conditions.

The Maritime Coast LCD and Maritime Ship Station Class Licence, in conjunction with other maritime radiocommunication instruments, are intended to ensure that maritime coast and ship stations use the appropriate maritime frequencies, transmitter output power and protocols to minimise the potential for interference to maritime radiocommunications. These frequencies, powers and protocols are set internationally and used by all commercial shipping and recreational boaters around the world. Compliance with the conditions imposed by the Maritime Coast LCD and Maritime Ship Station Class Licence helps to maintain the safety and integrity of maritime radiocommunications.

Human rights implications

The ACMA has assessed whether the Maritime Coast LCD and Maritime Ship Station Class Licence 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.

Freedom of expression

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

1. Everyone shall have the right to hold opinions without interference.

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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 public health or morals

Having considered the likely impact of the instruments and the nature of the applicable rights and freedoms, the ACMA has formed the view that the Maritime Coast LCD and Maritime Ship Station Class Licence both engage the right to freedom of expression. This is because the Maritime Coast LCD and Maritime Ship Station Class Licence specify the conditions that apply to the operation of a coast station or a ship station under the respective licences. The conditions specified include the types of communication permitted, the stations that may be communicated with, call sign usage, operator qualifications and permitted operating frequencies.

Consistent with other maritime radiocommunication instruments, the Maritime Coast LCD and Maritime Ship Station Class Licence implement the distress, safety and urgency frequencies and procedures from the ITU Radio Regulations, which support the global maritime distress and safety system (the **GMDSS**). The GMDSS enables coast stations and ship stations to communicate using channels allocated internationally for use in the event of a risk to the safety of a person or a ship, as well as to provide meteorological warnings and forecasts. The concept of GMDSS is that search and rescue authorities, as well as ships within the immediate vicinity of a vessel in distress, will be rapidly alerted to a distress incident thereby supporting maritime search and rescue.

Without such conditions imposed, there would be a significant risk of interference to maritime radiocommunications, and of communications that are irrelevant to maritime radiocommunications, leading to an increased threat to life in the event of an incident at sea, threatening the protection of public health and safety, and an overall reduction in spectrum efficiency.

The ACMA has formed the view that the restrictions imposed are permissible because they achieve a legitimate objective. The object of the Act is to promote the long-term public interest derived from the use of the spectrum by providing for the management of the spectrum in a manner that, among other things, facilitates the use of the spectrum for commercial purposes and non-commercial purposes, including public safety. To avoid interference between multiple users, operation of a radiocommunications device, or possession of equipment for the purposes of operation of a radiocommunication device, must be licensed under the Act. One objective of licensing is to ensure that interference between users of the spectrum is minimised, thereby ensuring all individuals have greater access to freedom of expression when utilising the radiofrequency spectrum to communicate.

The objectives of the Maritime Coast LCD and Maritime Ship Station Class Licence are to ensure the integrity of maritime radiocommunications, specifically by preventing a person who does not meet specified criteria from being authorised to operate a radiocommunications transmitter under a licence, and by confining the use of such radiocommunications transmitters to specific purposes. If the Maritime Coast LCD and Maritime Ship Station Class Licence did not exist, there would be an increased risk of interference to stations that operate under licences for purposes including ports and

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ship movement, commercial operations, as well as search and rescue response in the event of an emergency incident. Subsequently, this would reduce overall spectrum efficiency, be a threat to safety of life at sea and negatively impact other maritime services.

Right to life

Article 6 (1) of the International Covenant on Civil and Political Rights provides that every human being has the inherent right to life. It goes on to say that this right shall be protected by law and that no one shall be arbitrarily deprived of his life.

The ACMA has formed the view that the objectives of the Maritime Coast LCD and Maritime Ship Station Class Licence tangentially support this article, but that the instruments do not engage in the right to life. This is because the Maritime Coast LCD and Maritime Ship Station Class Licence impose conditions that are directed towards ensuring that maritime radiocommunications are conducted in a consistent way and by authorised people who are trained in how to manage distress, safety and urgency communications. Without these conditions there would be an increased risk that a person making or receiving distress, urgency or safety communications would be ill-prepared and potentially unaware of procedures to follow in the event of a threat to the safety of life at sea. This may impact the speed at which appropriate actions are taken to support persons in distress and may also delay search and rescue responses by the appropriate authorities.

Conclusion

The Maritime Coast LCD and Maritime Ship Station Class Licence are compatible with human rights because the restrictions on the freedom of expression that they create are for a legitimate purpose and reasonable and proportionate to support safety of life at sea and ensure that the integrity of maritime radiocommunications is preserved. The conditions in these instruments are consistent with Australia's international obligations. These conditions are also tangential in promoting the right to life in distress situations by ensuring marine radio operators are trained in managing distress, safety and urgency communications.

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