Proposed changes to outpost licensing arrangements

Non-assigned outpost stations

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Executive summary

The Australian Communications and Media Authority (ACMA) is reviewing regulatory arrangements for the operation of non-assigned outpost and amateur stations, as indicated in the [*Five-year spectrum outlook 2020–24*](https://www.acma.gov.au/publications/2020-09/publication/five-year-spectrum-outlook-2020-24) (FYSO). This paper discusses proposals for changes to outpost licensing arrangements. A separate consultation paper discusses proposals for changes to the arrangements for amateur licences.

The objective of the review is to identify the best licensing mechanism that would reduce regulatory burden and minimise costs for licensees, while preserving the current operational utility for licensees. Consistent with the Australian Government’s [Deregulation Agenda](https://ministers.pmc.gov.au/morton/2020/morrison-governments-deregulation-agenda), the review is examining whether the existing licensing framework best achieves the objective or whether it could be better met through alternative licensing arrangements.

Our review is considering several options to authorise outpost stations, each with varying degrees of regulatory, administrative and financial burden.

We are seeking stakeholder views on the options being considered under the review:

Option A: keep the existing apparatus licensing arrangements and licence conditions

Option B: simplify the current licensing arrangements and licence conditions by amending the [Radiocommunications Licence Conditions (Outpost Licence) Determination 2015](https://www.legislation.gov.au/Details/F2015L01433) (outpost LCD)

Option C: transition to class licensing arrangements for outpost stations operating on common frequencies (non-assigned outpost stations). The operation of outpost stations on specified frequencies (assigned outpost stations) would continue to be authorised under apparatus licences.

# Issue/s for comment

We invite comments on the issues set out in this paper:

The options being considered under the review:

**Option A**: keep the existing apparatus licensing arrangements and licence conditions

**Option B**: simplify the current licensing arrangements and licence conditions by amending the outpost LCD

**Option C**: transition to class licensing arrangements for non-assigned outpost stations. The operation of assigned outpost stations would continue to be authorised under apparatus licences.

The content of the consultation draft class licence for Option C (the draft Radiocommunications (Outpost Station) Class Licence 2021)

The proposal to allow non-assigned outpost station operators to transmit any form of identification that clearly identifies the station or the person operating the station, that is, not limited to using call signs.

Any other issues relevant to our review of the licensing arrangements for operation of non-assigned outpost stations.

# Introduction

In the [*Five-year spectrum outlook 2020–24*](https://www.acma.gov.au/publications/2020-09/publication/five-year-spectrum-outlook-2020-24) (FYSO), we indicated we would undertake a review of non-assigned amateur and outpost licensing arrangements and conditions. Non-assigned licences are apparatus licences that authorise the operation of certain radiocommunications devices on a shared set of operating frequencies within a general part of the spectrum identified for similar activities, as specified in the licence conditions that apply to the licence through the relevant licence condition determination.

Outpost stations provide communications using a radio in remote locations where no other telecommunication services are available. While outpost stations are intended primarily for emergency medical aid, they can be used for certain public communications where there is no connection to a network. If there is a connection to a network available, an outpost station can only be operated during an emergency.

Assigned outpost licences authorise the operation of 'control' stations used to provide emergency medical aid services and certain public correspondence. The Royal Flying Doctor Service (RFDS) is the only organisation currently licensed under this arrangement. Non-assigned outpost licences authorise stations to communicate with the 'control' stations on a list of designated frequencies and specified conditions. Communication between non-assigned stations is also permitted under certain conditions.

We have reviewed the outpost licensing framework to assess whether it reflects the best licensing arrangements and efficiently and effectively manages spectrum, consistent with the ACMA’s statutory role as the spectrum regulator. Our review identified alternative options to simplify the current arrangements, provide users with greater operational flexibility and minimise costs faced by licensees and the ACMA. These options are to simplify the current licensing arrangements by amending the outpost LCD or to transition non-assigned outpost stations to class licensing arrangements, while retaining apparatus licensing to authorise the operation of assigned amateur stations.

We are now consulting on the options considered under the review and our preferred option to transition from an apparatus to class licensing mechanism to authorise the operation of non-assigned outpost stations. The operation of assigned outpost stations would continue to be authorised under apparatus licensing arrangements.

## Licensing of radiocommunications devices

Under sections 46 and 47 of the *Radiocommunications Act 1992* (the Act), it is unlawful to possess or operate a radiocommunications device in Australia unless it is authorised by a licence.[[1]](#footnote-1) The Act permits the ACMA to issue 3 types of licences to authorise the operation of radiocommunications devices – spectrum, apparatus and class.

The appropriate licence type for a particular part of the spectrum will be determined by a range of factors including:

the potential uses of that part of the spectrum

the likely number of possible users

whether potential users are likely to seek access to one site or across a defined access area

whether all likely future high-value uses can be accommodated in a single technical framework.

Spectrum licences are typically used to provide mobile telecommunications and broadband services. They have historically been issued through an auction process to authorise the use of large bandwidths of spectrum over large geographic areas.

Apparatus licences generally authorise the operation of a specific transmitter at a specific location or area at a specific frequency. We may issue different types of apparatus licences as specified in theRadiocommunications (Specified Radiocommunications Receivers and Types of Transmitter Licences and Receiver Licences) Determination 2014*.* There are 23 types of apparatus licence we may issue (17 transmitter licence types and 6 receiver licence types[[2]](#footnote-2)), including outpost licences. There are numerous ‘sub-types’ of licences, created through different sets of licence conditions and technical planning guidelines, which reflect different use cases and services.

There is a small number of ‘non-assigned apparatus licences’ that do not have an assigned frequency or location but allow users to operate on a shared set of frequencies Australia-wide. These licences are subject to conditions specified in an associated licence conditions determination (LCD), which includes the range of frequencies that can be used and other restrictions on the operation of such stations.

All apparatus licences are subject to charges for licence issue and renewal, and an annual tax amount.

Class licences are general authorisations to operate a radiocommunications device of a specified kind, or for a specified purpose, or of a specified kind for a specified purpose on shared frequencies specified in the class licence, providing the operation meets conditions in that class licence. As class licences are broad legislative authorisations, there is no licence issue or renewal, and therefore no associated licensing costs.

Class licensing is broadly similar to non-assigned apparatus licensing, as both enable people to operate devices on a shared set of frequencies. However non-assigned apparatus licensing relies on individual licences being issued before operation, which enables greater regulatory oversight of licensees where necessary, but at a greater cost to both the ACMA and licensees.

Given the similar utility that both non-assigned apparatus licensing and class licensing can provide for users, it is worth considering whether the additional regulatory oversight (and associated costs) for non-assigned licensees is warranted for the outpost service.

## The outpost service

Outpost stations operate in the medium frequency (MF, 300 to 3000 KHz) and high frequency (HF, 3 to 30 MHz) bands. They are fixed or mobile stations used for radiocommunications in remote locations where a connection to a telecommunications network operated by a carrier or carriage service provider is not provided or is not available.

### Outpost radio licensing

Fixed or mobile outpost stations are authorised under an apparatus licence issued by the ACMA under section 100 of the Act. All apparatus licensees are subject to the conditions specified in the Act, conditions set out in the [Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015](https://www.legislation.gov.au/Details/F2019C00870)[[3]](#footnote-3), as well as any special conditions specified in their licence.

Outpost apparatus licensees must also comply with the conditions in the [outpost](https://www.legislation.gov.au/Details/F2015L01433) LCD. The conditions address operational requirements such as maximum transmitter output power, how to handle ‘public correspondence’, and how to identify the station when transmitting. For non-assigned outpost licensees, there are additional conditions, including requirements to comply with technical standards, operating frequencies and permitted uses.

As of 27 January 2021, there were 2,221 (2,213 non-assigned and 8 assigned) outpost licences listed in the [Register of Radiocommunications Licences](https://web.acma.gov.au/rrl/register_search.main_page).[[4]](#footnote-4) These licences are held by approximately 1,000 licensees.

#### Assigned licences

The RFDS is a charitable organisation that provides emergency aeromedical evacuations throughout rural and remote Australia for people who are seriously ill or injured and require urgent medical attention. It also provides primary health care services to people who live or work in rural and remote parts of Australia. The RFDS is currently the only organisation issued with assigned outpost licences.[[5]](#footnote-5)

Assigned outpost licences authorise the RFDS to operate ‘control stations’ on frequencies specified in the licence for each station. Control stations provide communications to coordinate the delivery of emergency medical-aid services and can also be used to transmit some public communications if there are no other communication services available. RFDS control stations are subject to the conditions specified in Part 2 of the outpost LCD.

The current assigned outpost station arrangements and the ACMA’s policies provide the RFDS with protection from interference caused by other spectrum users.

The options discussed in this paper do not impact the operation of RFDS control stations, as it is proposed that they will continue to be authorised under assigned outpost station apparatus licences.

#### Non-assigned licences

All other outpost station users are issued with non-assigned outpost licences, which authorise the operation of outpost stations in particular locations, on shared frequencies, to communicate with RFDS stations and other outpost stations for specified purposes. Those purposes primarily relate to seeking emergency medical aid.

They can also communicate with other non-assigned outpost users for specific purposes, namely, to communicate at a location where there is no connection to a telecommunications network, to participate in a community interest session, or to transmit and receive messages in distress or emergency situations.

Non-assigned outpost licensees typically live in, work in, or are travelling through remote locations. They include police and emergency services, people who live in remote communities, people who work on farms or at mining sites, four-wheel driving club members, and open road travellers.

The costs associated with a non-assigned outpost licence are currently a $7 issue charge, a $4 renewal charge, and an annual tax amount of $41.83.

A non-assigned outpost station may be operated on one or more of the shared frequencies specified in the outpost LCD.

## Other remote area radio services

There are other licensing options for radiocommunications services in remote areas. For example, distance education providers may be authorised under a point-to-multipoint land mobile licence. Other services, including those used by commercial providers of emergency medical aid services in remote areas, or touring clubs that connect a network of members by radiocommunications, may use one of several different types of land mobile apparatus licence. These operations are not affected by proposed changes to non-assigned outpost licensing arrangements.

# Review of non-assigned outpost licensing and regulation

The role of the ACMA in regulating the outpost service is to manage the risk of interference to other spectrum users and congestion within frequency bands used by outpost licensees, consistent with our spectrum management role under the Act.

## Case for change

The review of non-assigned outpost licensing will examine whether the existing framework reflects the optimal arrangements for the outpost service, and whether an alternative licensing mechanism could be implemented to reduce any regulatory, administrative and financial burden on licensees and the ACMA.

The Australian Government recently announced its renewed [deregulation agenda](https://ministers.pmc.gov.au/morton/2020/morrison-governments-deregulation-agenda). One of the objectives of the deregulation agenda is to identify and remove requirements in regulation that are unnecessary, impose costs in excess of benefits, are hard to find or understand, and slow and costly to navigate. Our review of non-assigned outpost licensing arrangements is consistent with the Australian Government’s deregulation agenda.

We understand that outpost station users derive a clear benefit from accessing spectrum to communicate with the RFDS and each other. We have, for many years, successfully facilitated use of the spectrum by allocating assigned and non-assigned outpost licences.

For the use of the spectrum by outpost stations, we consider it timely to identify measures that reduce the transaction costs incurred by licensees.

We have identified change proposals consistent with regulatory better practice:

removing unnecessary restrictions on outpost licensees and ensuring continued access to spectrum will use the least cost and least restrictive approach to meet our regulatory role

simplifying the outpost licensing regime to promote both certainty and flexibility for users of spectrum

maintaining the existing technical conditions for outpost stations to ensure interference management adequately balances the cost of interference, while allowing outpost licensees to continue to use allocated frequency bands.

# Options

As well as the current apparatus licensing arrangements, we have identified another 2 options to simplify licence conditions and reduce the regulatory and financial costs associated with non-assigned outpost licensing:

* **Option A:** keep existing apparatus licensing arrangements and conditions
* **Option B:** simplify existing licensing arrangements and conditions

**Option C:** transition non-assigned outpost stations to class licensing arrangements, while retaining apparatus licensing for assigned outpost stations.

Option C is the ACMA’s preferred approach.

## Option A: keep existing apparatus licensing arrangements and conditions

This option maintains the status quo – keeping the current apparatus licensing arrangements for all outpost stations without change to the content of the outpost LCD. Financial and administrative costs for licensees remain the same (subject to changes in applicable charges and taxes, such as the annual tax change for inflation).

## Option B: simplify current apparatus licensing arrangements and conditions

This option keeps the current apparatus licensing arrangements for all outpost stations but removes conditions from the Outpost LCD that we no longer consider necessary to manage spectrum effectively. The readability of the outpost LCD would also be improved by simplifying and streamlining remaining conditions.

Under this option, there would be no change to call sign arrangements. Financial and administrative costs would also remain the same (again, subject to changes in applicable charges and taxes).

## Option C: transition non-assigned outpost stations from apparatus licensing to class licensing arrangements

This option proposes authorising operation of outpost stations, other than those operated by RFDS, through a class licence rather than apparatus licences. Assigned outpost stations operated by the RFDS would continue to be authorised under apparatus licensing arrangements.

### Summary of changes

The ACMA would issue an outpost class licence[[6]](#footnote-6) that authorises the operation of non-assigned outpost stations. The class licence would specify operating conditions, including:

operating frequencies

identifying the station during operation

the specific purposes and situations in which an outpost station can be operated.

Simplify language and streamlining conditions applying to the operation of outpost stations in the class licence.

Exclude the current condition in the outpost LCD that a person operating a non-assigned outpost station must ensure that the station operates only at a time when the RFDS station that the licensee can communicate with is open, and only for a specific purpose.

Allow outpost stations operating under the class licence to identify the station or the person operating the station through any reasonable means, rather than just through call signs assigned by the ACMA.

Repeal the outpost LCD and include special conditions for the operation of assigned outpost stations by the RFDS in individual apparatus licences.

A draft class licence is available alongside this consultation.

### Impact of the Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020 (the Modernisation Act)

The Modernisation Act received Royal Assent on 17 December 2020. The Modernisation Act makes a series of amendments to the Act, including increasing the maximum length of apparatus licences from 5 to 20 years. This change[[7]](#footnote-7) impacts the proposed options A and B.

While longer-duration outpost licences could be issued to relieve some of the administrative burden on the ACMA and licensees, this would not significantly reduce financial costs.

## Relevant radiocommunications considerations

Call signs and station identification

A call sign is a series of letters and numbers that provides a unique designation for a transmitter station. It identifies a station for establishing and maintaining communications.

Article 19 (Identification of stations) of the International Telecommunication Union (ITU) Radio Regulations sets out the requirements for the identification of stations used for transmission of a range of services. These requirements include options for call sign structure, a table of allocations for each member country and a template.

The ITU Radio Regulations provide for several permitted ways to identify a station.[[8]](#footnote-8) For example, when operating a maritime station on 27 MHz and VHF maritime mobile band frequencies only, an operator must use a form of identification that clearly identifies the station. This could be the call sign assigned by the ACMA, but it could also be the name of the vessel, the operator or organisation, or a Maritime Mobile Service Identity. The citizen band radio service (CBRS) is not a service for which transmissions are required to carry identification signals; however, we encourage CBRS operators to use an appropriate form of identification when making transmissions.

An outpost licensee is currently assigned a call sign by the ACMA for use at the time that their outpost licence is issued. The outpost LCD requires outpost station operators to transmit their call signs at the start and end of each transmission, or series of transmissions.

Under Option C, an outpost station user could choose to use alternative forms of station identification, rather than a call sign. Other forms of station identification that may be used to adequately identify the station could include the operator’s name, SelCall number[[9]](#footnote-9), vehicle registration number, or physical location. This arrangement would provide flexibility for the user while still meeting the requirement to identify transmissions from outpost stations.

Managing the risk of interference

The main difference between apparatus licensing and class licensing is that apparatus licensing relies on individual licences being issued to people before operation, which enables greater regulatory oversight of licensees where necessary (for example, to support the management of the risk of interference). We do not consider such oversight to be necessary for users of outpost licences, given the approach to managing the risk of interference will remain effectively unchanged.

All radiocommunications transmitters may pose the risk of interference to other devices and services. For safety-critical services such as those provided by the RFDS, apparatus licensing arrangements enable, through frequency coordination and registration, a mechanism to manage the risk of interference that other spectrum users may pose to those services.

Outpost stations authorised under a class licence as proposed under Option C would see users manage the interference potential of outpost stations on a ‘no interference, no protection’ basis that is typically appropriate for devices operated under a class licence. This means that a person is authorised to operate an outpost station under the class licence on the condition that it does not cause interference to other devices and services, and will generally not be afforded any protection, should it experience interference.

Non-assigned outpost licensees currently operate on shared frequencies and are similarly afforded no protection from interference. Our view is that under Option C, management of the risk of interference will remain largely unchanged from the current arrangements.

Some non-assigned outpost licences are held by police and emergency services. They may consider protection from interference is necessary for their use of the outpost service. Although the ACMA currently only issues assigned outpost licences to the RFDS, we could issue assigned outpost licences to other applicants should additional protections be necessary.

## Comparison of options

Option C is the ACMA’s preferred approach.

The benefit and utility derived by outpost station operators is unaffected across all 3 options. While options B and C reduce the regulatory burden to varying degrees, Option C provides a better regulatory outcome at a much lower cost for users and the ACMA.

Option C preserves the current operational utility for non-assigned outpost station operators, as the conditions in the draft class licence largely reflect those in the outpost LCD that currently apply to non-assigned outpost stations. It also removes conditions that reflect established practices by the outpost community but are not relevant to our spectrum management role, such as requiring the use of call signs. The language in the draft class licence is also simplified and streamlined, making it clearer when and how a class licensed outpost station may be operated.

Consistent with efficient spectrum management, Option C removes the financial impost on licensees and eliminates the administrative tasks and regulatory oversight for the ACMA associated with apparatus licensing. Option C is compatible with the Australian Government’s Deregulation Agenda, which seeks to reduce costs on individuals, businesses and the wider community.

Noting the significant reduction in regulatory action associated with the class licensing framework, we consider that under Option C, it would no longer be necessary to specify common licence conditions that apply to apparatus licenced outpost stations (that is, RFDS stations), so the outpost LCD can be repealed. As assigned outpost stations operated by the RFDS will continue to be authorised under apparatus licences, any special conditions will be specified in those apparatus licences directly in accordance with paragraph 107(1)(g) or section 111 of the Act.

## Proposed instrument for comment

To implement Option C, we propose to make the Radiocommunications (Outpost Station) Class Licence 2021 to authorise the operation of outpost stations operated by non-assigned outpost licensees. A draft class licence is available alongside this consultation paper.

Under the Modernisation Act, future instruments made by the ACMA, including class licences, would be made under the Act as amended. The date of proclamation[[10]](#footnote-10) for the Modernisation Act may impact upon some of the issues mentioned in this paper.

As part of the implementation approach for Option C, we also propose to repeal the outpost LCD, with conditions specific to assigned outpost licences specified in individual outpost apparatus licences pursuant to paragraph 107(1)(g) or section 111 of the Act instead.

# Invitation to comment

## Making a submission

The ACMA invites comments on the issues set out in this consultation paper.

[Online submissions](https://www.acma.gov.au/have-your-say) can be made by uploading a document. Submissions in PDF, Microsoft Word or Rich Text Format are preferred.

Submissions by post can be sent to:

The Manager

Spectrum Licensing Policy

Australian Communications and Media Authority

PO Box 78

Belconnen ACT 2616

The closing date for submissions is COB, 2 April 2021.

Consultation enquiries can be emailed to spectrumlicensingpolicy@acma.gov.au.

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Information on the *Privacy Act 1988,* how to access or correct personal information, how to make a privacy complaint and how we will deal with the complaint, is available in our [privacy policy](https://www.acma.gov.au/privacy-policy).

1. There are some exemptions from what would otherwise be unlawful operation of radiocommunications devices. For example, section 27 of the Act sets out exemptions for defence, law enforcement and emergency personnel. [↑](#footnote-ref-1)
2. The *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020* will commence in the first half of 2021. On commencement, the ACMA will be able to issue an apparatus licence not of a type specified. Other impacts of commencement are discussed elsewhere in this paper. [↑](#footnote-ref-2)
3. Licensees must comply with electromagnetic radiation (EMR) conditions specified in Part 3 of the Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015. [↑](#footnote-ref-3)
4. The ACMA maintains and publishes the Register of Radiocommunications Licences, which contains the details of radiocommunications licences in Australia. [↑](#footnote-ref-4)
5. Under the apparatus licence fee schedule, the RFDS is eligible for tax and charges concessions. Provision for tax concessions is made under the [Radiocommunications (Transmitter Licence Tax) Determination 2015](https://www.legislation.gov.au/Details/F2020C01026). [↑](#footnote-ref-5)
6. Under section 132 of the Act, the ACMA may issue a class licence that authorises any person to operate a radiocommunications device of a specified kind, or for a specified purpose, or of a specified kind for a specified purpose. Under section 133 of the Act, the ACMA may include such conditions in a class licence that it thinks fit, including a condition specifying the area within which operation of radiocommunications devices is authorised under the licence. [↑](#footnote-ref-6)
7. These amendments to the Act will take effect when the relevant provisions of the Modernisation Act commence. For the change relating to maximum licence duration, this will be a date to be fixed by proclamation or the day after the end of a 6-month period beginning on the date the Modernisation Act received Royal Assent. [↑](#footnote-ref-7)
8. The ITU Radio Regulations provide that ‘in transmissions carrying identification signals a station shall be identified by a call sign, by a maritime mobile service identity or by other recognized means of identification which may be one or more of the following: name of station, location of station, operating agency, official registration mark, flight identification number, selective call number or signal, selective call identification number or signal, characteristic signal, characteristic of emission or other clearly distinguishing features readily recognized internationally.’ ITU Radio Regulations No. 19.16. [↑](#footnote-ref-8)
9. A SelCall number is a radio signalling protocol that is used to transmit a brief burst of sequential audio tones that, when received, causes a receiver to ring like a telephone. [↑](#footnote-ref-9)
10. The date will be no later than 6 months from the date that the Modernisation Act received Royal Assent. [↑](#footnote-ref-10)