Accredited persons scheme

Consultation paper

march 2021

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Executive summary

The accredited persons scheme (AP scheme) was established in 1996 by the Australian Communications Authority (ACA). The broad objective of the scheme was to improve the efficiency of spectrum management by devolving specific activities to third parties accredited by the ACA (later, the Australian Communications and Media Authority (ACMA)). These third parties are known as accredited persons (AP).

APs undertake the vast majority of the technical assessment, coordination and assignment required for the issue of assigned apparatus licences.[[1]](#footnote-1) APs also conduct technical coordination and interference assessments that support device registrations required under spectrum licences.

The *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020* (the Modernisation Act) amends, revokes and replaces sections of the *Radiocommunications Act 1992* (the Act). Because of this, the ACMA is required to make certain legislative instruments to preserve the operation of the AP scheme.

The purpose of this consultation is to invite public submissions on 4 draft legislative instruments. The draft instruments also include 2 major changes to the AP scheme in the form of:

removing the requirement for applicants for accreditation to provide a Deed of Indemnity

introducing a new kind of accreditation – the Specific Licensing Accreditation.

We also invite general comments on how to improve the efficiency and effectiveness of the AP scheme, and how to potentially broaden its scope.

# Issues for comment

This consultation does not ask specific questions. However, the ACMA welcomes comment from interested stakeholders on the draft instruments and any issues raised in this consultation paper, or other issues relevant to the AP scheme.

# Introduction

The accredited persons scheme (AP scheme) has been in operation since 1996, when the Australian Communications Authority (ACA) – the predecessor to the Australian Communications and Media Authority (ACMA) – decided to devolve frequency assignment tasks for assigned apparatus licences, and the technical coordination required for registering devices under spectrum licences, to external parties known as accredited persons (AP). Under the AP scheme, the ACMA accredits persons to:

issue frequency assignment certificates (FACs) for assigned apparatus licences, proposing that transmitters operate at specific location/s and at certain frequencies

issue interference impact certificates (IICs) to verify that devices to be operated under spectrum licences will not cause unacceptable levels of interference.

Since January 2021, APs also perform functions in relation to devices operated under area-wide apparatus licences.

## Draft legislative instruments for consultation

The ACMA is consulting on 4 legislative instruments (referred to in this consultation paper as the ‘draft legislative instruments’). The draft legislative instruments comprise:

the Radiocommunications Accreditation (General) Rules 2021 (the General Accreditation Rules) – these set out the kinds of accreditation available, the qualifications and conditions relevant to the kinds of accreditation, the accreditation process and procedures for withdrawing accreditation

the Radiocommunications Accreditation (Transition) Rules 2021 (the Transition Rules) – these ensure that existing APs will continue to be accredited under the kinds of accreditation specified in the General Accreditation Rules

the Radiocommunications (Conditions of Frequency Assignment Certificates – Apparatus Licences) Determination 2021 (the FAC Determination) – this specifies the requirements that a device must meet in order for an FAC to be issued

the Radiocommunications (Conditions of Interference Impact Certificates) Determination 2021 (the IIC Determination) – this specifies the requirements that a device must meet in order for an IIC to be issued.

## Proposed changes to the AP scheme

There are 2 major differences between the General Accreditation Rules (proposed to be made following consultation) and the current Radiocommunications (Accreditation – Prescribed Certificates) Principles 2014 (the Accreditation Principles):

**Removal of the requirement for AP applicants to sign a Deed of Indemnity**

The Deed of Indemnity indemnifies the ACMA against loss, damage or liability incurred by the ACMA in dealing with a claim or proceeding brought against the AP by a third party. This has been a part of the AP scheme since its inception. The ACMA considers that the Deed of Indemnity is an unnecessary requirement and may be a disincentive to some potential APs to become accredited, so we are proposing to remove the Deed.

I**ntroduction of a ‘Specific Licensing Accreditation’**

The Specific Licensing Accreditation would allow the ACMA to accredit a person to issue FACs for a single, specified licence type, such as assigned amateur licences (beacon and repeater). If implemented, the ACMA charge for considering an application for a Specific Licensing Accreditation would likely be lower than the charge for full accreditation (‘General Licensing Accreditation’ to issue FACs for all licence types, and IICs). This proposal is intended to diversify the options for accreditation available for potential applicants, and will allow APs to provide a service targeted to a specific industry sector.

## Need for legislative rules

In order for the AP regime to continue to operate under the changes to be made by the Modernisation Act, the Minister for Communications, Urban Infrastructure, Cities and the Arts (the minister) will need to make legislative rules for the purposes of subsections 100(4A) and 145(3) of the Act. These legislative rules would specify what kinds of accreditation may be used to issue FACs and IICs, and whether the relevant APs would be able to charge fees for issuing FACs and IICs.

Interested persons should contact the Department of Infrastructure, Transport, Regional Development and Communications for further information about the legislative rules.

## Efficiency, effectiveness and strategic direction

We are also seeking comment from licensees and APs about the efficiency and effectiveness, as well as the future strategic direction, of the AP scheme.

While the draft legislative instruments set out the broad framework and requirements for APs, FACs and IICs, there may be scope to improve our operational processes and procedures within that framework. There may also be scope for further change in the future, if warranted.

# Proposed changes in the draft legislative instruments

We are proposing 2 major changes to the AP scheme. Applicants for accreditation:

will no longer need to provide the ACMA with a completed Deed of Indemnity

may apply for accreditation to only issue FACs for a single, specified transmitter or receiver licence type (Specific Licensing Accreditation).

## Removal of the Deed of Indemnity requirement

Applicants for accreditation are currently required to complete a Deed of Indemnity (the Deed). The Deed seeks to indemnify the ACMA against loss, damage or liability incurred by the ACMA in dealing with a claim or proceeding brought against an AP by a third party.

The ACMA considers that providing the Deed is an unnecessary requirement for AP applicants, and it has therefore not been included in the draft General Accreditation Rules. We have received feedback from APs that the requirement to provide the Deed may act as a disincentive to potential applicants, and that it may extend personal liability beyond the coverage provided by professional insurance policies.

The ACMA considers that the Deed may discourage APs from devising their own interference criteria when preparing an FAC, as provided for in the FAC Determination. By removing this requirement, the capacity of APs to respond flexibly and innovatively to changing circumstances will not be hindered by unnecessary risk aversion which may be caused by the Deed.

APs will continue to be required to hold current insurance, indemnifying the AP for any loss or damage up to $2 million as a result of the AP’s negligence when issuing a certificate or otherwise acting as an accredited person.

## Specific Licensing Accreditation

Under the draft General Accreditation Rules, persons would be able to apply for an accreditation to issue FACs for a single, specified licence type – Specific Licensing Accreditation. For successful applicants, the licence type would be specified on their instrument of accreditation.[[2]](#footnote-2) The Specific Licensing Accreditation will allow APs to provide a specialised service to issue FACs for a defined industry or community sector of their choice (that aligns with the specified apparatus licence type). There is no restriction on the specific transmitter or receiver licence type for which accreditation would be given, although the ACMA anticipates that this may be a useful kind of accreditation for persons wishing to issue FACs for assigned amateur licences.

There is no additional benefit for an existing AP to apply for the Specific Licensing Accreditation. Under the draft Transition Rules, and subject to legislative rules to be made by the minister, existing APs will be transitioned to the General Licensing Accreditation and will continue to be accredited to issue FACs for any licence type.

# Draft legislative instruments

The ACMA is consulting on 4 draft legislative instruments:

the Radiocommunications Accreditation (General) Rules 2021 (the General Accreditation Rules)

the Radiocommunications Accreditation (Transition) Rules 2021 (the Transition Rules)

the Radiocommunications (Conditions of Frequency Assignment Certificates – Apparatus Licences) Determination 2021 (the FAC Determination)

the Radiocommunications (Conditions of Interference Impact Certificates) Determination 2021 (the IIC Determination).

## The General Accreditation Rules

The General Accreditation Rules underpin the AP scheme, and provide for:

the kinds of accreditation available

qualifications and other requirements for each kind of accreditation

the accreditation process

the conditions of accreditation

procedures for withdrawing accreditation.

### Kinds of accreditation

The General Accreditation Rules allow the ACMA to accredit persons with either:

a General Licensing Accreditation

a Specific Licensing Accreditation.

Subject to legislative rules to be made by the minister, an AP with a General Licensing Accreditation will be able to issue FACs for any licence type, and will be able to issue IICs for registering devices under spectrum licences. The ACMA proposes that all existing APs would be automatically transitioned (by the Transition Rules – see below) to the General Licensing Accreditation.

The General Licensing Accreditation is equivalent to the accreditation provided for in paragraph 5(c) of the [Accreditation Principles](https://www.legislation.gov.au/Details/F2014L01192) – accreditation to issue FACs and IICs.

Due to the very small number of APs who have accreditation under paragraph 5(a) (issue FACs only) or paragraph 5(b) (issue IICs only) of the Accreditation Principles, the ACMA considers that these kinds of accreditation are no longer necessary and has therefore not provided for them in the draft Accreditation Rules. We propose that APs who are accredited under either paragraph 5(a), 5(b) or 5(c) of the Accreditation Principles will be transitioned to a General Licensing Accreditation.

The Specific Licensing Accreditation is intended to allow APs to issue FACs for a single transmitter or receiver licence type (as requested on an application form for accreditation and specified on the instrument of accreditation provided to an AP if accreditation is granted). There is no restriction on the type of transmitter or receiver licence which may be specified; however, it may only be a single, specified type (for example, assigned amateur licence). Licence types are listed on the [ACMA website](https://www.acma.gov.au/apparatus-licences#list-of-apparatus-licences).

### Qualifications and other requirements for the General Licensing and Specific Licensing Accreditations

Qualifications and requirements for AP applicants for both the General Licensing and Specific Licensing accreditations are the same as previously required for AP applicants under the Accreditation Principles, with the exception that the Specific Licensing Accreditation requires applicants to have experience relevant to the specified licence type.

AP applicants for either the General Licensing or Specific Licensing accreditations will be required to have one of the following:

a qualification specifically approved by the ACMA for this purpose (no qualification is proposed for approval at this stage)

an associate diploma, diploma or degree granted by an Australian education organisation in electronic engineering

qualifications, experience or training that the ACMA is satisfied is equivalent to either 1 or 2 above.

In addition to 1, 2, or 3 above, applicants for General Licensing Accreditation will also be required to have experience in radiocommunications relevant to frequency assignment and interference assessment.

In addition to 1, 2 or 3 above, applicants for Specific Licensing Accreditationwill also be required to have experience in radiocommunications relevant to frequency assignment and interference assessment, relevant to the specified type of licence.

### The accreditation process

An application for accreditation must be made in the form approved by the ACMA and submitted by the method approved by the ACMA. An application must be accompanied by the application charge set by the ACMA.

An application for Specific Licensing Accreditation must list one specified type of licence, for which the applicant wishes to be accredited to issue FACs.

The application form will allow a person, body or organisation to make representations to the ACMA about the applicant’s suitability for accreditation.

Under the General Accreditation Rules, the ACMA would have to consider the following matters when deciding whether to give a person accreditation:

the object of the Act

any representations about the applicant made by a person, body or organisation on the application form

whether the ACMA has withdrawn accreditation from the applicant in the 2 years prior to the application being made

any other matters the ACMA considers relevant.

If the ACMA decides not to accredit a person, it must provide reasons to the applicant for that decision.

### Conditions of accreditation

Most of the conditions of accreditation in the General Accreditation Rules are common to both the General Licensing and Specific Licensing accreditations. In addition to these conditions, additional conditions of accreditation may be specified in an AP’s instrument of accreditation, which is provided to a successful applicant for accreditation.

APs with a General Licensing or Specific Licensing accreditationwill be subject to the following conditions of accreditation:

1. An AP must not be an insolvent under administration.

Unless the accreditation is given in the course of government service, an AP must be covered by a current, $2 million insurance policy from when they first issue a certificate[[3]](#footnote-3) to either the day that the person ceases to be an AP or, if they remain an AP, after 5 years of not having issued a certificate.

An AP must state in a certificate that they issue whether or not the certificate is issued in the course of government service, and, if it is not, must state the reference number and expiry date of the insurance policy in the certificate.

An AP must state in an FAC that the operation of the device for which the FAC is issued will satisfy the requisite conditions under the FAC Determination, and that the AP believes that the device is one for which the ACMA would issue a licence.

An AP must not make a false or misleading statement in a certificate they issue.

If the FAC Determination or IIC Determination requires the AP to hold a belief or opinion, or be satisfied of a matter, the AP’s belief, opinion or satisfaction must be honest and reasonably held.

In issuing an FAC, if an AP has devised their own interference management criteria in preference to following relevant ACMA procedural documents,[[4]](#footnote-4) the AP must make a record (within one day of issuing the FAC) of the interference management criteria used, the method used to apply those criteria and the rationale for use of the criteria and method.

In issuing an IIC, an AP must make a record (within one day of issuing the IIC) stating which of the conditions listed below apply to the transmitter to which the IIC applies.[[5]](#footnote-5) This is a new requirement for IICs – while currently records are required to be kept for FACs, under the new Accreditation Rules records will need to be kept for both FACs and IICs:

The transmitter will not cause an unacceptable level of interference, as defined by the determination made under section 145 of the Act that applies to the relevant spectrum licence (if any).

The use of guard space is, in the AP’s opinion, sufficient to mitigate potential interference from the transmitter.

Each person who the AP considers may be affected by interference from the transmitter has given consent in writing to that interference.

A record must be kept for 5 years and must be made available to the ACMA or an inspector upon request.

An AP with a Specific Licensing Accreditation must also comply with the following condition:

An FAC issued by an AP with a Specific Licensing Accreditation must relate to the transmitter or receiver licence type that is specified in their instrument of accreditation.

### Procedures for withdrawing accreditation

The procedures for withdrawing accreditation from an AP comprise provisions in the Act (to be inserted by the Modernisation Act) and procedures to be included in the General Accreditation Rules.

The provisions for withdrawal of accreditation to be included in the Act are not the subject of this consultation. However, the provisions are explained below to provide a complete picture of the relevant procedures.

The ACMA is consulting on the procedures relating to withdrawal of accreditation as provided for in the draft General Accreditation Rules. Broadly, the procedures in the General Accreditation Rules concern the matters the ACMA will have regard to when considering whether to withdraw an accreditation.

#### Procedures under the Act – not for consultation

Under new section 264A of the Act (as amended), the ACMA may withdraw a person’s accreditation (in writing and providing reasons for the decision) if the ACMA decides either of the following:

the accreditation is no longer in accordance with the General Accreditation Rules

a person has contravened a condition of the accreditation (as provided for either in the General Accreditation Rules or an AP’s instrument of accreditation).

However, under section 265 of the Act, prior to withdrawing a person’s accreditation, the ACMA must give the person written notice that it is considering withdrawing their accreditation and invite the person to make representations to the ACMA about the matter. The AP must be given at least 14 days to make representations on their own behalf, and the ACMA must give due consideration to any representations made by, or on behalf of, the AP.

#### Procedures under the General Accreditation Rules – for consultation

Under the General Accreditation Rules, if the ACMA considers that an AP’s accreditation is no longer in accordance with the General Accreditation Rules, prior to withdrawing accreditation, the ACMA must have regard to the AP’s experience in radiocommunications (relevant to frequency assignment and interference assessment) within the previous 2 years.

If an AP has not issued FACs or IICs within the previous 2 years, this may indicate to the ACMA that the accreditation is not in accordance with the General Accreditation Rules, particularly the requirement to have had experience in radiocommunications (relevant to frequency assignment and interference assessment) as provided for in subsections 8(2) and 8(4) of the General Accreditation Rules.

If the ACMA considers that an AP has contravened a condition of their accreditation (as provided for either in the General Accreditation Rules or in their instrument of accreditation), prior to withdrawing accreditation, the ACMA must have regard to:

whether there has been any adverse effect on radiocommunications caused by the operation of a radiocommunications device covered by an FAC issued by the AP during the previous 2 years (if the contravened condition relates to that FAC)

if the contravened condition relates to an IIC issued by the AP during the previous 2 years:

whether there has been any adverse effect on radiocommunications caused by the operation of a radiocommunications transmitter covered by that IIC

whether the transmitter covered by that IIC has caused an unacceptable level of interference for the purposes of section 145 of the Act[[6]](#footnote-6)

whether the AP followed any relevant procedures, policies or guides when issuing the FAC.

In considering whether to withdraw an AP’s accreditation, the ACMA may also have regard to any other matter it considers relevant.

## The Transition Rules

The Transition Rules transfer all existing kinds of accreditation, as provided for in the Accreditation Principles, to the new kind of accreditation provided for in the General Accreditation Rules – the General Licensing Accreditation. The General Licensing Accreditation allows APs to issue FACs and/or IICs. An AP with a General Licensing Accreditation may choose to issue only FACs, only IICs, or both.

Existing APs do not need to apply for the General Licensing Accreditation. This transfer will be automatically given effect by the Transition Rules.

The existing kinds of accreditation to be transferred to the General Licensing Accreditation are:

accreditation to issue FACs under subsection 100(4A) of the Act (paragraph 5(a) of the Transition Rules)

accreditation to issue IICs under subsection 145(3) of the Act (paragraph 5(b) of the Transition Rules)

accreditation to issue both FACs and IICs (paragraph 5(c) of the Transition Rules).

The Transition Rules do not provide for transfer to the Specific Licensing Accreditation for any existing APs, as there is no equivalent or similar kind of accreditation under the Accreditation Principles.

## The FAC Determination

The FAC Determination sets out conditions that must be met by a device before an AP can issue an FAC for that device. The FAC Determination will repeal and replace the Radiocommunications (Frequency Assignment Certificates) Determination 2014(the current FAC Determination). In general, the FAC Determination reproduces the conditions that apply under the current FAC Determination.

However, the ACMA is proposing to move some provisions that are located in the current FAC Determination to the General Accreditation Rules. These provisions relate to statements to be included in FACs and record-keeping requirements.

### Conditions that will continue to apply in relation to FACs, with no changes

The following conditions will continue to be applied to devices before an FAC can be issued:

The operation of the device must be consistent with the Act, the spectrum plan and any applicable frequency band plan, unless the licence is issued under the circumstances listed in subsection104 (1) of the Act[[7]](#footnote-7) and the AP has first consulted with the ACMA.

The operation of the device must be consistent with either ACMA procedural documents, as listed in the FAC, or interference management criteria devised, used and recorded by the AP.

The AP must believe on reasonable grounds that the ACMA would issue an apparatus licence for a device with the technical parameters listed on the FAC.

The device must not operate in spectrum licensed under a spectrum licence, or spectrum subject to a marketing plan, unless the AP has first consulted with the ACMA and believes that the ACMA would issue a licence for the device under subsection 105(3) of the Act.[[8]](#footnote-8)

The device must not be operated under an apparatus licence issued during a re-allocation period, as specified in a spectrum re-allocation declaration, unless the AP has first consulted with the ACMA and believes that the ACMA would issue a licence for the device under subsection 153P(2) of the Act.[[9]](#footnote-9)

## The IIC Determination

The IIC Determination sets out conditions that apply to radiocommunications transmitters to be operated under spectrum licences, to which IICs issued by APs apply. The IIC Determination will repeal and replace the Radiocommunications (subsection 145(3) Certificates) Determination 2012 (the current IIC Determination).

The IIC Determination reproduces the conditions that apply under the current IIC Determination, with some minor drafting changes. One of the following must be met by the operation of a radiocommunications transmitter to which an IIC relates:

The transmitter will not cause an unacceptable level of interference, as defined by the determination made under section 145 of the Act that applies to the relevant spectrum licence (if any).

The use of guard space is sufficient to mitigate potential interference from the transmitter.

Each person who the AP considers may be affected by interference from the transmitter has given consent in writing to that interference.

# Review of the AP scheme

Implementation of the Modernisation Act for accreditation requires the making of the draft legislative instruments for the continued operation of the AP scheme.

The ACMA is also taking this opportunity to propose additional changes to the AP scheme which will reduce red tape (removal of the Deed of Indemnity requirement) and enlarge the scope of the AP scheme to allow for APs to provide a targeted service for a specific set of licensing arrangements (the Specific Licensing Accreditation).

In identifying these additional opportunities, the ACMA is responding to pressures arising from technological change and spectrum scarcity, which may require innovative frequency assigning and licensing mechanisms, while providing a consistent licensing regime where the risk of interference is appropriately managed.

As part of a review of the AP scheme, the ACMA is seeking comments and submissions on any aspect of the AP regime that could be improved or expanded, including:

potential new roles for APs in spectrum management (see below)

opportunities to improve the efficiency of the accreditation process

opportunities to improve the delivery of information and guidance to APs and potential applicants

interest in allowing accreditation for companies, on the basis of the qualifications of specific employees

opportunities to ensure that standards and requirements for the issue of FACs and IICs are met – for example, audits, industry standards, quality assurance practices

opportunities for the ACMA to facilitate innovative or bespoke frequency assigning practices.

## Potential new roles for APs in spectrum management

The Modernisation Act provides for the possibility of new roles for APs in spectrum management, beyond the issue of FACs and IICs. Some of these roles would require the provision of new kinds of accreditation in the General Accreditation Rules, and the amendment or making of other legislative instruments.

Most of the provisions of the Modernisation Act relating to potential new roles of APs do not define the tasks that may be performed, but allow the role to be specified in legislative instruments or licences, such as in a spectrum or apparatus licence, or in the equipment rules to be made under section 156 of the Act. The ACMA is currently consulting on [radiocommunications equipment rules](https://www.acma.gov.au/have-your-say).

However, the Modernisation Act does specify 2 potential tasks that could be performed by APs:

Allocation procedures determined under section 60 may allow an AP to give an FAC in relation to direct allocation of spectrum licences (subsection 60(7A) of the Act).

APs may act as a conciliator (section 202 of the Act). The ACMA may refer a matter to a conciliator (sections 205 and 206 of the Act), whether or not a complaint has been made, in the event of past, current or potential interference. A conciliator may inquire into the matter, direct a person involved in the matter to attend a compulsory conference and seek to effect settlement on the matter. The ACMA may issue directions to a person involved in the matter on the basis of a conciliator’s report.

The ACMA invites comments and submissions on the interest of existing or potential APs in performing the activities specified above, or other roles in spectrum management and licensing.

# Invitation to comment

## Making a submission

We invite 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:

Licence Allocation Section

Australian Communications and Media Authority

PO Box 78

Belconnen ACT 2616

The closing date for submissions is COB, **6 April 2021**.

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

#### Publication of submissions

We publish submissions on our website, including personal information (such as names and contact details), except for information that you have claimed (and we have accepted) is confidential.

Confidential information will not be published or otherwise released unless required or authorised by law.

#### Privacy

View information about our policy on the [publication of submissions](https://www.acma.gov.au/publication-submissions), including collection of personal information during consultation and how we handle that information.

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 any complaints, is available in our [privacy policy](https://www.acma.gov.au/privacy-policy).

1. Assigned apparatus licences require individual frequency coordination and assignment. [↑](#footnote-ref-1)
2. Successful applicants for accreditation receive a written ‘instrument of accreditation’ which specifies any additional conditions – apart from those specified in the General Accreditation Rules – that apply to the AP. The instrument of accreditation of an AP with a Specific Licensing Accreditation will specify the single licence type for which the AP may issue FACs. [↑](#footnote-ref-2)
3. For the purposes of this section, ‘a certificate’ refers to either an FAC or an IIC. [↑](#footnote-ref-3)
4. Under paragraph 8(1)(d) of the FAC Determination, when issuing an FAC an AP may either refer to ACMA procedural documents such as Radiocommunications Assignment and Licensing Instructions, or devise their own interference management criteria [↑](#footnote-ref-4)
5. One of these conditions must be satisfied by the operation of a radiocommunications transmitter under a spectrum licence (for which an IIC is issued) under the IIC Determination. [↑](#footnote-ref-5)
6. Under section 145 of the Act, the ACMA may refuse to register a radiocommunications device in the Register of Radiocommunications Licences (published on the ACMA website) if the operation of the transmitter could cause an unacceptable level of interference to the operation of other radiocommunications devices. [↑](#footnote-ref-6)
7. These circumstances are: the licence has been granted for an event of international, national or regional significance; or the issue of the licence is otherwise in the public interest; or the licence has been issued to a body covered by paragraphs 27(1)(b) to (be) (police forces, emergency services, integrity, law enforcement, and crime commission bodies), for the purposes of investigations or operations by the body. [↑](#footnote-ref-7)
8. The ACMA may issue an apparatus licence in spectrum-licensed space, or spectrum subject to a marketing plan, if the licence is issued to a body or person listed in paragraphs 27(1)(b) to (be) (police forces, emergency services, integrity, law enforcement, and crime commission bodies), for the purposes of investigations or operations by the body; or if special circumstances justify the issuing of the licence. [↑](#footnote-ref-8)
9. In these circumstances, the ACMA may only issue an apparatus licence if: the licence is issued in accordance with a price-based allocation system determined under section 106 of the Act; the licence is issued through renewal; the licence is issued to a body listed in paragraphs 27(1)(b) to (be) (police forces, emergency services, integrity, law enforcement, and crime commission bodies), for the purposes of investigations or operations by the body; or if special circumstances justify the issuing of the licence. [↑](#footnote-ref-9)