

## Regulations Amending the Radiocommunication Regulations

P.C. 2000-228 24 February, 2000

Her Excellency the Governor General in Council, on the recommendation of the Minister of Industry and the Treasury Board, pursuant to section 6a of the Radiocommunication Act and section 19.1c of the Financial Administration Act, hereby makes the annexed Regulations Amending the Radiocommunication Regulations.

### AMENDMENTS

1. Subsection 9(2) of the Radiocommunication Regulations SOR/96-484 is repealed.
2. The Regulations are amended by adding the following after section 15.2:  
Exemption of Radio Apparatus Operated in the Amateur Radio Service  
15.3 A radio apparatus that is operated in the amateur radio service at a mobile or fixed station is exempt from subsection 4(1) of the Act, in respect of a radio licence, if
  - (a) a person who operates the radio apparatus is an individual who is the holder of one or more of the certificates or licences referred to in section 42; and
  - (b) the operation of the radio apparatus in the amateur radio service is in accordance with the technical requirements referred to in section 45.
3. (1) The portion of section 42 of the Regulations before paragraph (a) is replaced by the following:  
42. An individual may operate radio apparatus in the amateur radio service if the individual is the holder of one or more of the following certificates or licences:
  - (2) Paragraph 42(i) of the Regulations is replaced by the following:
    - (i) a radio licence in the amateur radio service and an amateur radio operator authorization, issued by the responsible administration of a country other than Canada, if (i) the individual is a citizen of that country, and
    - (ii) a reciprocal arrangement that allows similar privileges to Canadians exists between that other country and Canada; and
4. Section 43 of the Regulations is repealed.
5. The portion of section 44 of the Regulations before paragraph (a) is replaced by the following:  
44. A person who operates radio apparatus in the amateur radio service must hold an Amateur Radio Operator Certificate with Advanced Qualification in order to
6. Section 45 of the Regulations is replaced by the following:  
45. A person shall operate radio apparatus in the amateur radio service in accordance with the technical requirements set out in the Standards for the Operation of Radio Stations in the Amateur Radio Service, issued by the Minister, as amended from time to time.
7. (1) Subsection 46(1) of the Regulations is replaced by the following:  
46. (1) Any person may participate in the operation of radio apparatus in the amateur radio service under the supervision and in the presence of an individual referred to in section 42.(2) The portion of subsection 46(2) of the Regulations before paragraph (b) is replaced by the following:
  - (2) A holder of a certificate or licence referred to in section 42 may
    - (a) permit any person who does not hold such a certificate or licence to operate radio apparatus subject to compliance with the terms and conditions of that holder's certificate or licence; and

8. The heading before 47 of the Regulations is replaced by the following:  
Communications with Radio Apparatus in the Amateur Radio Service
9. The portion of section 47 of the Regulations before paragraph (b) is replaced by the following:  
47. A person who operates radio apparatus in the amateur radio service may only  
(a) communicate with a radio station that operates in the amateur radio service;
10. Section 48 of the Regulations is replaced by the following:  
48. In a real or simulated emergency, a person operating radio apparatus in the amateur radio service may only communicate with a radio station that is in the amateur radio service in order to transmit a message that relates to the real or simulated emergency on behalf of a person, government or relief organization.
11. Section 49 of the Regulations is replaced by the following:  
49. A person who operates radio apparatus in the amateur radio service shall do so without demanding or accepting remuneration in any form in respect of a radiocommunication that the person transmits or receives.
12. Section 59 of the Regulations and the heading before it are repealed.
13. The section reference and title of Part I of Schedule III to the Regulations are replaced by the following:  
(Sections 55, 56 and 60)

**FEE SCHEDULE APPLICABLE FOR A MOBILE STATION IN ANY SERVICE OTHER THAN THE AMATEUR RADIO SERVICE**

14. Item 1 of Part I of Schedule III to the Regulations is repealed.

**COMING INTO FORCE**

15. These Regulations come into force on "April 1, 2000". \_\_\_\_\_
  - a S.C. 1989, c. 17, s. 4
  - b S.C. 1989, c. 17, s. 2
  - c S.C. 1991, c. 24, s. 6

**REGULATORY IMPACT ANALYSIS STATEMENT**

(This statement is not part of the Regulations.)

**Description**

Industry Canada manages the use and development of the radio frequency spectrum for such radiocommunication services as over-the-air broadcasting, mobile radio, satellite, cellular, public safety, and the amateur radio service.

Currently, Industry Canada issues approximately forty five thousand individual radio licences to individuals operating radios in the radio amateur service. The operation of radio apparatus in this service is used for the purpose of self-training, intercommunication or technical investigation by individuals who are interested in radio technique solely with a personal aim and without pecuniary interest.

Radio amateur operators enjoy communicating worldwide with other amateurs, experimenting with slow scan TV and pioneering innovative communication techniques such as packet radio. They also volunteer valuable community services by providing communications at various charity and sporting events and during disasters such as the Manitoba floods, the Saguenay floods in Quebec and the Ice Storm in Ontario, Quebec and the Maritimes.

Over the years, officials of the Department have worked with radio amateurs and organizations such as the Radio Amateurs of Canada (RAC) to foster the development of the service. For example, a restructuring of the service in 1990 helped rejuvenate the service by making it easier for individuals to obtain their amateur radio operator certificate. This effort coupled with having delegated examiners administer the technical and regulatory examinations and effective promotion of the service by the RAC has resulted in a more than doubling of the number of amateurs enjoying this hobby since 1990.

With this growth and the Government's mandate to regulate smarter comes the need to streamline the current authorization procedures that permit qualified individuals to operate in the amateur radio service. Essentially, this can be accomplished by removing the requirements to hold both a radio operator's certificate and a radio licence.

These amendments to the Radiocommunication Regulations waive the requirement for obtaining a radio licence, in the amateur radio service, in order to operate radio apparatus in a mobile or fixed station provided that the apparatus complies with the following exemption criteria:

- (i) the operator restricts the operation of the radio apparatus to the amateur radio service;
- (ii) the operator is certified or holds an appropriate authorization;
- and
- (iii) the operator of the radio apparatus complies with certain technical requirements referred to in the regulations.

These criteria are based upon sound spectrum management principles. The exemption criteria also recognize that those responsible for the operation of amateur stations must pass technical and regulatory examinations before receiving their operator's certificate to operate either standard manufactured equipment or home built equipment.

By exempting the radio apparatus, this regulatory initiative also eliminates the radio station licence \$24 annual renewal fee and makes the Amateur Radio Operator Certificate the sole authorization document. The certificate will include the operator's assigned call sign in order to comply with domestic and international station identification requirements.

Under this initiative, the eligibility requirements to operate in the amateur radio service are not changed. Other than revoking a provision that limits the number of stations to three that an amateur may operate under a licence, the regulations concerning the operation of all radio apparatus in the amateur radio service are not substantively modified. The radio apparatus is subject to the applicable regulations and a person who operates radio apparatus in the amateur radio service must comply with the technical requirements specified by the regulations.

These technical requirements are set out in the document entitled Standards for the Operation of Radio Stations in the Amateur Radio Service, issued by the Minister. The common set of obligations in this document regarding the use of the frequency bands (depending on the operator qualifications), permitted power levels, and identifying the station by using the appropriate call sign are measures to ensure that amateur stations do not interfere with other radiocommunication services in Canada.

By eliminating the requirement for a radio licence, a radio amateur only needs an Amateur Radio Operator Certificate with Basic qualifications and a call sign to operate in the service. Amateur

operators will require Advance qualifications to build their own equipment, or install repeater stations and amateur club stations. To ensure that there is a means to identify these stations, the Department will create a registry so clubs or other organizations may obtain call signs.

Delicensing rather than deregulation of the amateur radio service effectively removes the administrative burden created by issuing licences and paying radio licence fees. It also improves the efficiency of the Department's spectrum management program without compromising the regulatory regime for the service. In short, the operators of these stations must continue to comply with the Radiocommunication Act and the regulations governing their use.

It is anticipated that these regulatory amendments will come into force April 1, 2000 to correspond with the expiry date of existing licences and the beginning of the next annual licence renewal.

### **Alternatives**

Three alternatives were considered: keeping the status quo, adopting a one time licensing regime and seeking partners to assume licensing responsibilities on behalf of the Department.

Continuing with the existing practice of requiring radio station applications and collecting fees from the majority of licensees in these services is no longer acceptable. The Department has determined that for certain radiocommunication services individual licences are not needed to manage the radio spectrum and control the use of the radio apparatus.

One time rather than annual licensing of amateur radio apparatus would still require significant program resources. This option does not significantly reduce the regulatory paper burden of administering and issuing individual licences because of the large number of individuals being attracted to the service.

In 1993 the Department launched a project to delegate administrative activities related to the amateur radio service to the Radio Amateurs of Canada (RAC) through an organization, the Amateur Radio Administrative Services Inc. (ARAS), which was at arm's length to the RAC. Despite the best efforts of the RAC and Industry Canada the project did not come to fruition because of the need for substantial start up funding and not being able to secure continued long term funding of ARAS's operation by allowing ARAS to retain a large portion of the radio licence fees. However, some of the work undertaken during this project is being applied in the administration of the amateur radio service.

### **Benefits and Costs**

#### **Benefits**

One of the principal goals of this initiative is to improve our services while reducing the costs of providing those services.

The major benefit to radio amateurs is improved service in terms of a significant streamlining of the process to obtain and maintain an authorization to operate in the amateur radio service. Operators of amateur radio stations that meet the exemption criteria will no longer need to obtain a radio licence or pay radio licence fees. This effectively eliminates the administrative burden surrounding the application for a radio licence, the yearly renewal of the radio licence and the annual \$24 licence fee. It also allows a radio amateur to maintain a call sign for a lifetime whereas in the past this was contingent on the licence renewal.

This initiative also encourages new recruitment in the amateur radio service, leads to a more

efficient regulatory framework, and harmonizes our authorization scheme with that of other administrations who issue only one authorization to radio amateurs.

The benefits to the Department include an important reduction in workload associated with the renewal exercise at headquarters and in district offices across the country as a result of eliminating numerous enquiries and requests from individual radio amateurs during the licence renewal period and throughout the year. The Department will be able to move the resources saved from these transactional activities to higher value spectrum management activities such as enforcement.

Savings associated with the initiative include more than \$75,000 yearly for printing and mailing licence renewal and radio licences, and for processing licence fee payments.

This initiative recognizes the work of amateur radio volunteer examiners - a program implemented across Canada to administer radio amateur certification exams to over 3,000 candidates per year.

No adverse impact upon the spectrum is anticipated.

### **Costs**

This initiative will result in the elimination of 45,000 licensing accounts for the amateur radio service and will not yield any increase in cost.

### **Consultations**

Consultations with the amateur community and other stakeholders have been favourable during Industry Canada's review of the licensing policy for the amateur radio service. The Department engaged the amateur community by

- a survey on delicensing the service,
- an article published in the radio amateur magazine explaining the proposal,
- nationwide presentations of the broad concepts of the proposal to numerous amateur radio clubs,
- a departmental Internet site (<http://strategis.icgc.ca/spectrum>) where readers could leave comments regarding the notice, discussion paper, frequently asked questions and answers,
- establishing, in June 1999, the Amateur Radio Service Centre in Ottawa to carry out all amateur activities such as processing applications and issuing amateur radio operator certificates, and
- meetings with the RAC executive to review the proposal.

Open and frank discussions brought forth some negative and cautionary responses in light of the termination of the ARAS project. However, other respondents wholly support the initiative and eagerly await further details and are amenable to paying a fee for added value services. The consultations also provided an opportunity to identify and allay certain concerns.

For example, the survey showed that confusion over the purpose and function of the radio licence and the operator certificate exists. The presentations were structured and refined to address this point and emphasize that delicensing is not deregulation of the service.

Other concerns that were expressed and addressed throughout the consultation varied from broad questions such as "What impact will this initiative have on the Amateur Radio Service?" to specific questions such as "What call sign do I use with my station?". These and other questions are addressed in the discussion paper and on the Internet site.

Twenty four submissions were received with respect to the discussion paper entitled Streamlining the Authorization Process for the Amateur Radio Service that was released in May 1999. Most of the responses from individual amateurs, amateur clubs and organizations such as the Canadian Institute of the Blind applaud and fully support the Department's efforts to streamline the amateur service and suggested improvements for its implementation. The Radio Amateurs of Canada (RAC) also endorsed the proposal as presented and recommended that radio amateurs report of address changes be made mandatory, the authorization be entitled: "Amateur Radio Operator's Certificate and Radio Licence" and that the Department publish a policy governing the assignment of call signs.

Mandatory reporting of an address change has been included as a term of the operator certificate. Industry Canada has finalized a policy governing the assignment of call signs which incorporates the recommendations in the report of the joint Industry Canada - RAC Call Sign Working Group. Exempting amateur radio apparatus from licensing precludes calling the new radio authorization, which is primarily an operator's certificate, a radio licence. A radio amateur operator may install and operate an amateur station by complying with the terms and conditions of the exemption set out in the Regulations.

In short, the Department has made a concerted effort to keep interested parties informed and allayed concerns raised by the amateur community early in the development of this initiative. It is anticipated that existing licensees will have an opportunity to benefit from this initiative beginning April 1, 2000.

### **Compliance and Enforcement**

The Department will continue to support the Radio Amateurs of Canada and the amateur community efforts to promote the development of this service. Operator certification, the use of standard radio equipment for amateur operator with basic qualifications, and technical training available within the amateur community are measures that help regulate this service.

Although an operator's radio apparatus in the amateur radio service is exempt from radio licensing requirements, the operator of the apparatus is still subject to the Radiocommunication Act and the Radiocommunication Regulations made thereunder. Regulatory sanctions, such as tickets, issued under the Contraventions Act, where appropriate, will also ensure the orderly management of the radio frequency spectrum for the amateur radio service.

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