



Radiocommunications (Section 193 Permission for Department 13 Pty Limited) Instrument 2022

The Australian Communications and Media Authority makes the following instrument under subsection 193(1) of the *Radiocommunications Act 1992*.

Dated: 26 October 2022

Rachel Blackwood
[signed]
Executive Manager

Australian Communications and Media Authority

1 Name

This is the *Radiocommunications (Section 193 Permission for Department 13 Pty Limited) Instrument 2022*.

2 Commencement

This instrument commences at the start of the day after the day it is registered.

Note: This instrument is to be registered as a notifiable instrument on the Federal Register of Legislation, which may be accessed free of charge at www.legislation.gov.au.

3 Repeal of this instrument

This instrument is repealed at the start of the day that is the second anniversary of the day it commences.

4 Authority

This instrument is made under subsection 193(1) of the *Radiocommunications Act 1992*.

5 Definitions

- (1) In this instrument the terms *ACMA*, *frequency band*, *interfere*, *radiocommunications* and *transmitter* have the meanings given to those terms in the *Radiocommunications Act 1992*.
- (2) In this instrument *relevant carrier* means each of:
 - (a) Optus Mobile Limited (ACN 054 365 696);
 - (b) Telstra Limited (ACN 086 174 781);
 - (c) TPG Telecom Limited (ACCN 096 304 620).

6 Permission

- (1) Department 13 Pty Limited (ACN 639 277 571) (**Department 13**) is permitted to use a transmitter in a way which it knows is likely to interfere substantially with radiocommunications carried on by or on behalf of the Australian Federal Police in the circumstances set out in subsection (2).
- (2) For the purposes of subsection (1), all of the following circumstances must exist:
 - (a) the use of the transmitter must occur within a one-kilometre radius of the point which is 35.31605 degrees South, 148.97680 degrees East (GDA94 datum);
 - (b) the use must be for the purpose of Department 13:
 - (i) testing or demonstrating the effects of transmitters on radiocommunications on behalf of the Australian Federal Police; or
 - (ii) undertaking research into, or the development of, transmitters on behalf of the Australian Federal Police;
 - (c) at least 14 days prior to the use occurring Department 13 must have given written notice of the intended use to the ACMA and to each relevant carrier, which notice must specify:
 - (i) the date on which the transmitter will be used;

- (ii) the period for which the transmitter will be used;
- (iii) the frequency band or bands on which the transmitter will be operating.

Note: Under the *Radiocommunications (Exemption) Determination 2021* (the Determination) an entity can be exempted from certain obligations arising under the *Radiocommunications Act 1992* (the Act) not to operate a banned device. In some circumstances – broadly described as “open-air testing” – that exemption can only be relied upon if there is an applicable written permission from the ACMA given under section 193 of the Act (see subsection 10(4) of the Determination). This instrument provides such a permission for Department 13 Pty Limited, applying in the circumstances set out in subsection 6(2).