



## **Radiocommunications (Low Interference Potential Devices) Class Licence Variation 2023 (No. 1)**

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The Australian Communications and Media Authority makes the following instrument under subsection 132(1) of the *Radiocommunications Act 1992*.

Dated: 23 February 2023

Chris Jose  
[signed]  
Member

Linda Caruso  
[signed]  
~~Member~~/General Manager

Australian Communications and Media Authority

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## **1 Name**

This is the *Radiocommunications (Low Interference Potential Devices) Class Licence Variation 2023 (No. 1)*.

## **2 Commencement**

This instrument commences on 2 March 2023.

## **3 Authority**

This instrument is made under subsection 132(1) of the *Radiocommunications Act 1992*.

## **4 Schedule**

The instrument that is specified in Schedule 1 to this instrument is varied as set out in the applicable items in that Schedule.

## Schedule 1—Variations

(section 4)

### *Radiocommunications (Low Interference Potential Devices) Class Licence 2015 (F2015L01438)*

#### 1 Subsection 3A(1) (definition of *significant event*)

Repeal the definition, substitute:

*significant event* means:

- (a) an event declared by the ACMA under subsection 54A(2) of the *Radiocommunications Equipment (General) Rules 2021*; or
- (b) if an event (the *relevant event*) was a significant event (within the meaning of this Class Licence as in force immediately before the commencement of the *Radiocommunications (Low Interference Potential Devices) Class Licence Variation 2023 (No. 1)*) and the whole or a part of the relevant event occurs after that commencement – the relevant event.

*Note* The *Radiocommunications Equipment (General) Rules 2021* and the *Radiocommunications (Low Interference Potential Devices) Class Licence Variation 2023 (No. 1)* are available, free of charge, from the Federal Register of Legislation at [www.legislation.gov.au](http://www.legislation.gov.au).

#### 2 Subsections 5(1), (2) and (3)

Repeal the subsections (not including the notes to subsection (3)), substitute:

- (1) A person must not operate a transmitter under this Class Licence if:
  - (a) operation of the transmitter would contravene a prohibition or an obligation imposed by the equipment rules; or
  - (b) the transmitter does not comply with an applicable instrument for the transmitter (if any).

*Note* For paragraph (a), the equipment rules may provide for an exemption to a prohibition or an obligation, or may allow for a permit to perform an act that would otherwise contravene a prohibition or an obligation.

- (2) Paragraph (1)(b) does not apply in relation to the operation of a transmitter under this Class Licence if:
  - (a) the transmitter is imported solely for use or operation in Australia in connection with a significant event;
  - (b) in a case where there is a requirement, imposed otherwise than by an applicable instrument for the transmitter, to the effect that the transmitter is tested or inspected before it may be used or operated in Australia – the requirement has been satisfied;
  - (c) in a case where there is a condition or requirement, imposed otherwise than by an applicable instrument for the transmitter, on the use or operation of the transmitter in Australia – the transmitter is only used or operated in compliance with that condition or requirement; and
  - (d) the transmitter is used or operated in Australia only at the location, and only during the period, of the significant event.
- (3) In this section, *applicable instrument*, for a transmitter mentioned in column 1 of an item in Schedule 2, means an international instrument that applies to the transmitter that is mentioned in column 2 of the item.

#### 3 Subsection 5(3) (note 3)

Omit “or C-Tick compliance mark”, substitute “(or the C-Tick mark before 1 March 2016)”.

**4 Schedule 2 (note to Schedule heading)**

Omit “paragraph 5(3)(b)”, substitute “subsection 5(3)”.