



## **Radiocommunications (Exemption – Visiting Dignitaries) Determination 2023**

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The Australian Communications and Media Authority makes the following determination under subsection 27(2) of the *Radiocommunications Act 1992*.

Dated: 9 March 2023

James Cameron  
[signed]  
Member

Cathy Rainsford  
[signed]  
~~Member~~/General Manager

Australian Communications and Media Authority

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## 1 Name

This is the *Radiocommunications (Exemption – Visiting Dignitaries) Determination 2023*.

## 2 Commencement

This instrument commences at the start of the day after the day it is registered on the Federal Register of Legislation.

Note: The Federal Register of Legislation is available, free of charge, at [www.legislation.gov.au](http://www.legislation.gov.au).

## 3 Authority

This instrument is made under subsection 27(2) of the *Radiocommunications Act 1992*.

## 4 Repeal of this instrument

This instrument is repealed at the start of the day that is the fifth anniversary of the day it commences.

## 5 Interpretation

In this instrument, unless the contrary intention appears:

*Act* means the *Radiocommunications Act 1992*.

*dignitary security period*: see paragraph 9(1)(b).

*electronic counter measures* means measures designed to interfere with, disrupt, distort or disturb radiocommunications.

*international organisation* means an international organisation declared in regulations made under subsection 5(1) of the *International Organisations (Privileges and Immunities) Act 1963*.

*relevant person* means:

- (a) a person performing a function or duty in relation to the Australian Federal Police or the police force of a State or Territory; or
- (b) a person performing a function or duty in relation to the defence, security or international relations of Australia.

*visiting dignitary*: see paragraph 9(1)(a).

Note: A number of other expressions used in this instrument are defined in the Act, including the following:

- (a) ACMA;
- (b) interference;
- (c) radiocommunication.

## 6 References to other instruments

In this instrument, unless the contrary intention appears:

- (a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and

- (b) a reference to any other kind of instrument or writing is a reference to that other instrument or writing as in force, or existing, from time to time.

Note 1: For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

Note 3: See section 314A of the Act.

## 7 Exemption – relevant persons

An act or omission by a relevant person is exempt from:

- (a) all of Part 3.1 of the Act;
- (b) all of Part 4.1 of the Act; and
- (c) all of Part 4.2 of the Act;

if all of the circumstances specified in section 8 exist.

## 8 Exemption – circumstances in which the exemption applies

- (1) The exemption in section 7 applies only if all of the circumstances specified in this section exist.
- (2) The act is performed, or the omission occurs, in the performance of the relevant person's functions and duties in relation to:
  - (a) the Australian Federal Police;
  - (b) the police force of a State or Territory; or
  - (c) the defence, security or international relations of Australia;as the case may be.
- (3) The act is performed, or the omission occurs, both:
  - (a) in relation to the implementation of electronic counter measures associated with the security of a visiting dignitary; and
  - (b) during the dignitary security period for the visiting dignitary.
- (4) In paragraph (3)(a), the implementation of electronic counter measures may include the use of an electronic counter measure vehicle.

## 9 Notifiable instrument – visiting dignitary and dignitary security period

- (1) The ACMA may by notifiable instrument:
    - (a) name a person (*visiting dignitary*); and
    - (b) specify a period for that person (*dignitary security period*).
- Note: See subsection 27(2A) of the Act.
- (2) The ACMA must not make a notifiable instrument naming a person under subsection (1) unless:
    - (a) the person is a head of state, deputy head of state, head of government, or deputy head of government, of a nation other than Australia; or
    - (b) the person is a member of a branch of the government of a nation other than Australia; or
    - (c) the person is a member of or delegate to the governing body, or similar, of an international organisation; or

(d) the ACMA is satisfied that it is in the interests of the defence, security or international relations of Australia to make the instrument naming the person.

Note: For the Australian Federal Police's role in relation to visiting dignitaries, see the Ministerial direction issued under subsection 37(2) of the *Australian Federal Police Act 1979*.

Example for paragraph (a): President of a country.

Examples for paragraph (b): The Chief Justice of the supreme court of a country, or a member of the Parliament of a country.

Example for paragraph (c): The representative of a country on the Security Council or General Assembly of the United Nations.

(3) A dignitary security period must not be more than 14 days.