



Radiocommunications Amendment (Cellular Mobile Repeaters Supply— Specified Particulars) Regulation 2013

Select Legislative Instrument No. 217, 2013

I, Quentin Bryce AC CVO, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Radiocommunications Act 1992*.

Dated 05 August 2013

Quentin Bryce
Governor-General

By Her Excellency's Command

Anthony Albanese
Minister for Broadband, Communications and the Digital Economy

OPC50179 - B

Contents

1	Name of regulation	1
2	Commencement	1
3	Authority	1
4	Schedule(s)	1
Schedule 1—Amendments		2
<i>Radiocommunications Regulations 1993</i>		<i>2</i>

<i>No. 217, 2013</i>	<i>Radiocommunications Amendment (Cellular Mobile Repeaters Supply—Specified Particulars) Regulation 2013</i>	<i>i</i>
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OPC50179 - B

1 Name of regulation

This regulation is the *Radiocommunications Amendment (Cellular Mobile Repeaters Supply—Specified Particulars) Regulation 2013*.

2 Commencement

This regulation commences on the day after it is registered.

3 Authority

This regulation is made under the *Radiocommunications Act 1992*.

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Radiocommunications Regulations 1993

1 Subregulation 3(1) (definition of *authorised person*)

Repeal the definition, substitute:

authorised person:

- (a) for regulation 38B—means a person authorised under section 68 or 114 of the Act; and
- (b) elsewhere in these regulations—means:
 - (i) the Chair; or
 - (ii) a person appointed under regulation 42.

2 Subregulation 3(1)

Insert:

base station means a radiocommunications transmitter that is part of a telecommunications network by means of which a public mobile telecommunications service is supplied.

cellular mobile repeater means a radiocommunications device that draws power from a power source and that, operating as a single radiocommunications device or as part of a system of radiocommunications devices, is able to:

- (a) receive a radio emission from a base station and retransmit the radio emission (or transmit a replica of the radio emission) to:
 - (i) another base station; or
 - (ii) a mobile station; or
- (b) receive a radio emission from a mobile station and retransmit the radio emission (or transmit a replica of the radio emission) to:
 - (i) another mobile station; or
 - (ii) a base station.

mobile station means a transmitter that is:

- (a) established for use:
 - (i) in motion on land, on water or in the air; or
 - (ii) in a stationary position at unspecified points on land, on water or in the air; and
- (b) used to access a public mobile telecommunications service.

Example 1: A wireless modem operating in a laptop computer.

Example 2: A hand-held cellular telephone with a radiating antenna in the telephone.

public mobile telecommunications service has the meaning given by the *Telecommunications Act 1997*.

telecommunications network has the meaning given by the *Telecommunications Act 1997*.

3 After regulation 38

Insert:

38A Eligible radiocommunications device

For the definition of **eligible radiocommunications device** in subsection 301(4) of the Act, cellular mobile repeaters are specified as a class of radiocommunications devices.

38B Specified particulars—supply of cellular mobile repeaters

For paragraph 301(1)(b) of the Act, the following particulars relating to the supply of a cellular mobile repeater are specified:

- (a) the following details about the licence (or duplicate of the licence) that was presented to the supplier:
 - (i) the licence number;
 - (ii) the date of issue;
 - (iii) the date of expiry;
 - (iv) the licence type;
 - (v) the full name of the licensee;

- (b) the full name of the person to whom the supplier supplied the device (the ***recipient***);
- (c) other particulars that the supplier considers, on reasonable grounds, confirm the identity of the recipient, such as a passport number or driver's licence number;
- (d) the date on which the supplier supplied the device to the recipient;
- (e) particulars that the supplier considers, on reasonable grounds, allow the device to be uniquely identified, such as the device's brand name, model number or serial number;
- (f) if the recipient identifies himself or herself to the supplier as an authorised representative of the licensee—particulars that the supplier considers, on reasonable grounds, confirm that the recipient is an authorised representative of the licensee;
- (g) if the recipient identifies himself or herself to the supplier as an authorised person—particulars that the supplier considers, on reasonable grounds, confirm that the recipient is an authorised person;
- (h) if the recipient identifies himself or herself to the supplier as an authorised representative of an authorised person—particulars that the supplier considers, on reasonable grounds, confirm that:
 - (i) the person the recipient identifies as an authorised person is an authorised person; and
 - (ii) the recipient is an authorised representative of the authorised person.

Example: An example of particulars mentioned in paragraph (f), (g) or (h) is relevant content of a letter from the licensee or from a person authorised by the licensee.

Note: For the definition of ***authorised person***, see subregulation 3(1).