

**Radiocommunications (Limitation of Authorisation of Third Party Users and Transfer of Apparatus Licences) Determination 2015**

made under sections115 and 131AC of the

Radiocommunications Act 1992

**Compilation No.  1**

**Compilation date: 4 February 2025**

**Includes amendments: F2025L00056**

Prepared by the Australian Communications and Media Authority, Melbourne

**About this compilation**

**This compilation**

This is a compilation of the *Radiocommunications (Limitation of Authorisation of Third Party Users and Transfer of Apparatus Licences) Determination 2015* that shows the text of the law as amended and in force on 4 February 2025 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

1 **Name of Determination**

 This Determination is the *Radiocommunications (Limitation of Authorisation of Third Party Users and Transfer of Apparatus Licences) Determination 2015*.

**4 Definitions**

 (1) In this Determination, unless the contrary intention appears:

***ABC*** means the Australian Broadcasting Corporation established under subsection 5 (1) of the *Australian Broadcasting Corporation Act 1983*.

***broadcasting service*** has the meaning given by subsection 6 (1) of the *Broadcasting Services Act 1992*.

***eligible person*** has the meaning given by:

(a) the *Radiocommunications (Transmitter Licence Tax) Determination 2025*; or

(b) if a later instrument replaces that determination and defines the expression – the later instrument.

Note: The *Radiocommunications (Transmitter Licence Tax) Determination 2025* is a legislative instrument and is available, free of charge, from the Federal Register of Legislation at www.legislation.gov.au.

***exempt broadcasting service*** has the meaning given by subsection 18A (3) of the *Broadcasting Services Act 1992*.

***exempt person*** means a person who is exempt, under regulations made for the purpose of subsection 8(1) of the *Radiocommunications Taxes Collection Act 1983*, from the payment of apparatus licence tax.

***SBS*** means the Special Broadcasting Service Corporation established under subsection 5 (1) of the *Special Broadcasting Service Act 1991*.

*Note* *1*  In accordance with paragraph 13(1)(b) of the *Legislative Instruments Act* 2003, other expressions in this Determination have the same meaning as in the Act, including:

• ACMA

• apparatus licence

• apparatus licence tax

• Australia

• international broadcasting licence

• international broadcasting service

*Note* *2*  In accordance with section 64 of the *Australian Communications and Media Authority Act 2005*, other expressions in this Determination have the same meaning as in the *Radiocommunications (Interpretation) Determination 2015*, including:

• Act

 (2) In this Determination, unless the contrary intention appears, a reference to another legislative instrument is a reference to that other legislative instrument as in force 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 *Legislative Instruments Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

*Note 2*All Commonwealth Acts and legislative instruments are available on the ComLaw website at http://www.comlaw.gov.au.

5 **Circumstances in persons must not be authorised to operate radiocommunications devices (paragraph 115(c) of the Act)**

 (1) For paragraph 115 (c) of the Act, a licensee of an apparatus licence must not authorise another person to operate a radiocommunications device under the licence if:

 (a) the licensee is an exempt person; and

 (b) the other person is not an exempt person.

 (2) For paragraph 115 (c) of the Act, a licensee of an apparatus licence must not authorise another person to operate a radiocommunications device under the licence if:

 (a) the licensee is an eligible person; and

 (b) the other person is not:

 (i) an eligible person; or

 (ii) an exempt person.

 (3) For paragraph 115 (c) of the Act, a licensee of an apparatus licence must not authorise another person to operate a radiocommunications device under the licence if:

 (a) the apparatus licence authorises the operation of a radiocommunications device for the provision of an international broadcasting service; and

 (b) there is no international broadcasting licence in force that authorises the provision of that service.

 (4) For paragraph 115 (c) of the Act, the ABC or the SBS, as licensee of an apparatus licence providing a broadcasting service to locations outside Australia, must not authorise another person to operate a radiocommunications device under the licence if:

 (a) the person intends to provide an international broadcasting service using the device; or

 (b) the person intends to provide a broadcasting service within Australia using the device.

 (5) For paragraph 115 (c) of the Act, a licensee of an apparatus licence must not authorise another person to operate a radiocommunications device under the licence if:

 (a) the licence authorises the licensee to operate a radiocommunications device that is used in the provision of an exempt broadcasting service; and

 (b) the person intends to use the device for a purpose other than the provision of an exempt broadcasting service.

6 **Circumstances in which apparatus licences are not transferable (paragraph 131AC(b) of the Act)**

 (1) For paragraph 131AC (b) of the Act, an apparatus licence is not transferable under Division 8 of Part 3.3 of the Act if:

 (a) the licensee is an exempt person; and

 (b) the proposed transferee is not an exempt person.

 (2) For paragraph 131AC (b) of the Act, an apparatus licence is not transferable under Division 8 of Part 3.3 of the Act if:

 (a) the licensee is an eligible person; and

 (b) the proposed transferee is not:

 (i) an eligible person; or

 (ii) an exempt person.

 (3) For paragraph 131AC (b) of the Act, an apparatus licence is not transferable under Division 8 of Part 3.3 of the Act if:

 (a) the licence authorises the operation of a radiocommunications device for the provision of an international broadcasting service; and

 (b) there is no international broadcasting licence in force that authorises the provision of that service.

 (4) For paragraph 131AC (b) of the Act, an apparatus licence that authorises the ABC or the SBS to operate a radiocommunications device to provide a broadcasting service to locations outside Australia is not transferable under Division 8 of Part 3.3 of the Act if:

 (a) the proposed transferee intends to operate a radiocommunications device under the licence to provide an international broadcasting service; or

 (b) the proposed transferee intends to operate a radiocommunications device under the licence to provide a broadcasting service within Australia.

 (5) For paragraph 131AC (b) of the Act, an apparatus licence is not transferable under Division 8 of Part 3.3 of the Act if:

 (a) the licence authorises the licensee to operate a radiocommunications device that is used in an exempt broadcasting service; and

 (b) the proposed transferee intends to use the device for a purpose other than the provision of an exempt broadcasting service.

Endnotes

**Endnote 1—About the endnotes**

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

**Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

**Endnote 2—Abbreviation key**

|  |  |
| --- | --- |
| ad = added or inserted | orig = original |
| am = amended | par = paragraph(s)/subparagraph(s) |
| amdt = amendment | /sub‑subparagraph(s) |
| c = clause(s) | pres = present |
| C[x] = Compilation No. x | prev = previous |
| Ch = Chapter(s) | (prev…) = previously |
| def = definition(s) | Pt = Part(s) |
| Dict = Dictionary | r = regulation(s)/rule(s) |
| disallowed = disallowed by Parliament | reloc = relocated |
| Div = Division(s) | renum = renumbered |
| exp = expires/expired or ceases/ceased to have | rep = repealed |
| effect | rs = repealed and substituted |
| F = Federal Register of Legislation | s = section(s)/subsection(s) |
| gaz = gazette | Sch = Schedule(s) |
| LA = *Legislation Act 2003* | Sdiv = Subdivision(s) |
| LIA = *Legislative Instruments Act 2003* | SLI = Select Legislative Instrument |
| (md not incorp) = misdescribed amendment | SR = Statutory Rules |
| cannot be given effect | Sub‑Ch = Sub‑Chapter(s) |
| mod = modified/modification | SubPt = Subpart(s) |
| No. = Number(s) | underlining = whole or part not |
| o = order(s) | commenced or to be commenced |
| Ord = Ordinance |  |

**Endnote 3—Legislation history**

| Name | Registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| *Radiocommunications (Limitation of Authorisation of Third Party Users and Transfer of Apparatus Licences) Determination 2015* | 4 August 2015 (see F2015L01218) | 5 August 2015 |  |
| *Radiocommunications (Transmitter Licence Tax) (Consequential Amendments) Instrument 2025* | 3 February 2025 (see F2025L00056) | 4 February 2025 |  |
|  |  |  |  |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| s.2  | rep. LA 48D |
| s.3  | rep. LA 48C |
| s.4  | am. F2025L00056 |
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