



Radiocommunications (Australian Federal Police – Visiting Dignitary) Exemption Determination 2018

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

Dated: 9 November 2018

Nerida O’Loughlin
[signed]
Member

Chris Jose
[signed]
Member/~~General Manager~~

Australian Communications and Media Authority

1 Name

This is the *Radiocommunications (Australian Federal Police – Visiting Dignitary) Exemption Determination 2018*.

2 Commencement

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

Note: The Federal Register of Legislation may be accessed at www.legislation.gov.au.

3 Authority

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

4 Cessation

This instrument expires on 20 November 2018 as if it had been repealed by another instrument.

5 Interpretation

- (1) In this instrument:

Act means the *Radiocommunications Act 1992*.

AFP means the Australian Federal Police established by subsection 6(1) of the *Australian Federal Police Act 1979*.

relevant period means the period commencing on 15 November 2018 and ending on 19 November 2018.

relevant person means:

- (a) an AFP employee, within the meaning given by subsection 4(1) of the *Australian Federal Police Act 1979*;
- (b) a special member, within the meaning given by subsection 4(1) of the *Australian Federal Police Act 1979*;
- (c) any other person performing a function or duty in relation to the AFP or the police force of a State or Territory;
- (d) any other person performing a function or duty in relation to the defence, security or international relations of Australia.

- (2) In this instrument, unless the contrary intention appears, a reference to an Act is a reference to that Act as in force from time to time.

Note: All Commonwealth Acts are registered on the Federal Register of Legislation.

6 Exemption for certain activities in relation to visiting dignitary

- (1) Any act or omission by a relevant person, in relation to the use, operation, possession or supply of a device, is exempt from Parts 3.1, 4.1 and 4.2 of the Act in the circumstances specified in subsection (2).

- (2) For the purpose of subsection (1), all the following circumstances must exist:
- (a) the act is done, or the omission occurs, in the performance of the relevant person's functions and duties in relation to:
 - (i) the AFP;
 - (ii) the police force of a State or Territory;
 - (iii) the defence, security or international relations of Australia;as the case may be;
 - (b) the act is done, or the omission occurs, in relation to the implementation and use of an electronic counter measure vehicle, associated with the security or protection of the Vice President of the United States of America during his visit to Australia;
 - (c) the act is done, or the omission occurs, within the relevant period.