



Telecommunications (Participating Person Exemption—Public Safety) Determination 2022

I, MICHELLE ROWLAND, Minister for Communications, make the following determination.

Dated 24 June 2022

M. Rowland

MICHELLE ROWLAND,
Minister for Communications

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1 Name

This instrument is the *Telecommunications (Participating Person Exemption—Public Safety) Determination 2022*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	On the day after this instrument is registered	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under subsection 44(2) of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

4 Repeal

This instrument is repealed at the start of 1 July 2024.

5 Definitions

Note: A number of expressions used in this instrument are defined in section 5 of the Act, including the following:

- (a) eligible revenue;
- (b) participating person.

In this instrument:

Act means the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

Government Radio Network means a radiocommunications system:

- (a) owned and operated by a State or Territory or a corporation owned wholly by a State or Territory; and
- (b) used to supply carriage services using trunked radiocommunications.

Permitted Purpose means any voice or data communication necessary or desirable to facilitate the exercise of functions in connection with:

- (a) preventing, preparing for, responding to or recovering from, an emergency, public safety incident or other incident posing a risk of harm to any person or property (including training activities in relation to the exercise of those functions); or
- (b) law enforcement and compliance; or
- (c) national security.

Permitted User means:

- (a) a department, agency, authority, institution or instrumentality of the Commonwealth of Australia; or
- (b) a department, agency, authority, institution or instrumentality (including of local government) of a State or Territory; or
- (c) a corporation owned wholly by the Commonwealth, a State or Territory; or
- (d) a non-government entity involved in the provision of public safety activities or public safety services.

Qualifying Entity means each of the following:

- (a) a Department of State;
- (b) an agency of a State or a Territory;
- (c) an authority of a State or a Territory;
- (d) an instrumentality of a State or a Territory.

Specified Period means an eligible revenue period comprising any of the following financial years:

- (a) the 2021-22 financial year;
- (b) the 2022-23 financial year;
- (c) the 2023-24 financial year.

(2) In this instrument, the following terms have the same meaning as in the *Telecommunications Act 1997*:

- (a) carriage service;
- (b) communications;
- (c) radiocommunication;
- (d) telecommunications network.

6 Determination of a kind of exempt person

- (1) For the purposes of subsection 44(2) of the Act, subsection (2) below prescribes the kind of person who is determined to be exempt from section 44 of the Act for the relevant Specified Period.
- (2) The kind of person is a person who:
 - (a) at any time during the Specified Period was a Qualifying Entity; and
 - (b) satisfies each of the following paragraphs during all times that the person was a Qualifying Entity in the Specified Period:
 - (i) it owns, or is vested with and operates, a Government Radio Network; and
 - (ii) it supplies carriage services using any telecommunications networks which it either owns, or is vested with and operates (including without limitation the Government Radio Network) only to Permitted Users and only for Permitted Purposes; and
 - (iii) each carriage service it supplies (as referred to in paragraph (ii) above) is wholly on a non-commercial basis or no-profit basis.