



## Radiocommunications Regulations 2023

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 16 March 2023

David Hurley  
Governor-General

By His Excellency's Command

Michelle Rowland  
Minister for Communications

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## 1 Name

This instrument is the *Radiocommunications Regulations 2023*.

## 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	The day after this instrument is registered.	18 March 2023

Note: This table relates only to the provisions of this instrument as originally made.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 the *Radiocommunications Act 1992*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## 5 Definitions

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

- (a) ACMA;
- (b) certificate;
- (c) licence.

- (1) In this instrument:

*Act* means the *Radiocommunications Act 1992*.

*Interpretation Determination* means a determination, as in force from time to time, made under subsection 64(1) of the *Australian Communications and Media Authority Act 2005*.

- (2) An expression used in this instrument and in the Interpretation Determination has the same meaning in this instrument as it has in the Interpretation Determination.

## Section 6

### 6 Exemptions from Parts 3.1, 4.1 and 4.2 of the Act

- (1) For the purposes of subsection 26(1) of the Act, a function or duty of a member of the Defence Force, or an officer of the Defence Department, mentioned in column 1 of an item of the following table is taken to be a function or duty that relates to a matter mentioned in column 2 of that item.

Functions or duties taken to be exempt		
Item	Column 1 Function or duty	Column 2 Matter
1	Function or duty relating to the control, operation or use of: (a) the Defence Force or any part of the Defence Force; or (b) the military, or any part of the military, of a foreign country acting in co-operation with the Defence Force	Military command and control
2	Function or duty relating to the collection, analysis or dissemination of information for a purpose relating to the defence or security of: (a) Australia; or (b) a foreign country whose military is acting in co-operation with the Defence Force	Intelligence
3	Function or duty relating to the control or operation of any system, equipment, weapon or thing intended for use in operations or activities of: (a) the Defence Force; or (b) the military of a foreign country acting in co-operation with the Defence Force	Weapons systems
4	Function or duty relating to actions or procedures intended to ensure the safe conduct of operations or activities by: (a) the Defence Force; or (b) the military of a foreign country acting in co-operation with the Defence Force	Safety
5	Function or duty relating to actions or procedures intended for the security of: (a) persons, information, equipment, assets or premises; or (b) operations or activities of: (i) the Defence Force; or (ii) the military of a foreign country acting in co-operation with the Defence Force	Security

- (2) For the purposes of subsection 26(1A) of the Act, a function or duty of a member of a visiting force, or a member of a civilian component of a visiting force, mentioned in column 1 of an item of the following table is taken to be a function or duty that relates to a matter mentioned in column 2 of that item.

Functions or duties taken to be exempt		
Item	Column 1 Function or duty	Column 2 Matter
1	Function or duty relating to the control, operation or use of: (a) the Defence Force or any part of the Defence Force; or	Military command and control

<b>Functions or duties taken to be exempt</b>		
<b>Item</b>	<b>Column 1 Function or duty</b>	<b>Column 2 Matter</b>
	(b) the military, or any part of the military, of a foreign country acting in co-operation with the Defence Force	
2	Function or duty relating to the collection, analysis or dissemination of information for a purpose relating to the defence, security or international relations of: (a) Australia; or (b) a foreign country whose military is acting in co-operation with the Defence Force	Intelligence
3	Function or duty relating to the control or operation of any system, equipment, weapon or thing intended for use in operations or activities of: (a) the Defence Force; or (b) the military of a foreign country acting in co-operation with the Defence Force	Weapons systems
4	Function or duty relating to actions or procedures intended to ensure the safe conduct of operations or activities by: (a) the Defence Force; or (b) the military of a foreign country acting in co-operation with the Defence Force	Safety
5	Function or duty relating to actions or procedures intended for the security of: (a) persons, information, equipment, assets or premises; or (b) operations or activities of: (i) the Defence Force; or (ii) the military of a foreign country acting in co-operation with the Defence Force	Security

- (3) For the purposes of subsection 26(1B) of the Act, a function or duty of an authorised defence supplier mentioned in column 1 of an item of the following table is taken to be a function or duty that relates to a matter mentioned in column 2 of that item.

<b>Functions or duties taken to be exempt</b>		
<b>Item</b>	<b>Column 1 Function or duty</b>	<b>Column 2 Matter</b>
1	Function or duty relating to the supply of goods or services to the Defence Force or the Defence Department relating to the control, operation or use of: (a) the Defence Force or any part of the Defence Force; or (b) the military, or any part of the military, of a foreign country acting in co-operation with the Defence Force	Military command and control
2	Function or duty relating to the supply of goods or services to the Defence Force or the Defence Department relating to the collection, analysis or dissemination of information for a purpose relating to the defence or security of: (a) Australia; or (b) a foreign country whose military is acting in co-operation with the	Intelligence

## Section 7

<b>Functions or duties taken to be exempt</b>		
<b>Item</b>	<b>Column 1 Function or duty</b>	<b>Column 2 Matter</b>
	Defence Force	
3	Function or duty relating to the supply of goods or services to the Defence Force or the Defence Department relating to the control or operation of any system, equipment, weapon or thing intended for use in operations or activities of: (a) the Defence Force; or (b) the military of a foreign country acting in co-operation with the Defence Force	Weapons systems
4	Function or duty relating to the supply of goods or services to the Defence Force or the Defence Department relating to actions or procedures intended to ensure the safe conduct of operations or activities by: (a) the Defence Force; or (b) the military of a foreign country acting in co-operation with the Defence Force	Safety
5	Function or duty relating to the supply of goods or services to the Defence Force or the Defence Department relating to actions or procedures intended for the security of: (a) persons, information, equipment, assets or premises; or (b) operations or activities of: (i) the Defence Force; or (ii) the military of a foreign country acting in co-operation with the Defence Force	Security

## 7 Officers who may give directions to which subsection 108(3) of the Act applies

For the purposes of subparagraph 108(3)(b)(v) of the Act, the classes of officers of the organisations referred to in an item of the following table are specified.

<b>Officers who may give directions</b>			
<b>Item</b>	<b>State or Territory</b>	<b>Class of officer</b>	<b>Organisation</b>
1	New South Wales	Commissioner	NSW State Emergency Service
2	Victoria	Chief Officer Operations	Victoria State Emergency Service
3	Queensland	Assistant Commissioner	Queensland Fire and Emergency Service
4	Western Australia	Fire and Emergency Services Commissioner	Department of Fire and Emergency Services
5	South Australia	Chief Officer	South Australian State Emergency Service
6	Tasmania	Executive Director	State Emergency Service
7	Australian Capital Territory	Assistant Commissioner	ACT Emergency Services Agency
8	Northern Territory	Territory Controller	NT Police Fire and Emergency Services



## 8 Organisations specified for the purposes of paragraph 193(1)(a) of the Act

- (1) For the purposes of subparagraph 193(1)(a)(i) of the Act, each organisation referred to in an item of the following table is specified.

<b>Fire-fighting, civil defence and rescue organisations</b>		
<b>Item</b>	<b>Australia, State or Territory</b>	<b>Organisation</b>
1	Australia	Airservices Australia (rescue and fire-fighting services) Director of National Parks (fire-fighting services)
2	New South Wales	NSW State Emergency Service Fire and Rescue NSW NSW Rural Fire Service Mines Rescue Pty Limited VRA Rescue NSW Limited National Parks and Wildlife Service (fire-fighting services)
3	Victoria	Victoria State Emergency Service Authority Fire Rescue Victoria Country Fire Authority The Department administered by the Minister administering the <i>Forests Act 1958</i> (Vic) (fire-fighting services)
4	Queensland	Queensland Fire and Emergency Service Queensland Mines Rescue Service Limited
5	Western Australia	Brigades, groups or units established under the <i>Fire and Emergency Services Act 1998</i> (WA), <i>Bush Fires Act 1954</i> (WA) and <i>Fire Brigades Act 1942</i> (WA)
6	South Australia	South Australian State Emergency Service South Australian Metropolitan Fire Service South Australian Country Fire Service and brigades formed under the <i>Fire and Emergency Services Act 2005</i> (SA)
7	Tasmania	State Emergency Service Tasmania Fire Service Forestry Tasmania (fire-fighting services) Department of Natural Resources and Environment Tasmania (fire-fighting services)
8	Australian Capital Territory	ACT Fire and Rescue Service
9	Northern Territory	Northern Territory Emergency Service Northern Territory Fire and Rescue Service Bushfires Council Bushfires NT

- (2) For the purposes of subparagraph 193(1)(a)(ii) of the Act, each organisation referred to in an item of the following table is specified.

## Section 9

<b>Ambulance services</b>		
<b>Item</b>	<b>Australia, State or Territory</b>	<b>Organisation</b>
1	New South Wales	Ambulance Service of NSW St John Ambulance Australia (N.S.W.)
2	Victoria	Ambulance Victoria St John Ambulance Australia (Victoria) Inc.
3	Queensland	Queensland Ambulance Service St John Ambulance Australia Queensland Limited
4	Western Australia	St John Ambulance Western Australia Ltd.
5	South Australia	SA Ambulance Service Inc St John Ambulance Australia South Australia Inc
6	Tasmania	Ambulance Tasmania St John Ambulance Australia - Tasmania (Inc)
7	Australian Capital Territory	ACT Ambulance Service St John Ambulance Australia (ACT) Incorporated
8	Northern Territory	Department of Health (ambulance services) St John Ambulance Australia NT Inc

## 9 Instrument to be regarded in exercising power under Act

For the purposes of section 299 of the Act, the Treaty between Australia and the Democratic Republic of Timor-Leste Establishing their Maritime Boundaries in the Timor Sea done at New York on 6 March 2018, as amended or altered from time to time, is prescribed.

Note: The Treaty is in Australian Treaty Series 2019 No. 16 ([2019] ATS 16) and could in 2023 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

## 10 Qualifications required by officers who issue evidentiary certificates

For the purposes of subsection 305(1) of the Act, the qualifications specified for a Commonwealth officer who may issue an evidentiary certificate are:

- (a) an associate diploma, diploma or degree granted by an Australian education organisation in engineering; or
- (b) qualifications, experience or training that the ACMA is satisfied is equivalent to a qualification in paragraph (a).

## 11 Issue of duplicate instruments

For the purposes of paragraph 314(2)(h) of the Act, if a licence, certificate or permit issued to a person under the Act has been lost or destroyed, the holder of the original licence, certificate or permit may apply to the ACMA for issue to the holder of a duplicate.

## 12 Things done under the *Radiocommunications Regulations 1993*

- (1) If:

- (a) a thing was done for a particular purpose under the *Radiocommunications Regulations 1993* as in force immediately before that instrument was repealed; and
  - (b) the thing could be done for that purpose under this instrument;
- the thing has effect for the purposes of this instrument as if it had been done for that purpose under this instrument.
- (2) Without limiting subsection (1), a reference in that subsection to a thing being done includes a reference to a notice, application or other instrument being given or made.

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## Schedule 1—Repeals

### *Radiocommunications Regulations 1993*

#### **1 The whole of the instrument**

Repeal the instrument.