

Radiocommunications Regulations 2023

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Note: This table relates only to the provisions of this instrument as originally made.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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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.

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 1Function or duty | Column 2Matter |
| 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 1Function or duty | Column 2Matter |
| 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, 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.

| Functions or duties taken to be exempt |
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| Item | Column 1Function or duty | Column 2Matter |
| 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 Defence Force | Intelligence |
| 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.

| Officers who may give directions |
| --- |
| Item | State or Territory | Class of officer | Organisation |
| 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.

| Fire‑fighting, civil defence and rescue organisations |
| --- |
| Item | Australia, State or Territory | Organisation |
| 1 | Australia | Airservices Australia (rescue and fire‑fighting services)Director of National Parks(fire‑fighting services) |
| 2 | New South Wales | NSW State Emergency ServiceFire and Rescue NSWNSW Rural Fire ServiceMines Rescue Pty LimitedVRA Rescue NSW LimitedNational Parks and Wildlife Service (fire‑fighting services) |
| 3 | Victoria | Victoria State Emergency Service AuthorityFire Rescue VictoriaCountry Fire AuthorityThe Department administered by the Minister administering the *Forests Act 1958* (Vic) (fire‑fighting services) |
| 4 | Queensland | Queensland Fire and Emergency ServiceQueensland Mines Rescue Service Limited |
| 5 | Western Australia | Brigades, groups or units established under the *Fire and Emergency Services Act 1998* (WA), *Bush Fires Act 1954* (WA) and *Fire Brigades Act 1942* (WA) |
| 6 | South Australia | South Australian State Emergency ServiceSouth Australian Metropolitan Fire ServiceSouth Australian Country Fire Service and brigades formed under the *Fire and Emergency Services Act 2005* (SA) |
| 7 | Tasmania | State Emergency ServiceTasmania Fire ServiceForestry 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 ServiceNorthern Territory Fire and Rescue ServiceBushfires CouncilBushfires 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.

| Ambulance services |
| --- |
| Item | Australia, State or Territory | Organisation |
| 1 | New South Wales | Ambulance Service of NSWSt John Ambulance Australia (N.S.W.) |
| 2 | Victoria | Ambulance VictoriaSt John Ambulance Australia (Victoria) Inc. |
| 3 | Queensland | Queensland Ambulance ServiceSt John Ambulance Australia Queensland Limited |
| 4 | Western Australia | St John Ambulance Western Australia Ltd. |
| 5 | South Australia | SA Ambulance Service IncSt John Ambulance Australia South Australia Inc |
| 6 | Tasmania | Ambulance TasmaniaSt John Ambulance Australia ‑ Tasmania (Inc) |
| 7 | Australian Capital Territory | ACT Ambulance ServiceSt 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.

Schedule 1—Repeals

Radiocommunications Regulations 1993

1 The whole of the instrument

Repeal the instrument.