

Radiocommunications (Apparatus Licences –Authorisations and Transfers) Determination 2025

The Australian Communications and Media Authority makes the following determination under subsection 115(1) and subsection 131AC(1) of the *Radiocommunications Act 1992*.

Dated: 10 July 2025

Adam Suckling

[signed]

Member

Samantha Yorke

[signed]

Member

Australian Communications and Media Authority

1 Name

 This is the *Radiocommunications (Apparatus Licences – Authorisations and Transfers) Determination 2025*.

2 Commencement

 This instrument commences at the start of 30 September 2025.

Note: The Federal Register of Legislation is available, free of charge, at www.legislation.gov.au.

3 Authority

 This instrument is made under subsection 115(1) and subsection 131AC(1) of the Act.

4 Repeal

 The *Radiocommunications (Limitation of Authorisation of Third Party Users and Transfer of Apparatus Licences) Determination 2015* [F2015L01218] is repealed.

5 Definitions

 In this instrument:

***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.

Note 1: A number of other expressions used in this instrument are defined in the Act, including the following:

(a) ACMA;

(b) apparatus licence;

(c) apparatus licence tax;

(d) Australia;

(e) international broadcasting licence;

(f) international broadcasting service;

(g) licensee;

(h) operate;

(i) radiocommunications device.

Note 2: Other expressions used in this instrument may be defined in a determination, made under subsection 64(1) of the *Australian Communications and Media Authority Act 2005*, that applies to this instrument, including the following:

(a) Act;

(b) broadcasting service.

6 References to other instruments

 In this instrument, unless the contrary intention appears:

 (a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and

 (b) a reference to any other kind of instrument or writing is a reference to that other instrument or writing as in force, or existing, 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 *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

Note 3: See section 314A of the Act.

7 Circumstances in which persons must not be authorised to operate radiocommunications devices, or in which a licence is not transferable

 (1) For the purposes of paragraph 115(1)(c) of the Act, the licensee of an apparatus licence specified in column 1 of a table item must not authorise a person (the ***other person***) to operate a radiocommunications device under the licence in the circumstances set out in column 2 of the table item.

 (2) For the purposes of paragraph 131AC(1)(b) of the Act, an apparatus licence specified in column 1 of a table item is not transferable to a proposed transferee (the ***other person***) under Division 8 of Part 3.3 of the Act in the circumstances set out in column 2 of the table item.

**Table**

|  | **Column 1** | **Column 2** |
| --- | --- | --- |
|  | **Licence** | **Circumstances in which other person must not be authorised, or in which the licence is not transferable** |
| *1* | An apparatus licence held by an exempt person | The other person is not an exempt person |
| *2* | An apparatus licence held by an eligible person | The other person is not one of the following:(a) an exempt person;(b) an eligible person |
| *3* | An apparatus licence that authorises the operation of a radiocommunications device for the provision of an international broadcasting service | There is no international broadcasting licence in force that authorises the provision of the international broadcasting service by the other person |
| *4* | An apparatus licence held by the Australian Broadcasting Corporation or the Special Broadcasting Service Corporation, where the Corporation operates a radiocommunications device under the licence to provide a broadcasting service to locations outside Australia | The other person intends to operate a radiocommunications device under the licence:(a) to provide an international broadcasting service; or(b) to provide a broadcasting service within Australia |
| *5* | An apparatus licence that authorises the licensee to operate a radiocommunications device in the provision of an exempt broadcasting service | The other person intends to operate a radiocommunications device under the licence otherwise than in the provision of an exempt broadcasting service |