



Radiocommunications Regulations 1993

Statutory Rules 1993 No. 177 as amended

made under the

Radiocommunications Act 1992

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Regulation 1

Part 1 Preliminary**1 Name of regulations** [see Note 1]

These regulations are the *Radiocommunications Regulations 1993*.

2 Commencement

These regulations commence on 1 July 1993.

3 Interpretation

In these regulations, unless the contrary intention appears:

27 megahertz maritime frequencies means any of the following frequencies:

- (a) 27,680 kilohertz;
- (b) 27,720 kilohertz;
- (c) 27,820 kilohertz;
- (d) 27,860 kilohertz;
- (e) 27,880 kilohertz;
- (f) 27,900 kilohertz;
- (g) 27,910 kilohertz;
- (h) 27,940 kilohertz;
- (i) 27,960 kilohertz;
- (j) 27,980 kilohertz.

Act means the *Radiocommunications Act 1992*.

aeronautical frequencies means frequencies specified in the spectrum plan that may be used for the purposes of aeronautical mobile services.

aeronautical mobile-satellite frequencies means frequencies specified in the spectrum plan that may be used for the purposes of aeronautical mobile-satellite services.

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aeronautical mobile-satellite service means a mobile-satellite service in which:

- (a) mobile earth stations are located on board aircraft; and
- (b) survival craft stations and emergency position-indicating radio beacon stations may participate.

aeronautical mobile service means a radiocommunications service that is used principally for the purpose of the transmission of messages to and from aircraft.

aircraft station means a station that:

- (a) is fixed on board an aircraft; and
- (b) is operated on aeronautical frequencies; and
- (c) may be operated on aeronautical mobile-satellite frequencies or radiodetermination frequencies.

amateur frequencies means frequencies specified in the spectrum plan that may be used for the purposes of amateur services.

amateur intermediate station means an amateur station where the holder of the transmitter licence that relates to the station is a person:

- (a) to whom:
 - (i) a certificate of proficiency has been granted in relation to the Limited Amateur Operator's Examination, which is a category of approved examination for the purposes of subsection 122 (2) of the Act; and
 - (ii) a certificate of proficiency has been granted in relation to the Novice Amateur Operator's Examination, which is a category of approved examination for the purposes of subsection 122 (2) of the Act; or
- (b) who holds an equivalent overseas qualification for the purposes of the Radiocommunications (Qualified Operators) Determination No. 1 of 1993, as in force on 3 April 1995.

amateur limited station means an amateur station where the holder of the transmitter licence that relates to the station is a person:

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- (a) to whom a certificate of proficiency has been granted in relation to the Limited Amateur Operator's Examination, which is a category of approved examination for the purposes of subsection 122 (2) of the Act; or
- (b) who holds an equivalent overseas qualification for the purposes of the Radiocommunications (Qualified Operators) Determination No. 1 of 1993, as in force on 3 April 1995.

amateur novice limited station means an amateur station where the holder of the transmitter licence that relates to the station is a person:

- (a) to whom a certificate of proficiency has been granted in relation to the Novice Limited Amateur Operator's Examination, which is a category of approved examination for the purposes of subsection 122 (2) of the Act; or
- (b) who holds an equivalent overseas qualification for the purposes of the Radiocommunications (Qualified Operators) Determination No. 1 of 1993, as in force on 3 April 1995.

amateur novice station means an amateur station where the holder of the transmitter licence that relates to the station is a person:

- (a) to whom a certificate of proficiency has been granted in relation to the Novice Amateur Operator's Examination, which is a category of approved examination for the purposes of subsection 122 (2) of the Act; or
- (b) who holds an equivalent overseas qualification for the purposes of the Radiocommunications (Qualified Operators) Determination No. 1 of 1993, as in force on 3 April 1995.

amateur-satellite service means a radiocommunications service that uses space stations on earth satellites for purposes that are the same as the purposes of the amateur service.

amateur service means a radiocommunications service established for the purposes of self-training in radiocommunications, intercommunication using radiocommunications and technical investigation into radiocommunications by persons:

- (a) who are licensed under the Act to do so; and

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- (b) who do so solely with a personal aim; and
- (c) who have no pecuniary interest in the outcome of the operations of the service.

amateur station means a station that:

- (a) is operated for the purposes of self-training in radiocommunications, intercommunication using radiocommunications and technical investigation into radiocommunications by persons:
 - (i) who do so solely with a personal aim; and
 - (ii) who have no pecuniary interest in the outcome of the operation of the station; and
- (b) is operated on amateur frequencies or frequency bands; and
- (c) may participate in the amateur-satellite service.

amateur unrestricted station means an amateur station where the holder of the transmitter licence that relates to the station is a person:

- (a) to whom a certificate of proficiency has been granted in relation to the Amateur Operator's Examination, which is a category of approved examination for the purposes of subsection 122 (2) of the Act; or
- (b) who holds an equivalent overseas qualification for the purposes of the Radiocommunications (Qualified Operators) Determination No. 1 of 1993, as in force on 3 April 1995.

ambulatory station means a land mobile station that:

- (a) is operated principally for communications with other land mobile stations; and
- (b) if permitted by the transmitter licence that relates to the land mobile station — may communicate with:
 - (i) an aircraft station, but not on an aeronautical frequency; or
 - (ii) a maritime ship station, but not on a maritime frequency.

authorised person means:

- (a) the Chairman; or

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- (b) a person appointed under regulation 42 for the purposes of the provision in which that expression appears.

carriage service provider has the meaning given in section 87 of the *Telecommunications Act 1997*.

carrier has the meaning given in section 7 of the *Telecommunications Act 1997*.

Chairman has the meaning given in section 7 of the *Telecommunications Act 1997*.

citizen band radio station means a station that employs, for radiocommunication, any frequency channel in the frequency bands 26.965 megahertz to 27.405 megahertz (inclusive) and 476.425 to 477.400 megahertz (inclusive), being a frequency channel used by citizen band radio stations.

connection has the meaning given to **connected** in section 7 of the *Telecommunications Act 1997*.

Distress, Urgency, Alarm and Safety Signals means the Distress Signal, Urgency Signal, Alarm Signal and Safety Signal, within the meaning of the Articles in which the respective Signals are mentioned, of the Radio Regulations published by the International Telecommunication Union, Geneva, as in force from time to time under the Telecommunication Convention.

emergency position indicating radio beacon station has the same meaning as in the spectrum plan.

examination means an examination conducted under Part 4.

facsimile means communication by facsimile or any other form of communication that is automatically reproduced onto paper.

fixed receive station means a fixed station:

- (a) that is used only for receiving messages; and
- (b) that is not capable of transmitting messages of any kind; and
- (c) for which the ACA, or a person accredited under section 263 of the Act, undertakes coordination procedures for the purpose of minimising interference to reception.

fixed station means a station that:

- (a) is located principally:

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- (i) at fixed points specified in the transmitter licence that relates to the station; or
 - (ii) in an area specified in the licence; and
- (b) is operated principally for communications with stations located:
 - (i) at 1 or more other fixed points specified in the licence; or
 - (ii) in an area specified in the licence; and
- (c) if permitted by the transmitter licence that relates to the fixed station — may communicate with:
 - (i) an aircraft station, but not on an aeronautical frequency; and
 - (ii) a ship station, but not on a maritime frequency; and
 - (iii) a land mobile station, but not on a land mobile frequency.

former Regulations means the Radiocommunications (Licensing and General) Regulations as in force:

- (a) at a particular time; or
- (b) if no particular time is specified in the provision in which the term appears — immediately before the commencement of these Regulations.

intercommunication means two-way communication between stations in the amateur service in Australia and:

- (a) other stations in the amateur service in Australia; or
- (b) amateur stations overseas;

but does not include communication with stations of other radiocommunications services.

land mobile frequency means a frequency specified in the spectrum plan that may be used for the purposes of land mobile services.

land mobile service means a radiocommunications service that:

- (a) comprises 1 or more land stations or land mobile stations; and
- (b) is used for communications between:
 - (i) land stations and land mobile stations; or
 - (ii) land mobile stations; or

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- (iii) land mobile stations through another land station; or
- (iv) land stations through another land station; and
- (c) may communicate with:
 - (i) an aircraft station, but not on an aeronautical frequency; or
 - (ii) a maritime ship station, but not on a maritime frequency.

land mobile station means a station that is established for use:

- (a) while the station is in motion on land; or
- (b) during halts at unspecified points on land.

land station means a station that is established at a fixed point on land.

licence conditions determination, in relation to a licence, means licence conditions as determined by the ACA under paragraph 107 (1) (f) of the Act.

limited coast marine rescue station means a maritime coast station that:

- (a) is operated by a body that is prepared to provide a maritime emergency radiocommunications service to vessels at sea without discrimination; and
- (b) is used primarily for ship-to-shore and shore-to-ship communications; and
- (c) is used to provide a listening watch, and to transmit, on frequencies specified in:
 - (i) a licence conditions determination; or
 - (ii) the licence issued for the maritime coast station.

major coast receive station means a station:

- (a) that is used on land principally for receiving messages transmitted by maritime ship stations; and
- (b) that is not capable of transmitting messages of any kind; and
- (c) that may be used for receiving messages transmitted by:
 - (i) aircraft stations; and
 - (ii) land mobile stations; and
 - (iii) outpost stations; and

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- (d) for which the ACA, or a person accredited under section 263 of the Act, undertakes coordination procedures for the purpose of minimising interference to reception.

maritime coast station means a station:

- (a) that is operated on land principally for:
- (i) the transmission of messages to ship stations; and
 - (ii) the reception of messages from ship stations; and
- (b) that may communicate with:
- (i) aircraft stations; and
 - (ii) land mobile stations; and
 - (iii) outpost stations; and
- (c) that is operated on maritime frequencies.

maritime frequencies means frequencies specified in the spectrum plan that may be used for the purposes of maritime mobile services.

maritime mobile service means a mobile service:

- (a) between:
- (i) maritime coast stations and maritime ship stations; or
 - (ii) maritime ship stations; or
 - (iii) on-board communications stations associated with a maritime ship station; and
- (b) in which survival craft stations and emergency position indicating radio beacon stations may participate.

maritime ship station means a station that:

- (a) is operated on board a ship for communicating with:
- (i) maritime coast stations; or
 - (ii) on-board communication stations associated with the maritime ship station, whether or not those stations are operated on board ships; and
- (b) may include equipment that is in a survival craft of the ship; and
- (c) may include a mobile earth station on board the ship; and
- (d) operates on maritime frequencies; and
- (e) operates on maritime-mobile satellite frequencies or radiodetermination frequencies.

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message includes all or part of any correspondence, communication, conversation, information or signal transmitted or received by a station.

mobile station means a station that is established for use:

- (a) while the station is in motion on land, on water or in the air; or
- (b) during halts at unspecified points on land, on water or in the air.

outpost station means a station operating in the HF frequency band that is primarily established:

- (a) for the purposes of participation in an education program provided by a school of the air; or
- (b) to provide radiocommunications in a remote locality at which a connection to a telecommunications network operated by a carrier or carriage service provider is not provided; or
- (c) where a connection to a telecommunications network operated by a carrier or carriage service provider is provided at the remote locality where the station is situated — to provide radiocommunications in the locality for the purposes of an emergency that involves:
 - (i) prejudice to the security or defence of Australia; or
 - (ii) a serious threat to the environment; or
 - (iii) risk of injury to, or death of, a person; or
 - (iv) risk of damage to, or substantial loss of, property.

Note The HF frequency band is broadly defined as 3 MHz to 30 MHz: see Volume 1 of the International Telecommunication Union Radio Regulations published by the ITU and as in force from time to time.

penalty, in relation to an offence of a kind mentioned in section 315 of the Act, means a penalty of an amount worked out in accordance with that section.

public correspondence means a telecommunication:

- (a) that is accepted for transmission by a station because the station is available for use by the public; or
- (b) that is accepted for transmission by a person or body because the person or body is required, under a licence, to accept the telecommunication from the public for transmission.

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radiodetermination frequencies means frequencies specified in the spectrum plan that may be used for the purposes of radiodetermination.

ship includes every kind of vessel or floating craft of any size, not being a vessel or floating craft that is permanently moored.

ship station Class A means a maritime ship station that:

- (a) is operated solely on 27 megahertz maritime frequencies; and
- (b) does not include a transmitter that is licensed to transmit public correspondence; and
- (c) is not a ship station Class C.

ship station Class B means a maritime ship station, other than a ship station Class C, that:

- (a) includes a transmitter that is licensed to transmit public correspondence; or
- (b) if the maritime ship station does not include a transmitter that is licensed to transmit public correspondence — is not a ship station Class A.

ship station Class C means a maritime ship station that is equipped in accordance with the *Navigation Act 1912*.

SOLAS means the Safety of Life at Sea Convention, 1974 done at London on 1 November 1974 and its Protocol of 1978, both as in force on the day on which this definition takes effect.

space station means a radiocommunications transmitter on a space object.

spectrum plan means the spectrum plan in force from time to time under the Act.

survival craft station has the same meaning as in the spectrum plan.

station means an installation or thing that is, or includes, either or both of the following:

- (a) 1 or more radiocommunications transmitters;
- (b) 1 or more radiocommunications receivers;

and includes an installation or thing, whether artificial or naturally occurring, that is intentionally used to reflect or receive radio emissions.

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Telecommunication Convention means the International Telecommunication Convention done at Nairobi on 6 November 1982.

Note The following terms used in these Regulations are defined in section 5 of the Act: aircraft, Australian satellite, certificate, certificate of proficiency, device, frequency band, frequency band plan, inspector, interference, licence, licensee, radiocommunication, radiocommunications device, radiocommunications receiver, radiocommunications transmitter, radio emission, receiver licence, reception, SMA, spectrum plan, transmitter and transmitter licence.

telecommunications network has the meaning given in section 7 of the *Telecommunications Act 1997*.

Part 2 General

6 **What functions or duties attract exemption from Parts 3.1, 4.1 and 4.2 of the Act?**

For the purposes of paragraph 26 (1) (b) of the Act, a function or duty of a member of the Defence Force, or of an officer of the Department of Defence, in relation to:

- (a) the control, operation or use of the Defence Force or of any part of the Defence Force; or
- (b) the collection or dissemination of information for a purpose relating to the security or defence of Australia; or
- (c) the control or operation of any system, equipment, weapon or thing intended for use in combat;

is taken to be a function or duty in relation to military command and control, intelligence or weapons systems, as the case requires.

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| Part 3 | Conditions for transmitter licences |
| Division 1 | Conditions applicable generally |
| Division 2 | Conditions applicable to amateur stations |

Part 4 Examinations for certificates of proficiency

13 Examinations conducted under the Regulations

- (1) The ACA may conduct, or arrange the conducting of, examinations referred to in this Part.
- (2) The examination specified in Column 2 of an item in Schedule 1 is an examination conducted by or for the ACA for a certificate that relates to a licence for a transmitter that is, or forms part of, a station described in Column 3 of that item.

14 Restricted Operator's Examination

- (1) A Restricted Operator's Examination may be conducted for radiotelegraphy or radiotelephony, or both.
- (2) A Restricted Operator's Examination in radiotelegraphy is an examination conducted by an authorised person in relation to the following matters:
 - (a) practical knowledge of the working and adjustment of any type of radiotelegraph installation specified by the ACA by notice in the *Gazette*;
 - (b) ability to send correctly, and to receive correctly by ear, in Morse code, a message in plain language at a speed of 10 words per minute;
 - (c) knowledge of the regulations in force under the Telecommunication Convention relating to:
 - (i) the exchange of radiotelegraph communications; and
 - (ii) interference; and
 - (iii) the Distress, Urgency, Alarm and Safety Signals;
 - (d) knowledge of the precautions necessary to ensure the safety of an installation referred to in paragraph (a) and the user of the installation.

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- (3) A Restricted Operator's Examination in radiotelephony is an examination conducted by an authorised person in relation to the following matters:
- (a) practical knowledge of the working and adjustment of any type of radiotelephone installation specified by the ACA by notice in the *Gazette*;
 - (b) ability to send and receive correctly messages by radiotelephone;
 - (c) knowledge of the regulations in force under the Telecommunication Convention relating to:
 - (i) the exchange of radiotelephone communications; and
 - (ii) interference; and
 - (iii) the Distress, Urgency, Alarm and Safety Signals;
 - (d) knowledge of the precautions necessary to ensure the safety of an installation referred to in paragraph (a) and the user of the installation.
- (4) A Restricted Operator's Examination in both radiotelegraphy and radiotelephony is an examination conducted by an authorised person in relation to the matters specified in subregulations (2) and (3).

18 First-Class and Second-Class Radio Electronic Operator's Examinations

A First-Class Radio Electronic Operator's Examination and a Second-Class Radio Electronic Operator's Examination are examinations conducted by an authorised person in relation to the following matters:

- (a) knowledge of the principles of electricity and of the theory of radio and electronics;
- (b) for a First-Class Radio Electronic Operator's Examination — a detailed theoretical knowledge of the types of radiocommunication equipment specified by the ACA by notice in the *Gazette* in relation to the examination;
- (c) for a Second-Class Radio Electronic Operator's Examination — a general theoretical knowledge of the

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- types of radiocommunication equipment specified by the ACA by notice in the *Gazette* in relation to the examination;
- (d) general knowledge of the principles of equipment used for radionavigation;
 - (e) for a First-Class Radio Electronic Operator's Examination — practical knowledge necessary for the locating and repairing (using appropriate testing equipment and tools) faults which may occur on board a ship in the equipment referred to in paragraphs (b) and (d);
 - (f) for a Second-Class Radio Electronic Operator's Examination — practical knowledge necessary for repairing faults in equipment referred to in paragraphs (c) and (d), using the means available on board a ship and, if necessary, replacing modular units;
 - (g) detailed practical knowledge of global maritime distress and safety subsystems and associated equipment;
 - (h) ability to send and receive correctly by radiotelephone and direct-printing radiotelegraph installations;
 - (i) detailed knowledge of the regulations applying to radiocommunication in force under the Telecommunication Convention;
 - (j) knowledge of the recommendations relating to charges for radiocommunication published by the International Telegraphic and Telephone Consultative Committee of the International Telecommunications Union and specified, in relation to the examination, by the ACA by notice in the *Gazette*;
 - (k) knowledge of the provisions of SOLAS that relate to radiocommunication.

19 General Operator's Examination

A General Operator's Examination is an examination conducted by an authorised person in relation to the following matters:

- (a) detailed practical knowledge of global maritime distress and safety subsystems and associated equipment that are specified by the ACA by notice in the *Gazette*;

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- (b) ability to send and receive correctly by radiotelephone and direct-printing radiotelegraph installations;
- (c) detailed knowledge of the regulations applying to radiocommunication in force under the Telecommunication Convention;
- (d) knowledge of the recommendations relating to charges for radiocommunication published by the International Telegraphic and Telephone Consultative Committee of the International Telecommunications Union and specified by the ACA by notice in the *Gazette*;
- (e) knowledge of the provisions of SOLAS that relate to radiocommunication.

20 When ACA must give notice of examinations

If, under this Part, the ACA is required to give notice in the *Gazette* about an examination, the ACA must give the notice at least 14 days before the day when the examination is to be held.

21 Notice for examination

- (1) If an applicant applies for a certificate and is required to undertake an examination in relation to that application, the ACA must give the applicant notice in writing setting out:
 - (a) the time and place of the examination; and
 - (b) the charge (if any) determined by the ACA under section 53 of the *Australian Communications Authority Act 1997* for the examination and the time when the charge is payable.
- (2) If a charge is payable for an examination before the examination is conducted, an applicant for a certificate is not entitled to undertake the examination unless the applicant has paid the charge.
- (3) An applicant who has paid the charge for an examination and does not undertake the examination is not entitled to a refund of the charge.

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22 Examination result and reassessment

- (1) If an applicant for a certificate undertakes an examination for that certificate, an authorised person must give notice in writing to the applicant as soon as practicable after the examination is conducted:
 - (a) of the result of the examination; and
 - (b) that the applicant is entitled to apply in writing to the ACA, within 28 days after the day on which the notice is given, for a reassessment of the result of the examination, except an examination referred to in paragraph 14 (2) (b), 15 (c) or 17 (c) relating to the sending of a message in Morse Code.
- (2) The ACA may extend the period referred to in subregulation (1) for a further period specified in the notice if it is reasonable in all the circumstances to do so and whether or not the initial period has expired.
- (3) If an applicant for a certificate applies to the ACA, in accordance with this regulation, for reassessment of the result of an examination, the ACA, or an authorised person, must direct an authorised person:
 - (a) to make the reassessment; and
 - (b) as soon as practicable after making the reassessment — to give notice in writing to the applicant of the result of the reassessment.

Regulation 23

Part 5 Payment of penalties**23 When may an infringement notice be served?**

If there are reasonable grounds for believing that a person has committed an offence of a minor nature against a provision mentioned in section 315 of the Act, an authorised person may serve, or cause to be served, an infringement notice on that person.

24 How is an infringement notice to be served?

- (1) An authorised person may serve an infringement notice on an individual:
 - (a) by giving it to the individual personally; or
 - (b) by leaving it at, or sending it by post to, the residential or business address of the individual that is last known to the officer; or
 - (c) by giving it, at the residence or place of business that is last known to the officer, to a person who is, or whom the officer reasonably believes is:
 - (i) above the age of 16 years; and
 - (ii) an occupant of, or employed at, the residence or place.
- (2) An authorised person may serve an infringement notice on a body corporate:
 - (a) by sending it by post to the head office, registered office, principal office or other postal address of the body corporate; or
 - (b) by giving it, at the head office, registered office, principal office or other place of business of the body corporate, to a person who is, or whom the officer reasonably believes is:
 - (i) above the age of 16 years; and
 - (ii) an officer of, or in the service of, the body corporate.

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- (3) An infringement notice may also be served:
- (a) by another person acting on behalf of an authorised person in the manner set out in subregulation (1) or (2); or
 - (b) by an authorised person, or by another person acting on behalf of an authorised person, in the manner set out in regulation 45.

25 What must be included in an infringement notice?

- (1) An infringement notice must be signed by the person who issues it, or causes it to be issued, and must contain:
- (a) a statement of the name of the authorised person who issues it, or causes it to be issued; and
 - (b) a statement setting out the nature of the alleged offence and when and where the offence is alleged to have been committed; and
 - (c) a statement to the effect that, if the person on whom the notice is served does not wish the matter to be dealt with by a court, he or she may pay a penalty of an amount worked out in accordance with section 315 of the Act in relation to the alleged offence, being the amount specified in the notice, within the period of 28 days after the date of the notice unless the notice is sooner withdrawn; and
 - (d) information describing where and how the penalty may be paid; and
 - (e) a statement setting out the procedures under these Regulations relating to the withdrawal of notices and the consequences of the withdrawal of a notice; and
 - (f) a statement to the effect that if the person pays the penalty within the period referred to in the notice or any further period (not being more than 14 days) that the Chairman or an authorised person allows (whether before or after the end of the period referred to in the notice), or if the notice is withdrawn after the person has paid the penalty:
 - (i) any liability of the person for the alleged offence is regarded as being discharged; and
 - (ii) no further proceedings may be taken for the alleged offence; and

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- (iii) the person is not to be regarded as having been convicted of the alleged offence.
- (2) An infringement notice may contain any other matters that the ACA considers relevant.

26 What is the effect of withdrawal of an infringement notice?

- (1) If an infringement notice has been served on a person, the Chairman, or an authorised person, may at any time before the expiration of 28 days after the date of the notice, by notice in writing served on the person, withdraw the infringement notice.
- (2) If:
- (a) an infringement notice has been served on a person; and
 - (b) the person has paid the penalty in relation to the alleged offence in accordance with the notice; and
 - (c) the notice is subsequently withdrawn;
- the Chairman, or an authorised person, must cause to be refunded to the person an amount equal to the penalty paid by the person.

27 What happens if the penalty is paid?

- (1) If an infringement notice is served on a person and:
- (a) the person pays the penalty within the period referred to in the notice or any further period (not being more than 14 days) that the Chairman or an authorised person allows (whether before or after the end of the period referred to in the notice); or
 - (b) the notice is withdrawn after the person has paid the penalty;
- then:
- (c) any liability of the person for the alleged offence is regarded as being discharged; and
 - (d) no further proceedings may be taken for the alleged offence.

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- (2) If subregulation (1) applies to a person, the person is not to be regarded as having been convicted of the alleged offence.

28 What happens if the penalty is paid by cheque?

If the amount of a penalty is paid by cheque, payment is taken not to have been made unless the cheque is honoured upon presentation.

29 What happens if more than one notice is served in relation to the same alleged offence?

Nothing in this Part prevents the service of more than one infringement notice on a person for the same alleged offence, but regulation 27 applies to the person if the person pays the penalty in relation to the alleged offence in accordance with any one of those notices.

30 What effect does this Part have on the institution and prosecution of proceedings?

Nothing in this Part:

- (a) requires an infringement notice to be served in relation to an alleged offence; or
- (b) affects the liability of a person to be prosecuted for an alleged offence if the person does not comply with an infringement notice; or
- (c) affects the liability of a person to be prosecuted for an alleged offence if an infringement notice is not served on the person in relation to the offence, or if an infringement notice is served on the person and subsequently withdrawn; or
- (d) limits the amount of the fine that may be imposed by a court on a person convicted of an alleged offence.

31 Evidentiary matters

- (1) At the hearing of a prosecution for an offence referred to in an infringement notice, a certificate signed by an authorised person that states that:

Regulation 31

- (a) under paragraph 27 (1) (a), the authorised person did not allow further time for payment of the penalty; and
 - (b) the penalty was not paid in accordance with the notice within 28 days after the date of service of the notice;
- is evidence of those matters.
- (2) At the hearing of a prosecution for an offence referred to in an infringement notice, a certificate signed by an authorised person that states that:
 - (a) under paragraph 27 (1) (a), the authorised person allowed the further time set out in the evidentiary certificate for payment of the penalty; and
 - (b) the penalty was not paid in accordance with the notice within the further time allowed;is evidence of those matters.
 - (3) A certificate that purports to have been signed by an authorised person is taken to have been signed by the authorised person unless the contrary is proved.

Part 6 Miscellaneous

32A **Prescribed transmitter licences — scientific licences**

For paragraph (c) of the definition of *datacasting transmitter licence* in section 5 of the Act, a scientific licence mentioned in item 14 in Schedule 1 of the Radiocommunications (Transmitter and Receiver Licences) Determination made on 30 March 1995 is prescribed.

Note The *Radiocommunications (Interpretation) Determination 2000* declares itself to apply to all Determinations made under subsection 98 (1) of the Act (see section 5). The definition of *scientific licence* mentioned in this regulation is contained in Schedule 1 of that Determination.

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

The classes of officers referred to in Column 3 of Schedule 2 and the organisations referred to in Column 4 of that Schedule are specified for the purposes of subparagraph 108 (3) (b) (v) of the Act.

33 **Words describing intention to use device outside Australia**

For the purposes of paragraph 173 (2) (b) of the Act, the following words are authorised as a statement indicating that a device is intended to be used solely outside Australia:

“This device is intended to be used only outside Australia”.

34 **Organisations specified for the purposes of paragraph 193 (1) (a) of the Act**

Each organisation referred to in an item in Part 1 or 2 of Schedule 3 is specified for the purposes of paragraph 193 (1) (a) of the Act.

Regulation 36

36 Form of warrant

The form of warrant for the purposes of section 269 of the Act is the form in Schedule 4.

38 Prescribed instrument (Act s 299)

For paragraph 299 (1) (b) of the Act, the Timor Sea Treaty (being the Treaty defined by subsection 5 (1) of the *Petroleum (Timor Sea Treaty) Act 2003*), as amended from time to time, is prescribed.

39 Qualifications required by officers who issue evidentiary certificates

For the purposes of subsection 305 (1) of the Act, the qualifications required, or that have at any time been required, by a person for the purposes of entry to the Australian Public Service as a Technical Officer are specified as the qualifications that must be held by a Commonwealth officer who may issue an evidentiary certificate under that subsection.

40 Directions that may be given by inspectors

- (1) To avoid interference to radiocommunications, an inspector may give to a licensee directions in writing that are reasonably necessary for the operation of a station or service, being directions in relation to:
 - (a) the installation, maintenance and operation of a station or service; and
 - (b) any accessory apparatus used, or to be used, in the operation of the station or service.
- (2) A licensee must comply with a direction under subregulation (1).

Penalty: 10 penalty units.
- (3) Strict liability applies to the physical element of an offence under subregulation (2) that the direction was a direction under subregulation (1).

Regulation 45

- (4) A licensee must not engage in conduct that results in alteration to a station or service, or to any accessory apparatus used in the operation of the station or service, if:
- (a) the licensee is not acting:
 - (i) in accordance with a direction given under subregulation (1); or
 - (ii) with the consent in writing of an inspector; and
 - (b) the alteration is of a kind that is likely to cause interference to radiocommunications.

Penalty: 10 penalty units.

41 Issue of duplicate instruments

If a licence, certificate or permit is 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 ACA for issue to the holder of a duplicate.

42 Authorised persons

The ACA may, by written instrument, appoint a member of the staff of the ACA as an authorised person for these regulations.

45 Service of notices

- (1) If the Act requires:
- (a) service of a notice on a person; or
 - (b) that a person be given a copy of a document;
- the notice or copy may be given by facsimile transmission to the facsimile receiver (if any) last known to the person sending the transmission as being the receiver at which the addressee receives facsimile transmissions.
- (2) The method of service described in subregulation (1) is in addition to any other permitted method of service.
- (3) In the absence of evidence to the contrary, a facsimile transmission is taken to have been given to a person at the time the transmission is sent to the receiver referred to in subregulation (1).

Regulation 46

46 Repeal of former Radiocommunications (Licensing and General) Regulations

Statutory Rules 1985 Nos 195 and 221, 1986 Nos 125, 197, 213 and 278, 1987 Nos 61, 272 and 332, 1988 Nos 120, 156 and 348, 1989 Nos 193, 314 and 319, 1990 Nos 353 and 358, 1991 Nos 78, 346 and 360 and 1992 Nos 197, 307 and 309 are repealed.

Schedule 1 Examinations

(subregulation 13 (2))

| Column 1 | Column 2 | Column 3 |
|-----------------|---|--|
| Item No | Examination | Station |
| 1 | Restricted Operator's Examination | Maritime coast station Ship station Class B Ship station Class C |
| 6 | First-Class Radio Electronic Operator's Examination | Maritime coast station Ship station Class B Ship station Class C |

Schedule 2 Officers of Organisations that deal with natural disasters

(regulation 32)

| Column 1 Item No | Column 2 State or Territory | Column 3 Class of Officer | Column 4 Organisation |
|---------------------|--------------------------------|---|--|
| 1 | New South Wales | Director-General of State Emergency Service and Civil Defence | New South Wales State Emergency Service |
| 2 | Victoria | Director | Victorian State Emergency Service |
| 3 | Queensland | Director | Queensland State Emergency Service |
| 4 | Western Australia | Director, Emergency Services Co-ordination | Western Australia State Emergency Service |
| 5 | South Australia | Director | South Australian State Emergency Service |
| 6 | Tasmania | Director | Tasmanian State Emergency Service |
| 7 | Northern Territory | Director | Northern Territory Emergency Service |
| 8 | Australian Capital Territory | Director | Australian Capital Territory Ambulance Service |

Schedule 3 Prescribed Organisations

(regulation 34)

Part 1 Fire-Fighting, Civil Defence and Rescue Organisations

| Column 1 Item No | Column 2 Australia, State or Territory | Column 3 Organisation |
|---------------------|--|---|
| 1 | Australia | Civil Aviation Authority-Rescue and Fire-fighting Service Each of the brigades or rescue services under the control of the Australian National Parks and Wildlife Service |
| 2 | New South Wales | New South Wales State Emergency Services Each of the brigades under the control of the New South Wales Fire Brigades or formed under the <i>Bush Fires Act 1949</i> of the State of New South Wales Hunter Valley Mines Rescue Station Newcastle Mines Rescue Station Southern Mines Rescue Station Western Mines Rescue Station Volunteer Rescue Association, Forestry Commission of New South Wales (fire-fighting units) National Parks and Wildlife Service (fire-fighting units) |

| Column 1 | Column 2 | Column 3 |
|-----------------|--------------------------------------|--|
| Item No | Australia, State or Territory | Organisation |
| 3 | Victoria | <p>Victorian State Emergency Service</p> <p>Each of the brigades under the control of the Melbourne Metropolitan Fire Brigades Board or of the Country Fire Authority or of the Department of Conservation and Natural Resources</p> |
| 4 | Queensland | <p>Queensland State Emergency Service</p> <p>Each of the brigades forming part of the Queensland State Fire Services or under the control of The Rural Fires Board of Queensland</p> <p>Central Queensland Mine Rescue Brigade</p> <p>Northern Queensland Mine Rescue Brigade</p> <p>South East Queensland Mine Rescue Brigade</p> |
| 5 | Western Australia | <p>Western Australian State Emergency Service</p> <p>Each of the brigades under the control of the Western Australia Fire Brigades Board, of the Bush Fires Board of Western Australia or of the Department of Conservation and Land Management</p> |
| 6 | South Australia | <p>South Australian State Emergency Service</p> <p>Each of the brigades under the control of the Metropolitan Fire Service or of the Country Fire Services of South Australia</p> |

| Column 1 | Column 2 | Column 3 |
|-----------------|--------------------------------------|---|
| Item No | Australia, State or Territory | Organisation |
| 7 | Tasmania | Tasmanian State Emergency Service Each of the brigades or divisions under the control of the Tasmania Fire Service, the Forestry Commission or the National Parks and Wildlife Service |
| 8 | Northern Territory | Northern Territory Emergency Service Each of the brigades under the control of the Northern Territory Fire Service or of the Northern Territory Bush Fires Council |
| 9 | Australian Capital Territory | Fire and Emergency Services |

Part 2 Ambulance Services

| Column 1 | Column 2 | Column 3 |
|-----------------|---------------------------|--|
| Item No | State or Territory | Organisations |
| 1 | New South Wales | New South Wales Ambulance Service St. John Ambulance Brigade |
| 2 | Victoria | Alexandra and district Ambulance Service Ambulance Service Victoria — Metropolitan Region Ambulance Service Victoria — North Eastern Region Ambulance Service Victoria — North Western Region Ambulance Service Victoria — South Eastern Region Ambulance Service Victoria — South Western Region |

| Column 1 | Column 2 | Column 3 |
|-----------------|------------------------------|--|
| Item No | State or Territory | Organisations |
| | | Ambulance Service Victoria — Western Region |
| 3 | Queensland | St. John Ambulance Australia (Queensland) |
| 4 | Western Australia | Queensland Ambulance Transport Brigade St. John Ambulance Australia (Operations Branch) Western Australia District |
| 5 | South Australia | Ambulance Service of Western Australia (St. John Ambulance Association) South Australian St. John Ambulance Service |
| 6 | Tasmania | Tasmanian Ambulance Service |
| 7 | Northern Territory | St. John Ambulance Australia (NT) Inc. Department of Health and Community Services (Ambulance Services) |
| 8 | Australian Capital Territory | Australian Capital Territory Ambulance Service |

Schedule 4

(regulation 36)

COMMONWEALTH OF AUSTRALIA

Radiocommunications Act 1992

SEARCH WARRANT UNDER SECTION 269

TO (*insert name and address of inspector*), an inspector within the meaning of section 267 of the *Radiocommunications Act 1992*.

I, (*full name and designation of Magistrate*), authorise you, with the assistance, and by the force, that is necessary and reasonable, *at any time of the day or night / * between the hours of (*time*) and (*time*):

- *(a) to enter the land at (*address*); and
- *(a) to enter the premises at (*address*); and
- *(a) to board the vessel identified as (*manner of identification*) located at (*place*); and
- *(a) to board the aircraft identified as (*manner of identification*) located at (*place*); and
- *(a) to enter the vehicle identified as (*manner of identification*) located at (*place*); and
- (b) to search the *land / *premises / *vessel / *aircraft / *vehicle for (*description of thing or kind of things*); and
- (c) to break open and search a cupboard, drawer, chest, trunk, box, package or other receptacle, whether a fixture or not, in which you suspect on reasonable grounds there to be anything connected with (*description of alleged offence against the Act.*); and
- (d) to examine and seize (*description of kind of things to be seized*) that you suspect on reasonable grounds to be connected with the offence.

This warrant is issued on the basis:

- (a) of information on oath laid before me alleging that an inspector suspects on reasonable grounds that there may be *on the land / * at the premises / * in the vessel / * in the aircraft / * in the vehicle:
 - * . anything in respect of which (*description of alleged offence against the Act.*) has been committed.
 - * . anything that may afford evidence about the commission of (*description of alleged offence against the Act.*).
 - * . anything that was used, or is intended to be used, for the purpose of committing (*description of alleged offence against the Act.*).
- (b) that the grounds were set out in the information; and
- (c) that I have been given, either orally or by affidavit, any further information that I required concerning the grounds on which the issue of the warrant is sought; and
- (d) that I am satisfied that there are reasonable grounds for issuing this warrant.

THIS WARRANT CEASES TO HAVE EFFECT ON (*date not later than 7 days after issue of warrant*).

Issued on (*date*).

(*signature of Magistrate*)

* Omit if inapplicable

Notes to the *Radiocommunications Regulations 1993*

Note 1

The *Radiocommunications Regulations 1993* (in force under the *Radiocommunications Act 1992*) as shown in this compilation comprise Statutory Rules 1993 No. 177 amended as indicated in the Tables below.

Under the *Legislative Instruments Act 2003*, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislative Instruments. From 1 January 2005 the Statutory Rules series ceased to exist and was replaced with Select Legislative Instruments (SLI series). Numbering conventions remain the same, ie Year and Number.

Table of Instruments

| Year and number | Date of notification in <i>Gazette</i> or FRLI registration | Date of commencement | Application, saving or transitional provisions |
|------------------|---|--|--|
| 1993 No. 177(a) | 30 June 1993 | 1 July 1993 | |
| 1995 No. 62 | 31 Mar 1995 | 3 Apr 1995 | — |
| 1995 No. 259 | 7 Sept 1995 | 8 Sept 1995 (see r. 2 and <i>Gazette</i> 1995, No. S341) | — |
| 1996 No. 158 | 24 June 1996 | 24 June 1996 | — |
| 1997 No. 121 | 4 June 1997 | 4 June 1997 | — |
| 1997 No. 283 | 8 Oct 1997 | 8 Oct 1997 | — |
| 1998 No. 330 | 16 Dec 1998 | 16 Dec 1998 | — |
| 1999 No. 271 | 17 Nov 1999 | 17 Nov 1999 | — |
| 2000 No. 221 | 17 Aug 2000 | 17 Aug 2000 | — |
| 2000 No. 257 | 15 Sept 2000 | 15 Sept 2000 | — |
| 2001 No. 337 (b) | 21 Dec 2001 | 21 Dec 2001 | — |
| 2003 No. 118 | 19 June 2003 | 19 June 2003 | — |
| 2005 No. 175 | 9 Aug 2005 | 10 Aug 2005 | — |

(a) The Multipoint Distribution System Band Plan in force under the *Radiocommunications Act 1992* is the Plan that was published as Statutory Rules 1988 No. 181 as continued in force by section 4 of the *Radiocommunications (Transitional Provisions and Consequential Amendments) Act 1992*.

(b) Statutory Rules 2001 No. 337 was made under the *Australian National Maritime Museum Act 1990*, the *National Gallery Act 1975*, the *National Library Act 1960*, the *Radiocommunications Act 1992* and the *Telecommunications Act 1997*.

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|---|
| Part 1 | |
| R. 1..... | rs. 1998 No. 330 |
| R. 3..... | am. 1995 Nos. 62 and 259; 1997 No. 121; 1997 No. 283; 1998 No. 330; 1999 No. 271; 2000 No. 257 |
| R. 4..... | rs. 1997 No. 121; am. 1997 No. 283; 1998 No. 330; 1999 No. 271 rep. 2000 No. 257 |
| R. 5..... | rs. 1995 No. 62 am. 1997 No. 283 rep. 2000 No. 257 |
| R. 7..... | rep. 1995 No. 259 |
| Rr. 8–10..... | am. 1995 No. 62 rep. 1995 No. 259 |
| R. 11..... | rs. 1995 No. 62 rep. 1995 No. 259 |
| Div. 3 of Part 3 | rep. 1995 No. 62 |
| R. 12..... | rep. 1995 No. 62 |
| Part 4 | |
| R. 13..... | am. 1998 No. 330 |
| R. 14..... | am. 1998 No. 330 |
| Rr. 15–17..... | am. 1995 No. 62 rep. 1997 No. 121 |
| R. 17A | ad. 1995 No. 62 rep. 1997 No. 121 |
| R. 18..... | am. 1998 No. 330 |
| R. 19..... | am. 1998 No. 330 |
| R. 20..... | rs. 1998 No. 330 |
| R. 21..... | am. 1998 No. 330 |
| R. 22..... | am. 1998 No. 330 |
| Part 5 | |
| R. 23..... | am. 1995 No. 62 rs. 1999 No. 271 |
| R. 25..... | am. 1996 No. 158; 1998 No. 330 |
| R. 26..... | am. 1998 No. 330 |
| R. 27..... | am. 1998 No. 330 |
| Part 6 | |
| R. 32A | ad. 2003 No. 118 |
| R. 35..... | rep. 1998 No. 330 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|--|
| R. 37..... | am. 1995 No. 62; 1997 No. 121 rep. 1998 No. 330 |
| R. 38..... | rs. 2000 No. 221; 2005 No. 175 |
| R. 40..... | am. 1995 No. 62; 2001 No. 337 |
| R. 41..... | am. 1998 No. 330 |
| R. 42..... | rs. 1998 No. 330 am. 1999 No. 271 |
| R. 43..... | am. 1995 No. 62 rep. 1998 No. 330 |
| R. 44..... | rep. 1995 No. 62 |
| Schedule 1 | |
| Schedule 1..... | rs. 1995 No. 62 am. 1997 No. 121 |
