



## **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:

Member

Member/General Manager

Australian Communications and Media Authority

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## 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](http://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of Authorisation of Third Party Users and Transfer of Apparatus Licences) Determination 2015* [F2015L01218] is repealed.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](http://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 transferrable

- (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 transferrable 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 transferrable
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: <ul style="list-style-type: none"> <li>(a) an exempt person;</li> <li>(b) an eligible person</li> </ul>
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: <ul style="list-style-type: none"> <li>(a) to provide an international broadcasting service; or</li> <li>(b) to provide a broadcasting service within Australia</li> </ul>

<b>Column 1</b>	<b>Column 2</b>
<b>Licence</b>	<b>Circumstances in which other person must not be authorised, or in which the licence is not transferrable</b>
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

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