



Radiocommunications (Transitional Provisions and Consequential Amendments) Act 1983

No. 136 of 1983

An Act to enact transitional provisions, to repeal certain Acts, and to make amendments of certain Acts, consequent upon the enactment of the *Radiocommunications Act 1983*

[Assented to 22 December 1983]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title

1. This Act may be cited as the *Radiocommunications (Transitional Provisions and Consequential Amendments) Act 1983*.

Commencement

2. This Act shall come into operation on the date fixed for the purposes of sub-section 2 (2) of the *Radiocommunications Act 1983*.

Consequential amendments

3. The Acts specified in the Schedule are amended as set out in the Schedule.

Repeals

4. The following Acts are repealed:

Wireless Telegraphy Act 1905

Wireless Telegraphy Act 1915

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Wireless Telegraphy Act 1919

Wireless Telegraphy Act 1936

Wireless Telegraphy Act 1967

Wireless Telegraphy Regulations Act 1970

Wireless Telegraphy Act 1973

Wireless Telegraphy Amendment Act 1980

Radiocommunications Licence Fees Act 1982

Transitional

5. (1) Notwithstanding the repeal of the *Wireless Telegraphy Act 1905* by this Act, in relation to a licence in force under that Act immediately before the date of commencement of this Act, that Act continues in force as if it had not been repealed, but such a licence shall not be renewed.

(2) Parts VI and VII of the *Radiocommunications Act 1983* do not apply to receivers and transmitters established, erected, maintained or used by virtue of a licence referred to in sub-section (1).

(3) The Minister may, by notice published in the *Gazette*, declare that a certificate issued under the *Wireless Telegraphy Act 1905* in relation to a licence or a class of licences under that Act specified in the declaration shall be deemed for the purposes of the *Radiocommunications Act 1983* to be a certificate of proficiency in relation to such classes of licences under the *Radiocommunications Act 1983* as are specified in the declaration.

(4) A declaration under sub-section (3) may specify a date beyond which the certificate concerned shall cease to be in force.

(5) A reference in any law of the Commonwealth, other than the *Radiocommunications Act 1983* or this section, to a licence under that Act shall be construed as if it included a reference to a licence referred to in sub-section (1).

(6) Except so far as the contrary intention appears, an expression used in this section and in the *Radiocommunications Act 1983* has the same meaning in this section as in that Act.

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SCHEDULE

Section 3

CONSEQUENTIAL AMENDMENTS

Acts	Amendments
<p><i>Australian Shipping Commission Act 1956</i> <i>Broadcasting and Television Act 1942</i></p>	<p>Schedule— Omit "<i>Wireless Telegraphy Act 1905-1950</i>"</p> <p>After Part I, insert the following Part: "PART IA—PROHIBITION OF UNAUTHORIZED OPERATION OF TRANSMITTERS FOR BROADCASTING AND TELEVISION</p> <p>Unauthorized operation of certain transmitters prohibited</p> <p>"6A. (1) A person shall not, without reasonable excuse, operate a radiocommunications transmitter for the purpose of the transmission to the general public of broadcasting programs or television programs except as authorized by or under this Act or the <i>Australian Broadcasting Corporation Act 1983</i>.</p> <p>"(2) Without limiting the generality of the expression 'reasonable excuse' in sub-section (1), it is a reasonable excuse if a person operated a radiocommunications transmitter in the honest belief that that operation was reasonably necessary for the purpose of—</p> <p>(a) securing the safety of a vessel or aircraft that was in danger;</p> <p>(b) dealing with an emergency involving a serious threat to the environment; or</p> <p>(c) dealing with an emergency involving risk of death of, or injury to, persons, or risk of substantial loss of, or substantial damage to, property.</p> <p>"(3) The <i>Radiocommunications Act 1983</i> applies in relation to an offence against sub-section (1) by virtue of sub-section 132 (1) (in this sub-section referred to as a 'relevant offence') as if a reference in that Act (other than section 83) to an offence against that Act were a reference to a relevant offence.</p> <p>"(4) An expression used in this section and in the <i>Radiocommunications Act 1983</i> has the same meaning in this section as in that Act."</p> <p>Sections 89D and 112— Repeal the sections.</p> <p>Sub-section 126 (7)— Omit "<i>Wireless Telegraphy Act 1905</i>", substitute "<i>Radiocommunications Act 1983</i>".</p> <p>Section 130— Repeal the section.</p> <p>Sub-section 134 (1)— (1) Add at the end of paragraph (c) "and". (2) Omit from paragraph (d) "and" (last occurring). (3) Omit paragraph (e).</p>
<p><i>Copyright Act 1968</i></p>	<p>Section 10— Omit from sub-section (1) the definition of "holder of a wireless telegraphy licence".</p> <p>Section 91— Omit from sub-paragraphs (a) (iii) and (b) (iii) "holder of a wireless telegraphy licence", substitute "holder of a transmitter licence or a temporary permit in force under the <i>Radiocommunications Act 1983</i>".</p>
<p><i>Crimes Act 1914</i></p>	<p>Section 30FB— Repeal the section.</p>
<p><i>Navigation Act 1912</i></p>	<p>Section 269A— (1) Omit from sub-section (2) "Every person in charge of a wireless telegraph station which is within the jurisdiction of the Commonwealth (including a station in a Territory), or which is established or installed under licence granted under the <i>Wireless</i></p>

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SCHEDULE—continued

Acts	Amendments
	<p><i>Telegraphy Act 1905-1919</i>", substitute "A person in charge of a radiocommunications transmitter that is within the jurisdiction of the Commonwealth (including a transmitter in a Territory) or that is operating by virtue of a transmitter licence or a temporary permit granted under the <i>Radiocommunications Act 1983</i>"</p> <p>(2) Omit sub-section (3).</p>
<i>Overseas Telecommunications Act 1946</i>	<p>Section 34— Omit from paragraph (c) "in pursuance of the <i>Wireless Telegraphy Act 1905-1936</i>", substitute "under the <i>Radiocommunications Act 1983</i>"</p> <p>Section 42— Repeal the section, substitute the following section: Limitation of powers and application of Radiocommunications and Telecommunications Acts and regulations "42. Nothing in this Act shall be construed to confer on the Commission any powers which, for the time being, are exercisable by the Minister for the time being administering the <i>Radiocommunications Act 1983</i> and the <i>Telecommunications Act 1975</i> and the regulations under those Acts (not being powers that the Commission may exercise in pursuance of a licence, permission or approval granted or given under those Acts or regulations), and those Acts and regulations shall, so far as applicable, apply to and in relation to the Commission in like manner as they apply to and in relation to other persons."</p> <p>Section 74— Omit from sub-section (1) "<i>Wireless Telegraphy Act 1905-1936</i> all licences, permits or approvals", substitute "<i>Radiocommunications Act 1983</i> all licences".</p> <p>Section 79— Omit "<i>Wireless Telegraphy Act 1905-1973</i>" (wherever occurring), substitute "<i>Radiocommunications Act 1983</i>".</p> <p>First Schedule— Omit from sub-item 81 (2) "<i>Wireless Telegraphy Regulations</i>", substitute "<i>Radiocommunications Act 1983</i>".</p> <p>Sub-section 3 (1)— (1) After the definition of "part-time Commissioner", insert the following definitions: " 'radiocommunication' and 'radiocommunications transmitter' have the same respective meanings as they have in the <i>Radiocommunications Act 1983</i>; 'receiver' has the same meaning as in the <i>Radiocommunications Act 1983</i>;"</p> <p>(2) Omit the definition of "Wireless Telegraphy Act".</p> <p>Section 8— Repeal the section, substitute the following section: Radiocommunications "8. Nothing in this Act shall be taken to authorize the Commission to do anything that, if done by any other person, would be in contravention of the <i>Radiocommunications Act 1983</i>."</p> <p>Sub-section 13 (1)— Omit from paragraphs (a) and (b) "transmitting or receiving messages by means of wireless telegraphy", substitute "radiocommunications".</p> <p>Section 94— (1) Omit paragraph (2) (d). (2) Insert after sub-section (2) the following sub-section: "(2A) Sub-section (1) does not apply to the erection, maintenance or operation of a telecommunications installation, being a receiver or a radiocommunications transmitter."</p>
<i>Sales Tax (Exemptions and Classifications) Act 1935</i>	
<i>Telecommunications Act 1975</i>	