



# **Radiocommunications (PMTS Jamming Devices – Visiting Forces and Suppliers) Exemption Determination 2011**

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made under subsection 27(2) of the  
*Radiocommunications Act 1992*

## **Compilation No. 1**

**Compilation date:** 11 March 2023

**Includes amendments up to:** F2023L00212

Prepared by the Australian Communications and Media Authority, Melbourne

## About this compilation

### This compilation

This is a compilation of the *Radiocommunications (PMTS Jamming Devices – Visiting Forces and Suppliers) Exemption Determination 2011* that shows the text of the law as amended and in force on 11 March 2023 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Federal Register of Legislation ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Federal Register of Legislation for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Federal Register of Legislation for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

## 1 Name of Determination

This Determination is the *Radiocommunications (PMTS Jamming Devices – Visiting Forces and Suppliers) Exemption Determination 2011*.

## 4 Definitions

In this Determination:

*Act* means the *Radiocommunications Act 1992*.

*Defence Force* has the meaning given by section 30 of the *Defence Act 1903*.

*Department of Defence* means the Department administered by the Minister for Defence.

*member of a civilian component of a visiting force* has the meaning given by subsection 5 (3) of the *Defence (Visiting Forces) Act 1963*.

*member of a visiting force* has the meaning given by subsection 5 (2) of the *Defence (Visiting Forces) Act 1963*.

*PMTS jamming device* means an item of PMTS jamming equipment.

*PMTS jamming equipment* has the same meaning as in:

- (a) the *Radiocommunications (Jamming Equipment) Permanent Ban 2023*; or
- (b) if another permanent ban replaces that instrument – the other permanent ban.

Note: The *Radiocommunications (Jamming Equipment) Permanent Ban 2023* is available, free of charge, from the Federal Register of Legislation at [www.legislation.gov.au](http://www.legislation.gov.au).

*visiting force* has the meaning given by subsection 5 (1) of the *Defence (Visiting Forces) Act 1963*.

## 5 Exemption in relation to certain activities by visiting forces

- (1) Any act or omission by a visiting person in relation to the use, operation, possession or supply of a PMTS jamming device is exempt from Parts 3.1, 4.1 and 4.2 of the Act in the circumstances specified in subsection (3).
- (2) For the purposes of this section, *visiting person* means a person who:
  - (a) is a:
    - (i) member of a visiting force; or
    - (ii) member of a civilian component of a visiting force; and
  - (b) is performing a function or duty in relation to the defence, security or international relations of Australia or a foreign country whose naval, military or air force is acting in co-operation with the Defence Force.
- (3) For the purposes of subsection (1), all of the following circumstances must exist:
  - (a) the act is done, or the omission occurs, in the performance of the visiting person's functions or duties as a member of a visiting force or civilian component of a visiting force (as the case may be); and
  - (b) in the case of the use or operation of a PMTS jamming device:

- (i) the use or operation of the PMTS jamming device has been approved in writing by a member of the Defence Force, or an officer of the Department of Defence, in the performance of his or her functions or duties as such a member or officer; and
- (ii) the use or operation of the PMTS jamming device occurs in accordance with the approval referred to in subparagraph (i).

## **6 Exemption in relation to certain activities by suppliers of PMTS jamming devices for visiting forces**

- (1) Any act or omission by a supplier in relation to the use, operation, possession or supply of a PMTS jamming device is exempt from Parts 3.1, 4.1 and 4.2 of the Act in the circumstances specified in subsection (3).
- (2) For the purposes of this section, *supplier* means a person who satisfies all of the following requirements:
  - (a) the person is a party to a written agreement that:
    - (i) is for the supply of a PMTS jamming device to a visiting force; and
    - (ii) is approved in writing by a member of the Defence Force or an officer of the Department of Defence, in the performance of his or her functions or duties as such a member or officer; and
  - (b) the person is performing a function or duty in relation to the defence, security or international relations of Australia or a foreign country whose naval, military or air force is acting in co-operation with the Defence Force.
- (3) For the purposes of subsection (1), all of the following circumstances must exist:
  - (a) the act is done, or the omission occurs, in accordance with the agreement referred to in subsection (2); and
  - (b) in the case of the use or operation of a PMTS jamming device:
    - (i) the use or operation of the PMTS jamming device has been approved in writing by a member of the Defence Force, or an officer of the Department of Defence, in the performance of his or her functions or duties as such a member or officer; and
    - (ii) the use or operation of the PMTS jamming device occurs in accordance with the approval referred to in subparagraph (i).

## **7 Exemption in relation to certain activities by suppliers of PMTS jamming devices to Defence Force or Department of Defence**

- (1) Any act or omission by a supplier in relation to the use, operation, possession or supply of a PMTS jamming device is exempt from Parts 3.1, 4.1 and 4.2 of the Act in the circumstances specified in subsection (3).
- (2) For the purposes of this section, *supplier* means a person who satisfies all of the following requirements:
  - (a) the person is a party to a written agreement that:

- (i) is for the supply of a PMTS jamming device to the Defence Force or the Department of Defence; and
    - (ii) is signed by a member of the Defence Force, or an officer of the Department of Defence, in the performance of his or her functions or duties as such a member or officer; and
  - (b) the person is performing a function or duty in relation to the defence, security or international relations of Australia or a foreign country whose naval, military or air force is acting in co-operation with the Defence Force.
- (3) For the purposes of subsection (1), all of the following circumstances must exist:
- (a) the act is done, or the omission occurs, in accordance with the agreement referred to in subsection (2); and
  - (b) in the case of the use or operation of a PMTS jamming device:
    - (i) the use or operation of the PMTS jamming device has been approved in writing by a member of the Defence Force, or an officer of the Department of Defence, in the performance of his or her functions or duties as such a member or officer; and
    - (ii) the use or operation of the PMTS jamming device occurs in accordance with the approval referred to in subparagraph (i).

*Note* Sections 24 and 26 of the Act contain certain exemptions that relate to members of the Defence Force and officers of the Department of Defence.

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

### Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

C[x] = Compilation No. x

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

exp = expires/expired or ceases/ceased to have effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

orig = original

par = paragraph(s)/subparagraph(s)  
/sub-subparagraph(s)

pres = present

prev = previous

(prev...) = previously

Pt = Part(s)

r = regulation(s)/rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

## Endnotes

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LIA = *Legislative Instruments Act 2003*

(md not incorp) = misdescribed amendment  
cannot be given effect

mod = modified/modification

No. = Number(s)

o = order(s)

Ord = Ordinance

SLI = Select Legislative Instrument

SR = Statutory Rules

Sub-Ch = Sub-Chapter(s)

SubPt = Subpart(s)

underlining = whole or part not

commenced or to be commenced

### Endnote 3—Legislation history

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Name	Registration	Commencement	Application, saving and transitional provisions
<i>Radiocommunications (PMTS Jamming Devices – Visiting Forces and Suppliers) Exemption Determination 2011</i>	17 November 2011 (see F2011L02382)	18 November 2011	
<i>Radiocommunications (Exemptions) Amendment Determination 2023 (No. 1)</i>	10 March 2023 (see F2023L00212)	11 March 2023	

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### Endnote 4—Amendment history

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Provision affected	How affected
s.2.....	rep. LA s.48D
s.3.....	rep. LA s.48C
s.4.....	am. F2023L00212

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