

SUPPLEMENTARY EXPLANATORY STATEMENT

Approved by the Australian Communications and Media Authority

Radiocommunications Act 1992

Radiocommunications (Class Licence) Amendment Instrument 2021 (No. 1)

Authority

The Australian Communications and Media Authority has made the *Radiocommunications (Class Licence) Amendment Instrument 2021 (No. 1)* (**instrument**) under subsection 132(1) of the *Radiocommunications Act 1992* (**the Act**).

This supplementary explanatory statement amends the explanatory statement to the instrument as set out below.

Purpose and operation of the instrument

After the fifth paragraph, insert:

Operation of a radiocommunications device is not authorised by a class licence if it is not in accordance with the conditions of the licence (subsection 132(3) of the Act). It is an offence, and subject to a civil penalty, to operate a radiocommunications device otherwise than as authorised by a spectrum licence, apparatus licence or class licence (section 46 of the Act). The Act prescribes the following maximum penalties for the offence:

- if the radiocommunications device is a radiocommunications transmitter, and the offender is an individual – imprisonment for 2 years;
- if the radiocommunications device is a radiocommunications transmitter, and the offender is not an individual – 1,500 penalty units (which is \$333,000 based on the current penalty unit amount of \$222);
- if the radiocommunications device is not a radiocommunications transmitter – 20 penalty units (\$4,440).

The Act prescribes the following maximum civil penalties:

- if the radiocommunications device is a radiocommunications transmitter – 300 penalty units (\$66,600);
- if the radiocommunications device is not a radiocommunications transmitter – 20 penalty units (\$4,440).

It is an offence, and subject to a civil penalty, to possess a radiocommunications device for the purpose of operating the device otherwise than as authorised by a spectrum licence, apparatus licence or class licence (section 47 of the Act). The Act prescribes the same penalties for this offence and civil penalty contravention as for the offence and civil penalty contravention in section 46.