



Radiocommunications (Labelling) Determination 2023

The Australian Communications and Media Authority makes the following determination under subsection 300(1) of the *Radiocommunications Act 1992*.

Dated: 31 August 2023

Adam Suckling
[signed]
Member

Brendan Byrne
[signed]
~~Member~~/General Manager

Australian Communications and Media Authority

1 Name

This is the *Radiocommunications (Labelling) Determination 2023*.

2 Commencement

This instrument commences at the start of the day after the day it is registered.

Note: The Federal Register of Legislation is available, free of charge, at www.legislation.gov.au.

3 Authority

This instrument is made under subsection 300(1) of the Act.

4 Repeal

The *Radiocommunications (Labelling) Determination 2013* [F2013L00821] is repealed.

5 Interpretation

In this instrument, unless the contrary intention appears:

commencement date means the date this instrument commences.

fixed transmitter means a radiocommunications transmitter:

- (a) located at a fixed point on land or sea; and
- (b) not designed or intended for use while in motion.

frequency assignment number, in relation to a radiocommunications transmitter, means the number included in the Register as a unique identifier of the use, by the transmitter, of a particular frequency or particular part of the spectrum.

Note: At the time this instrument was made, the frequency assignment number in relation to a radiocommunications transmitter operated under a transmitter licence was the number referred to in paragraph 10(4)(a) of the *Radiocommunications (Register of Radiocommunications Licences) Determination 2017*.

high power transmitter means a fixed transmitter that is authorised to operate with an EIRP greater than 2 watts.

relevant transmitter: see section 7.

Note 1: A number of other expressions used in this instrument are defined in the Act, including the following:

- (a) broadcasting station;
- (b) radiocommunications transmitter;
- (c) Register;
- (d) spectrum;
- (e) transmitter licence.

Note 2: In accordance with section 64 of the *Australian Communications and Media Authority Act 2005*, other expressions in this instrument have the same meaning as in the *Radiocommunications (Interpretation) Determination 2015*, including:

- (a) Act;
- (b) communal site;
- (c) EIRP;
- (d) PTS licence.

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 Relevant transmitter

A radiocommunications transmitter is a **relevant transmitter** if:

- (a) the operation of the transmitter is authorised by a transmitter licence, other than a PTS licence; and
- (b) the transmitter is not a broadcasting station; and
- (c) the transmitter is a high-power transmitter; and
- (d) the transmitter is located at a communal site.

8 Applying a label to a relevant transmitter.

Requirement to apply a label.

- (1) For the purposes of section 300 of the Act, a person who operates a relevant transmitter must apply to that transmitter a label that complies with both subsections (2) and (3).

Note: The person who operates the relevant transmitter may be the licensee of the transmitter licence that authorises operation of the transmitter, or a person authorised under section 114 of the Act to operate the transmitter under the licence.

Information on label

- (2) For a label to comply with this subsection, the label must set out the following information:
 - (a) the frequency assignment number for the relevant transmitter; and
 - (b) the statement ‘Do Not Remove.’

Form of label

- (3) For a label to comply with this subsection, the text of the label must be in a contrasting colour to the background of the label.

Example: If the background of the label were white, the label would comply with subsection (3) if the text of the label were black.

9 Transitional

If:

- (a) before the commencement date, a person applied a label to a relevant transmitter; and
- (b) both the label and the application of that label to that transmitter complied with the *Radiocommunications (Labelling) Determination 2013*, as in force at the time the label was applied; and

(c) the label has not been removed from that transmitter;
the person is taken to have complied with section 8.