



# **Radiocommunications (Transitional Provisions and Consequential Amendments) Act 1992**

**No. 167, 1992 as amended**

**Compilation start date:** 17 October 2014

**Includes amendments up to:** Act No. 109, 2014

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## About this compilation

### **This compilation**

This is a compilation of the *Radiocommunications (Transitional Provisions and Consequential Amendments) Act 1992* as in force on 17 October 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 29 October 2014.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of each amended provision.

### **Uncommenced amendments**

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

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

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

### **Modifications**

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

### **Provisions ceasing to have effect**

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

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**An Act to repeal the *Radiocommunications Act 1983* and certain related Acts, and to make transitional provisions and certain amendments consequential upon the enactment of the *Radiocommunications Act 1992***

**Part 1—Preliminary**

**1 Short title**

This Act may be cited as the *Radiocommunications (Transitional Provisions and Consequential Amendments) Act 1992*.

**2 Commencement**

This Act commences on 1 July 1993.

## Part 2—Transitional provisions

### 3 Interpretation

- (1) In this Part, unless the contrary intention appears:

*old Act* means the *Radiocommunications Act 1983*.

*new Act* means the *Radiocommunications Act 1992*.

- (2) Subject to subsection (3), terms and expressions used in this Part have the same meaning as they have in the new Act.
- (3) Terms and expressions used in this Part that relate to the old Act or anything done under the old Act have the same meaning as they have in the old Act.

### 4 Saving of instruments under the old Act

Subject to section 5, if an instrument is made by the Minister that:

- (a) is an instrument of a kind referred to in column 2 of the following table; and
- (b) was in force immediately before the commencement of this Act;

then the instrument:

- (c) continues in force immediately after that commencement as if, at the time it had been made, it had been made, in the same terms, by the SMA as an instrument of the kind referred to in the corresponding item in column 3 of the following table; and
- (d) is taken, for all purposes, to have been issued by the SMA as such an instrument.

## Section 4

<b>TABLE</b>		
<b>Column 1 Item No.</b>	<b>Column 2 Instrument made under the old Act</b>	<b>Column 3 Instrument made under the new Act</b>
1.	Appointment of a person under paragraph 3(5)(a) or (b) to be an inspector.	Appointment of a person under paragraph 267(1)(a) or (b) to be an inspector.
2.	A standard made under subsection 9(1).	A standard made under section 162.
3.	A test permit granted under section 10.	A permit issued under section 167.
4.	A permission given under subparagraph 11(2)(b)(i).	A permission given under subsection 174(1).
5.	A compliance statement certificate issued under subsection 12(1).	A compliance certificate issued under section 184.
6.	An advisory guideline made under subsection 16(1).	An advisory guideline made under section 262.
7.	An assignment of a part of the spectrum to the ABA under subsection 18(3).	A referral of that part of the spectrum to the ABA under section 31.
8.	A frequency band plan prepared under section 19.	A frequency band plan prepared under section 32.
9.	A transmitter licence granted under section 24.	A transmitter licence issued under section 100.
10.	A transmitter licence granted under section 24B.	A transmitter licence issued under section 102.
11.	A certificate of proficiency issued under section 31.	A certificate of proficiency issued under section 121.
12.	An approval of an examination under subsection 31(4).	An approval of an examination under section 122.
13.	A declaration, under subsection 31(4), of a prescribed age for the purposes of section 31 in relation to a class of certificates of proficiency.	A declaration, under subsection 122(2), of a minimum age for the purposes of section 122 in relation to that class of certificates of proficiency.

Section 5

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**TABLE**

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<b>Column 1 Item No.</b>	<b>Column 2 Instrument made under the old Act</b>	<b>Column 3 Instrument made under the new Act</b>
14.	A notice under subsection 32(1).	A request under subsection 123(1).
15.	A temporary permit granted under section 35.	A transmitter licence issued under section 100.
16.	A receiver licence granted under section 38.	A receiver licence issued under section 100.
17.	A declaration of a period of emergency under section 40.	A declaration of a period of emergency under section 219.
18.	An order made under section 41.	A restrictive order made under section 222.
19.	Guidelines made under section 42.	Guidelines made under section 230.
20.	A permission given under paragraph 65(5)(a).	A permission given under subsection 193(1).
21.	A permission given under paragraph 65(12)(a).	A permission given under subsection 195(1).
22.	A declaration under section 66A in relation to a device.	A declaration under subsection 190(1) in relation to the device.
23.	An identity card issued under section 68.	An identity card issued under section 268.
24.	A determination of a price-based allocation system under section 92A.	A determination of a price-based allocation system under section 106.

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**5 Instruments subject to suspension**

If, immediately before the commencement of this Act:

- (a) a compliance statement certificate issued under section 12 of the old Act is the subject of suspension under section 13 of the old Act; or



(b) a transmitter licence granted under section 24 or 24B of the old Act is the subject of suspension under section 28 of the old Act;

section 4 of this Act does not apply to the certificate or licence until the suspension ceases to have effect (otherwise than because of the expiry or cancellation of the certificate or licence).

## **6 Authorities under transmitter licences**

An authority given by a person, under section 26 of the old Act, that was in force immediately before the commencement of this Act continues in force immediately after that commencement as if it had been an authorisation given by that person under section 114 of the new Act.

## **7 Frequency reservation certificates**

- (1) Subject to subsection (4), despite the repeal of the old Act by section 13 of this Act, a frequency reservation certificate granted under section 21 of the old Act that was in force immediately before the commencement of this Act remains in force after that commencement for the period for which it would have remained in force if the old Act were not repealed.
- (2) If an unallocated frequency is reserved in the name of a person in accordance with a frequency reservation certificate in force under subsection (1), the SMA must not issue to a person other than that person a permit or transmitter licence authorising the operation of a transmitter in a manner inconsistent with that reservation.
- (3) For the purposes of subsection (2), issuing a permit or transmitter licence that authorises the operation of a transmitter for a period not exceeding 14 days is taken to be not inconsistent with a reservation.
- (4) The SMA has the same power to cancel a frequency reservation certificate to which subsection (1) applies as the Minister had, immediately before the commencement of this Act, to cancel frequency reservation certificates.

Section 11

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**11 Regulations under the Radiocommunications Act**

- (1) Subject to subsection (3), any regulations made under the old Act and in force immediately before the commencement of this Act continue in force as if made under the new Act.
- (2) A reference in a regulation so continued in force to a provision of the old Act is taken to be a reference to the corresponding provision in the new Act.
- (3) This section does not apply to a regulation the making of which would not be authorised by the new Act.

## **Part 3—Repeal and consequential amendments**

### **14 Consequential amendments of Acts**

- (2) References in subsection 362(4) of the *Commonwealth Electoral Act 1918* as amended by this Act, and in section 108A of the *Referendum (Machinery Provisions) Act 1984* as so amended, to contraventions of the *Radiocommunications Act 1992* are taken to include references to contraventions of the *Radiocommunications Act 1983* that took place before the commencement of this Act.
- (3) Without limiting the application of section 4 of this Act:
  - (a) a reference in subparagraphs 91(a)(iii) and (c)(iii) of the *Copyright Act 1968*, as amended by this Act, to a transmitter licence issued under the *Radiocommunications Act 1992*; is taken to include:
    - (b) a reference to a transmitter licence or a temporary permit that, although not in force immediately before the commencement of this Act, was in force at the time when the broadcast in question was made.

## Endnotes

Endnote 1—About the endnotes

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## Endnotes

### Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

- Endnote 1—About the endnotes
- Endnote 2—Abbreviation key
- Endnote 3—Legislation history
- Endnote 4—Amendment history
- Endnote 5—Uncommenced amendments
- Endnote 6—Modifications
- Endnote 7—Misdescribed amendments
- Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

### Abbreviation key—Endnote 2

The abbreviation key in this endnote 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 the compiled law. The information includes commencement information for amending laws and details of 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 level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

### Uncommenced amendments—Endnote 5

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

**Modifications—Endnote 6**

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

**Misdescribed amendments—Endnote 7**

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

**Miscellaneous—Endnote 8**

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

## Endnotes

### Endnote 2—Abbreviation key

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#### Endnote 2—Abbreviation key

ad = added or inserted	pres = present
am = amended	prev = previous
c = clause(s)	(prev) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expired or ceased to have effect	rep = repealed
hdg = heading(s)	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
mod = modified/modification	Sdiv = Subdivision(s)
No = Number(s)	SLI = Select Legislative Instrument
o = order(s)	SR = Statutory Rules
Ord = Ordinance	Sub-Ch = Sub-Chapter(s)
orig = original	SubPt = Subpart(s)
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)	

## Endnote 3—Legislation history

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Radiocommunications (Transitional Provisions and Consequential Amendments) Act 1992	167, 1992	11 Dec 1992	1 July 1993 (s 2)	
Omnibus Repeal Day (Autumn 2014) Act 2014	109, 2014	16 Oct 2014	Sch 2 (items 190–192): 17 Oct 2014 (s 2(1) item 2)	—

## Endnotes

### Endnote 4—Amendment history

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#### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
<b>Pt 2</b>	
s 8.....	rep No 109, 2014
s 9.....	rep No 109, 2014
s 10.....	rep No 109, 2014
s 12.....	rep No 109, 2014
<b>Pt 3</b>	
s 13.....	rep No 109, 2014
s 14.....	am No 109, 2014
Schedule.....	rep No 109, 2014

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Endnote 5—Uncommenced amendments [none]

**Endnote 5—Uncommenced amendments [none]**

**Endnote 6—Modifications [none]**

**Endnote 7—Misdescribed amendments [none]**

**Endnote 8—Miscellaneous [none]**