

INFRINGEMENT NOTICE

UNDER

SECTION 270 OF THE RADIOCOMMUNICATIONS ACT 1992

PART 5 OF THE REGULATORY POWERS (STANDARD PROVISIONS) ACT 2014

Infringement Notice number: **053-C102812**

To: Nathan Rose Pty Ltd

ACN: 647 101 255

Of: 80 Londonderry Road HOBARTVILLE NSW 2753

Email: [REDACTED]

Attention: [REDACTED]

I, Melissa Moroney, infringement officer authorised under subsection 270(2) of the *Radiocommunications Act 1992* (**the Radiocommunications Act**) for the purposes of issuing an infringement notice under section 270 of the Act and Part 5 of the *Regulatory Powers (Standard Provisions) Act 2014* (**Regulatory Powers Act**), having reasonable grounds to believe that Nathan Rose Pty Ltd (ACN 647 101 255) has committed one contravention of subsection 46(3) of the Act (**the contravention**), a civil penalty provision, which is subject to an infringement notice under Part 5 of the Regulatory Powers Act,

HEREBY give an infringement notice (**Notice**) under section 270 of the Act and Part 5 of the Regulatory Powers Act, in relation to the contravention, to Nathan Rose Pty Ltd.

Details of the alleged contravention

It is alleged that Nathan Rose Pty Ltd contravened subsection 46(3) (**the civil penalty provision**) by operating a radiocommunications transmitter other than as authorised by a spectrum licence, apparatus licence or class licence, without a reasonable excuse to do so. Specifically, it is alleged that Nathan Rose Pty Ltd operated an LPON transmitter from [REDACTED] on 9 July 2025.

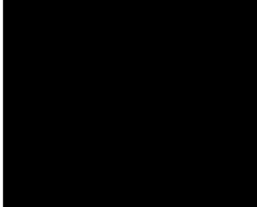
Schedule 1 to this Notice sets out brief details of the alleged contravention of the civil penalty provision.

Amount of penalty

The total amount (**the penalty**) specified in this Notice for the alleged contravention is **\$19,800.00**, calculated in accordance with subsection 104(2) of the Regulatory Powers Act, as shown in the table in Schedule 1 to this Notice.

Payment of penalty

The penalty should be paid to the Australian Communications and Media Authority (ACMA), on behalf of the Commonwealth, by deposit into the following account by **26 June 2026**. Please include the narration [REDACTED] with your payment.



Request for an extension to pay

You may apply to have the period in which to pay the penalty extended. To be effective the application for an extension must occur on or before 26 June 2026 or the date of any extensions that have been granted by the ACMA. This should be addressed to myself in the first instance at [REDACTED] You can apply for an extension more than once.

If the application to extend the period in which to pay is not granted, the period in which to pay will end on the day that is the last day of the period in which to pay or the day that is 7 days after the day Nathan Rose Pty Ltd received the decision not to extend, whichever is the later.

If the penalty is paid

If the penalty is paid to the ACMA, on behalf of the Commonwealth, on or before 26 June 2026, or the date of any extensions that have been granted, and the Notice has not been withdrawn, proceedings seeking a pecuniary penalty will not be brought against Nathan Rose Pty Ltd in relation to the alleged contravention.

Payment of the penalty is not an admission of guilt or liability.

If the penalty is not paid

If you do not pay the penalty on or before 26 June 2026, or the date of any extensions that have been granted, proceedings seeking a pecuniary penalty order may be brought against Nathan Rose Pty Ltd in relation to the alleged contravention. The penalty that a court can impose is potentially significantly higher than can be specified in an infringement notice (see the table in Schedule 1 to this Notice).

Withdrawal of this Notice

The Chair of the ACMA may withdraw this Notice. To be effective, the withdrawal must occur on or before 26 June 2026 or the date of any extensions that have been granted.

If you believe that the Notice should be withdrawn, you should write to the Chair of the ACMA setting out the basis/reasons for this position, on or before 26 June 2026 or the date of any extensions that have been granted. This should be addressed to me in the first instance. The Chair of the ACMA may take this into consideration when deciding whether or not to withdraw this Notice.

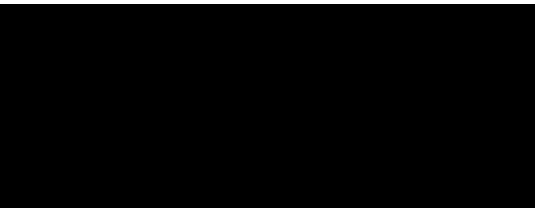
If this Notice is withdrawn, proceedings seeking a pecuniary penalty order may be brought against Nathan Rose Pty Ltd in relation to the alleged contravention. The penalties that a court

can impose are potentially significantly higher than can be specified in an infringement notice (see the table in Schedule 1 to this Notice). If the Notice is withdrawn after the penalty is paid, the penalty will be refunded.

Enquiries concerning this Notice

If you have any enquiries or questions about this Notice, contact [REDACTED]
[REDACTED] or by email at [REDACTED]

DATE: 29 May 2026



Melissa Moroney
Manager
Monitoring and Compliance Section
Australian Communications and Media Authority

SCHEDULE 1

BRIEF DETAILS OF THE ALLEGED CONTRAVENTION ARE SET OUT BELOW, IN ACCORDANCE WITH SECTION 104 OF THE REGULATORY POWERS ACT.

1. Background

- 1.1. As at 9 July 2025, Nathan Rose Pty Ltd (ACN 647 101 255) held low powered open narrowcasting (**LPON**) licence 1217010/8. LPON licence 1217010/8 authorised Nathan Rose Pty Ltd to operate an LPON transmitter on 87.8 MHz at 3-5 Grand View Drive, Mount Riverview, NSW 2774.
- 1.2. LPON licence 1217010/8 was audited by the ACMA as part of its LPON compliance priority audit in 2023/2024. Following the findings of the audit, the ACMA commenced an investigation into whether Nathan Rose Pty Ltd was operating in compliance with the *Radiocommunications Act 1992 (Act)* in respect of LPON licence 1217010/8.
- 1.3. The ACMA found that Nathan Rose Pty Ltd had operated a radiocommunications transmitter otherwise than as authorised by a spectrum licence, apparatus licence or class licence on 9 July 2025.
- 1.4. This infringement notice relates to the contravention committed as a result of that operation.

2. Matters giving rise to the notice

- 2.1. I believe on reasonable grounds that Nathan Rose Pty Ltd has contravened subsection 46(3) of the Act as follows:
 - 2.1.1. On 9 July 2025, Nathan Rose Pty Ltd held LPON licence 1217010/8. LPON licence 1217010/8 authorised Nathan Rose Pty Ltd to operate an LPON transmitter on 87.8 MHz at 3-5 Grand View Drive, Mount Riverview, NSW 2774.
 - 2.1.2. On 9 July 2025, Nathan Rose Pty Ltd operated an LPON transmitter on 87.8 MHz at [REDACTED].
 - 2.1.3. On 9 July 2025, there was no apparatus licence issued by the ACMA that authorised the operation of a transmitter at [REDACTED]. On that day, Nathan Rose Pty Ltd did not hold a spectrum licence, and no class licence authorised the use of an LPON transmitter.
 - 2.1.4. By operating an LPON transmitter at [REDACTED] on 9 July 2025, Nathan Rose Pty Ltd operated an LPON transmitter other than as authorised by a spectrum licence, apparatus licence or class licence.
- 2.2. There is no evidence establishing that Nathan Rose Pty Ltd had a reasonable excuse for operating an LPON transmitter other than as authorised by a licence on 9 July 2025.

3. Relevant civil penalty provision of the Act

3.1. Section 46(3) (Unlicensed operation of radiocommunications devices) provides:

- (3) Subject to section 49, a person must not operate a radiocommunications device otherwise than as authorised by:
- (a) a spectrum licence; or
 - (b) an apparatus licence; or
 - (c) a class licence.

Civil penalty that a court may impose:

- (a) if the radiocommunications device is a radiocommunications transmitter—300 penalty units; or
- (b) if the radiocommunications device is not a radiocommunications transmitter—20 penalty units.

- (4) Subsection (3) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see section 96 of the Regulatory Powers Act).

3.2. The relevant conduct may also amount to an offence under subsection 46(1) of the Radiocommunications Act.

4. The amount of the penalty

4.1. The amount specified in the Notice is **\$19,800.00**, calculated in accordance with subsection 104(2) of the Regulatory Powers Act, as set out in the table below.

Table 1: Penalty for alleged contravention of the Radiocommunications Act

Date and location of alleged contravention	Provision of Act allegedly contravened	Number of contraventions	Penalty unit ¹	Maximum penalty a court could impose for each contravention ²	Penalty imposed
9 July 2025 	Section 46(3)	1	\$330	\$495,000.00	\$19,800.00

¹ At the time of the alleged contravention, the amount of a penalty unit was \$330, as set by section 4AA of the *Crimes Act 1914*.

² Subsection 82(5) of the Regulatory Powers Act provides that the maximum penalty for a body corporate is five times the penalty specified for the civil penalty provision.