



Commonwealth of Australia

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY

Radiocommunications Act 1992

Notice under section 136 of the *Radiocommunications Act 1992*

NOTICE OF PROPOSAL TO VARY 14 CLASS LICENCES

Notice is given under section 136 of the *Radiocommunications Act 1992* (the Act) that the Australian Communications and Media Authority (the ACMA) proposes to vary each of the 14 class licences listed in Appendix A (the class licences), by making the *Radiocommunications (Class Licence) Amendment Instrument 2021 (No. 1)* (the draft instrument) under subsection 132(1) of the Act.

Each class licence may be accessed, free of charge, on the Federal Register of Legislation (www.legislation.gov.au).

Copies of the class licences, the draft instrument, and a consultation paper explaining the proposed amendments in more detail are available on the ACMA's website (www.acma.gov.au).

Proposed changes

Each class licence authorises the operation of specified radiocommunications devices on shared frequencies specified in the class licence. Each class licence includes a range of conditions that affect the lawful operation of radiocommunication devices under the licence. These conditions can include power limits, rules governing when, where and for what purpose a device may be used, and a requirement that devices comply with any relevant technical, operational and EME standards set by the ACMA.

In December 2020, the *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020* (the Modernisation Act) received Royal Assent. One of the reforms introduced by the Modernisation Act is the replacement of Part 4.1 of the Act with a new technical regulation framework that will replace the ACMA's power to make standards with the power to make equipment rules.

Before these reforms commence, the ACMA proposes to amend the 11 class licences listed in Part 1 of Appendix A, to ensure that the radiocommunications devices authorised by these licences will be required to comply with all applicable standards and all applicable equipment rules (the Equipment Rules Amendments).

In addition, the ACMA proposes to amend the 11 class licences listed in Part 2 of Appendix A, to harmonise the requirements in class licences for devices to comply with the general public exposure limits for electromagnetic emissions (EME), as set out by the Australian Radiation and Nuclear Protection Safety Agency (ARPANSA) (the ARPANSA Standard Amendments) in the Radiation

Protection Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz (2021) (the ARPANSA Standard).

In total there are 14 class licences that we are proposing to vary under the draft instrument:

- 8 class licences require both the Equipment Rules Amendments and the ARPANSA Standard Amendments;
- 3 class licences that only require the Equipment Rules Amendments; and
- 3 class licences that only require the ARPANSA Standard Amendments.

Equipment Rules Amendments

The 11 class licences in Part 1 of Appendix A contain generic licence conditions requiring devices to comply with ‘any applicable standards’ made under section 162 of the Act. When the Modernisation Act removes the current standards-based technical regulation framework, these licence conditions will reference a type of instrument (a standard made under section 162 of the Act) that will no longer be provided for under the Act.

To ensure that the regulatory status quo continues for all radiocommunications devices, we are proposing to amend each of these 11 class licences with the changes listed below, depending on the day the device was manufactured, imported or modified (device compliance day):

- if the device compliance day of a device is on or after the day Part 1 of Schedule 4 to the Modernisation Act commences, the device will have to comply with any applicable equipment rules as in force on that day; and
- if the device compliance day of a device is before Part 1 of Schedule 4 to the Modernisation Act commences, the device will have to comply with any applicable standard as in force on that day.

ARPANSA Standard Amendments

The 11 class licences in Part 2 of Appendix A do not apply EME requirements consistently.

We are proposing to amend these 11 class licences to include a new licence condition requiring all authorised devices to comply with the recognised, best practice limits for general public exposure to EME as specified by the ARPANSA Standard.

Comments

Under section 136 of the Act, the ACMA is seeking representations about the proposal to make the draft instrument, varying the class licences.

Interested persons are invited to make representations about the proposed variation no later than 9 April 2021. Representations should be in writing and should be addressed to:

The Manager
Spectrum Licensing Policy
Australian Communications and Media Authority
Law Courts
Melbourne VIC 8010

or by email to: SLPSConsultations@acma.gov.au

Appendix A

Part 1

1. *Radiocommunications (Communication with Space Object) Class Licence 2015*
2. *Radiocommunications (Maritime Ship Station – 27 MHz and VHF) Class Licence 2015*
3. *Radiocommunications (Emergency Locating Devices) Class Licence 2016*
4. *Radiocommunications (27 MHz Handphone Stations) Class Licence 2015*
5. *Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence 2014*
6. *Radiocommunications (Citizen Band Radio Stations) Class Licence 2015*
7. *Radiocommunications (Cordless Communications Devices) Class Licence 2014*
8. *Radiocommunications (Radio-controlled Models) Class Licence 2015*
9. *Radiocommunications (Low Interference Potential Device) Class Licence 2015**
10. *Radiocommunications (Radionavigation Satellite Service) Class Licence 2015**
11. *Radiocommunications (Intelligent Transport Systems) Class Licence 2017**

Part 2

1. *Radiocommunications (Communication with Space Object) Class Licence 2015*
2. *Radiocommunications (Maritime Ship Station – 27 MHz and VHF) Class Licence 2015*
3. *Radiocommunications (Emergency Locating Devices) Class Licence 2016*
4. *Radiocommunications (27 MHz Handphone Stations) Class Licence 2015*
5. *Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence 2014*
6. *Radiocommunications (Citizen Band Radio Stations) Class Licence 2015*
7. *Radiocommunications (Cordless Communications Devices) Class Licence 2014*
8. *Radiocommunications (Radio-controlled Models) Class Licence 2015*
9. *Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence 2016***
10. *Radiocommunications (Overseas Amateurs Visiting Australia) Class Licence 2015***
11. *Radiocommunications (Public Safety and Emergency Response) Class Licence 2013***

* Only requires change to reference equipment rules.

** Only requires change to a insert an entirely new reference to the ARPANSA Standard.