

## EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

*Radiocommunications Devices (Compliance Labelling) Amendment Notice 2012 (No. 1)*

*Radiocommunications Act 1992*

### Purpose

The purpose of the *Radiocommunications Devices (Compliance Labelling) Amendment Notice 2012 (No.1)* (the Amendment Notice) is to amend the *Radiocommunications Devices (Compliance Labelling) Notice 2003* (the Labelling Notice).

The Amendment Notice amends the Labelling Notice by replacing a reference to a superseded standard, the *Radiocommunications (118MHz to 137MHz Amplitude Modulated Equipment — Aeronautical Radio Service) Standard 2002* (the 2002 standard) with a reference to the *Radiocommunications (118MHz to 137MHz Amplitude Modulated Equipment — Aeronautical Radio Service) Standard 2012* (the 2012 standard).

### Legislative provisions

Subsection 182(1) of the *Radiocommunications Act 1992* (the Act) provides that the ACMA may, by notice published in the Gazette, require any person who manufactures or imports a device included in a specified class of devices to apply a label to the device to indicate whether the device complies with the standards specified in that notice.

A notice made under section 182 of the Act is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

### Background

The Labelling Notice requires each supplier of radiocommunications devices falling within the scope of a relevant standard to apply a compliance label to their product prior to supplying it to the market, and to keep prescribed records. Affixing a compliance label on a device is an assertion by the supplier that the device complies with applicable technical standards. As an alternative to surface labelling, suppliers have the option of displaying their label electronically if the device has a built-in electronic display.

The Labelling Notice requires suppliers to maintain documentary evidence of compliance with the applicable technical standard that is commensurate with the interference potential of that device.

### Operation

The Amendment Notice amends Schedule 3 of the Labelling Notice to replace a reference to the 2002 standard with the new 2012 standard. The 2012 standard specifies the technical performance characteristics, test methods and minimum requirements for radiocommunications equipment operating in the aeronautical radio service in the frequency range 118MHz to 137MHz using amplitude modulation.

The 2002 standard was made in May 2002. The 2002 standard adopts the industry standard AS/NZS 4583:1999 as the standard for performance for aeronautical equipment. Following approval by Standards Australia in September 2009 and Standards New Zealand in March 2010, a revised industry standard was jointly published by Standards Australia and Standards

New Zealand in April 2010 as AS/NZS 4583:2010. A further amendment to AS/NZS 4583:2010 was published on 9 July 2012.

### **Consultation**

Section 17 of the Legislative Instruments Act 2003 requires the ACMA to be satisfied that any consultation it considered to be appropriate and reasonably practicable to undertake has been undertaken.

The ACMA conducted a public consultation process on the making of the 2012 standard. A draft of an earlier version of the 2012 standard and other associated legislative instruments including a draft of the Amendment Notice were made available on the ACMA website homepage for public comment between 22 March 2012 and 29 April 2012. In addition, a broad range of radiocommunications industry peak bodies, manufacturers, importers, consultants and Government agencies were directly approached for comment.

Three responses were received to the ACMA's invitation for public comment. The responses either supported or made no comment on the proposed 2012 standard. There were no responses opposing the proposed 2012 standard and its reference in the Labelling Notice.

### **Regulation impact**

The ACMA's Best Practice Regulation Coordinator determined that the amendment to the Labelling Notice proposed in the Amendment Notice was minor and machinery in nature and a Regulation Impact Statement was not required. The Office of Best Practice Regulation was consulted during this process and issued the ACMA with reference number ID 13397 for the Amendment Notice and other associated legislative instruments.<sup>1</sup>

### **Notes on Sections**

The provisions of the Amendment Notice are described in Attachment 1.

### **Statement of Compatibility with Human Rights**

A statement of compatibility with human rights for the purposes of Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* is set out in Attachment 2.

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<sup>1</sup> The reference number ID also applies to the *Radiocommunications (118MHz to 137MHz Amplitude Modulated Equipment – Aeronautical Radio Service) Standard 2012* and the *Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence Variation 2012 (No. 1)*.

**Notes on the instrument**

**Section 1 Name of Notice**

Section 1 provides that the name of the Amendment Notice is the *Radiocommunications Devices (Compliance Labelling) Amendment Notice 2012 (No.1)*.

**Section 2 Commencement**

Section 2 provides that the Amendment Notice commences on the last of the following dates:

- (a) the date on which the Amendment Notice is registered;
- (b) the date on which the Amendment Notice is gazetted; and
- (c) the commencement of the *Radiocommunications (118MHz to 137MHz Amplitude Modulated Equipment – Aeronautical Radio Service) Standard 2012*.

Note 2 states that all of the listed events must occur before the Amendment Notice can commence.

**Section 3 Amendment of the *Radiocommunications Devices (Compliance Labelling) Notice 2003***

Section 3 provides that Schedule 1 of the Amendment Notice amends the *Radiocommunications Devices (Compliance Labelling) Notice 2003*.

**Schedule 1 – Amendment**

**Item [1] Schedule 3, Item 4**

This item amends Schedule 3 of the *Radiocommunications Devices (Compliance Labelling) Notice 2003* by replacing the reference to the superseded *Radiocommunications (118MHz to 137MHz Amplitude Modulated Equipment – Aeronautical Radio Service) Standard 2002* at Item 4 of that Schedule with a reference to the new *Radiocommunications (118MHz to 137MHz Amplitude Modulated Equipment – Aeronautical Radio Service) Standard 2012*.

## Statement of Compatibility with Human Rights

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### ***Radiocommunications Devices (Compliance Labelling) Amendment Notice 2012 (No.1)***

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the Legislative Instrument**

The *Radiocommunications Devices (Compliance Labelling) Notice 2003 (No.1)* (the Labelling Notice) requires each supplier of radiocommunications devices falling within the scope of a relevant standard to apply a compliance label to their product prior to supplying it to the market, and to keep prescribed records. Affixing a compliance label on a device is an assertion by the supplier that the device complies with applicable technical standards. As an alternative to surface labelling, suppliers have the option of displaying their label electronically if the device has a built-in electronic display.

The *Radiocommunications Devices (Compliance Labelling) Amendment Notice 2012 (No.1)* is made under section 182 of the *Radiocommunications Act 1992*.

The purpose of this Legislative Instrument is to vary the Labelling Notice to replace the reference to the superseded *Radiocommunications (118MHz to 137MHz Amplitude Modulated Equipment – Aeronautical Radio Service) Standard 2002* with a reference to the *Radiocommunications (118MHz to 137MHz Amplitude Modulated Equipment — Aeronautical Radio Service) Standard 2012*.

#### **Human rights implications**

This Legislative Instrument does not engage any of the applicable rights or freedoms.

#### **Conclusion**

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.