

## EXPLANATORY STATEMENT

### Issued by the Australian Communications and Media Authority

#### *Radiocommunications (118MHz to 137MHz Amplitude Modulated Equipment - Aeronautical Radio Service) Standard 2012*

#### *Radiocommunications Act 1992*

#### **Purpose**

The purpose of the *Radiocommunications (118MHz to 137MHz Amplitude Modulated Equipment- Aeronautical Radio Service) Standard 2012* (the 2012 standard) is to replace the existing *Radiocommunications (118MHz to 137MHz Amplitude Modulated Equipment- Aeronautical Radio Service) Standard 2002* (the 2002 standard).

The 2012 standard provides that the applicable standard for performance for a radiocommunications device that is amplitude modulated equipment used in the aeronautical radio service in the frequency range 118MHz to 137MHz is AS/NZS 4583:2010 (incorporating Amendment No. 1) (AS/NZS 4583:2010/Amdt 1).

#### **Legislative provisions**

The 2012 standard is made under subsection 162(1) of the *Radiocommunications Act 1992* (the Act). Subsection 162(1) of the Act provides that the Australian Communications and Media Authority (the ACMA) may make standards for the performance of specified devices or the maximum permitted levels of radio emissions from devices within specified parts of the spectrum.

In making a standard, the ACMA may apply, adopt or incorporate (with or without modification) a standard in force from time to time, made by another person (section 314A of the Act).

ACMA standards may be general in application or may be limited as provided by the standard.

A standard made by the ACMA under section 162 of the Act is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

#### **The ACMA Standard**

The 2012 standard adopts AS/NZS 4583:2010/Amdt 1 as the relevant standard applicable to certain devices, as specified in clauses of the instrument.

AS/NZS 4583:2010/Amdt 1 specifies the technical performance characteristics, test methods and other minimum performance requirements for certain radiocommunications equipment operating in the aeronautical radio service in the frequency range 118MHz to 137MHz. It contains emission and performance tests for land-based base stations, mobile, personal mobile equipment and equipment used in conjunction with activities such as aviation sport and as otherwise specified by the appropriate aviation regulatory authority. It also specifies the minimum receiver performance criteria to establish an acceptable level of immunity to interference from unwanted signals.

This standard does not apply to fixed equipment installations in aircraft.

AS/NZS 4583:2010/Amdt 1 amends AS/NZS 4583:1999 by:

- introducing an alternative testing path to compliance for handheld equipment approved to the European standard EN 300 676-1 V1.4.1 (2007-04);

- updating power supply testing arrangements to reflect current battery technology and mains power supply voltages; and
- correcting minor editorial errors throughout the standard.

The 2012 standard commences on the day after it is registered.

### **Consultation**

Subsection 163(1) of the Act requires that before the ACMA makes a standard under section 162, the ACMA must try to ensure, so far as is practicable, that interested parties have an opportunity to comment on a proposed standard and that due consideration be given to any comments received. This section is consistent with the consultation requirements set out in section 17 of the *Legislative Instruments Act 2003*.

A general call for comment on the 2012 standard was made on the ACMA website home page commencing on 22 March 2012 and concluding on 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.

### **Regulation Impact**

The Office of Best Practice Regulation (the OBPR) has advised that it considers the making of the 2012 standard will have minor and machinery impacts and that further analysis in the form of a Regulation Impact Statement is not required (OBPR Reference number ID 13397).

### **Notes on Sections**

The provisions of the 2012 standard 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.

## Notes on the instrument

### Section 1 - Name of Standard

Section 1 provides the name of the Standard is the *Radiocommunications (118 MHz to 137 MHz Amplitude Modulated Equipment - Aeronautical Radio Service) Standard 2012*.

### Section 2 - Commencement

Section 2 provides that the Standard commences on the day after it is registered.

### Section 3 – Revocation of *Radiocommunications (118MHz to 137 MHz Amplitude Modulated Equipment – Aeronautical Radio Service) Standard 2002*

Section 3 revokes the *Radiocommunications (118MHz to 137 MHz Amplitude Modulated Equipment – Aeronautical Radio Service) Standard 2002* made on 15 May 2002.

### Section 4 – Definitions

Section 4 defines the terms used in the Standard, including the “ACMA”, “Act”, “aeronautical radio service” and “significant event”.

“AS/NZS 4583:2010/Amdt 1” is defined as the standard of that number jointly published by Standards Australia and Standards New Zealand and incorporating amendments made to that standard on 9 July 2012.

The Note to section 4 provides a list of the terms used in the Standard that are defined in the Act or in the *Radiocommunications (Interpretation) Determination 2000*.

### Section 5 – Application

Section 5 states that, other than devices mentioned in subsection 5(2), the Standard applies to a radiocommunications device that is amplitude modulated equipment used in the aeronautical radio service in the frequency range 118MHz to 137MHz.

### Section 6 – Standard for performance

Section 6 provides that the standard for performance is the AS/NZS 4583:2010/Amdt 1, as in force from time to time.

### Section 7 – Compliance with this Standard – devices complying with former Standard

Section 7 implements transitional arrangements for devices that complied with the *Radiocommunications (118MHz to 137MHz Amplitude Modulated Equipment – Aeronautical Radio Service) Standard 2002* (the former standard).

Subsection 7(2) provides that a device that complied with the former standard before the commencement of the 2012 standard is taken to comply with the 2012 standard even if, after the commencement of the 2012 standard, the device is altered or modified, so long as it remains compliant with the former standard.

Subsection 7(3) provides that a device that is manufactured or imported within 12 months after the commencement of the 2012 standard that would have complied with the former standard, is taken to comply with the 2012 standard.

## **Section 8 – Compliance with this Standard after amendment of the standard for performance**

Section 8 provides that a device (other than devices mentioned in section 7) that is manufactured, imported, altered or modified less than 1 year from the date of any amendment of AS/NZS 4583:2010/Amdt 1, is taken to comply with the 2012 standard so long as the device complies with AS/NZS 4583:2010/Amdt 1 immediately before the amendment date.

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

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

### ***Radiocommunications (118MHz to 137MHz Amplitude Modulated Equipment - Aeronautical Radio Service) Standard 2012***

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 (118MHz to 137MHz Amplitude Modulated Equipment - Aeronautical Radio Service) Standard 2012* (2012 standard) is made under subsection 162(1) of the *Radiocommunications Act 1992*. The 2012 standard adopts the joint Australian and New Zealand standard, AS/NZS 4583:2010 (incorporating Amendment No. 1) as the standard of performance for aeronautical equipment.

#### **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.