

Radiocommunications (406 MHz Satellite Distress Beacons) Standard 2014

Radiocommunications Act 1992

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Standard under subsection 162(1) of the *Radiocommunications Act 1992*.

Dated *9th September 2014*

*Chris Chapman*
[signed]
Member

*Richard Bean*
[signed]
Member/~~General Manager~~

Australian Communications and Media Authority

1 Name of Standard

 This Standard is the *Radiocommunications (**406 MHz Satellite Distress Beacons) Standard 2014*.

2 Commencement

 This Standard commences on the day after it is registered.

*Note*:All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.comlaw.gov.au](http://www.comlaw.gov.au)

3 Revocation

 The *Radiocommunications (406 MHz Satellite Distress Beacons) Standard 2005* [F2005L01403] is revoked.

4 Definitions

 In this Standard:

***121.5 MHz homing transmitter*** means a transmitter, incorporated into a 406 MHz satellite distress beacon, that operates on a carrier frequency of 121.5 MHz.

***406 MHz satellite distress beacon*** means a radiocommunications device that:

 (a) is either:

 (i) a 406 MHz satellite emergency position indicating radio beacon; or

 (ii) a 406 MHz satellite personal locator beacon; and

 (b) is capable of being operated on a carrier frequency in the frequency band 406.0 MHz to 406.1 MHz; and

 (c) incorporates a 121.5 MHz homing transmitter the emissions of which are intended to facilitate search and rescue operations.

***406 MHz satellite emergency position indicating radio beacon*** means a device, designed or intended for use in the maritime mobile-satellite service, the emissions of which are intended to facilitate search and rescue operations.

***406 MHz satellite personal locator beacon*** means a device, designed or intended for use in the land mobile-satellite service, the emissions of which are intended to facilitate search and rescue operations.

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

***applicable device*** means a radiocommunications device to which this Standard applies, as provided by subsection 5(1).

***AS/NZS 4280.1*** means:

 (a) the standard *AS/NZS 4280.1:2003 406 MHz satellite distress beacons, Part 1: Marine emergency position-indicating radio beacons (EPIRB) (IEC 61097-2:2002, MOD)* published by Standards Australia, as in force or existing from time to time; or

 (b) if a later standard published by Standards Australia is expressed to replace the standard mentioned in paragraph (a) – the later standard, as in force or existing from time to time.

***AS/NZS 4280.2*** means:

 (a) the standard *AS/NZS 4280.2:2003 406 MHz satellite distress beacons, Part 2: Personal locator beacons (PLBs)* published by Standards Australia, as in force or existing from time to time; or

 (b) if a later standard published by Standards Australia is expressed to replace the standard mentioned in paragraph (a) – the later standard, as in force or existing from time to time.

***Chair*** means the Chair of the ACMA.

***commencement day***means the day on which this Standard commences.

***included in a class of radiocommunications devices*** has the meaning given by:

1. in relation to an applicable device other than a modified device – paragraph 6(1)(a); and
2. in relation to a modified device – paragraph 6(2)(a).

***land mobile-satellite service*** means a mobile-satellite service in which mobile earth stations are located on land.

***manufactured***, in relation to an applicable device,means manufactured in Australia.

***maritime mobile‑satellite service*** has the meaning given by the *Radiocommunications (Interpretation) Determination 2000.*

***modified***, in relation to a radiocommunications device, means modified or altered in a material respect in Australia (after the device was manufactured or imported) by or on behalf of, the manufacturer or importer of the device.

***modified device*** means:

(a) an applicable device that has been modified; and

 (b) a radiocommunications device that has been modified in such a way that it becomes an applicable device.

***original modified device*** has the meaning given by paragraph 6(2)(b).

***original radiocommunications device*** has the meaning given by paragraph 6(1)(b).

***relevant date***, for an applicable device, means the date specified in section 7 in relation to the device.

***significant event***means an event at a location or locations specified in a notice approved by the Chair and published on the ACMA’s website at <http://www.acma.gov.au>.

*Note:*   Several other words and expressions used in this Standard have the meaning given by the Act, including:

* ACMA (section 5)
* radiocommunications device (subsection 7(1)).

5 Application

 (1) This Standard applies to a radiocommunications device (an ***applicable device***) that:

 (a) is a 406 MHz satellite distress beacon; and

 (b) is not a device mentioned in subsection (2).

Exception — device imported for significant event

 (2) This subsection applies to a radiocommunications device that:

 (a) is imported into Australia solely for use in connection with a significant event;

 (b) if there is a requirement that the device is tested or inspected before it may be used in Australia — meets the requirement;

 (c) if there is a condition or requirement imposed on the use of the device in Australia — is used in compliance with that condition or requirement;

 (d) is used in Australia only at the location of the significant event; and

 (e) is used in Australia only for the duration of the significant event.

6 When is a device included in a class of radiocommunications devices?

 (1) In this Standard:

(a) an applicable device, other than a modified device, is ***included in a class of radiocommunications devices*** if the device:

(i) is identical to each other device of the class (irrespective of when the devices were manufactured or imported); and

(ii) has the same manufacturer or importer as each other device of the class; and

(b) the ***original radiocommunications device***, in relation to the class of radiocommunications devices, is the device of the class that was the first to be manufactured or imported.

 (2) In this Standard:

(a) a modified device is ***included in a class of radiocommunications devices*** if:

(i) the modification made to create the device is identical to the modification made to create each other device of the class (irrespective of when the devices were so modified);

(ii)        the device is, in all other respects, identical to each other device of the class (irrespective of when the devices were manufactured or imported); and

(iii)       the device has the same manufacturer or importer as each other device of the class; and

(b) the ***original modified device***, in relation to the class, is the device of the class that was the first to be created by being so modified.

 7 Relevant date for an applicable device

 For the purposes of this Standard, the relevant date for an applicable device is:

(a) in the case of an applicable device (other than a modified device) that is included in a class of radiocommunications devices – the date the original radiocommunications device was manufactured or imported;

 (b) in the case of a modified device that is included in a class of radiocommunications devices – the date the modification was made to create the original modified device of the class; or

 (c) otherwise – the date the device was manufactured or imported.

8 Standard for performance

 (1) For paragraph 162(1)(a) of the Act, the standard for performance of an applicable device is as set out in the provisions of AS/NZS 4280.1 and AS/NZS 4280.2 which are specified in clauses 1 and 3 of Schedule 1, subject to the modifications of those provisions specified in clauses 2 and 4 of Schedule 1.

 (2) If the relevant date for the device occurs during a transition period, the standard for performance with which the device must comply is either:

1. subsection (1) applying AS/NZS 4280.1 and AS/NZS 4280.2 as in existence immediately before the transition period commenced; or
2. subsection (1) applying AS/NZS 4280.1 and AS/NZS 4280.2 as in existence during the transition period.

 (3) If:

1. AS/NZS 4280.1 or AS/NZS 4280.2 is amended or replaced during a transition period (the ***first transition period***) so that there is a further transition period (the ***second transition period***); and
2. the relevant date for the device occurs at a time when the first transition period and the second transition period overlap;

the standard for performance with which the device must comply is one of the following:

1. subsection (1) applying AS/NZS 4280.1 and AS/NZS 4280.2 as in existence immediately before the first transition period commenced;
2. subsection (1) applying AS/NZS 4280.1 and AS/NZS 4280.2 as in existence during the first transition period; or
3. subsection (1) applying AS/NZS 4280.1 and AS/NZS 4280.2 as in existence during the second transition period.

 (4) If AS/NZS 4280.1 or AS/NZS 4280.2 is:

1. amended; or
2. replaced;

 then, for the purposes of this section, the ***transition period*** is the 1 year period commencing on the day AS/NZS 4280.1 or AS/NZS 4280.2 was:

1. amended; or
2. replaced;

 as the case may be.

*Note:*   An applicable device may be subject to only AS/NZS 4280.1 or AS/NZS 4280.2. In some cases, an applicable device may be subject to both AS/NZS 4280.1 and AS/NZS 4280.2.

9 Transitional arrangements – devices manufactured, imported or modified before commencement day

If:

 (a) the relevant date for an applicable device occurred before the commencement day; and

 (b) at the relevant date the device complied with the *Radiocommunications (406 MHz Satellite Distress Beacons) Standard 2005*,

then the device is taken to comply with this Standard.

**Schedule 1 – Standard for performance (specified provisions of AS/NZS 4280.1 and AS/NZS 4280.2 and modification of specified provisions)**

(subsection 8(1))

1 Standard for performance of an applicable device: specified provisions of AS/NZS 4280.1

For subsection 8(1) of the Standard, the specified provisions of AS/NZS 4280.1 are as follows:

1. subclause 3.3.3(f) (Activation);
2. subclause 3.3.3(g) (Activation);
3. subclause 3.3.4 (Self-test);
4. clause 4.5 (121.5 MHz homing signal);
5. subclause 5.1.7 (Preparation of satellite EPIRB for type-approval testing);
6. subclause 5.1.8 (Test conditions);
7. subclause 5.1.8.1 (Normal test conditions);
8. subclause 5.1.8.2 (Extreme test conditions); and
9. Annex D (Technical standard for 121.5 MHz homing device).

2 Modification of specified provisions of AS/NZS 4280.1 for the purpose of defining the standard for performance of an applicable device

For subsection 8(1) of the Standard, the specified provisions of AS/NZS 4280.1 are modified as follows:

1. subclause 3.3.4 of AS/NZS 4280.1 is modified by omitting everything except the final sentence; and
2. Annex D of AS/NZS 4280.1 is modified by omitting paragraph D.3(g).

3 Standard for performance of an applicable device: specified provisions of AS/NZS 4280.2

For subsection 8(1) of the Standard, the specified provisions of AS/NZS 4280.2 are as follows:

1. subclause 1.4.5 (Definitions – radiation);
2. subclause 1.4.10 (Definitions – spurious emission);
3. subclause 3.1.1 (Adjustment mechanisms);
4. subclause 3.2.2.2 (Satellite personal locator beacons – homing compliance);
5. clause 3.3 (Homing transmitter for 406 MHz satellite personal locator beacon); and
6. Appendix E (Radiofrequency tests for the homing transmitter of 406 MHz personal locator beacons).

4 Modification of specified provisions of AS/NZS 4280.2 for the purpose of defining the standard for performance of an applicable device

For subsection 8(1) of the Standard, subclause 3.2.2.2 of AS/NZS 4280.2 is modified by omitting “In addition to the requirements of Clause 3.2.2.1 a” and substituting “A”.