

Radiocommunications (121.5 MHz and 243.0 MHz Emergency Position Indicating Radio 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 (**121.5 MHz and 243.0 MHz Emergency Position Indicating Radio 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 (121.5 MHz and 243.0 MHz Emergency Position Indicating Radio Beacons) Standard 2003* [F2005B00176] is revoked.

4 Definitions

 In this Standard:

***121.5 MHz and 243.0 MHz emergency position indicating radio beacon*** means a device that:

 (a) is capable of being operated on:

1. the carrier frequency 121.5 MHz; or
2. the carrier frequency 243.0 MHz; or
3. the carrier frequencies 121.5 MHz and 243.0 MHz; and

 (b) incoprporates a transmitter that is designed or manufactured principally for the purpose of facilitating 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 4330*** means:

 (a) *AS/NZS 4330:2006 121.5 and 243.0 MHz emergency position indicating radio beacons (EPIRBs) including personal EPIRBs* 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:

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

 (b) in relation to a modified device – paragraph 6(2)(a).

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

***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 121.5 MHz and 243.0 MHz emergency position indicating radio 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:

1. is identical to each other device of the class (irrespective of when the devices were manufactured or imported); and
2. 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:

1. 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);
2. 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
3. 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 of radiocommunications devices, 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 AS/NZS 4330, as in force or existing at the relevant date for the device, other than the provisions specified in clause 1 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:

 (a) subsection (1) applying AS/NZS 4330 as in existence immediately before the transition period commenced; or

 (b) subsection (1) applying AS/NZS 4330 as in existence during the transition period.

 (3) If:

 (a) AS/NZS 4330 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

 (b) 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:

 (c) subsection (1) applying AS/NZS 4330 as in existence immediately before the first transition period commenced;

 (d) subsection (1) applying AS/NZS 4330 as in existence during the first transition period; or

 (e) subsection (1) applying AS/NZS 4330 as in existence during the second transition period.

 (4) If AS/NZS 4330 is:

 (a) amended; or

 (b) replaced;

 then, for the purposes of this section, the ***transition period*** is the 1 year period commencing on the day AS/NZS 4330 was:

 (c) amended; or

 (d) replaced;

 as the case may be.

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 (121.5 MHz and 243.0 MHz Emergency Position Indicating Radio Beacons) Standard 2003*;

then the device is taken to comply with this Standard.

**Schedule 1 Standard for performance (excluded provisions)**

(subsection 8(1))

1. Provisions of AS/NZS 4330 not incorporated into standard for performance of an applicable device

For subsection 8(1) of the Standard, the provisions of AS/NZS 4330 not incorporated into the standard for performance of an applicable device are as follows:

1. subclause 1.5.1 (the definition of ‘battery shelf life’);
2. subclause 1.5.2 (the definition of ‘battery sub-assembly’);
3. section 2 (Environmental and operational requirements);
4. the last paragraph of subclause 3.3.10 (Antenna Characteristics); and
5. Appendix A (Climatic and Durability tests for 121.5 and 243.0 MHz and EPIRBs).