



Radiocommunications (Short Range Devices) 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 (Short Range Devices) 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

3 Revocation

The *Radiocommunications (Short Range Devices) Standard 2004* [F2005F00095] is revoked.

4 Definitions

In this Standard:

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 4268 means:

- (a) *AS/NZS 4268:2012 Radio equipment and systems – Short range devices – Limits and methods of measurement* 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).

low interference potential device has the same meaning as in the *Radiocommunications (Low Interference Potential Devices) Class Licence 2000*, as in force from time to time.

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).

radio controlled model means a model aircraft, model landcraft or model watercraft that:

- (a) operates on a carrier frequency greater than 29.72 MHz and not exceeding 30 MHz; or
- (b) operates on a carrier frequency greater than 36 MHz and not exceeding 36.6 MHz.

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

short range device means a radiocommunications device that:

- (a) is manufactured in, or imported into, Australia after the commencement of this Standard; and
- (b) is of a type mentioned in column 2 of table 1 or column 2 of table 2 of AS/NZS 4268; and
- (c) is capable of being operated on:
 - (i) a frequency, or within a range of frequencies, within the frequency bands mentioned in column 3 of table 1 or column 3 of table 2 of AS/NZS 4268; or
 - (ii) if the device is a wireless audio transmitter and subparagraph (i) does not apply – a frequency, or within a range of frequencies, within the 694-820 MHz frequency range.

Note This definition incorporates both low interference potential devices and radio controlled models.

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>.

wireless audio transmitter means a radiocommunications device that is of a type mentioned in row 22A of column 2 of table 1 of AS/NZS 4268.

Note 1: Examples of wireless audio transmitters include, but are not limited to, wireless microphones, in-ear monitoring devices, wireless musical instrument pickups and similar short range devices.

Note 2: 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 short range device; 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 What 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 AS/NZS 4268, as in force or existing at the relevant date for the device but excluding any requirements that only apply to short range devices supplied for use under the New Zealand instrument, *Radiocommunications Regulations (General User Radio Licence for Short Range Devices) Notice 2013*, as in force or existing from time to time.

- (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 4268 as in existence immediately before the transition period commenced; or
 - (b) subsection (1) applying AS/NZS 4268 as in existence during the transition period.

(3) If:

- (a) AS/NZS 4268 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 4268 as in existence immediately before the first transition period commenced;
- (d) subsection (1) applying AS/NZS 4268 as in existence during the first transition period; or
- (e) subsection (1) applying AS/NZS 4268 as in existence during the second transition period.

(4) If AS/NZS 4268 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 4268 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 (Short Range Devices) Standard 2004*;

then the device is taken to comply with this Standard.