Radiocommunications (Emergency Locating Devices) Class Licence 2016

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY issues this class licence under subsection 132 (1) of the *Radiocommunications Act 1992*.

Dated 5 September 2016

Richard Bean
[signed]
Member

Brenda Byrne
[signed]
~~Member~~/General Manager

Australian Communications and Media Authority

1 Name of Class Licence

This class licence is the *Radiocommunications (Emergency Locating Devices) Class Licence 2016*.

2 Commencement

This class licence commences on the day after it is registered.

Note All legislative instruments and compilations are registered on the Federal Register of Legislation kept under the *Legislation Act 2003*. See http://www.legislation.gov.au.

3 Revocation

The *Radiocommunications (Emergency Locating Devices) Class Licence 2006* [F2009C00043] is revoked.

4 Purpose of Class Licence

The purpose of this class licence is to authorise the operation of a range of emergency locating devices that are satellite distress beacons, EPIRB-AIS and locating aids.

Note 1 Each type of emergency locating device has advantages and disadvantages that are usually associated with the circumstances of its use.

Note 2 A satellite distress beacon or EPIRB-AIS operating on 406 MHz, if properly maintained, is capable of alerting search and rescue authorities through the COSPAS-SARSAT network of satellites from almost any open-air location. The use of a satellite distress beacon or EPIRB-AIS is particularly appropriate if a vessel is located away from busy coastal shipping channels. The time taken to organise a rescue will depend on the locating of the satellite distress beacon or EPIRB-AIS and the availability of suitable search and rescue resources.

Note 3 A locating aid is a short range device that depends on the availability of fixed or ambulatory receivers within radiocommunications range of the locating aid. A locating aid used in conjunction with a receiver on a parent vessel is particularly useful in a man-overboard situation during which the parent vessel is usually immediately required for rescue action.

5 Definitions and Interpretation

(1) In this class licence:

AS/NZS 4280.1 means 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 International, as in force from time to time.

AS/NZS 4280.2 means AS/NZS 4280.2:2003, *406 MHz satellite distress beacons Part 2: Personal locator beacons (PLBs),* published by Standards Australia International, as in force from time to time.

AS/NZS 4869.1 means AS/NZS 4869.1:2006 (R2015) *Maritime Survivor Locating Systems (MSLS) – Operating on 121.5 MHz*, published by Standards Australia International, as in force from time to time.

AS/NZS 4869.2 means AS/NZS 4869.2:2010 *Stand alone maritime survivor locating systems (MSLS) – Operating on frequencies other than 121.5 MHz*, published by Standards Australia International, as in force from time to time.

AS/NZS 4869.3 means AS/NZS 4869.3:2015 *Maritime survivor locating systems (MSLS) – Maritime survivor locating devices (MSLD) – Operating on frequencies of 156.575 MHz and/or 161.975 MHz/162.025 MHz (RTCM 11901.1:2012, MOD)*, published by Standards Australia International, as in force from time to time.

AS/NZS 4869.4 means AS/NZS 4869.4:2015 *Maritime survivor locating systems (MSLS) – Maritime low power personal locating devices employing Automatic Identification System*, published by Standards Australia International, as in force from time to time.

device compliance day, for a radiocommunications device to which this class licence applies, means the most recent of the following days:

(a) if the radiocommunications device was manufactured in Australia — the day the device was manufactured;

(b) if the radiocommunications device was manufactured overseas and imported — the day the device was imported;

(c) if the radiocommunications device was altered or modified in a material respect — the day the device was altered or modified.

emergency locating device means:

(a) a satellite distress beacon; or

(b) an EPIRB-AIS; or

(c) a MSLS; or

(d) an AIS-SART; or

(e) a Radar-SART.

EPIRB-AIS means a 406 MHz distress alerting device that contains an additional AIS transmitter using AIS-SART technology where the AIS component is used as an aid in locating the EPIRB-AIS.

homing signal means a radiocommunication intended to facilitate locating a transmitting device by aircraft, vessels or persons on the ground.

locating aid means a station used for the purposes of search and rescue operations, and includes:

(a) a MSLS;

(b) an AIS-SART; and

(c) a radar-SART.

MSLS (maritime survivor locating system) means a safety system that has the following features:

(a) it comprises:

(i) an MSLS transmitter; and

(ii) an MSLS receiver; and

(iii) an MSLS locator;

(b) it is not a satellite EPIRB;

(c) it is intended for short-range retrieval of individuals engaged in:
  (i) on-deck activities on vessels; or
  (ii) on-shore activities, where falling into the water is a risk; or
  (iii) other marine activities where a locating system may be required;

(d) it is designed to sound an alert when a person has fallen into the water or has manually activated the device to signal a need for assistance from a vessel or facility; and

(e) it complies with AS/NZS 4869.1, AS/NZS 4869.2, AS/NZS 4869.3 or AS/NZS 4869.4, or any other applicable future standard made by Standards Australia International before the device compliance day of the device (as in force from time to time);

whether or not it includes some form of localising device.

Note 1 A MSLS may also be referred to as a man-overboard (MOB) system.

Note 2 A localising device includes direction finding equipment designed to transmit a local alert primary to a receiver on a vessel or facility.

MSLS locator means a fixed device designed to assist the location of an MSLS transmitter, which may be in the form of:

(a) a part of a MSLS receiver; or

(b) a device that is separate from a MSLS receiver.

MSLS receiver means a fixed device designed to receive an alert signal from an MSLS transmitter.

MSLS transmitter means a portable transmitting device that sends an alert signal to a MSLS receiver.

radar has the meaning given to it in the *Radio Regulations Articles,* published by the International Telecommunication Union.

Radar-SART means a SART that transmits a radar locating signal on the 9 GHz band.

SART means a self-contained, waterproof search and rescue transponder intended for emergency use at sea.

satellite distress beacon means a radiocommunications device:

(a) that is an earth station in the mobile-satellite service, the emissions of which are intended to facilitate search and rescue operations; and

(b) to which one or more of the following standards is applicable:
  (i) AS/NZS 4280.1;
  (ii) AS/NZS 4280.2.

(2) In this class licence, unless the contrary intention appears, a reference to another legislative instrument is a reference to that other legislative instrument as in force from time to time.

Note 1 For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13 (1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2 For the definitions of AIS-SART, Automatic Identification System (AIS), COSPAS-SARSAT System and EPIRB, see the *Radiocommunications (Interpretation) Determination 2015*.

Note 3 For the definition of other expressions used in this class licence, see the *Radiocommunications Act 1992* and the *Radiocommunications (Interpretation) Determination 2015*.

6 Application of Class Licence

(1) This class licence authorises a person to operate the kinds of radiocommunications devices mentioned in subsection (2) for the purpose of facilitating search and rescue operations.

(2) This class licence applies to the following kinds of radiocommunications devices:

(a) a satellite distress beacon (other than an EPIRB that is on an aircraft and whose operation is authorised under the *Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence 2016*);

(b) an EPIRB-AIS;

(c) an MSLS;

(d) an AIS-SART;

(e) a Radar-SART.

Note Paragraph (c) does not authorise the operation of a radiocommunications device that may form part of an MSLS but which is operated independently of an MSLS.

(3) This class licence does not apply to a radiocommunications device in respect of which an apparatus licence is in force if the apparatus licence authorises the licensee to operate the device for a purpose that is substantially the same as the purpose mentioned in subsection (1).

7 Class Licence — satellite distress beacon

(1) This class licence authorises a person to operate a satellite distress beacon mentioned in paragraph 6(2) (a) if the person meets either or both of the requirements mentioned in subsections (2) and (3).

(2) The person operates the beacon:

(a) for the purpose of transmitting to the COSPAS-SARSAT System; and

(b) in the frequency range of 406 – 406.1 MHz.

(3) The person operates the beacon for the purpose of transmitting a homing signal where the person operates the beacon on the frequency of 121.5 MHz or 243 MHz.

8 Class Licence — EPIRB–AIS

(1) This class licence authorises a person to operate an EPIRB-AIS mentioned in paragraph 6(2)(b) if the person meets one or all of the requirements mentioned in subsections (2), (3) and (4).

(2) The person operates the EPIRB-AIS:
   (a) for the purpose of transmitting to the COSPAS-SARSAT System; and
   (b) in the frequency range of 406 – 406.1 MHz.

(3) The person operates the EPIRB-AIS for the purpose of transmitting a homing signal where the person operates the EPIRB-AIS on the frequency of 121.5 MHz or 243 MHz.

(4) The person operates the EPIRB-AIS on either of the following frequencies:
   (a) 161.975 MHz;
   (b) 162.025 MHz.

9 Class Licence — locating aid

(1) This class licence authorises a person to operate a locating aid mentioned in paragraph 6(2)(c) if the person operates it on any of the following frequencies:
   (a) 121.5 MHz;
   (b) 156.525 MHz;
   (c) 156.8 MHz;
   (d) 161.975 MHz;
   (e) 162.025 MHz.

(2) This class licence authorises a person to operate a locating aid mentioned in paragraph 6(2)(d) if the person operates it on either, or both, of the following frequencies:
   (a) 161.975 MHz;
   (b) 162.025 MHz.

(3) This class licence authorises a person to operate a locating aid mentioned in paragraph 6(2)(e) if the person operates it on a frequency within the frequency range 9200-9500 MHz.

10 Condition — distress situation

(1) A radiocommunications device mentioned in subsection 6(2) must only be operated:
   (a) to activate an emergency signal; and
   (b) in response to a distress situation.

(2) A distress situation is one in which:
   (a) there is risk of imminent or grave danger of injury to, or death of, a person; and
   (b) the person requires immediate assistance.

11 Condition — standards

The device must comply with:

(a) any standard applicable to it as in force on the device compliance day for the device.

Note 1 Section 5 of the *Radiocommunications Act 1992* provides that ***standard*** means a standard made under section 162 of that Act.

Note 2 The Australian Communications and Media Authority wishes to make it clear that if a standard mentioned in this section is amended or replaced by another standard after the device compliance day for the device, the device need not comply with the new or amended standard.

Note 3 Identical devices may have different device compliance days. A device is only required to comply with the standards that are in force on the device compliance day for that device.