



Radiocommunications (Body Scanning – Aviation Security) Class Licence 2018

The Australian Communications and Media Authority makes the following class licence under section 132 of the *Radiocommunications Act 1992*.

Dated: 15 November 2018

Nerida O'Loughlin
[signed]
Member

Chris Jose
[signed]
Member/~~General Manager~~

Australian Communications and Media Authority

Part 1—Preliminary

1 Name

This is the *Radiocommunications (Body Scanning – Aviation Security) Class Licence 2018*.

2 Commencement

This instrument commences at the start of the day after it is registered on the Federal Register of Legislation.

Note: The Federal Register of Legislation may be accessed at www.legislation.gov.au.

3 Authority

This instrument is made under section 132 of the *Radiocommunications Act 1992*.

4 Definitions

In this instrument:

Act means the *Radiocommunications Act 1992*.

ARPANSA Standard means the *Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3 kHz to 300 GHz*, published by the Australian Radiation Protection and Nuclear Safety Agency.

Note: The ARPANSA Standard is available from the Australian Radiation Protection and Nuclear Safety Agency website at www.arpansa.gov.au.

authorised person means:

- (a) a screening authority; or
- (b) a screening officer; or
- (c) a registered training organisation; or
- (d) a person employed by or contracted to a registered training organisation.

body scanner means a scanner that is capable of detecting metallic and non-metallic items on a person by using millimetre-wave radio frequency technology.

Note: A body scanner is, or includes, a radiocommunications transmitter.

EIRP means equivalent isotropically radiated power.

registered training organisation has the meaning given by the *National Vocational Education and Training Regulator Act 2011*.

screening authority has the meaning given by the *Aviation Transport Security Act 2004*.

screening officer has the meaning given by the *Aviation Transport Security Act 2004*.

security controlled airport has the meaning given by the *Aviation Transport Security Act 2004*.

Note: Gazette notices of declarations of security controlled airports are published on the Federal Register of Legislation.

VET course has the meaning given by the *National Vocational Education and Training Regulator Act 2011*.

Note 1: A number of expressions used in this instrument are defined in the Act, including:

- (a) interference;

(b) transmitter.

Note 2: In accordance with subsection 64(1) of the *Australian Communications and Media Authority Act 2005*, other expressions in this instrument have the same meaning as in an instrument made under that subsection, unless the contrary intention appears.

5 References to other instruments

In this instrument, unless the contrary intention appears:

- (a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and
- (b) a reference to any other kind of instrument or writing is a reference to that other instrument or writing as in force or in existence 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: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

Note 3: For paragraph (b), see section 314A of the Act.

Part 2—Class Licence

6 Class Licence

- (1) This instrument authorises a screening authority or a screening officer to operate a body scanner for the purpose of carrying out screening of persons at a security controlled airport, subject to the conditions set out in section 7.
- (2) This instrument authorises:
 - (a) a registered training organisation;
 - (b) a person employed by or contracted to a registered training organisation;to operate a body scanner for the purpose of training screening officers, subject to the conditions set out in sections 7 and 8.

Note: A body scanner operated under this instrument will operate in parts of the radiofrequency spectrum expected to be used by other radiocommunications devices. A radiocommunications receiver tuned to the body scanner's radiocommunications transmitter will not be afforded protection from interference caused by other radiocommunications devices.

7 Conditions for operation by an authorised person

- (1) An authorised person must operate the body scanner in:
 - (a) the frequency range from 24.25 GHz to 30 GHz; or
 - (b) the frequency range from 67 GHz to 80 GHz.
- (2) An authorised person must operate the body scanner at a radiated power that does not exceed:
 - (a) if the body scanner is operated in the frequency range from 24.25 GHz to 30 GHz – a maximum instantaneous EIRP of -10 dBm and a maximum power spectral density of -10 dBm per 4 MHz;
 - (b) if the body scanner is operated in the frequency range from 67 GHz to 80 GHz – a maximum instantaneous EIRP of 7 dBm and a maximum power spectral density of 7 dBm per 1 MHz.
- (3) An authorised person must operate the body scanner indoors at a security controlled airport.
- (4) An authorised person must not operate the body scanner if the electromagnetic radiation emitted by the body scanner, or by a group of body scanners that includes the body scanner, exceeds the general public exposure limits specified in the ARPANSA Standard.
- (5) An authorised person must not operate a body scanner if its operation, whether on its own or in operation with one or more other transmitters, would cause interference to the operation of radiocommunications services.

8 Additional condition for operation by registered training organisation

A registered training organisation, or a person employed by or contracted to a registered training organisation, must not operate the body scanner unless there is in force a written agreement between the registered training organisation and a screening authority that requires the registered training organisation to provide training as part of a VET course to:

- (a) a screening officer employed by the screening authority or another screening authority; or

- (b) a person who intends to become a screening officer employed by that screening authority or another screening authority.

Note: The written agreement may deal with other matters.