



Radiocommunications (VHF Radiotelephone Equipment – Maritime Mobile Service) Standard 2018

The Australian Communications and Media Authority makes the following standard under subsection 162(1) of the *Radiocommunications Act 1992*.

Dated: 23 November 2018

Nerida O’Loughlin

[signed]

Member

Fiona Cameron

[signed]

Member/~~General Manager~~

Australian Communications and Media Authority

Part 1—Preliminary

1 Name

This standard is the *Radiocommunications (VHF Radiotelephone Equipment – Maritime Mobile Service) Standard 2018*.

2 Commencement

This standard 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 standard is made under subsection 162(1) of the *Radiocommunications Act 1992*.

4 Repeal of the *Radiocommunications (VHF Radiotelephone Equipment – Maritime Mobile Service) Standard 2014*

The *Radiocommunications (VHF Radiotelephone Equipment – Maritime Mobile Service) Standard 2014* [F2014L01246] is repealed.

5 Background

- (1) This standard applies to particular radiocommunications devices, as provided by section 13, and is made for performance of those devices.

Note: A radiocommunications device to which this standard applies is referred to as an *item*.

- (2) This standard consists only of such requirements as are necessary or convenient for the purpose of containing interference to radiocommunications.

Part 2—Interpretation

6 Definitions

In this standard:

ACMA transition period has the meaning given by section 17.

applicable industry standard, in relation to an item, has the meaning given by section 8.

AS/NZS ETSI EN 301 025:2018 means the Australian/New Zealand Standard AS/NZS ETSI EN 301 025 - *VHF radiotelephone equipment for general communications and associated equipment for Class “D” Digital Selective Calling (DSC)* published by Standards Australia.

AS/NZS ETSI EN 301 178:2018 means the Australian/New Zealand Standard AS/NZS ETSI EN 301 178 – *Portable Very High Frequency (VHF) radiotelephone equipment for the maritime mobile service operating in the VHF bands (for non-GMDSS applications only)* published by Standards Australia.

AS/NZS ETSI EN 302 885:2018 means the Australian/New Zealand Standard AS/NZS ETSI EN 302 885 – *Portable Very High Frequency (VHF) radiotelephone equipment for*

the maritime mobile service operating in the VHF bands with integrated handheld class H DSC published by Standards Australia.

Chair means the Chair of the ACMA.

commencement day means the day on which this standard commences.

DSC or **digital selective-calling** means a standard for sending pre-defined digital messages via the medium-frequency (MF), high-frequency (HF) and very-high-frequency (VHF) maritime radio systems.

ETSI EN 301 025 means the *VHF radiotelephone equipment for general communications and associated equipment for Class “D” Digital Selective Calling (DSC); Harmonised Standard covering the essential requirements of articles 3.2 and 3.3(g) of Directive 2014/53/EU*, published by the European Telecommunications Standards Institute.

ETSI EN 301 178 means the *Portable Very High Frequency (VHF) radiotelephone equipment for the maritime mobile service operating in the VHF bands (for non-GMDSS applications only); Harmonised Standard covering the essential requirements of article 3.2 of Directive 2014/53/EU*, published by the European Telecommunications Standards Institute.

ETSI EN 302 885 means the *Portable Very High Frequency (VHF) radiotelephone equipment for the maritime mobile service operating in the VHF bands with integrated handheld class H DSC; Harmonised Standard covering the essential requirements of articles 3.2 and 3.3(g) of Directive 2014/53/EU*, published by the European Telecommunications Standards Institute.

exempt item means a radiocommunications device that:

- (a) is imported solely for use in Australia 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; and
- (d) is used in Australia only at the location, and for the duration, of the significant event.

included in a class of items has the meaning given by section 9.

integrated handheld class H DSC means a portable radiotelephone transmitter and receiver incorporating class H DSC, as defined in ITU-R Recommendation M.493.

item means a radiocommunications device to which this standard applies, as provided by section 13, and includes a modified item.

ITU-R Recommendation M.493 means the ITU-R Recommendation M.493 *Digital selective-calling system for use in the maritime mobile service*, as in force from time to time, published by the International Telecommunication Union, available at www.itu.int.

limited coast station means:

- (a) a limited coast assigned system station;
- (b) a limited coast marine rescue station; or
- (c) a limited coast non assigned station.

manufacturer, in relation to an item, includes (but is not limited to) a person who modifies the item.

maritime mobile service VHF frequencies means the frequencies specified in the spectrum plan that may be used for the purpose of maritime mobile services that exceed 30 MHz but do not exceed 300 MHz.

modified, in relation to an item or any other device, means modified or altered in a material respect (after the item or other device was manufactured or imported) by, or on behalf of, the manufacturer or importer of the item or other device.

modified item means:

- (a) an item that has been modified and, for the avoidance of doubt, is the item as modified; or
- (b) a device that has been modified in such a way that it becomes an item.

original item has the meaning given by paragraph 9(1)(b).

original modified item has the meaning given by paragraph 9(2)(b).

relevant date, for an item, has the meaning given by section 11.

replacement standard, in relation to an applicable industry standard, means an instrument that replaces an applicable industry standard.

shipborne fixed installation of a radiotelephone transmitter and receiver means a radiotelephone transmitter and receiver installation that is permanently installed on a ship.

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 www.acma.gov.au.

transition period, for an amendment or the replacement of an applicable industry standard, has the meaning given by section 12.

Note 1: A number of other expressions used in this standard are defined in the Act or in Schedule 1 of the *Radiocommunications (Interpretation) Determination 2015*, including the following:

- (a) ACMA (see section 5 of the Act);
- (b) Act (see section 4 of the determination);
- (c) Australia (see section 5 of the Act);
- (d) device (see section 5 and subsection 9(1) of the Act);
- (e) Global Maritime Distress and Safety System (GMDSS) (see Schedule 1 of the determination);
- (f) import (see section 5 of the Act);
- (g) limited coast assigned system station (see Schedule 1 of the determination);
- (h) limited coast marine rescue station (see Schedule 1 of the determination);
- (i) limited coast non assigned station (see Schedule 1 of the determination);
- (j) maritime mobile service (see Schedule 1 of the determination);
- (k) radiocommunications device (see section 5 and subsection 7(1) of the Act); and
- (l) spectrum plan (see section 5 of the Act).

Note 2: See paragraph 3(2)(g) of the *Radiocommunications (Interpretation) Determination 2015*, which is made under subsection 64(1) of the *Australian Communications and Media Authority Act 2005*, for the application of that determination to this standard.

7 References to other instruments

In this standard, unless the contrary intention appears a reference to any other 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: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

8 Applicable industry standard

In this standard the applicable industry standard for an item has the meaning determined using the following table:

Item	If...	the applicable industry standard for the item is...
1	The item is a shipborne fixed installation, or a limited coast station, that uses a radiotelephone transmitter and receiver.	AS/NZS ETSI EN 301 025 or ETSI EN 301 025
2	The item is a portable radiotelephone transmitter and receiver not forming part of the Global Maritime Distress and Safety System (GMDSS)	AS/NZS ETSI EN 301 178 or ETSI EN 301 178
3	The item is a portable radiotelephone transmitter and receiver with integrated handheld class H DSC	AS/NZS ETSI EN 302 885 or ETSI EN 302 885

Note 1: An applicable industry standard is incorporated as in force at the times mentioned in section 15 (with the modifications specified in Schedule 1).

Note 2: A copy of each AS/NZS applicable industry standard could, at the time of making this instrument, be obtained for a fee from SAI Global Pty Limited's website at <https://infostore.saiglobal.com/> or may be viewed at an office of the ACMA on request and subject to licensing conditions. A copy of each ETSI standard could, at the time of making this instrument, be obtained from the European Telecommunications Standards Institute's website at <http://www.etsi.org/standards> free of charge.

Note 3: If an item is a limited coast station that is operated on land as part of the maritime mobile service, the *Radiocommunications (Analogue Speech (Angle Modulated) Equipment) Standard 2014* (the ASAME Standard) may apply to that station. If the ASAME Standard applies to the station, compliance with AS/NZS ETSI EN 301 025 or ETSI EN 301 025 will ensure compliance with the ASAME Standard.

9 Class of items

- (1) In this standard:
 - (a) an item, other than a modified item, is ***included in a class of items*** if the item:
 - (i) is identical to each other item in the class (irrespective of when the items were manufactured or imported); and
 - (ii) has the same manufacturer or importer as each other item; and
 - (b) the ***original item***, in relation to the class, is the item in the class that was the first to be manufactured in Australia or imported.
- (2) In this standard:
 - (a) a modified item is ***included in a class of items*** if:

- (i) the modification made to create that item is identical to the modification made to create each other item in the class (irrespective of when the modifications were made);
 - (ii) the modified item is, in all other respects, identical to each other item (irrespective of when the items were manufactured or imported); and
 - (iii) the modified item has the same manufacturer or importer as each other item; and
- (b) the **original modified item**, in relation to the class, is the item in the class that was the first to be created in Australia or imported.

10 Date a modified item is created

In this standard, a reference to the date a modified item is created is a reference to the date of making of the modification which creates that item.

11 Relevant date for an item

In this standard, a reference to a **relevant date** for an item is a reference to:

- (a) in the case of an item, other than a modified item – each of the following:
 - (i) the date the item is manufactured in Australia or imported;
 - (ii) if the item is included in a class of items – the date the original item in the class was manufactured in Australia or imported;
- (b) in the case of a modified item – each of the following:
 - (i) the date the modified item is created in Australia or imported;
 - (ii) if the modified item is included in a class of items – the date the original modified item in the class was created in Australia or imported.

Example: Under subsection 15(1), if a relevant date for an item does not occur during a transition period in relation to an applicable industry standard and the item complies with the applicable industry standard as in force at the relevant date, the item meets the requirements of the subsection in relation to that standard.

If:

- (a) a modified item that is included in a class of items complies with either:
 - (i) an applicable industry standard as in force at the date the modified item is created in Australia or imported; or
 - (ii) an applicable industry standard as in force at the date the original modified item in the class was created in Australia or imported; and
 - (b) that date does not occur during a transition period in relation to the applicable industry standard;
- the first-mentioned item meets the requirements of subsection 15(1) in relation to that standard.

12 Transition period

For the purposes of this standard, if an applicable industry standard is amended or replaced, there is a **transition period** in relation to the applicable industry standard, being a period of one year commencing on the day that standard is amended or replaced.

Note 1: See subsection 15(2) in relation to a transition period.

Note 2: If an applicable industry standard is amended or replaced during a transition period in relation to the applicable industry standard, there is another transition period which overlaps with the first-mentioned period. See subsection 15(3) in relation to overlapping transition periods.

Part 3—Application and requirements

13 Application

This standard applies to a radiocommunications device that:

- (a) is a radiotelephone transmitter and/or radiotelephone receiver; and
 - (b) operates on 1 or more of the maritime mobile service VHF frequencies;
- unless the device is an exempt item.

14 Requirements

An item must meet the requirements of subsections 15(1), (2), (3) or (4) in relation to each applicable industry standard in order to comply with this standard.

15 Standard for items

(1) If:

- (a) a relevant date for an item does not occur during a transition period in relation to an applicable industry standard; and
- (b) the item complies with the applicable industry standard as in force at the relevant date (with the modifications specified in Schedule 1);

the item meets the requirements of this subsection in relation to that standard.

(2) If:

- (a) a relevant date for an item occurs during a transition period in relation to an applicable industry standard; and
- (b) the item complies with:
 - (i) the applicable industry standard as in force immediately before the commencement of the transition period (with the modifications specified in Schedule 1); or
 - (ii) the applicable industry standard as in force at the commencement of the transition period (with the modifications specified in Schedule 1); or
 - (iii) a replacement standard as in force at the commencement of the transition period;

the item meets the requirements of this subsection in relation to that applicable industry standard.

(3) If:

- (a) a transition period overlaps with another transition period in relation to an applicable industry standard;
- (b) a relevant date for an item occurs during the period of overlap; and
- (c) the item complies with:
 - (i) the applicable industry standard as in force immediately before the commencement of the earliest of those transition periods (with the modifications specified in Schedule 1); or
 - (ii) the applicable industry standard as in force at the commencement of any one of those transition periods (with the modifications specified in Schedule 1); or
 - (iii) a replacement standard as in force at the commencement of the transition period for that replacement of the applicable industry standard;

the item meets the requirements of this subsection in relation to that applicable industry standard.

- (4) If:
- (a) a relevant date for an item occurs after a transition period for the replacement of an applicable industry standard; and
 - (b) the item complies with the replacement standard as in force at the commencement of the transition period;

the item meets the requirements of this subsection in relation to that applicable industry standard.

Note 1: An item, in the case mentioned in each subsection, meets the requirements of the subsection in relation to the applicable industry standard, irrespective of whether there is another relevant date for the item or when that date occurs.

Note 2: Part 4 sets out savings and transitional arrangements whereby an item may be taken to comply with relevant requirements in these subsections in certain circumstances.

Part 4—Savings and transitional arrangements

16 Items for which relevant date occurred before commencement day

If:

- (a) a relevant date for an item occurred before the commencement day; and
- (b) the item complies with the *Radiocommunications (VHF Radiotelephone Equipment – Maritime Mobile Service) Standard 2014* as in force immediately before the commencement day;

the item is taken to comply with this standard.

Note: An item, in that case, is taken to comply with this standard, irrespective of whether there is another relevant date for the item or when that date occurs.

17 Items for which relevant date occurs during the ACMA transition period

- (1) For the purpose of this standard, the *ACMA transition period* is the period of one year commencing on the commencement day.

(2) If:

- (a) a relevant date for an item occurs during the ACMA transition period; and
- (b) the item complies with the *Radiocommunications (VHF Radiotelephone Equipment – Maritime Mobile Service) Standard 2014* as in force immediately before the commencement day;

the item is taken to comply with this standard.

Note: An item, in that case, is taken to comply with this standard, irrespective of whether there is another relevant date for the item or when that date occurs.

Schedule 1—Modifications of applicable industry standards

(section 15)

1 Modifications of AS/NZS ETSI EN 301 025 and ETSI EN 301 025

Item	Provision	Modification
1.1	Paragraph 1 of Clause 1	This paragraph of this clause applies as if it read: “The present document covers the minimum requirements for general communication for shipborne fixed installations and limited coast station equipment using a VHF radiotelephone operating in certain frequency bands allocated to the maritime mobile service using either 25 kHz or 25 kHz and 12.5 kHz channels and associated equipment for DSC – class D. The present document does not cover requirements for the integrated GNSS receiver locating function.”
1.2	Paragraph 4 of Clause 1	This paragraph of this clause does not apply
1.2	Clause 4.1	This clause does not apply.
1.3	Clause 4.2	This clause does not apply.
1.4	Paragraphs 1 and 2 of Clause 4.3	These paragraphs of this clause do not apply.
1.5	Paragraph 2 of Clause 4.4	This paragraph of this clause does not apply
1.6	Clause 4.7	This clause does not apply.
1.7	Clause 4.8	This clause does not apply.
1.8	Paragraphs 2 and 3 of Clause 4.9	These paragraphs of this clause do not apply.
1.9	Clause 4.10	This clause does not apply.
1.10	Clause 4.11	This clause does not apply.
1.11	Clause 5.1	This clause does not apply.
1.12	Section 7	This section does not apply.
1.13	Clause 9.1	This clause does not apply.
1.14	Clause 9.2	This clause does not apply.
1.15	Clause 9.11	This clause does not apply.
1.16	Clause 9.13	This clause does not apply.

Note: AS/NZS ETSI EN 301 025 and ETSI EN 301 025 are incorporated as in force at the times mentioned in section 15 with the modifications specified in the above table.

2 Modifications of AS/NZS ETSI EN 301 178 and ETSI EN 301 178

Item	Provision	Modification
2.1	Paragraph 3 of Clause 1	This paragraph of this clause does not apply.
2.2	Paragraphs 1, 2, 3, 4, 5, 8, 13 and 14 of Clause 4.1	These paragraphs of this clause do not apply.
2.3	Clause 4.3	This clause does not apply.
2.4	Clause 4.4	This clause does not apply.
2.5	Paragraphs 2, 3 and 4 of Clause 4.5	These paragraphs of this clause do not apply.
2.6	Clause 5.1	This clause does not apply.
2.7	Clause 5.2.1	This clause does not apply.
2.8	Section 7	This section does not apply.
2.9	Clause 9.1	This clause does not apply.
2.10	Clause 9.2	This clause does not apply.
2.11	Clause 9.11	This clause does not apply.
2.12	Clause 9.13	This clause does not apply.

Note: AS/NZS ETSI EN 301 178 and ETSI EN 301 178 are incorporated as in force at the times mentioned in section 15 with the modifications specified in the above table.

3 Modifications of AS/NZS ETSI EN 302 885 and ETSI EN 302 885

Item	Provision	Modification
3.1	Paragraph 3 of Clause 1	This paragraph of this clause does not apply.
3.2	Clause 4.0	This clause does not apply.
3.3	Paragraphs 1, 2, 3, 4, 6, 7, 9 and 15 of Clause 4.1	These paragraphs of this clause do not apply.
3.4	Clause 4.3	This clause does not apply.
3.5	Clause 4.4	This clause does not apply.
3.6	Paragraphs 2 and 3 of Clause 4.5	These paragraphs of this clause do not apply.

Schedule 1

3.7	Clause 5.0	This clause does not apply.
3.8	Clause 5.1	This clause does not apply.
3.9	Clause 5.3	This clause does not apply.
3.10	Section 7	This section does not apply.
3.11	Clause 9.1	This clause does not apply.
3.12	Clause 9.2	This clause does not apply.
3.13	Clause 9.11	This clause does not apply.
3.14	Clause 9.13	This clause does not apply.

Note: AS/NZS ETSI EN 302 885 and ETSI EN 302 885 are incorporated as in force at the times mentioned in section 15 with the modifications specified in the above table.