



Radiocommunications (Electromagnetic Radiation — Human Exposure) Amendment Standard 2019 (No. 1)

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

Dated: 15 November 2019

Nerida O’Loughlin
[signed]
Member

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

Australian Communications and Media Authority

1 Name

This is the *Radiocommunications (Electromagnetic Radiation — Human Exposure) Amendment Standard 2019 (No. 1)*.

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 free of charge at www.legislation.gov.au.

3 Authority

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

4 Amendments

The instrument that is specified in Schedule 1 is amended as set out in the applicable items in that Schedule.

Schedule 1—Amendments

Radiocommunications (Electromagnetic Radiation — Human Exposure) Standard 2014 (F2014L00960)

1 Subsection 5(1) (definition of **ARPANSA Standard**)

Repeal the definition, substitute:

ARPANSA Standard means:

- (a) 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; or
- (b) if a later document published by the Australian Radiation Protection and Nuclear Safety Agency is expressed to replace the standard mentioned in paragraph (a) – the later document.

2 Subsection 5(1) (definition of **AS/NZS 2772.2**, including the note)

Repeal the definition and the note, substitute:

AS/NZS 2772.2 means:

- (a) the Australian Standard/New Zealand Standard *AS/NZS 2772.2:2016 Radiofrequency fields: Part 2: Principles and methods of measurement and computation – 3 kHz to 300 GHz*, published by Standards Australia; or
- (b) if a later document published by Standards Australia is expressed to replace the standard mentioned in paragraph (a) – the later document.

Note AS/NZS 2772.2 may be obtained for a fee from a Standards Australia distributor listed on the Standards Australia website (<https://www.standards.org.au/search-for-a-standard>) or can otherwise be made available for viewing on prior request at an ACMA office, subject to licensing conditions.

3 Subsection 5(1) (definition of **EN 62209-1**, including the note)

Repeal the definition and the note, substitute:

EN 62209-1 means:

- (a) the *Measurement procedure for the assessment of specific absorption rate of human exposure to radio frequency fields from hand-held and body-mounted wireless communication devices – Part 1: Devices used next to the ear (Frequency range of 300 MHz to 6 GHz)*, published by the European Committee for Electrotechnical Standardisation (CENELEC); or
- (b) if a later document published by the European Committee for Electrotechnical Standardisation (CENELEC) is expressed to replace the document mentioned in paragraph (a) – the later document.

Note EN 62209-1 is a European Union harmonised standard based on IEC 62209-1, a standard developed by Technical Committee TC106 of the International Electrotechnical Commission (IEC). Australia has active representation on TC106 through the participation of Standards Australia (<http://www.standards.org.au/>). EN 62209-1 may be obtained for a fee from a Standards Australia distributor listed on the Standards Australia website (<https://www.standards.org.au/search-for-a-standard>) or can otherwise be made available for viewing on prior request at an ACMA office, subject to licensing conditions.

4 Subsection 5(1) (definition of **EN 62209-2**, including the note)

Repeal the definition and the note, substitute:

EN 62209-2 means:

- (a) *Human exposure to radio frequency fields from hand-held and body-mounted wireless communication devices — Human models, instrumentation, and procedures — Part 2: Procedure to determine the specific absorption rate (SAR) for wireless communication devices used in close proximity to the human body (frequency range of 30 MHz to 6 GHz)*, published by the European Committee for Electrotechnical Standardisation (CENELEC); or
- (b) if a later document published by the European Committee for Electrotechnical Standardisation (CENELEC) is expressed to replace the document mentioned in paragraph (a) – the later document.

Note EN 62209-2 is a European Union harmonised standard based on IEC 62209-2, a standard developed by Technical Committee TC106 of the International Electrotechnical Commission (IEC). Australia has active representation on TC106 through the participation of Standards Australia (<http://www.standards.org.au/>). EN 62209-2 may be obtained for a fee from a Standards Australia distributor listed on the Standards Australia website (<https://www.standards.org.au/search-for-a-standard>) or can otherwise be made available for viewing on prior request at an ACMA office, subject to licensing conditions.

5 Subsection 5(1) (definition of IEC 62209-1, including the note)

Repeal the definition and the note, substitute:

IEC 62209-1 means:

- (a) the *Measurement procedure for the assessment of specific absorption rate of human exposure to radio frequency fields from hand-held and body-mounted wireless communication devices – Part 1: Devices used next to the ear (Frequency range of 300 MHz to 6 GHz)*, published by the International Electrotechnical Commission (IEC); or
- (b) if a later document published by the International Electrotechnical Commission (IEC) is expressed to replace the document mentioned in paragraph (a) – the later document.

Note IEC 62209-1 was developed by Technical Committee TC106 of the International Electrotechnical Commission (IEC). Australia has active representation on TC106 through the participation of Standards Australia (<http://www.standards.org.au/>). IEC 62209-1 may be obtained for a fee from a Standards Australia distributor listed on the Standards Australia website (<https://www.standards.org.au/search-for-a-standard>) or can otherwise be made available for viewing on prior request at an ACMA office, subject to licensing conditions.

6 Subsection 5(1) (definition of IEC 62209-2, including the note)

Repeal the definition and the note, substitute:

IEC 62209-2 means:

- (a) *Human exposure to radio frequency fields from hand-held and body-mounted wireless communication devices — Human models, instrumentation, and procedures — Part 2: Procedure to determine the specific absorption rate (SAR) for wireless communication devices used in close proximity to the human body (frequency range of 30 MHz to 6 GHz)*, published by the International Electrotechnical Commission (IEC); or
- (b) if a later document published by the International Electrotechnical Commission (IEC) is expressed to replace the document mentioned in paragraph (a) – the later document.

Note IEC 62209-2 was developed by Technical Committee TC106 of the International Electrotechnical Commission (IEC). Australia has active representation on TC106 through the participation of Standards Australia (<http://www.standards.org.au/>). IEC 62209-2 may be obtained for a fee from a Standards Australia distributor listed on the Standards Australia website (<https://www.standards.org.au/search-for-a-standard>) or can otherwise be made available for viewing on prior request at an ACMA office, subject to licensing conditions.

7 Subsection 5(2)

Repeal the subsection, substitute:

- (2) In this instrument, unless the contrary intention appears:

- (a) a reference to another 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 existing 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 See section 314A of the Act.

8 After section 7

Insert:

7A Transitional arrangements for three months after commencement of the *Radiocommunications (Electromagnetic Radiation — Human Exposure) Amendment Standard 2019 (No. 1)*

- (1) If a device to which this Standard applies is manufactured or imported not later than 3 months after the commencement of the *Radiocommunications (Electromagnetic Radiation — Human Exposure) Amendment Standard 2019 (No. 1)*, the device will be taken to comply with this Standard if it complies with this Standard as in force immediately before the commencement of the *Radiocommunications (Electromagnetic Radiation — Human Exposure) Amendment Standard 2019 (No. 1)*.
- (2) If a device to which this Standard applies has been altered or modified in a material respect at a time that is both:
 - (a) after its manufacture or, if it has been imported, after its importation; and
 - (b) not later than 3 months after the commencement of the *Radiocommunications (Electromagnetic Radiation — Human Exposure) Amendment Standard 2019 (No. 1)*;

the device will be taken to comply with this Standard if it complies with this Standard as in force immediately before the commencement of the *Radiocommunications (Electromagnetic Radiation — Human Exposure) Amendment Standard 2019 (No. 1)*.

9 Subsection 9(1)

Omit “This section”, substitute “Subject to section 9A, this section”.

10 Paragraph 9(1)(b)

Omit “3GHz”, substitute “6GHz”.

11 After section 9

Insert:

9A Transitional arrangements for measurement methods for performance standards: aware user device or non-aware user device in close proximity to the human ear

- (1) This section applies to an aware user device or non-aware user device to which this Standard applies that:
 - (a) is designed to be used or held with the radiating part of the aware user device or non-aware user device in close proximity to the human ear; and
 - (b) transmits on a frequency in the frequency band 300MHz to 3GHz (inclusive); and

- (c) does not transmit on a frequency above 3GHz; and
- (d) was either:
 - (i) manufactured or imported not later than 3 months after the commencement of the *Radiocommunications (Electromagnetic Radiation — Human Exposure) Amendment Standard 2019 (No. 1)*; or
 - (ii) altered or modified in a material way not later than 3 months after the commencement of the *Radiocommunications (Electromagnetic Radiation — Human Exposure) Amendment Standard 2019 (No. 1)*.
- (2) The measurement methods to determine if the aware user device or non-aware user device meets the standard of performance in subsection 8(1) or 8(2) are those described by:
 - (a) section 9 of this Standard as in force immediately before the commencement of the *Radiocommunications (Electromagnetic Radiation — Human Exposure) Amendment Standard 2019 (No. 1)*; or
 - (b) section 9 of this Standard as in force from time to time.

12 Paragraph 10(1)(b)

Omit “150MHz to 5.8GHz”, substitute “30MHz to 6GHz”.