

# EXPLANATORY STATEMENT

Approved by the Australian Communications and Media Authority

*Radiocommunications Act 1992*

## ***Radiocommunications (Class Licence) Amendment Instrument 2021 (No. 1)***

### **Authority**

The Australian Communications and Media Authority (**the ACMA**) has made the *Radiocommunications (Class Licence) Amendment Instrument 2021 (No. 1)* (**the Amendment Instrument**) under subsection 132(1) of the *Radiocommunications Act 1992* (**the Act**) and subsection 33(3) of the *Acts Interpretation Act 1901* (**the AIA**).

Subsection 132(1) of the Act provides that the ACMA may, by legislative instrument, issue class licences. A class licence authorises any person to operate a radiocommunications device of a specified kind or for a specified purpose, or to operate a radiocommunication device of a specified kind for a specified purpose.

Subsection 33(3) of the AIA relevantly provides that where an Act confers a power to make a legislative instrument, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

### **Purpose and operation of the instrument**

The purpose of the Amendment Instrument is to amend or vary the following class licences:

- *Radiocommunications (27 MHz Handphone Stations) Class Licence 2015*, which authorises the use of handphone stations on specified frequencies;
- *Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence 2016*, which authorises the use of a range of mobile radio equipment that is fixed to, or carried on board, an aircraft;
- *Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence 2014*, which authorises the use of radiocommunications devices that communicate with a station authorised under a PTS licence, a type of apparatus licence used for the provision of public telecommunications services;
- *Radiocommunications (Citizen Band Radio Stations) Class Licence 2015*, which authorises the use of citizen band (**CB**) radio stations for communicating on specified frequencies;
- *Radiocommunications (Communication with Space Object) Class Licence 2015*, which authorises the use of earth stations for the purpose of communication with a space station that is authorised by a space licence or space receive licence, each of which is a type of apparatus licence;
- *Radiocommunications (Cordless Communications Devices) Class Licence 2014*, which authorises the use of specified cordless communications devices, including handsets or land stations for cordless telephone services;
- *Radiocommunications (Emergency Locating Devices) Class Licence 2016*, which authorises the use of a range of specified emergency locating devices;
- *Radiocommunications (Intelligent Transport Systems) Class Licence 2017*, which authorises the use of wide range of wireless technologies that enable vehicle-to-vehicle, vehicle-to-person, or vehicle-to-structure communications;

- *Radiocommunications (Low Interference Potential Devices) Class Licence 2015*, which authorises the use of a wide variety of short-range radiocommunications transmitters that pose minimal risk of causing interference;
- *Radiocommunications (Maritime Ship Station – 27 MHz and VHF) Class Licence 2015*, which authorises the use of maritime ship stations on-board an Australian ship using specified frequencies;
- *Radiocommunications (Public Safety and Emergency Response) Class Licence 2013*, which authorises members of specified public safety agencies to use radiocommunications devices to perform, support or facilitate a public safety or emergency response function;
- *Radiocommunications (Radio-controlled Models) Class Licence 2015*, which authorises the use of radiocommunications devices to control model aircraft, landcraft or watercraft on specified frequencies; and
- *Radiocommunications (Radionavigation Satellite Service) Class Licence 2015*, which authorises the use of radionavigation-satellite service (**RNSS**) receivers (commonly known as Global Positioning System (**GPS**) devices).

Each class licence authorises the operation of specified radiocommunications devices on shared frequencies specified in the class licence. Each class licence includes a range of conditions that affect the lawful operation of radiocommunication devices under the licence. These conditions can include power limits, rules governing when, where and for what purpose a device may be used, and a requirement that devices comply with any relevant technical, operational and electromagnetic energy standards set by the ACMA.

The *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020 (the Reform Act)* will repeal the existing Part 4.1 of the Act (sections 155 to 191, inclusive) relating to standards and other technical regulation of devices, and replace it with a new Part 4.1 relating to equipment. Standards in force at the time the amendments commence will be saved as if they were equipment rules made under the new provisions.

The Amendment Instrument amends 11 of the class licences listed above to ensure that the radiocommunications devices authorised by these licences will be required to comply with all applicable standards and all applicable equipment rules once the relevant provisions of the Reform Act commence, depending on the day on which a radiocommunications device was manufactured, imported or materially modified or altered (**the Equipment Rules Amendments**).

The Amendment Instrument also amends 10 of the class licences listed above to harmonise the requirements in class licences for radiocommunications devices to comply with the general public exposure limits for electromagnetic energy (**EME**), as set by the Australian Radiation and Nuclear Protection Safety Agency (**ARPANSA**) (**the ARPANSA Standard Amendments**) in the *Radiation Protection Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz (2021)* (**the ARPANSA Standard**).

In total the Amendment Instrument varies 13 class licences:

- 8 class licences to give effect to both the Equipment Rules Amendments and the ARPANSA Standard Amendments;
- 3 class licences to give effect only to the Equipment Rules Amendments; and
- 2 class licences to give effect only to the ARPANSA Standard Amendments.

### *Equipment Rules Amendments*

The Equipment Rules Amendments amend 11 class licences to change licence conditions requiring devices to comply with ‘any applicable standard’ made under section 162 of the Act, as in force before the Reform Act replaces Part 4.1 of the Act. These changes ensure that the varied conditions continue to have the same effect, despite the replacement of Part 4.1 of the Act.

To ensure that the regulatory continuity for the radiocommunications devices covered by these 11 class licences, the Amendment Instrument amends each of these class licences with the changes listed below:

- if the device compliance day of a device is on or after the day Part 1 of Schedule 4 to the Reform Act commences, the device will have to comply with any applicable equipment rules as in force on that day; and
- if the device compliance day of a device is before Part 1 of Schedule 4 to the Reform Act commences, the device will have to comply with any applicable standard made under repealed section 162 of the Act, as in force on that day.

The ‘device compliance day’ for a device is the day the device was manufactured, imported into Australia, or altered or modified in a material respect.

### *ARPANSA Standard Amendments*

The ARPANSA Standard Amendments amend 10 class licences to harmonise the approach for limiting EME radiation within general public exposure limits for class licensed radiocommunications transmitters.

The Amendment Instrument amends these 10 class licences, either to include or to replace a licence condition that requires all authorised devices to comply with the recognised, best practice limits for general public exposure to EME as specified in the ARPANSA Standard. References to the previous version of the ARPANSA Standard are also replaced with references to the current version of the ARPANSA Standard.

A provision-by-provision description of the instrument is set out in the notes at **Attachment A**.

The Amendment Instrument is a disallowable legislative instrument for the purposes of the *Legislation Act 2003 (the LA)*.

### **Documents incorporated by reference**

The Amendment Instrument amends the class licences to incorporate the following Acts and legislative instruments by reference (pursuant to section 314A of the Act, section 10 of the AIA and subsection 13(1) of the LA):

- the Act, as in force from time to time and, in some cases, as in force immediately before the commencement of Part 1 of Schedule 4 to the Reform Act;
- the Reform Act, as in force from time to time;
- standards made under repealed section 162 of the Act, as in force on the ‘device compliance day’ for a device;
- equipment rules made under new section 156 of the Act, as in force on the ‘device compliance day’ for a device;
- the *Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence 2006*, as in force immediately prior to 18 August 2016.

These Acts and legislative instruments can be accessed, free of charge, on the Federal Register of Legislation ([www.legislation.gov.au/](http://www.legislation.gov.au/)).

The Amendment Instrument amends the class licences to incorporate the following documents by reference (pursuant to section 314A of the Act):

- the ARPANSA Standard, and any standard published as a replacement to the ARPANSA Standard, as existing from time to time;
- AS/NZS IEC 62287.1:2007 Maritime navigation and radiocommunications equipment and systems – Class B shipborne equipment of the Automatic Identification System (AIS) (**AS/NZS IEC 62287.1**), and any document published by Standards Australia that replaces that document, as existing from time to time.

The ARPANSA Standard is available, free of charge, from the ARPANSA website ([www.arpansa.gov.au](http://www.arpansa.gov.au)). AS/NZS IEC 62287.1 can be obtained from SAI Global's website ([infostore.saiglobal.com/store/](http://infostore.saiglobal.com/store/)) for a fee or may be viewed free of charge at an office of the ACMA on request and subject to licensing conditions.

### Consultation

Before making the Amendment Instrument, the ACMA was satisfied that consultation was undertaken to the extent appropriate and reasonably practicable, in accordance with section 17 of the LA.

Section 136 of the Act requires that a notice setting out particular details of the variations to the class licences be published on the ACMA's website, and in one or more other forms that are readily accessible by the public. The notice must allow for a period of at least one month for public comment.

Under subsection 136(1A), if a class licence variation would affect the spectrum allocated, or to be allocated or re-allocated by issuing or re-issuing spectrum licences, before varying the class licence, the ACMA:

- a. must be satisfied that varying the class licence would not result in unacceptable interference to devices operated or likely to be operated by spectrum licensees, and be in the public interest; and
- b. must consult with all licensees of spectrum licenses who may be affected by the proposed variation of the class licence under paragraph 136(1A)(b).

The ACMA did not consult spectrum licensees under paragraph 136(1A)(b) as the nature of the proposed changes to the class licences would not affect spectrum allocated, or to be allocated or re-allocated by issuing or re-issuing spectrum licences.

On 5 March 2021, the ACMA published a written notice under section 136 of the Act about the proposed variation to the 13 relevant class licences (and an additional class licence, the [\*Radiocommunications \(Overseas Amateurs Visiting Australia\) Class Licence 2015 \(Overseas Amateur Class Licence\)\*](#)) on its website and in the Government Gazette.

Between 9 March and 9 April 2021, the ACMA also published a consultation paper and a draft of the Amendment Instrument on its website. An ACMA e-bulletin was sent to spectrum stakeholders, who subscribe to the ACMA's email updates, alerting them to the consultation and providing them with a link to the ACMA's website. The consultation invited comments on the proposed changes to the 14 class licences reflected in the draft Amendment Instrument.

The ACMA received 4 submissions from Telstra, Optus, the Wireless Institute of Australia and a licensed amateur radio operator.

Two submissions were supportive of the proposed changes to class licences reflected in the draft Amendment Instrument.

The other two submissions objected specifically to the addition of a new licence condition in the Overseas Amateur Class Licence requiring overseas visiting amateur radio operators to comply with the ARPANSA Standard. The reasons for objecting to the proposed change were based on concerns that it would significantly increase compliance costs, be inconsistent with current requirements for domestic amateur radio operators, and inappropriate for most amateur stations as they pose a low EME risk.

The ACMA gave due consideration to all of the submissions received and all relevant issues raised before making the Amendment Instrument to vary the class licences. As a result of submissions made, the ACMA decided not to vary the Overseas Amateurs Class Licence at this time. No other material changes were made to the draft Amendment Instrument as a result of the consultation undertaken.

### **Regulatory impact assessment**

The Office of Best Practice Regulation (**OBPR**) has confirmed that the [Review of the Radiofrequency Spectrum Management Framework](#) undertaken by the then Department of Communications and the Arts (**the Department**) in conjunction with the ACMA, and certified by the Department, meets the requirements of a Regulation Impact Statement (**RIS**). As such, the OBPR advised the ACMA that no further RIS is required for the Equipment Rules Amendments (OBPR ref:19096).

The ACMA consulted with the OBPR on the requirement for a RIS for the ARPANSA Standard Amendments. The OBPR advised that the Amendment Instrument does not warrant the preparation of RIS because the proposed regulatory changes in the Amendment Instrument are minor or machinery in nature and verified that no further regulatory impact analysis is required (OBPR ID 43356).

### **Statement of compatibility with human rights**

Subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* requires the rule-maker in relation to a legislative instrument to which section 42 (disallowance) of the LA applies to cause a statement of compatibility with human rights to be prepared in respect of that legislative instrument.

The statement of compatibility set out below has been prepared to meet that requirement.

### ***Overview of the instrument***

The *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020 (Reform Act)* will repeal the existing Part 4.1 (sections 155 to 191, inclusive) of the *Radiocommunications Act 1992 (Act)* relating to standards and other technical regulation of devices, and replace it with a new Part 4.1 relating to equipment. The Reform Act replaces standards with equipment rules. Standards made under section 162 of the Act as in force before the commencement of the Reform Act commence will be saved as if they were equipment rules made under the new provisions.

The *Radiocommunications (Class Licence) Amendment Instrument 2021 (No. 1) (the Amendment Instrument)*:

- amends 11 class licences to ensure that the radiocommunications devices authorised under these instruments are required to comply with all applicable standards and all applicable equipment rules once the relevant provisions of the Reform Act commence;
- amends 10 class licences to ensure that the radiocommunications devices authorised under these instruments are required to comply with the general public exposure limits for EME, as set out by the Australian Radiation and Nuclear Protection Safety Agency (**ARPANSA**) in the Radiation Protection Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz (2021) (**the ARPANSA Standard**).

The changes to the relevant class licences made by the Amendment Instrument will provide the following benefits:

- Class licensed devices will continue to be required to comply with applicable technical, operational, and EME standards set by the ACMA's technical regulation framework. These standards make sure that commonly used radiocommunications devices do not cause harmful interference, are electromagnetically compatible with other devices, and are safe to be operated by users and in the vicinity of the general public.
- The EME arrangements for class licensed devices will be clarified and aligned so that every device, whose operation is authorised by one of the amended class licences, is required to comply with the recognised best-practice exposure limits specified in the ARPANSA Standard. These amendments will ensure that device users, and members of the general public, are protected from all known adverse health effects of unsafe EME exposure, without imposing undue additional compliance costs on equipment users, manufacturers, or suppliers.

### ***Human rights implications***

The ACMA has assessed whether the Amendment Instrument is compatible with human rights, being the rights and freedoms recognised or declared by the international instruments listed in subsection 3(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* as they apply to Australia.

Having considered the likely impact of the Amendment Instrument and the nature of the applicable rights and freedoms, the ACMA has formed the view that the Amendment Instrument does not engage any of those rights or freedoms.

### ***Conclusion***

The Amendment Instrument is compatible with human rights as it does not raise any human rights issues.

**Notes to the *Radiocommunications (Class Licence) Amendment Instrument 2021 (No. 1)***

**Section 1 Name**

This section provides for the Amendment Instrument to be cited as the *Radiocommunications (Class Licence) Amendment Instrument 2021 (No. 1)*.

**Section 2 Commencement**

This section provides for the Amendment Instrument to commence at the later of either the same time as Part 1 of Schedule 4 to the Reform Act commences, or the day after the day the instrument is registered on the Federal Register of Legislation.

The Federal Register of Legislation may be accessed free of charge at [www.legislation.gov.au](http://www.legislation.gov.au).

**Section 3 Authority**

This section identifies the provision of the Act that authorises the making of the instrument, namely subsection 132(1) of the Act.

**Section 4 Amendments**

This section provides that each class licence specified in a Schedule to the Amendment Instrument is amended in the manner set out in that Schedule.

**Schedule 1**

***Radiocommunications (27 MHz Handphone Stations) Class Licence 2015***

**Item 1**

Item 1 amends subsection 3(1) of the *Radiocommunications (27 MHz Handphone Stations) Class Licence 2015 (27 MHz Handphone Class Licence)* to insert a definition for the term **ARPANSA Standard**, which is defined as the *Radiation Protection Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz (2021)*, or any standard published as a replacement of that standard, by ARPANSA (**the ARPANSA Standard definition**).

The ARPANSA Standard is available free of charge from the ARPANSA website at <http://www.arpansa.gov.au/>.

**Item 2**

Item 2 repeals subsection 3(2) (and the two notes) of the 27 MHz Handphone Class Licence, which are being replaced by the text in item 3.

**Item 3**

Item 3 inserts a new section 3A which provides that, unless the contrary intention appears, a reference to any other legislative instrument, or any other kind of instrument or writing, is a reference to that legislative instrument, instrument or writing as in force or in existence from time to time.

#### **Item 4**

Item 4 repeals section 8 of the 27 MHz Handphone Class Licence and substitutes a new section 8 that sets out the requirements for compliance with standards and equipment rules, depending on when the device compliance day for a device occurs.

New paragraph 8(1)(a) provides that if a person operates a handphone station that was manufactured, imported or materially modified on a day before the commencement of Part 1 of Schedule 4 to the Reform Act, that handphone station must comply with any standard that applied to that station at the time it was manufactured, imported or materially modified.

New paragraph 8(1)(b) provides that if a person operates a handphone station that was manufactured, imported or materially modified on or after the day of commencement of Part 1 of Schedule 4 to the Reform Act, that handphone station must comply with any equipment rule that applied to that station at the time it was manufactured, imported or materially modified.

New subsection 8(2) imposes a limit on the amount of EME that a handphone station, or a group of handphone stations, can emit. Subsection 8(2) provides that a person must not operate a station, or group of stations, in a place accessible by the public if the EME emitted is more than the general public exposure limits specified in the ARPANSA Standard.

New subsection 8(3) provides that the term *standard*, as used in paragraph 8(1)(a), has the meaning given by section 5 of the Act, as in force immediately before the commencement of Part 1 of Schedule 4 to the Reform Act.

#### **Schedule 2**

##### ***Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence 2016***

#### **Item 1**

Item 1 amends subsection 4(1) of the *Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence 2016 (Aircraft and Aeronautical Mobile Stations Class Licence)* to insert the ARPANSA Standard definition and a definition of *device compliance day*.

The device compliance day, for a device, is defined as the most recent day on which a station was manufactured, imported or materially modified or altered.

#### **Item 2**

Item 2 amends note 1 to subsection 4(1) of the Aircraft and Aeronautical Mobile Stations Class Licence to omit the reference to the definition of ‘standard’.

#### **Item 3**

Item 3 repeals subsection 4(2) of the Aircraft and Aeronautical Mobile Stations Class Licence, including the two notes, which are being replaced by the new text inserted by item 4.

#### **Item 4**

Item 4 inserts new section 4A which provides that, unless the contrary intention appears, a reference to any other legislative instrument, or any other kind of instrument or writing, is a reference to that legislative instrument, instrument or writing as in force or in existence from time to time.

## Item 5

Item 5 repeals and substitutes section 6 of the Aircraft and Aeronautical Mobile Stations Class Licence. New section 6 provides for compliance requirements for aircraft and aeronautical mobile stations. Item 5 also inserts new section 6A.

New paragraph 6(1)(a) provides that a person must not operate an aircraft or aeronautical mobile station if its device compliance day was before 18 August 2016, unless each device included in that station complies with section 6 of the *Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence 2006* as in force immediately prior to 18 August 2016. The *Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence 2006* was repealed by the Aircraft and Aeronautical Mobile Stations Class Licence, and may be accessed free of charge at [www.legislation.gov.au](http://www.legislation.gov.au).

New paragraph 6(1)(b) provides that a person must not operate an aircraft or aeronautical mobile station if its device compliance day was on or after 18 August 2016, but before the commencement of Part 1 of Schedule 4 to the Reform Act, unless each device included in that station complies with any standard that applied to the device on the device compliance day.

New paragraph 6(1)(c) provides that a person must not operate an aircraft or aeronautical mobile station if its device compliance day was on or after the commencement of the Reform Act, unless each device included in that station complies with any equipment rule that applied to the device on the device compliance day.

The note to subsection 6(1) list the standards and equipment rules that may have applied to an aircraft or aeronautical mobile station for the purposes of paragraphs 6(1)(b) and (c).

New subsection 6(2) provides that a person must not operate an aircraft or aeronautical mobile station unless each device included in the station complies with the requirements that apply to the device as specified in the ‘AS/NZS IEC 62287.1:2007: Maritime navigation and radiocommunications equipment and systems – Class B shipborne equipment of the Automatic Identification System (AIS) – Part 1: Carrier-sense time division multiple access (CSTDMA) techniques’ (other than clause 6.5.2), or another document published by Standards Australia that replaces that industry standard.

The industry standard is available for a fee from SAI Global Pty Limited’s website <https://infostore/saiglobal.com/>, or may be viewed at an office of the ACMA on request and subject to licensing conditions.

New note 2 to subsection 6(2) notes that if a radiocommunications device is required to be fitted to, or carried on, an aircraft under any civil aviation instrument, it must also comply with any relevant requirements under that civil aviation instrument.

New note 3 to subsection 6(2) notes that clause 6.5.2 of the industry standard sets out the information reporting intervals that must be used when operating Class B shipborne equipment of the Automatic Identification System.

New note 4 to subsection 6(2) notes that information reporting intervals of no less than 2 seconds are permissible when operating VHF international marine mobile service equipment for the purposes of search and rescue, or for the safe and expeditious conduct of a flight.

New subsection 6(3) defines the term **standard**, as used in paragraph 6(1)(b), to have the meaning given by section 5 of the Act, as in force immediately before the commencement of Part 1 of Schedule 4 to the Reform Act.

New section 6A imposes a limit on the amount of EME that an aircraft station or an aeronautical mobile station, or a group of aircraft stations or aeronautical mobile stations, can emit. Section 6A provides that a person must not operate a station, or groups of stations, in a place accessible by the public if the EME emitted is more than the general public exposure limits specified in the ARPANSA Standard.

### Schedule 3

#### *Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence 2014*

##### Item 1

Item 1 amends section 3 of the *Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence 2014 (Cellular Mobile Telecommunications Devices Class Licence)* to insert the ARPANSA Standard definition.

##### Item 2

Item 2 inserts a new section 3A to provide that, unless the contrary intention appears, a reference to any other legislative instrument, or any other kind of instrument or writing, is a reference to that legislative instrument, instrument or writing as in force or in existence from time to time.

##### Item 3

Item 3 repeals and substitutes section 9 of the Cellular Mobile Telecommunications Devices Class Licence. New section 9 deals with compliance with standards and equipment rules.

New paragraph 9(1)(a) provides that if a person operates a radiocommunications device under the Cellular Mobile Telecommunications Devices Class Licence with a device compliance day on or after 1 March 2003 but before the commencement of Part 1 of Schedule 4 to the Reform Act, that device must comply with any standard that applied to that device on the device compliance day.

New paragraph 9(1)(b) provides that if a person operates a radiocommunications device under the Cellular Mobile Telecommunications Devices Class Licence with a device compliance day on or after the day Part 1 of Schedule 4 to the Reform Act commenced, that device must comply with any equipment rule that applied to that device on the device compliance day.

New subsection 9(2) imposes a limit on the amount of EME that a radiocommunications device, or group of radiocommunications devices, under the Cellular Mobile Telecommunications Devices Class Licence can emit. Subsection 9(2) provides that a person must not operate a station, or a group of stations, in a place accessible by the public if the EME emitted is more than the general public exposure limits specified in the ARPANSA Standard.

New subsection 9(3) defines the term *standard*, as used in paragraph 9(1)(a), to have the meaning given by section 5 of the Act, as in force immediately before the commencement of Part 1 of Schedule 4 to the Reform Act.

### Schedule 4

#### *Radiocommunications (Citizen Band Radio Stations) Class Licence 2015 (F2015L00876)*

##### Item 1

Item 1 amends subsection 4(1) of the *Radiocommunications (Citizen Band Radio Stations) Class Licence 2015 (Citizen Band Radio Stations Class Licence)* to insert the ARPANSA Standard definition.

## **Item 2**

Item 2 repeals subsection 4(2) of the Citizen Band Radio Stations Class Licence, including the two notes, which are being replaced by the new text inserted by item 3.

## **Item 3**

Item 3 inserts new section 4A which provides that, unless the contrary intention appears, a reference to any other legislative instrument, or any other kind of instrument or writing, is a reference to that instrument or writing as in force or in existence from time to time.

## **Item 4**

Item 4 repeals and substitutes section 10 of the Citizen Band Radio Stations Class Licence and substitutes a new section 10 that relates to compliance with standards and equipment rules.

New paragraph 10(1)(a) provides that if a person operates a CB station with a device compliance day before Part 1 of Schedule 4 to the Reform Act commenced, that station must comply with any standard that is applicable to it as in force on the device compliance day.

New paragraph 10(1)(b) provides that if a person operates a CB station with a device compliance day on or after the day Part 1 of Schedule 4 to the Reform Act commenced, that station must comply with any equipment rule applicable to the station, as in force on the device compliance day.

New subsection 10(2) imposes a limit on the amount of EME that a CB station, or a group of CB stations, can emit. Subsection 10(2) provides that a person must not operate a CB station, or a group of stations, in a place accessible by the public if the EME emitted is more than the general public exposure limits specified in the ARPANSA Standard.

New subsection 10(3) defines the term *standard*, as used in paragraph 10(1)(a), to have the meaning given by section 5 of the Act, as in force immediately before the commencement of Part 1 of Schedule 4 to the Reform Act.

## **Schedule 5**

### ***Radiocommunications (Communication with Space Object) Class Licence 2015***

Item 1 amends subsection 4(1) of the *Radiocommunications (Communication with Space Object) Class Licence 2015 (Communication with Space Object Class Licence)* to insert the ARPANSA Standard definition and a definition for the term *device compliance day*. The device compliance day, for a device, is defined as the most recent day on which a station was manufactured, imported, or materially modified or altered.

## **Item 2**

Item 2 amends subsection 4(1) of the Communication with Space Object Class Licence to omit the definition of ‘standard’.

## **Item 3**

Item 3 repeals subsection 4(2) of the Communication with Space Object Class Licence, which is being replaced by the new text inserted by item 4.

#### **Item 4**

Item 4 inserts new section 4A which provides that, unless the contrary intention appears, a reference to any other legislative instrument, or any other kind of instrument or writing, is a reference to that legislative instrument, instrument or writing as in force or in existence from time to time.

#### **Item 5**

Item 5 omits and substitutes the heading for section 7 of the Communication with Space Object Class Licence so that it refers to equipment rules instead of standards.

#### **Item 6**

Item 6 repeals and substitutes subsection 7(1) of Communication with Space Object Class Licence. New subsection 7(1) provides for compliance with standards and equipment rules.

New paragraph 7(1)(a) provides that if a person operates a station under the Communication with Space Object Class Licence with a device compliance day before the commencement of Part 1 of Schedule 4 to the Reform Act, the station must comply with any standard that is applicable to the station as in force on the device compliance day.

New paragraph 7(1)(b) provides that if a person operates a station under the Communication with Space Object Class Licence with a device compliance day on or after the day that Part 1 of Schedule 4 to the Reform Act commenced, the station must comply with any equipment rule that applies to that station as in force on the device compliance day.

#### **Item 7**

Item 7 inserts new subsections 7(3) and 7(4) into the Communication with Space Object Class Licence. Subsection 7(3) imposes a limit on the amount of EME that a station under this class licence, or a group of such stations, can emit. It provides that a person must not operate a station, or a group of stations, in a place accessible by the public if the EME emitted is more than the general public exposure limits specified in the ARPANSA Standard.

Subsection 7(4) defines the term *standard*, as used in paragraph 7(1)(a), to have the meaning given by section 5 of the Act, as in force immediately before the commencement of Part 1 of Schedule 4 to the Reform Act.

### **Schedule 6**

#### ***Radiocommunications (Cordless Communications Devices) Class Licence 2014 (F2014L01800)***

##### **Item 1**

Item 1 amends section 4 of the *Radiocommunications (Cordless Communications Devices) Class Licence 2014 (Cordless Communications Devices Class Licence)* to insert the ARPANSA Standard definition.

##### **Item 2**

Item 2 omits the reference to ‘standard’ in the note to section 4.

##### **Item 3**

Item 3 inserts new section 4A which provides that, unless the contrary intention appears, a reference to any other legislative instrument, or any other kind of instrument or writing, is a reference to that legislative instrument, instrument or writing as in force or in existence from time to time.

#### **Item 4**

Item 4 omits the note to subsection 9A(2) of the Cordless Communications Devices Class Licence. The note refers to subsection 10(2) which has been repealed and substituted (see item 5 below).

#### **Item 5**

Item 5 repeals and substitutes section 10 of the Cordless Communications Devices Class Licence. New section 10 provides for compliance with standards and equipment rules.

New subsection 10(1) imposes a limit on the amount of EME that a cordless communications device, or a group of cordless communications devices, can emit. It provides that a person must not operate a device, or group of devices, in a place accessible by the public if the EME emitted is more than the general public exposure limits specified in the ARPANSA Standard.

New paragraph 10(2)(a) provides that if a person operates a cordless communications device with a device compliance day after 1 July 2001 and before the commencement of Part 1 of Schedule 4 to the Reform Act, the device must comply with any standard applicable to it as in force on the device compliance day.

New paragraph 10(2)(b) provides that if a person operates a cordless communications device with a device compliance day on or after the day Part 1 of Schedule 4 to the Reform Act commenced, the device must comply with any equipment rule applicable to it as in force on the device compliance day.

Subsection 10(3) defines the term *standard*, as used in paragraph 10(2)(a), to have the meaning given by section 5 of the Act, as in force immediately before the commencement of Part 1 of Schedule 4 to the Reform Act.

#### **Schedule 7**

##### ***Radiocommunications (Emergency Locating Devices) Class Licence 2016***

#### **Item 1**

Item 1 amends subsection 5(1) of the *Radiocommunications (Emergency Locating Devices) Class Licence 2016 (Emergency Locating Devices Class Licence)* to insert the ARPANSA Standard definition.

#### **Item 2**

Item 2 repeals subsection 5(2) of the Emergency Locating Devices Class Licence, including the note, which are being replaced by the new text inserted by item 3.

#### **Item 3**

Item 3 inserts new section 5A which provides that, unless the contrary intention appears, a reference to any other legislative instrument, or any other kind of instrument or writing, is a reference to that legislative instrument, instrument or writing as in force or in existence from time to time.

#### **Item 4**

Item 4 repeals and substitutes section 11 of the Emergency Locating Devices Class Licence. New section 11 provides for compliance with standards and equipment rules.

New paragraph 11(1)(a) provides that if a person operates a radiocommunications device under the Emergency Locating Devices Class Licence with a device compliance day before the commencement

of Part 1 of Schedule 4 to the Reform Act, the device must comply with any standard applicable to the device, as in force on the device compliance day.

New paragraph 11(1)(b) provides that if a person operates a radiocommunications device under the Emergency Locating Devices Class Licence with a device compliance day on or after the day Part 1 of Schedule 4 to the Reform Act commenced, the device must comply with any equipment rule applicable to the device as in force on the device compliance day.

Subsection 11(2) imposes a new limit on the amount of EME that a radiocommunications device, or group of radiocommunications devices, under the Emergency Locating Devices Class Licence can emit. It provides that a person must not operate a device, or group of devices, in a place accessible by the public if the EME emitted is more than the general public exposure limits specified in the ARPANSA Standard.

Subsection 11(3) defines the term *standard*, as used in paragraph 11(1)(a), to have the meaning given by section 5 of the Act, as in force immediately before the commencement of Part 1 of Schedule 4 to the Reform Act.

## **Schedule 8**

### ***Radiocommunications (Maritime Ship Station — 27 MHz and VHF) Class Licence 2015***

#### **Item 1**

Item 1 amends subsection 4(1) of the *Radiocommunications (Maritime Ship Station — 27 MHz and VHF) Class Licence 2015 (Maritime Ship Station Class Licence)* to insert the ARPANSA Standard definition.

#### **Item 2**

Item 2 repeals subsection 4(2) of the Maritime Ship Station Class Licence, and the three notes, which are being replaced by the new text inserted by item 3.

#### **Item 3**

Item 3 inserts new section 4A which provides that, unless the contrary intention appears, a reference in the instrument to any other legislative instrument, or any other kind of instrument or writing, is a reference to that legislative instrument, instrument or writing as in force or in existence from time to time.

#### **Item 4**

Item 4 repeals and substitutes section 6 of the Maritime Ship Station Class Licence. New section 6 provides for compliance with equipment specifications, standards and equipment rules.

New subsection 6(1) imposes a limit on the amount of EME that a maritime ship station, or group of maritime ship stations, can emit. It provides that a person must not operate a station, or group of stations, in a place accessible by the public if the EME emitted is more than the general public exposure limits specified in the ARPANSA Standard.

New paragraph 6(2)(a) provides that if a person operates a maritime ship station with a device compliance day before 31 July 2015, that station must comply with any technical specification, equipment compliance requirement or standard that is mentioned in Schedule 1 to the Maritime Ship Station Class Licence and that applied to that station on the device compliance day.

New paragraph 6(2)(b) provides that if a person operates a maritime ship station with a device compliance day on, or after, 31 July 2015 and before the day that Part 1 of Schedule 4 to the Reform Act commenced, the station must comply with:

- (a) any technical specification, equipment compliance requirement or standard that is mentioned in Schedule 1 and applicable to the station on the device compliance day; and
- (b) any standard applicable to the station on the device compliance day.

New paragraph 6(2)(c) provides that if a person operates a maritime ship station with a device compliance day on or after the day Part 1 of Schedule 4 to the Reform Act commenced, the station must comply with:

- (a) any technical specification, equipment compliance requirement or equipment rule that is mentioned in Schedule 1 and applicable to the station on the device compliance day;
- (b) any equipment rule applicable to the station on the device compliance day.

New subsection 6(3) defines the term *standard*, as used in paragraphs 6(2)(a) and 6(2)(b), to have the meaning given by section 5 of the Act, as in force immediately before the commencement of Part 1 of Schedule 4 to the Reform Act.

## **Item 5**

Item 5 amends the heading of Schedule 1 to the Maritime Ship Station Class Licence to omit the words ‘and standards’.

## **Schedule 9**

### ***Radiocommunications (Radio-controlled Models) Class Licence 2015***

#### **Item 1**

Item 1 amends section 3 of the *Radiocommunications (Radio-controlled Models) Class Licence 2015 (Radio-controlled Models Class Licence)* to insert the ARPANSA Standard definition.

#### **Item 2**

Item 2 inserts subsection 3A which provides that, unless the contrary intention appears, a reference to any other legislative instrument, or any other kind of instrument or writing, is a reference to that legislative instrument, instrument or writing as in force or in existence from time to time.

#### **Item 3**

Item 3 repeals and substitutes section 8 of the Radio-controlled Models Class Licence. New section 8 provides for compliance with standards and equipment rules.

New paragraph 8(1)(a) provides that if a person operates a radiocommunications device under the Radio-controlled Models Class Licence with a device compliance day before Part 1 of Schedule 4 to the Reform Act commenced, the device must comply with any standard applicable to the device on the device compliance day.

New paragraph 8(1)(b) provides that if a person operates a radiocommunications device under the Radio-controlled Models Class Licence with a device compliance day on or after the day Part 1 of Schedule 4 to the Reform Act commenced, that device must comply with any equipment rule applicable to the device on the device compliance day.

Subsection 8(2) imposes a limit on the amount of EME that a radiocommunications device, or group of radiocommunications devices, operated under the Radio-controlled Models Class Licence can emit.

It provides that a person must not operate a device, or group of devices, in a place accessible by the public if the EME emitted is more than the general public exposure limits specified in the ARPANSA Standard.

Subsection 8(3) defines the term *standard*, as used in paragraph 8(1)(a), to have the meaning given by section 5 of the Act, as in force immediately before the commencement of Part 1 of Schedule 4 to the Reform Act.

## **Schedule 10**

### ***Radiocommunications (Public Safety and Emergency Response) Class Licence 2013***

#### **Item 1**

Item 1 amends subsection 3(1) of the *Radiocommunications (Public Safety and Emergency Response) Class Licence 2013 (Public Safety and Emergency Response Class Licence)* to insert the ARPANSA Standard definition.

#### **Item 2**

Item 2 inserts new section 3A which provides that, unless the contrary intention appears, a reference to any other legislative instrument, or any other kind of instrument or writing, is a reference to that legislative instrument, instrument or writing as in force or in existence from time to time.

#### **Item 3**

Item 3 inserts new section 15 which imposes a limit on the amount of EME that a radiocommunications device, or a group of radiocommunications devices, can emit. Section 15 provides that a person must not operate a device, or group of devices, in a place accessible by the public if the EME emitted is more than the general public exposure limits specified in the ARPANSA Standard.

## **Schedule 11**

### ***Radiocommunications (Low Interference Potential Devices) Class Licence 2015***

#### **Item 1**

Item 1 amends subsection 3A(1) of the *Radiocommunications (Low Interference Potential Devices) Class Licence 2015 (Low Interference Potential Devices Class Licence)* to repeal the definition for the term *ARPANSA Standard* and replace it with the ARPANSA Standard definition.

#### **Items 2 and 3**

Note 1 to subsection 3A(1) has been amended to insert the term ‘equipment rules’ and to omit the reference to ‘standard’.

#### **Items 4 and 5**

Items 4 and 5 amend subsections 4(2) and (3) of the Low Interference Potential Devices Class Licence to omit the term ‘standard’ and replace it with the term ‘document’.

#### **Item 6**

Item 6 amends the heading to section 5 by omitting the word ‘standards’ and substituting ‘equipment rules’.

## Item 7

Item 7 repeals subsection 5(3) and substitutes a new subsection 5(3) which provides a new definition of the term ***applicable instrument***. The new definition provides that an applicable instrument, in relation to a transmitter, means either the equipment rules that apply to the transmitter, or an international instrument that applies to the transmitter and is mentioned in column 2 of an item in Schedule 2 to the Low Interference Potential Devices Class Licence.

This item also replaces the notes to subsection 5(3).

## Schedule 12

### ***Radiocommunications (Radionavigation—Satellite Service) Class Licence 2015***

#### Item 1

Item 1 amends subsection 3(1) of the *Radiocommunications (Radionavigation—Satellite Service) Class Licence 2015 (RNSS Class Licence)* to insert a definition for the term ***device compliance day*** for a radionavigation-satellite service (RNSS) receiver.

The device compliance day, for a device, is defined as the most recent day on which a station was manufactured, imported, or materially modified or altered.

#### Item 2

Item 2 amends subsection 3(1) to repeal the definition of the term ***standard***. See item 4, below.

#### Item 3

Item 3 inserts a new section 3A which provides that, unless the contrary intention appears, a reference to any other legislative instrument, or any other kind of instrument or writing, is a reference to that legislative instrument, instrument or writing as in force or in existence from time to time.

#### Item 4

Item 4 repeals and substitutes section 5 of the RNSS Class Licence. New section 5 provides for compliance with standards and equipment rules.

New paragraph 5(1)(a) provides that if a person operates an RNSS receiver with a device compliance day before Part 1 of Schedule 4 to the Reform Act commenced, the receiver must comply with any standard that applied to that device on the device compliance day.

New paragraph 5(1)(b) provides that if a person operates an RNSS receiver with a device compliance day on or after the day Part 1 of Schedule 4 to the Reform Act commenced, that receiver must comply with any equipment rule applicable to the receiver as in force on the device compliance day.

Subsection 5(2) defines the term ***standard***, as used in paragraph 5(1)(a), to have the meaning given by section 5 of the Act, as in force immediately before the commencement of Part 1 of Schedule 4 to the Reform Act.

## Schedule 13

### *Radiocommunications (Intelligent Transport Systems) Class Licence 2017 (F2018L00026)*

#### **Item 1**

Item 1 amends subsection 4(1) of the *Radiocommunications (Intelligent Transport Systems) Class Licence 2017 (Intelligent Transport Systems Class Licence)* to repeal the definition for the term *ARPANSA Standard* and replace it with the ARPANSA Standard definition.

#### **Items 2 and 3**

Note 1 to subsection 4(1) has been amended to insert the term ‘equipment rules’ and to omit the term ‘standard’.

#### **Item 4**

Item 4 repeals and substitutes subsection 7(1) including the notes. New subsection 7(1) provides that a person must not operate an intelligent transport system (ITS) station under the Intelligent Transport Systems Class Licence unless the ITS station complies with any equipment rules that apply to the ITS station.