

EXPLANATORY STATEMENT

Approved by the Australian Communications and Media Authority

Radiocommunications Act 1992

Radiocommunications (Electromagnetic Energy) Amendment Instrument 2021 (No. 1)

Authority

The Australian Communications and Media Authority (**the ACMA**) has made the *Radiocommunications (Electromagnetic Energy) Amendment Instrument 2021 (No. 1)* (**the instrument**) under subsection 110A(2), subsection 132(1) and subsection 156(1) of the *Radiocommunications Act 1992* (**the Act**) and subsection 33(3) of the *Acts Interpretation Act 1901* (**the AIA**).

Subsection 110A(2) of the Act provides that the ACMA may, by legislative instrument, determine that each apparatus licence included in a specified class of apparatus licences is taken to include one or more specified conditions.

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 156(1) of the Act provides that the ACMA may, by legislative instrument, make rules relating to equipment (**equipment rules**).

Subsection 156(3) of the Act provides that equipment rules must be directed towards achieving any or all of the objectives listed in that subsection, including protecting the health or safety of individuals from any adverse effect likely to be attributable to radio emissions resulting from a reasonably foreseeable use (including a misuse) of radiocommunications transmitters, and an objective incidental to that objective.

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 ACMA regulates human exposure to radiofrequency (**RF**) electromagnetic energy (**EME**) emissions from equipment (such as mobile telephone handsets) through several legislative instruments.

The ACMA previously regulated EME aspects of equipment supply with the *Radiocommunications (Compliance Labelling – Electromagnetic Radiation) Notice 2014* (**the EME Labelling Notice**) and the *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2014* (**the Exposure Standard**). The ACMA has made the *Radiocommunications Equipment (General) Amendment Rules 2021 (No. 1)* (**the Amendment Rules**), which amend the *Radiocommunications Equipment (General) Rules 2021* (**the General Equipment Rules**) to regulate the EME aspects of equipment supply.

In addition to regulating human exposure to RF EME emissions from equipment (such as mobile telephone handsets), the ACMA also regulates human exposure to EME from radiocommunications facilities (such as mobile telephone base stations). Through several legislative instruments, and in

conjunction with the Act, the ACMA places obligations on persons operating equipment under apparatus and class licences, to ensure that the radiocommunications transmitters they operate comply with the exposure levels specified in a standard published by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

ARPANSA published a new standard in February 2021, the [Radiation Protection Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz \(2021\)](#) (**the new ARPANSA Standard**). The new ARPANSA Standard replaces the [Radiation Protection Standard for Maximum Exposure levels to Radiofrequency Fields – 3 kHz to 300 GHz \(2002\)](#) (**the previous ARPANSA Standard**). The previous ARPANSA Standard has been incorporated in several of the ACMA's legislative instruments related to exposure to EME emissions.

The purpose of the instrument is to:

- amend the following instruments to incorporate by reference the new ARPANSA Standard:
 - the *Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015* (**the Apparatus LCD**); and
 - the *Radiocommunications (Body Scanning – Aviation Security) Class Licence 2018* (**the Body Scanning Class Licence**);
- repeal the following instruments:
 - the EME Labelling Notice; and
 - the Exposure Standard;
- amend the following instruments to remove references to the EME Labelling Notice and the Exposure Standard and add references to the relevant provisions of the General Equipment Rules:
 - the *Radiocommunications (Intelligent Transport Systems) Class Licence 2017* (**the ITS Class Licence**);
 - the *Radiocommunications (Low Interference Potential Devices) Class Licence 2015* (**the LIPD Class Licence**);
 - the *Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2017* (**the EMC Labelling Notice**); and
 - the *Radiocommunications (Compliance Labelling – Devices) Notice 2014* (**the Compliance Labelling Notice**).

The Apparatus LCD is taken to be made under section 110A(2) of the Act (see item 24 of Schedule 5 to the *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020* (**the Reform Act**)). It imposes conditions on a specified class of apparatus licences. Operation of a radiocommunications device is not authorised by an apparatus licence if it is not in accordance with the conditions of the licence (subsection 97(4) of the Act). The Body Scanning Class Licence, the ITS Class Licence and the LIPD Class Licence are made under subsection 132(1) of the Act, and impose conditions in accordance with section 133 of the Act. Operation of a radiocommunications device is not authorised by a class licence if it is not in accordance with the conditions of the licence (subsection 132(3) of the Act).

It is an offence, and subject to a civil penalty, to operate a radiocommunications device otherwise than as authorised by a spectrum licence, apparatus licence or class licence (section 46 of the Act). The Act prescribes the following maximum penalties for the offence:

- if the radiocommunications device is a radiocommunications transmitter, and the offender is an individual – imprisonment for 2 years;

- if the radiocommunications device is a radiocommunications transmitter, and the offender is not an individual – 1,500 penalty units (which is \$333,000 based on the current penalty unit amount of \$222);
- if the radiocommunications device is not a radiocommunications transmitter – 20 penalty units (\$4,440).

The Act prescribes the following maximum civil penalties:

- if the radiocommunications device is a radiocommunications transmitter – 300 penalty units (\$66,600);
- if the radiocommunications device is not a radiocommunications transmitter – 20 penalty units (\$4,440).

It is an offence, and subject to a civil penalty, to possess a radiocommunications device for the purpose of operating the device otherwise than as authorised by a spectrum licence, apparatus licence or class licence (section 47 of the Act). The Act prescribes the same penalties for this offence and civil penalty contravention as for the offence and civil penalty contravention in section 46.

In addition, an apparatus licensee, or a person authorised under section 114 of the Act in relation to an apparatus licence, must not contravene a condition of the licence. Contravention is subject to a civil penalty (section 113 of the Act). The Act prescribes a maximum civil penalty of 100 penalty units (\$22,200).

The EMC Labelling Notice and the Compliance Labelling Notice are taken to be equipment rules made under subsection 156(1) of the Act (items 43 and 44 of Schedule 4 to the Reform Act). The General Equipment Rules contains provisions that impose prohibitions and obligations on persons in relation to compliance with the EMC Labelling Notice and the Compliance Labelling Notice (Part 5 of the General Equipment Rules). Section 160 of the Act provides that it is an offence, and subject to a civil penalty, for a person to engage in conduct that is prohibited by, or to engage in conduct that contravenes an obligation in, equipment rules made under subsection 156(1) of the Act. (Contravention of some prohibitions or obligations may only be subject to a civil penalty, and not an offence; see subsections 160(9) and (10) of the Act). Parliament has prescribed that the maximum penalty for an offence, and the maximum civil penalty, is in each case 500 penalty units (\$110,000).

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

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

Each legislative instrument amended by the instrument is subject to the sunset provisions of the LA.

Documents incorporated by reference

Section 314A of the Act provides that an instrument under the Act may make provision in relation to a matter by applying, adopting or incorporating (with or without modifications) matters contained in any Act or any other instrument or writing as in force or existing at a particular time or from time to time.

The instrument amends the Apparatus LCD, the ITS Class Licence, the LIPD Class Licence, the EMC Labelling Notice and the Compliance Labelling Notice to refer to the General Equipment Rules, as in force from time to time. The General Equipment Rules can be accessed, free of charge, from the Federal Register of Legislation: <http://www.legislation.gov.au>.

The instrument amends the Apparatus LCD and the Body Scanning Class Licence to incorporate by reference the new ARPANSA Standard, or any standard published as a replacement of that standard, as existing from time to time. The new ARPANSA Standard is available, free of charge, from the ARPANSA website: <https://www.arpansa.gov.au/>.

The instrument amends the Apparatus LCD to incorporate by reference the following documents, as existing from time to time:

- AS/NZS 2772.2:2016 Radiofrequency fields, Part 2: Principles and methods of measurement and computation – 3 kHz to 300 GHz (**AS/NZS 2772.2**), published by Standards Australia, or any document expressed to replace that document;
- IEC 62232:2017 – Determination of RF field strength, power density and SAR in the vicinity of radiocommunication base stations for the purpose of evaluating human exposure (**IEC 62232**), published by the International Electrotechnical Commission (**IEC**), or any document expressed to replace that document;
- IEC 62577:2009 – Evaluation of human exposure to electromagnetic fields from a stand-alone broadcast transmitter (30 MHz – 40 GHz) (**IEC 62577**), published by the IEC, or any document expressed to replace that document;
- IEEE C95.3:2021 – IEEE Recommended Practice for Measurements and Computations of Electric, Magnetic, and Electromagnetic Fields with Respect to Human Exposure to Such Fields, 0 Hz to 300 GHz (**IEEE C95.3**), published by the Institute of Electrical and Electronics Engineers (**IEEE**), or any document expressed to replace that document.

IEEE C95.3 can be obtained, for a fee, from the IEEE website: <https://standards.ieee.org>. The remaining documents (AS/NZS 2772.2, IEC 62232 and IEC 62577) may be obtained, for a fee, from a Standards Australia distributor listed on the Standards Australia website: www.standards.org.au. Each of these documents is also available to be viewed, on prior request and subject to licensing conditions, at an ACMA office.

The instrument also inserts references to the Act, the AIA, the *Australian Communications and Media Authority Act 2005*, the instrument itself, and the LA into some of the legislative instruments it amends. However, these changes do not incorporate by reference those Acts or the instrument itself.

Consultation

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

Subsection 156(4) of the Act requires consultation with ARPANSA before making equipment rules directed towards protecting the health or safety of individuals from any adverse effect likely to be attributable to radio emissions resulting from a reasonably foreseeable use (including a misuse) of radiocommunications transmitters. The ACMA consulted with ARPANSA in relation to the Amendment Rules and the instrument in accordance with this requirement, and ARPANSA did not raise any concerns in its response.

The ACMA conducted a public consultation process in relation to a proposal to make the instrument during the period 21 July 2021 to 23 August 2021. A draft of the instrument and consultation paper containing explanatory information were made available on the ACMA's website. Interested parties were notified of the release of the draft instrument and invited to comment.

In addition to ARPANSA's response, the ACMA received a further seven submissions to the consultation, and these were considered when making the instrument. All submissions expressed support for the proposed instrument.

In response to the submissions, the ACMA made the following changes to the instrument:

- the inclusion of new definitions in section 4 of the Apparatus LCD. These definitions refine the classes of person in relation to whom occupational EME exposure limits in the new ARPANSA Standard apply. Where the occupational EME exposure limits do not apply, the general public EME exposure limits in the new ARPANSA Standard apply.
- changing the amendments to section 8 of the Apparatus LCD, to specify that for transmitters that operate above 2 GHz, only the "incident power density" needs to be measured to assess whether the transmitter complies with the limits in the new ARPANSA Standard. This is because electric and magnetic field strength measurements above 2 GHz are not permitted methods of determining compliance with the limits by the ARPANSA Standard. Section 8 of the Apparatus LCD has also been amended to include updated definitions for electric and magnetic field and power density as used in the new ARPANSA Standard.
- changing the amendments to section 10 of the Apparatus LCD, to specify additional international and Australian standards that may be used for the purposes of measuring or calculating RF fields.

Regulatory impact assessment

A preliminary assessment of the proposal to make the instrument was conducted by the Office of Best Practice Regulation (OBPR), based on information provided by the ACMA, for the purposes of determining whether a Regulation Impact Statement (RIS) would be required. OBPR advised that a RIS is not required (OBPR reference 43118).

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 disallowable legislative instrument (section 42 of the LA) to prepare a statement of compatibility with human rights for that legislative instrument.

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

Overview of the instrument

The ACMA regulates human exposure to RF EME emissions from equipment (such as mobile telephone handsets) through several legislative instruments.

The ACMA previously regulated EME aspects of equipment supply under the EME Labelling Notice and the Exposure Standard. The ACMA has made the Amendment Rules, which amend the General Equipment Rules, to regulate the EME aspects of equipment supply.

In addition to regulating human exposure to RF EME emissions from equipment (such as mobile telephone handsets), the ACMA also regulates human exposure to EME from radiocommunications facilities (such as mobile telephone base stations). Through several legislative instruments, and in conjunction with the Act, the ACMA places obligations on persons operating equipment under apparatus and class licences, to ensure that the radiocommunications transmitters they operate comply with the exposure levels specified in a standard published by ARPANSA.

ARPANSA published the new ARPANSA Standard in February 2021. The new ARPANSA Standard replaces the previous ARPANSA Standard. The previous ARPANSA Standard is incorporated in several of the ACMA's legislative instruments related to exposure to EME emissions.

The purpose of the instrument is to:

- amend the following instruments to incorporate by reference the new ARPANSA Standard:
 - the Apparatus LCD; and
 - the Body Scanning Class Licence;
- repeal the following instruments:
 - the EME Labelling Notice; and
 - the Exposure Standard;
- amend the following instruments to remove references to the EME Labelling Notice and the Exposure Standard and add references to the relevant provisions of the General Equipment Rules:
 - the ITS Class Licence;
 - the LIPD Class Licence;
 - the EMC Labelling Notice; and
 - the Compliance Labelling Notice.

Human rights implications

The ACMA has assessed whether the 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 instrument and the nature of the applicable rights and freedoms, the ACMA has formed the view that the instrument does not engage any of those rights or freedoms.

Conclusion

The instrument is compatible with human rights as it does not raise any human rights concerns.

Notes to the *Radiocommunications (Electromagnetic Energy) Amendment Instrument 2021 (No. 1)*

Section 1 Name

This section provides for the instrument to be cited as the *Radiocommunications (Electromagnetic Energy) Amendment Instrument 2021 (No. 1)*.

Section 2 Commencement

This section provides for the instrument to commence on the later of:

- the start of the day after this instrument is registered on the Federal Register of Legislation; or
- the time at which the Amendment Rules commence.

The Federal Register of Legislation may be accessed, free of charge, at www.legislation.gov.au.

Section 3 Authority

This section identifies the provisions of the Act that authorise the making of the instrument, namely subsections 110A(2), 132(1) and 156(1) of the Act.

Section 4 Variation of the *Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015*

This section provides that the Apparatus LCD is amended as set out in the applicable items in Schedule 1.

Section 5 Variation of the *Radiocommunications (Body Scanning – Aviation Security) Class Licence 2018*

This section provides that the Body Scanning Class Licence is amended as set out in the applicable item in Schedule 2.

Section 6 Variation of the *Radiocommunications (Intelligent Transport Systems) Class Licence 2017*

This section provides that the ITS Class Licence is amended as set out in the applicable item in Schedule 3.

Section 7 Variation of the *Radiocommunications (Low Interference Potential Devices) Class Licence 2015*

This section provides that the LIPD Class Licence is amended as set out in the applicable items in Schedule 4.

Section 8 Variation of the *Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2017*

This section provides that the EMC Labelling Notice is amended as set out in the applicable items in Schedule 5.

Section 9 **Variation of the *Radiocommunications (Compliance Labelling – Devices) Notice 2014***

This section provides that the Compliance Labelling Notice is amended as set out in the applicable items in Schedule 6.

Section 10 **Repeal of the *Radiocommunications (Compliance Labelling – Electromagnetic Radiation) Notice 2014***

This section provides that the EME Labelling Notice (Registration No. F2014L00965) is repealed.

Section 11 **Repeal of the *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2014***

This section provides that the Exposure Standard (Registration No. F2014L00960) is repealed.

Schedule 1—Variation of the *Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015*

The following items amend the Apparatus LCD.

Item 1 **Subsection 4(1) (definition of *ARPANSA standard*)**

Item 1 defines *ARPANSA standard* to be the new ARPANSA Standard, or any standard published as a replacement of that standard.

Item 2 **Subsection 4(1) (definition of *AS/NSZ 2772.2*)**

Item 2 provides for a definition of *AS/NSZ 2772.2*.

Item 3 **Subsection 4(1)**

Item 3 inserts a number of new definitions, specifically for:

- new classes of people, *Aware User* and *Controlled Area Worker*, based on definitions in the new ARPANSA Standard. Different EME exposure limits may apply in places accessible to Aware Users and Controlled Area Workers, rather than members of the general public. The definition of *Controlled Area Worker* also requires a definition of *Controlled Area*.
- new standards, being IEEE C95.3, IEC 62232, and IEC 62577.

Item 4 **Subsection 4(1) (definition of *member of the general public*)**

Item 4 repeals the previous definition of *member of the general public* and inserts a new definition. The new definition specifically references the groups of people who may be subject to occupational exposure in the workplace and expressly excludes them as a *member of the general public*. Different EME exposure limits may apply in places accessible to members of the general public, compared to places not accessible to members of the general public.

Item 5 **Subsection 4(1) (definition of *mobile station, including the note*)**

Item 5 repeals the definition of *mobile station*. The term is defined in the *Radiocommunications (Interpretation) Determination 2015*, which applies to the Apparatus LCD.

Item 6 Subsection 4(1) (definition of *reference levels*)

Item 6 repeals the previous definition of *reference levels* and inserts a new definition. The new definition of *reference levels* has the meaning given by sections 2 and 3 of the new ARPANSA Standard.

Item 7 Subsection 4(1) (definition of *RF worker*)

Item 7 repeals the previous definition of *RF worker* and inserts a new definition. The new definition of *RF Worker* has the meaning given by paragraph 5.1.1(a) of the new ARPANSA Standard. Different EME exposure limits may apply in places accessible to RF Workers, rather than members of the general public, compared to places accessible to members of the general public.

Item 8 Subsection 4(1) (definition of *Supervised Visitor*)

Item 8 inserts the definition of *Supervised Visitor* with the meaning given by paragraph 5.1.1(d) of the ARPANSA Standard. Different EME exposure limits may apply in places accessible to Supervised Visitors, rather than members of the general public, compared to places accessible to members of the general public.

Item 9 Subsection 4(1) (note 1 to the subsection)

Item 9 replaces the note to subsection 4(1), with two new notes that direct readers to other Acts and instruments for the definitions of some terms.

Item 10 Subsection 4(2)

Item 10 repeals subsection 4(2), as a consequence of the change made by item 11.

Item 11 After section 4

Item 11 inserts new section 4A, which provides that, in the Apparatus LCD, unless the contrary intention appears:

- a reference to a legislative instrument is a reference to the instrument as in force from time to time;
- a reference to any other instrument or writing is a reference to the instrument or writing as in force or in existence from time to time.

Item 12 Paragraph 6(2)(c)

Item 12 repeals paragraph 6(2)(c), as a consequence of the change made by item 13.

Item 13 After subsection 6(2)

Item 13 inserts a new definition of *compliant mobile station*. This is a consequential change as a result of the addition of Schedule 4 into the General Equipment Rules and the repeal of the Exposure Standard.

Item 14 Subsection 8(2)

Item 14 replaces subsection 8(2) of the Apparatus LCD. Subsection 8(1) imposes a limit on the RF field produced by a radiocommunications transmitter in a place accessible to a member of the general public. Subsection 8(2) provides for how the RF field produced by a radiocommunications transmitter is to be assessed. New subsection 8(2) provides that compliance with subsection 8(1) is to be assessed

by using either the incident electric field strength, incident magnetic field strength or incident power density of the RF field produced by the transmitter, depending on the operational frequency range. This is consistent with section 2 of the new ARPANSA Standard.

AS/NZS 2772.2 explains that this method of determining compliance can be used at frequencies greater than 10 MHz as the relationship between the electric field and magnetic field conforms with the simple far-field formula ($S = E^2/377 = 377/H^2$). Accordingly, as this relationship does not necessarily exist at or below 10 MHz, this method cannot be used for determining whether the transmitter complies with the relevant limits at frequencies at or below 10 MHz.

Item 15 After subsection 8(3)

Item 15 inserts a new subsection, which provides for new definitions for *incident electric field strength*, *incident magnetic field strength* and *incident power density*, taken from the new ARPANSA Standard.

Item 16 Section 10

Item 16 replaces section 10.

Section 9 of the Apparatus LCD places requirements on apparatus licensees in relation to certain kinds of radiocommunications transmitters. The requirements relate to the ability of the licensee to demonstrate that a transmitter complies with the limitations in section 8. Section 10 applies in relation to those radiocommunications transmitters not covered by section 9.

New section 10 places a requirement on apparatus licensees to measure or calculate RF fields for transmitters to which section 9 does not apply, and provides for transition arrangements. Subsection 10(2) provides that RF fields must be measured or calculated using any one of the following standards, if they apply to the transmitter: AS/NZS 2772.2, IEEE C95.3, IEC 62232 or IEC 62577.

Subsection 10(3) provides that a licensee is taken to have complied with subsection 10(2) if they complied with former subsection 10(2) before the instrument commenced and have kept records of the measurements or calculations performed for the purposes of former subsection 10(2).

Subsection 10(4) provides that, if one of AS/NZS 2772.2, IEEE C95.3, IEC 62232 or IEC 62577 is varied, measurements taken or calculations performed before the variation continue to apply for the purposes of subsection 10(2). Subsection 10(5) provides that, if one of those standards is varied, measurements can be taken or calculations performed for the purposes of subsection 10(2) in accordance with the standard as existing before it was varied, up to 12 months after the date of variation.

Subsection 10(6) provides for some definitions for section 10.

Item 17 Section 10A

Item 17 repeals section 10A. This is a consequential amendment as a result of the amendments to section 10.

Item 18 Subparagraph 12(1)(b)(i)

Item 18 replaces the subparagraph. This is a consequential amendment as a result of the amendments to section 10.

Item 19 Subsection 12(3), note to the subsection

Item 19 makes a consequential amendment to the note as a result of the amendments to section 10.

Item 20 After subsection 13(5)

Section 13 of the Apparatus LCD is a transitional provision that applies in relation to events occurring before 1 March 2003, and operates in relation to the previous ARPANSA Standard. Item 20 inserts definitions of *member of the general public* and *RF worker* that are different to those that otherwise apply throughout the Apparatus LCD, specifically for the application of this section.

Item 21 Paragraph 15(1)(e)

Item 21 is a consequential amendment as a result of the amendments to section 10.

Schedule 2—Variation of the Radiocommunications (Body Scanning – Aviation Security) Class Licence 2018

The following item amends the Body Scanning Class Licence.

Item 1 Section 4 (definition of ARPANSA standard)

Item 1 defines *ARPANSA standard* to be the new ARPANSA Standard, or any standard published as a replacement of that standard.

Schedule 3—Variation of the Radiocommunications (Intelligent Transport Systems) Class Licence 2017

The following item amends the ITS Class Licence.

Item 1 Subsection 7(2), note 1 to the subsection

Item 1 removes a reference to the Exposure Standard and inserts a reference to the standard prescribed by Schedule 4 to the General Equipment Rules.

This is a consequential amendment, because the instrument repeals the Exposure Standard, and the relevant provisions are now incorporated in the General Equipment Rules.

Schedule 4—Variation to the Radiocommunications (Low Interference Potential Devices) Class Licence 2015

The following items amend the LIPD Class Licence.

Item 1 Subsection 4(3) (note 5)

Item 1 removes a reference to the Exposure Standard and inserts a reference to the standard prescribed by Schedule 4 to the General Equipment Rules.

This is a consequential amendment, because the instrument repeals the Exposure Standard, and the relevant provisions are now incorporated in the General Equipment Rules.

Item 2 Subsection 5(4) (note 1)

Item 2 removes a reference to the Exposure Standard and inserts a reference to the standard prescribed by Schedule 4 to the General Equipment Rules.

This is a consequential amendment, because the instrument repeals the Exposure Standard, and the relevant provisions are now incorporated in the General Equipment Rules.

Schedule 5—Variation to the *Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2017*

The following items amend the EMC Labelling Notice.

Item 1 Subsection 1.5(1) (note 2 at the end of the subsection)

Item 1 removes the reference to paragraph 3(2)(h) of the *Radiocommunications (Interpretation) Determination 2015* and inserts a reference to paragraph 3(2)(g) of the *Radiocommunications (Interpretation) Determination 2015*, as a result of previous changes to that instrument.

Item 2 Schedule 2, item 1 (examples)

Item 2 removes a reference to the Exposure Standard and inserts a reference to the standard prescribed by Schedule 4 to the General Equipment Rules.

This is a consequential amendment, because the instrument repeals the Exposure Standard, and the relevant provisions are now incorporated in the General Equipment Rules.

Item 3 Schedule 2, item 14 (notes 1 and 2)

Item 3 repeals notes 1 and 2 of item 14 to Schedule 2 of the EMC Labelling Notice, and inserts a new note to refer to Division 4 of Part 1.4 of the Act for exemptions for certain entities, including defence and national security related entities.

Schedule 6—Variation to the *Radiocommunications (Compliance Labelling - Devices) Notice 2014*

The following items amend the Compliance Labelling Notice.

Item 1 Subsection 4(1) (definition of *applicable standard*)

Item 1 repeals the previous definition and substitutes a new definition for the term *applicable standard*. The new definition is consequential on changes made to the Act by the Reform Act. Each of the standards listed in Schedule 2 to the Compliance Labelling Notice has effect as if it had been made as equipment rules under subsection 156(1) of the Act (item 42 of Schedule 4 to the Reform Act).

Item 2 Subsection 4(2)

Item 2 repeals subsection 4(2), as a consequence of the change made by item 3.

Item 3 After section 4

This item inserts a new section 4A, which provides that, in the Compliance Labelling Notice, unless the contrary intention appears:

- a reference to any other legislative instrument, is a reference to that legislative instrument, as in force from time to time; and
- a reference to 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 Section 26, note 2 to the section

Item 2 removes a reference to the Exposure Standard and inserts a reference to the standard prescribed by Schedule 4 to the General Equipment Rules.

This is a consequential amendment, because the instrument repeals the Exposure Standard, and the relevant provisions are now incorporated in the General Equipment Rules.