



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

The Australian Communications and Media Authority makes the following instrument under subsection 110A(2), subsection 132(1) and subsection 156(1) of the *Radiocommunications Act 1992*.

Dated: 15 November 2021

James Camberon
[signed]
Member

Cathy Rainsford
[signed]
~~Member~~/General Manager

Australian Communications and Media Authority

1 Name

This is the *Radiocommunications (Electromagnetic Energy) Amendment Instrument 2021 (No. 1)*.

2 Commencement

This instrument commences on the later of:

- (a) the start of the day after the day this instrument is registered on the Federal Register of Legislation;
- (b) the same time as the *Radiocommunications Equipment (General) Amendment Rules 2021 (No. 1)* commence.

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 110A(2), subsection 132(1) and subsection 156(1) of the *Radiocommunications Act 1992*.

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

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

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

The instrument that is specified in Schedule 2 is varied as set out in the applicable item in that Schedule.

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

The instrument that is specified in Schedule 3 is varied as set out in the applicable item in that Schedule.

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

The instrument that is specified in Schedule 4 is varied as set out in the applicable items in that Schedule.

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

The instrument that is specified in Schedule 5 is varied as set out in the applicable items in that Schedule.

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

The instrument that is specified in Schedule 6 is varied as set out in the applicable items in that Schedule.

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

The *Radiocommunications (Compliance Labelling – Electromagnetic Radiation) Notice 2014* (F2014L00965) is repealed.

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

The *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2014* (F2014L00960) is repealed.

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

(section 4)

Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015 [F2015L00210]

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

Repeal the definition, substitute:

ARPANSA standard means 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 the Australian Radiation Protection and Nuclear Safety Agency.

Note The ARPANSA standard is available, free of charge, from the Australian Radiation Protection and Nuclear Safety Agency website at www.arpansa.gov.au.

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

Repeal the definition, substitute:

AS/NZS 2772.2 means:

- (a) the document titled ‘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 document 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: www.standards.org.au. AS/NZS 2772.2 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

3 Subsection 4(1)

Insert:

Aware User has the meaning given by paragraph 5.1.1(c) of the ARPANSA standard.

C95.3 means:

- (a) the document titled ‘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’, published by the Institute of Electrical and Electronics Engineers; or
- (b) if a later document published by the Institute of Electrical and Electronics Engineers is expressed to replace the document mentioned in paragraph (a) – the later document.

Note C95.3 may be obtained, for a fee, from the website of the Institute of Electrical and Electronics Engineers: standards.ieee.org. C95.3 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

Controlled Area has the meaning given by section 5.1.2 of the ARPANSA standard.

Controlled Area Worker has the meaning given by paragraph 5.1.1(b) of the ARPANSA standard.

IEC 62232 means:

- (a) the document titled ‘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’, published by the International Electrotechnical Commission; or
- (b) if a later document published by the International Electrotechnical Commission is expressed to replace the document mentioned in paragraph (a) – the later document.

Note IEC 62232 may be obtained, for a fee, from a Standards Australia distributor listed on the Standards Australia website: www.standards.org.au. IEC 62232 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

IEC 62577 means:

- (a) the document titled ‘IEC 62577:2009 – Evaluation of human exposure to electromagnetic fields from a stand-alone broadcast transmitter (30 MHz – 40 GHz)’, published by the International Electrotechnical Commission; or
- (b) if a later document published by the International Electrotechnical Commission is expressed to replace the document mentioned in paragraph (a) – the later document.

Note IEC 62577 may be obtained, for a fee, from a Standards Australia distributor listed on the Standards Australia website: www.standards.org.au. IEC 62577 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

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

Repeal the definition, substitute:

member of the general public means a person other than:

- (a) an Aware User; or
- (b) in relation to a Controlled Area – a Controlled Area Worker for the Controlled Area; or
- (c) an RF Worker; or
- (d) in relation to a Controlled Area – a Supervised Visitor to the Controlled Area.

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

Repeal the definition.

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

Repeal the definition, substitute:

reference levels has the meaning given by sections 2 and 3 of the ARPANSA standard.

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

Repeal the definition, substitute:

RF Worker has the meaning given by paragraph 5.1.1(a) of the ARPANSA standard.

8 Subsection 4(1)

Insert:

Supervised Visitor has the meaning given by paragraph 5.1.1(d) of the ARPANSA standard.

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

Repeal the note, substitute:

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

- ACMA;
- device;
- inspector;
- interference;
- operate;
- receiver;
- transmitter;
- transmitter licence.

Note 2 A number of other expressions used in this instrument may be defined in a determination made under section 64 of the *Australian Communications and Media Authority Act 2005*. At the time this instrument was made, the following expressions were defined in such a determination:

- mobile station;
- station.

10 Subsection 4(2)

Repeal the subsection.

11 After section 4

Insert:

4A References to other instruments

In this Determination, unless the contrary intention appears:

- (a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and
- (b) a reference to any other kind of instrument or writing is a reference to that other instrument or writing as in force or in existence from time to time.

Note 1 For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2 All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

Note 3 See section 314A of the Act.

12 Paragraph 6(2)(c)

Repeal the paragraph.

13 After subsection 6(2)

Insert:

- (3) For the purposes of paragraph (2)(b), a mobile station is a ***compliant mobile station*** if:
 - (a) clause 3 of Schedule 4 to the *Radiocommunications Equipment (General) Rules 2021* prescribes a standard for the mobile station; and
 - (b) the mobile station complies with that standard; and
 - (c) the mobile station is not a device mentioned in section 53 of the *Radiocommunications Equipment (General) Rules 2021*.

14 Subsection 8(2)

Repeal the subsection, substitute:

- (2) For purposes of subsection 9(3), subsection 10(2), paragraph 12(1)(b) and paragraph 13(1)(b):
- (a) if the transmitter operates on a frequency of greater than 10 MHz, but less than or equal to 30 MHz, only one of the following properties needs to be measured or calculated to show compliance with subsection (1) at places in the far field of the antenna:
 - (i) incident electric field strength;
 - (ii) incident magnetic field strength;
 - (b) if the transmitter operates on a frequency greater than 30 MHz, but less than or equal to 2 GHz, only one of the following properties needs to be measured or calculated to show compliance with subsection (1) at places in the far field of the antenna:
 - (i) incident electric field strength;
 - (ii) incident magnetic field strength;
 - (iii) incident power density;
 - (c) if the transmitter operates on a frequency greater than 2 GHz, only the incident power density needs to be measured or calculated to show compliance with subsection (1) at places in the far field of the antenna.

15 After subsection 8(3)

Insert:

- (4) In subsection (2), each of the following terms has the same meaning as in the ARPANSA standard:
- (a) *incident electric field strength*;
 - (b) *incident magnetic field strength*;
 - (c) *incident power density*.

16 Section 10

Repeal the section, substitute:

10 Level 2 criteria

- (1) This section applies to a transmitter to which section 9 does not apply.

General requirement to measure or calculate RF fields

- (2) Subject to subsections (3), (4) and (5), the licensee must measure or calculate the RF fields produced by the transmitter in accordance with one of:
- (a) if AS/NZS 2772.2 applies in relation to the transmitter – AS/NZS 2772.2;
 - (b) if C95.3 applies in relation to the transmitter – C95.3;
 - (c) if IEC 62232 applies in relation to the transmitter – IEC 62232;
 - (d) if IEC 62577 applies in relation to the transmitter – IEC 62577.

Note The licensee must keep a record of measurements or calculations made under this subsection (see paragraph 15(1)(e)).

Measurements and calculations made before commencement day

- (3) A licensee is taken to comply with subsection (2) if:
- (a) the licensee complied, or was taken to have complied, with the former measurement provision before the commencement day; and
 - (b) in the period commencing when the licensee complied, or was taken to have complied, with the former measurement provision and ending immediately before the commencement day, the licensee had kept a record of any assessments, measurements or calculations made to comply, or to be taken to have complied, with the former measurement provision.

Note The licensee must keep a record of measurements or calculations made under this subsection (see paragraph 15(1)(e)).

Measurements and calculations made before relevant document amended

- (4) If a relevant document is amended after the commencement day, a licensee is taken to comply with subsection (2) if the licensee measured or calculated RF fields produced by a transmitter, in accordance with the relevant document as existing immediately before it was amended, in the period:
- (a) commencing on the commencement day; and
 - (b) ending immediately before the relevant document was amended.

Note The licensee must keep a record of measurements or calculations made under this subsection (see paragraph 15(1)(e)).

Measurements and calculations made after relevant document amended

- (5) If a relevant document is amended after the commencement day, a licensee is taken to comply with subsection (2) if the licensee measured or calculated RF fields produced by a transmitter, in accordance with the relevant document as existing immediately before it was amended, in the period:
- (a) commencing when the relevant document was amended; and
 - (b) ending on the first anniversary of the day the relevant document was amended.

Note The licensee must keep a record of measurements or calculations made under this subsection (see paragraph 15(1)(e)).

Definitions

- (6) In this section:

commencement day means the day the *Radiocommunications (Electromagnetic Energy) Amendment Instrument 2021 (No. 1)* commenced.

former measurement provision means subsection (2), as in force immediately before the commencement day.

Note The *Radiocommunications (Electromagnetic Energy) Amendment Instrument 2021 (No. 1)* repealed and replaced section 10 of this Determination. This Determination, as in force immediately before the commencement day, is available, free of charge, from the Federal Register of Legislation at www.legislation.gov.au.

relevant document means each of:

- (a) AS/NZS 2772.2;
- (b) C95.3;
- (c) IEC 62232;
- (d) IEC 62577.

17 Section 10A

Repeal the section.

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

Repeal the subparagraph, substitute:

- (i) includes the results of measurements or calculations mentioned in section 10;
and

19 Subsection 12(3), note to the subsection

Omit 'paragraph 10(2)(a) or subsection 13(1)', substitute 'section 10'.

20 After subsection 13(5)

Insert:

- (6) Despite subsection 4(1), in this section:

member of the general public means a person who is not an RF worker.

RF worker means a person who may be exposed to RF fields under controlled conditions, in the course of and intrinsic to the nature of their work.

21 Paragraph 15(1)(e)

Repeal the paragraph, substitute:

- (e) the measurements or calculations made for the purposes of section 10;
- (ea) the documentation mentioned in subsection 13(1) (if any) obtained by the licensee;
and

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

(section 5)

Radiocommunications (Body Scanning – Aviation Security) Class Licence 2018 **[F2018L01583]**

1 Section 4 (definition of *ARPANSA Standard*)

Repeal the definition, substitute:

ARPANSA Standard means 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 the Australian Radiation Protection and Nuclear Safety Agency.

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

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

(section 6)

Radiocommunications (Intelligent Transport Systems) Class Licence 2017 [F2017L00026]

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

Omit ‘the *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2014*’, substitute ‘the standard prescribed by Schedule 4 to the *Radiocommunications Equipment (General) Rules 2021*’.

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

(section 7)

Radiocommunications (Low Interference Potential Devices) Class Licence 2015 [F2015L01438]

1 Subsection 4(3) (note 5)

Omit ‘the *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2014*’, substitute ‘the standard prescribed by Schedule 4 to the *Radiocommunications Equipment (General) Rules 2021*’.

2 Subsection 5(4) (note 1)

Omit ‘the *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2014*’, substitute ‘the standard prescribed by Schedule 4 to the *Radiocommunications Equipment (General) Rules 2021*’.

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

(section 8)

Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2017 [F2018L00028]

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

Omit ‘paragraph 3(2)(h)’, substitute ‘paragraph 3(2)(g)’.

2 Schedule 2, item 1 (examples)

Omit ‘*Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2014*’, substitute ‘the standard prescribed by Schedule 4 to the *Radiocommunications Equipment (General) Rules 2021*’.

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

Repeal the notes, substitute:

Note: See also 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*

(section 9)

Radiocommunications (Compliance Labelling – Devices) Notice 2014 [F2014L01236]

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

Repeal the definition, substitute:

applicable standard, for a device, means a standard prescribed by equipment rules mentioned in Schedule 2 that apply to the device.

2 Subsection 4(2)

Repeal the subsection.

3 After section 4

Insert:

4A References to other instruments

In this Notice, unless the contrary intention appears:

- (a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and
- (b) a reference to any other kind of instrument or writing is a reference to that other instrument or writing as in force or in existence from time to time.

Note 1: For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

Note 3: See section 314A of the Act.

4 Section 26, note 2 to the section

Omit ‘the *Radiocommunications (Compliance Labelling–Electromagnetic Radiation) Notice 2014*’, substitute ‘the requirements in Schedule 3 to the *Radiocommunications Equipment (General) Rules 2021*’.