

EXPLANATORY STATEMENT

Approved by the Australian Communications and Media Authority

Radiocommunications Act 1992

Radiocommunications Equipment (General) Amendment Rules 2023 (No. 1)

Authority

The Australian Communications and Media Authority (**the ACMA**) has made the *Radiocommunications Equipment (General) Amendment Rules 2023 (No.1)* (**the instrument**) under subsection 156(1) of the *Radiocommunications Act 1992* (**the Act**) and section 33(3) of the *Acts Interpretation Act 1901* (**the AIA**).

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

Subsection 156(3) provides that equipment rules must be directed towards achieving any or all of the objectives listed in that subsection, including relevantly:

- containing interference to radiocommunications;
- containing interference to any uses or functions of equipment;
- 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
- ensuring that persons who operate equipment have access to information about the equipment.

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 specified radiocommunications equipment to manage:

- the risk of interference to radiocommunications services;
- the efficient use of the radiofrequency spectrum; and
- human exposure to electromagnetic energy (**EME**) emissions from equipment.

Before the commencement of Part 1 of Schedule 4 to the *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020* (**the Reform Act**) on 17 June 2021, Part 4.1 of the Act empowered the ACMA to regulate the risk of interference to radiocommunications services and the efficient use of the radiofrequency spectrum through standards and labelling notices. Under that regime:

- 14 instruments were made under former section 162 of the Act, which set out radiocommunications standards (**the old general standards**); and
- the *Radiocommunications (Compliance Labelling – Devices) Notice 2014* (**the Radiocommunications Labelling Notice**) was made under former section 182 of the Act.

Explanatory Statement to the Radiocommunications Equipment (General) Amendment Rules 2023 (No. 1)

Before 17 June 2021, Part 4.1 of the Act set out offences that applied in relation to the operation, possession or supply of devices that did not comply with the old general standards, and in relation to the supply of devices that did not comply with the Radiocommunications Labelling Notice.

Since 17 June 2021, the old general standards and the Radiocommunications Labelling Notice have had effect as if they had been made as equipment rules under subsection 156(1) of the Act. The ACMA made the *Radiocommunications Equipment (General) Rules 2021 (the General Equipment Rules)* under subsection 156(1), which also commenced on 17 June 2021. At the time they were made, the General Equipment Rules imposed obligations and prohibitions in relation to the operation, possession and supply of equipment that did not comply with the old general standards, and in relation to the supply of equipment that did not comply with the Radiocommunications Labelling Notice.

The old general standards set mandatory performance requirements for specified radiocommunications equipment. The Radiocommunications Labelling Notice set testing, labelling and record-keeping requirements for suppliers of such equipment in relation to the old general standards.

The instrument:

- repeals 13 of the old general standards, and the Radiocommunications Labelling Notice, and includes their content into the General Equipment Rules and, in doing so, adopts five additional international documents to provide suppliers with greater flexibility to achieve compliance with technical performance requirements;
- repeals the redundant *Radiocommunications (121.5 MHz and 243.0 MHz Emergency Position Indicating Radio Beacons) Standard 2014 (the 121.5 MHz and 243.0 MHz EPIRB Standard)*;
- amends the General Equipment Rules to replace the interim International Electrotechnical Commission (**the IEC**) EME test method standard IEC TR 63170:2018 ‘Measurement procedure for the evaluation of power density related to human exposure to radiofrequency fields from wireless communications devices operating between 6 GHz and 100 GHz’ (**IEC TR 63170**)¹ with the following new test method standards recently published by the IEC and Institute of Electrical and Electronics Engineers (**IEEE**), which allow suppliers to use both computational and physical measurements to determine compliance with the EME requirements in the General Equipment Rules:
 - IEC/IEEE 63195-1:2022 Assessment of power density of human exposure to radio frequency fields from wireless devices in close proximity to the head and body (frequency range of 6 GHz to 300 GHz) – Part 1: Measurement procedure;
 - IEC/IEEE 63195-2:2022 Assessment of power density of human exposure to radio frequency fields from wireless devices in close proximity to the head and body (frequency range of 6 GHz to 300 GHz) – Part 2: Computational procedure; and
- amends the General Equipment Rules to include an exemption for devices used in connection with a ‘significant event’ declared by the ACMA by notifiable instrument, which largely replicates an exemption that appeared in the old general standards.

¹ IEC EME test method standard IEC TR 63170 only allowed suppliers to use physical measurements to determine compliance with the EME requirements in 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 the General Equipment Rules, or to engage in conduct that contravenes an obligation imposed by the General Equipment Rules. (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 (\$137,500, based on the current penalty unit amount of \$275).

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**). The General Equipment Rules are 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) matter contained in any Act or any other instrument or writing as in force or existing at a particular time or as in force or existing from time to time.

The instrument amends the General Equipment Rules to incorporate by reference the following Acts and legislative instruments, as in force from time to time:

- the *Radiocommunications (27 MHz Handphone Stations) Class Licence 2015* (**the Handphone Station Class Licence**);
- the *Radiocommunications (Citizen Band Radio Stations) Class Licence 2015* (**the CB Class Licence**);
- the *Radiocommunications (Electromagnetic Compatibility) Standard 2017*;
- the *Radiocommunications (Interpretation) Determination 2015* (**the Interpretation Determination**);
- the *Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2017* (**the EMC Labelling Notice**);
- the *Radiocommunications (Low Interference Potential Devices) Class Licence 2015* (**the LIPD Class Licence**);
- the *Radiocommunications (Maritime Ship Station – 27 MHz and VHF) Class Licence 2015* (**the Maritime Ship Station Class Licence**);
- the *Radiocommunications (Radio-controlled Models) Class Licence 2015* (**the Radio-controlled Models Class Licence**);
- the *Telecommunications Act 1997*;
- the *Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2015*.

The instrument also amends the General Equipment Rules to incorporate by reference the Radiocommunications Labelling Notice, as in force at the following times:

- immediately before the commencement of new subsection 57(4) of the General Equipment Rules, to ensure that a person who was registered on the database mentioned in the notice is taken to be registered on the national database;

- immediately before the commencement of new clause 16 of Schedule 3 to the General Equipment Rules, to enable a person who applied a label to a device that complies with the notice to rely on the clause in certain circumstances (described below);
- the time the person applied the label to the device, to ensure that the person is taken to have applied a label, and met certain other requirements, under Schedule 3 to the General Equipment Rules so long as the person complies with the requirements of the notice that had to be met after a label had been applied.

The instrument also amends the General Equipment Rules to include a savings and transitional provision that incorporates the 13 old general standards whose content is now included in the General Equipment Rules, as in force immediately before the commencement of new Schedule 5 to the General Equipment Rules:

- the *Radiocommunications (118MHz to 137MHz Amplitude Modulated Equipment – Aeronautical Radio Service) Standard 2012*;
- the *Radiocommunications (406 MHz Satellite Distress Beacons) Standard 2014*;
- the *Radiocommunications (Analogue Speech (Angle Modulated) Equipment) Standard 2014*;
- the *Radiocommunications (Devices Used in the Inshore Boating Radio Services Band) Standard 2017*;
- the *Radiocommunications (Digital Cordless Communications Devices – DECT Devices) Standard 2017*;
- the *Radiocommunications (HF CB and Handphone Equipment) Standard 2017*;
- the *Radiocommunications (Intelligent Transport Systems) Standard 2018*;
- the *Radiocommunications (MF and HF Equipment – Land Mobile Service) Standard 2014*;
- the *Radiocommunications (MF and HF Radiotelephone Equipment – International Maritime Mobile Service) Standard 2014*;
- the *Radiocommunications (Paging Service Equipment) Standard 2014*;
- the *Radiocommunications (Short Range Devices) Standard 2014*;
- the *Radiocommunications (UHF CB Radio Equipment) Standard 2011 (No. 1)*;
- the *Radiocommunications (VHF Radiotelephone Equipment – Maritime Mobile Service) Standard 2018*.

The Acts and legislative instruments referred to above are available, free of charge, from the Federal Register of Legislation: <http://www.legislation.gov.au>.

The instrument also amends the General Equipment Rules to incorporate by reference the following New Zealand laws, as existing from time to time:

- the Radiocommunications (Compliance) Notice 2020 (**the New Zealand Compliance Notice**);
- the *Radiocommunications Regulations 2001*;
- the Radiocommunications Regulations (Radio Standards) Notice 2020 (**the New Zealand Standards Notice**).

The New Zealand Compliance Notice and the New Zealand Standards Notice are available, free of charge, from the Radio Spectrum Management website at www.rsm.govt.nz. The *Radiocommunications Regulations 2001* of New Zealand are available, free of charge, from the New Zealand legislation website at www.legislation.govt.nz.

The instrument also amends the General Equipment Rules to incorporate by reference the following documents, as existing at the times specified in the General Equipment Rules (described below):

- AS/NZS 4268:2017 ‘Radio equipment and systems – Short range devices – Limits and methods of measurement’ (AS/NZS 4268), published by Standards Australia and Standards New Zealand;
- AS/NZS 4280.1:2022 ‘Global maritime distress and safety system (GMDSS), Part 1: Cospas-Sarsat EPIRB – Emergency position indicating radio beacon operating on 406 MHz – Operational and performance requirements, methods of testing and required test results (IEC 61097-2 (Ed.4.0) MOD)’ (AS/NZS 4280.1), published by Standards Australia and Standards New Zealand;
- AS/NZS 4280.2:2017 ‘406 MHz satellite distress beacons, Part 2: Personal locator beacons (PLBs)’ (AS/NZS 4280.2), published by Standards Australia and Standards New Zealand;
- AS/NZS 4295:2015 ‘Analogue speech (angle modulated) equipment operating in land mobile and fixed services bands in the frequency range 29.7 MHz to 1 GHz’ (AS/NZS 4295), published by Standards Australia and Standards New Zealand;
- AS/NZS 4355:2006 ‘Radiocommunications equipment used in the handphone and citizen band radio services operating at frequencies not exceeding 30 MHz’ (AS/NZS 4355), published by Standards Australia and Standards New Zealand;
- AS/NZS 4365:2011 ‘Radiocommunications equipment used in the UHF citizen band radio service’ (AS/NZS 4365), published by Standards Australia and Standards New Zealand;
- AS/NZS 4367:2007 ‘Radiocommunications equipment used in the inshore boating radio services bands’ (AS/NZS 4367), published by Standards Australia and Standards New Zealand;
- AS/NZS 4583:2016 ‘Amplitude modulated equipment for use in the aeronautical radio service in the frequency range 118 MHz to 137 MHz’ (AS/NZS 4583), published by Standards Australia and Standards New Zealand;
- AS/NZS 4770:2000 ‘MF and HF radiocommunications equipment in the land mobile service utilizing single sideband suppressed carrier emission’, (AS/NZS 4770) published by Standards Australia and Standards New Zealand;
- AS/NZS ETSI EN 301 025:2018 ‘VHF radiotelephone equipment for general communications and associated equipment for Class “D” Digital Selective Calling (DSC)’ (AS/NZS ETSI EN 301 025), published by Standards Australia and Standards New Zealand;
- AS/NZS ETSI EN 301 178:2018 ‘Portable Very High Frequency (VHF) radiotelephone equipment for the maritime mobile service operating in the VHF bands (for non-GMDSS applications only)’ (AS/NZS ETSI EN 301 178), published by Standards Australia and Standards New Zealand;
- AS/NZS ETSI EN 302 885:2018 ‘Portable Very High Frequency (VHF) radiotelephone equipment for the maritime mobile service operating in the VHF bands with integrated handheld class H DSC’ (AS/NZS ETSI EN 302 885), published by Standards Australia and Standards New Zealand;

- ETSI EN 300 086 V2.1.2 (2016-08) ‘Land Mobile Service; Radio equipment with an internal or external RF connector intended primarily for analogue speech; Harmonised Standard covering the essential requirements of article 3.2 of the Directive 2014/53/EU’, (**ETSI EN 300 086**) published by the European Telecommunications Standards Institute (**ETSI**);
- ETSI EN 300 220-1 V3.1.1 (2017-2) ‘Short Range Devices (SRD) operating in the frequency range 25 MHz to 1 000 MHz; Part 1: Technical characteristics and methods of measurements’ (**ETSI EN 300 220-1**), published by ETSI;
- ETSI EN 300 224 V2.1.1 (2017-06) ‘Land Mobile Service; Radio Equipment for use in a Paging Service operating within the frequency range 25 MHz – 470 MHz; Harmonised Standard covering the essential requirements of article 3.2 of Directive 2014/53/EU’, (**ETSI EN 300 224**) published by ETSI;
- ETSI EN 300 330 V2.1.1 (2017-02) ‘Short Range Devices (SRD); Radio equipment in the frequency range 9 kHz to 25 MHz and inductive loop systems in the frequency range 9 kHz to 30 MHz; Harmonised Standard covering the essential requirements of article 3.2 of Directive 2014/53/EU’ (**ETSI EN 300 330**), published by ETSI;
- ETSI EN 300 433 V2.1.0 (2016-02) ‘Citizens’ Band (CB) radio equipment; Harmonised Standard covering the essential requirements of article 3.2 of the Directive 2014/53/EU’ (**ETSI EN 300 433**), published by ETSI;
- ETSI EN 300 440 V2.1.1 (2017-01) ‘Short Range Devices (SRD); Radio equipment to be used in the 1 GHz to 40 GHz frequency range; Harmonised Standard for access to radio spectrum’ (**ETSI EN 300 440**), published by ETSI;
- ETSI EN 300 676-1 V1.5.2 (2011-03) ‘Ground-based VHF hand-held, mobile and fixed radio transmitters, receivers and transceivers for the VHF aeronautical mobile service using amplitude modulation; Part 1: Technical characteristics and methods of measurement’ (**ETSI EN 300 676-1**), published by ETSI;
- ETSI EN 301 025 V2.3.1 (2021-12) ‘VHF radiotelephone equipment for general communications and associated equipment for Class “D” Digital Selective Calling (DSC); Harmonised Standard for access to radio spectrum and features for emergency services’ (**ETSI EN 301 025**), published by ETSI;
- ETSI EN 301 178 V2.2.2 (2017-04) ‘Portable Very High Frequency (VHF) radiotelephone equipment for the maritime mobile service operating in the VHF bands (for non-GMDSS applications only); Harmonised Standard covering the essential requirements of articles 3.2 and 3.3(g) of Directive 2014/53/EU’ (**ETSI EN 301 178**), published by ETSI;
- ETSI EN 301 406 V2.2.2 (2016-09) ‘Digital Enhanced Cordless Telecommunications (DECT); Harmonised Standard covering the essential requirements of article 3.2 of the Directive 2014/53/EU’ (**ETSI EN 301 406**), published by ETSI;
- ETSI EN 302 571 V2.1.1 (2017-02) ‘Intelligent Transport Systems (ITS); Radiocommunications equipment operating in the 5 855 MHz to 5 925 MHz frequency band; Harmonised Standard covering the essential requirements of article 3.2 of the Directive 2014/53/EU’ (**ETSI EN 302 571**), published by ETSI;
- ETSI EN 302 885 V2.2.2 (2017-03) ‘Portable Very High Frequency (VHF) radiotelephone equipment for the maritime mobile service operating in the VHF bands with integrated handheld class H DSC; Harmonised Standard covering the essential requirements of articles 3.2 and 3.3(g) of Directive 2014/53/EU’ (**ETSI EN 302 885**), published by ETSI;
- ETSI EN 303 402 V2.1.2 (2017-09) ‘Maritime mobile transmitters and receivers for use in the MF and HF bands; Harmonised Standard covering the essential requirements of articles 3.2 and 3.3(g) of Directive 2014/53/EU’ (**ETSI EN 303 402**), published by ETSI;

- ETSI EN 305 550-1 V1.2.1 (2014-10) ‘Electromagnetic compatibility and Radio spectrum Matters (ERM); Short Range Devices (SRD); Radio equipment to be used in the 40 GHz to 246 GHz frequency range; Part 1: Technical characteristics and test methods’ (**ETSI EN 305 550-1**), published by ETSI;
- Federal Communications Commission Rules Title 47 (Telecommunications) Part 15–Radio Frequency Devices (**FCC Rules**);
- IEC/IEEE 63195-1:2022 – Assessment of power density of human exposure to radio frequency fields from wireless devices in close proximity to the head and body (frequency range of 6 GHz to 300 GHz) – Part 1: Measurement procedure’ (**IEC/IEEE 63195-1**), published by the IEC and IEEE;
- IEC/IEEE 63195-2:2022 – Assessment of power density of human exposure to radio frequency fields from wireless devices in close proximity to the head and body (frequency range of 6 GHz to 300 GHz) – Part 2: Computational procedure’ (**IEC/IEEE 63195-2**), published by the IEC and IEEE;
- ITU-R Recommendation M.493 ‘Digital selective-calling system for use in the maritime mobile service’, (**ITU-R Recommendation M.493**) published by the Radiocommunications Sector of the International Telecommunication Union.

Some of the above documents are incorporated as standards to be met by equipment. The times specified in the General Equipment Rules for the incorporation of such documents generally relate to the date an item of the equipment is manufactured in Australia, imported, or altered or modified in a material respect, and whether the date occurs during a transition period for the amendment or replacement of the document or another period for which there are savings or transitional arrangements. The instrument amends the General Equipment Rules, for the purpose of a transition period for the amendment or replacement of such a document, to incorporate:

- the document as existing immediately before the publication date of an amending document or replacement document;
- the document as amended and existing on the publication date of the amending document; and
- the replacement document as existing on its publication date.

This applies to the following documents:

- AS/NZS 4280.1;
- AS/NZS 4280.2;
- AS/NZS 4295;
- AS/NZS 4355;
- AS/NZS 4365;
- AS/NZS 4367;
- AS/NZS 4583;
- AS/NZS 4770;
- AS/NZS ETSI EN 301 025;
- AS/NZS ETSI EN 301 178;
- AS/NZS ETSI EN 302 885;
- ETSI EN 300 086;

- ETSI EN 300 224;
- ETSI EN 300 433;
- ETSI EN 301 025;
- ETSI EN 301 178;
- ETSI EN 301 406;
- ETSI EN 302 571;
- ETSI EN 302 885;
- ETSI EN 303 402.

The document AS/NZS 4769.1:2000 ‘Radiocommunications equipment used in the paging service Angle modulated equipment (**AS/NZS 4769.1**), published by Standards Australia and Standards New Zealand, has been incorporated as existing on 5 May 2018 (the day before it was withdrawn by Standards Australia). AS/NZS 4769.1 is incorporated to deal with an omission in ETSI EN 300 224, which is described below.

The documents published by Standards Australia and Standards New Zealand, or by the IEC and the IEEE, are available, for a fee, from a Standards Australia distributor listed on the Standards Australia website at www.standards.org.au. They may also be available to be viewed, on prior request, from an ACMA office, subject to licensing conditions.

The documents published by ETSI are available, free of charge, from the ETSI website at www.etsi.org.

The FCC Rules are available, free of charge, from the United States Code of Federal Regulations website at www.ecfr.gov.

ITU-R Recommendation M.493 is available, free of charge, from the website of the International Telecommunication Union at <http://www.itu.int/>.

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 the ACMA to consult with the Australian Radiation Protection and Nuclear Safety Agency (**ARPANSA**) before making equipment rules directed towards protecting the health or safety of individuals from any adverse effects attributable to radio emissions resulting from a reasonably foreseeable use (including a misuse) of radiocommunications transmitters. The ACMA consulted with ARPANSA on a draft of the instrument in accordance with this requirement. ARPANSA supported the adoption of IEC/IEEE 63195-1 and IEC/IEEE 63195-2 test method standards to determine compliance of equipment with EME limits set by the General Equipment Rules, and had no comments on the other proposed amendments.

The ACMA conducted a public consultation process in relation to the proposal to make the instrument during the period 10 November 2022 to 15 December 2022. A draft of the instrument and a consultation paper containing explanatory information were made available on the ACMA website. Interested parties were notified of the release of the draft instrument and invited to comment.

The ACMA received 11 submissions to the consultation, and these were considered before making the instrument. The majority of submissions expressed support for the proposed instrument.

Four submissions recommended the existing requirement to publish declared significant events on the ACMA website be retained. The instrument was changed to retain the publication requirement.

Three submissions recommended renaming the description of devices in relation to their compliance requirements as ‘low-risk’, ‘medium-risk’ and ‘high-risk’ devices due to the potential of that terminology to be misleading. The instrument was changed to rename the description of devices in relation to their compliance categories for the applicable standards to ‘general compliance level 1 or 2’ and ‘EME compliance level 1, 2 or 3’.

The instrument amends the General Equipment Rules to incorporate by reference the overseas document ETSI EN 300 224. One submission identified that ETSI EN 300 224 does not include a table of Australian paging frequencies. The instrument was changed to incorporate clause 8.3.3 and Table ZZ1 in AS/NZS 4769.1, with a minor amendment changing 460.375 MHz to 450.375 MHz to correct an error in Table ZZ1.

Regulatory impact assessment

A preliminary assessment of the proposal to make the instrument was conducted by the Office of Impact Analysis (OIA), formerly the Office of Best Practice Regulation (OBPR), based on the information provided by the ACMA, for the purposes of determining whether a Regulation Impact Statement (RIS) would be required. OIA advised that a RIS would not be required as it considered the proposed regulatory changes as unlikely to have more than a minor regulatory impact (OIA reference number OBPR22-03412).

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

As noted above, the instrument:

- repeals 13 old general standards and the Radiocommunications Labelling Notice, and includes their content into the General Equipment Rules and, in doing so, adopts five additional international standards to provide suppliers with greater flexibility to achieve compliance with technical performance requirements;
- repeals the redundant 121.5 MHz and 243.0 MHz EPIRB Standard;
- amends the General Equipment Rules to replace the interim IEC EME test method standard IEC TR 63170 with the following new test method standards recently published by the IEC and IEEE, which allow suppliers to use both computational and physical measurements to determine compliance with the EME requirements in the General Equipment Rules:
 - IEC/IEEE 63195-1;
 - IEC/IEEE 63195-2; and
- amends the General Equipment Rules to include an exemption for devices used in connection with a ‘significant event’ declared by the ACMA by notifiable instrument, which largely replicates an exemption that appeared in the old general standards.

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 issues.

Notes to the *Radiocommunications Equipment (General) Amendment Rules 2023 (No. 1)*

Section 1 Name

This section provides for the instrument to be cited as the *Radiocommunications Equipment (General) Amendment Rules 2023 (No. 1)*.

Section 2 Commencement

This section provides for the instrument to commence at the start of the day after the day it is registered on the Federal Register of Legislation.

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

Section 3 Authority

This section identifies the provision of the Act that authorises the making of the instrument, namely subsection 156(1) of the Act.

Section 4 Schedules

This section provides that each instrument that is specified in a Schedule to the instrument is to be amended or repealed as set out in the applicable items of the Schedule concerned, and any other item in a Schedule to the instrument has effect according to its terms.

Schedule 1 – Amendments

Radiocommunications Equipment (General) Rules 2021

Item 1 Section 4 (heading)

Item 1 repeals the heading “Definitions” and replaces it with “Interpretation”.

Item 2 Subsection 4(1) (definition of *compliance labelling notice*, including the note)

Item 2 repeals the definition of *compliance labelling notice*, including the associated note. The compliance labelling notice referred to is the Radiocommunications Labelling Notice, which no longer exists as a separate instrument as its contents have been incorporated into the General Equipment Rules.

Item 3 Subsection 4(1) (definition of *general standard*)

Item 3 amends the definition of *general standard* to refer to clause 3 of Schedule 5 instead of subsection 4(3).

Item 4 Subsection 4(2)

Item 4 removes the words “equipment rules” from the subsection.

Item 5 Subsection 4(3) (including the note)

Item 5 repeals the subsection, including the associated note, that contained a definition of a term that covered the 14 old general standards.

The old general standards have been repealed. Except for the 121.5 MHz and 243.0 MHz EPIRB Standard, the contents of the old general standards are included in new Schedule 5 to the General Equipment Rules.

The item replaces the repealed subsection with two new subsections which provide that:

- a standard is prescribed for a particular device if the standard is prescribed for a kind of equipment and the device is an item of that kind of equipment; and
- unless the contrary intention appears, a reference to a frequency band includes all the frequencies that are greater than but not including the lower frequency, up to and including the higher frequency.

Item 6 Section 6

Item 6 makes a consequential change to the section as a result of item 9.

Item 7 Paragraph 6(1)(b)

Item 7 repeals a paragraph relating to the repealed Radiocommunications Labelling Notice.

Item 8 Subsection 6(1) (example)

Item 8 removes a reference that related to the repealed Radiocommunications Labelling Notice from the example.

Item 9 At the end of subsection 6(1)

Item 9 adds new subsection 6(2) to make it clear that if the General Equipment Rules or an instrument made under subsection 407(1) of the *Telecommunications Act 1997* or the EMC Labelling Notice separately specifies a requirement to apply a compliance label to a device, a person does not need to apply the same compliance label more than once to the device.

Items 10 and 11

Items 10 and 11 make consequential changes to section 7 as a result of item 100.

Items 12 and 13

Items 12 and 13 make consequential changes to section 7 as a result of item 5.

Item 14 Subsection 7(2)

Item 14 makes a consequential change to section 7 as a result of item 100.

Items 15 and 16

Items 15 and 16 make consequential changes to section 7 as a result of item 5.

Item 17 At the end of section 7

Item 17 adds a new note to the section, indicating that clause 4 of new Schedule 5 to the General Equipment Rules sets out the rules for working out when a device complies with a general standard in that Schedule, in relation to an industry document. Section 7 only sets out the rules in relation to the EMC standard in Schedule 4 to the General Equipment Rules, and the EMC Labelling Notice.

Item 18 Section 8

Item 18 makes a consequential change to the section as a result of item 100.

Item 19 Section 9

Item 19 repeals the section which indicated that the object of Part 2 was to only contain interference to radiocommunications. The item replaces the repealed section with a new ‘Object of this Part’ which has an additional purpose to also contain interference to any uses or functions of equipment.

Items 20 to 22

Items 20 to 22 amend subsections 10(1), 11(1) and 12(1) to omit each reference to ‘applicable to it’ and to replace it with ‘prescribed for it’. The old general standards described themselves as being applicable to particular kinds of equipment. The use of ‘prescribed’ in relation to the general standards in new Schedule 5 to the General Equipment Rules, rather than ‘applicable’, generally reflects the changed terminology in the Act following amendments made by the Reform Act.

Items 23 to 31

Items 23 to 31 make consequential changes to sections 25, 26, 27 and 29 as a result the repeal of the Radiocommunications Labelling Notice.

Items 32 to 37

Items 32 to 37 omit each reference to the word ‘applicable’, in relation to standards, from sections 38 and 39 of the General Equipment Rules. The old general standards described themselves as being applicable to particular kinds of equipment, but they have been repealed.

Item 38 Paragraph 48(f)

Item 38 makes a consequential change to the paragraph as a result of item 41.

Items 39 and 40

Items 39 and 40 make consequential changes to section 54 as a result of the repeal of the Radiocommunications Labelling Notice.

Item 41 After section 54

Item 41 inserts new section 54A, exempting a device used in connection with a significant event from compliance with the prohibitions specified in Part 2 of the General Equipment Rules. Those prohibitions are in relation to the operation, possession and supply of devices that do not comply with the general standards set out in new Schedule 5 to the General Equipment Rules. New section 54A largely replicates an exemption that appeared in the old general standards.

Subsection 54A(1) specifies that the exemption applies in relation to a device imported solely for use in Australia in connection with a declared significant event, where it is only used or operated at and during the significant event. If a law, other than Part 2 of, or Schedule 5 to, the General Equipment Rules (or paragraph 5(1)(a), (2)(b) or (2)(c) of the LIPD Class Licence to the extent that it relates to Part 2 of, or Schedule 5 to, the General Equipment Rules), imposes a requirement for the testing or inspection of the device, or that limits the use or operation of the device, the exemption only applies where that law is not breached.

Subsection 54A(2) of the General Equipment Rules provides that the ACMA may make a notifiable instrument that declares a specified event to be a *significant event*, and specifies the period and location of the significant event. Previous significant events have included the Australian Formula One Grand Prix and the Australian MotoGP events.

Subsection 54A(3) sets out matters the ACMA must consider before declaring a significant event. The ACMA may also have regard to other matters it considers relevant.

Subsection 54A(4) limits the maximum period of a significant event to 1 month. This is not intended to prevent the ACMA from making another notifiable instrument after the significant event has ended, in the case of an event that lasts more than one month.

Subsection 54A(5) requires the ACMA to publish on its website a statement that a significant event has been declared, the period of the significant event and the location of the significant event.

Subsection 54A(6) clarifies that a failure to publish a statement about a declared significant event on the ACMA's website as required by subsection (5) does not affect the validity of an instrument declaring a significant event made under subsection (2).

Subsection 54A(7) sets out transitional arrangements for significant events declared by the Chair of the ACMA under the old general standards prior to commencement of section 54A.

Subsection 54A(8) provides that 'LIPD class licence' has the same meaning as in Schedule 5 to the General Equipment Rules.

The item also inserts new section 54B, exempting a device that has been imported from New Zealand from the prohibitions relating to supply of unlabelled devices specified in Part 5 of the General Equipment Rules. The exemption applies where a general standard is prescribed for a device, it is not an 'applicable device' (that is, one to which the EME standard in Schedule 4 to the General Equipment Rules applies), and it was imported from New Zealand and complies with the New Zealand labelling legislation. New section 54B largely replicates an exemption that appeared in the Radiocommunications Labelling Notice.

Item 42 At the end of section 57

Item 42 adds new subsection 57(4) that provides that if, before the commencement of the subsection, a person was registered on the database mentioned in section 11 of Radiocommunications Labelling Notice as in force immediately before that commencement, the person is taken to be registered on the national database.

Item 43 At the end of Schedule 2

Item 43 adds a new note to Schedule 2 that indicates that the RCM is a protected symbol and that more information on the use of protected symbols is provided at section 166 of the Act.

Item 44 Schedule 3 (heading)

Item 44 amends the heading to Schedule 3 by omitting the words 'in relation to human exposure to electromagnetic energy'. This amendment is required because the labelling requirements of Schedule 3 now deal with general standards as well as the EME standard in Schedule 4 to the General Equipment Rules.

Item 45 Paragraph 1(b) of Schedule 3

Item 45 amends the object of Schedule 3 to include the additional objects of containing interference to radiocommunications and containing interference to any uses or functions of equipment. This amendment is required because the labelling requirements of Schedule 3 now deal with general standards as well as the EME standard in Schedule 4 to the General Equipment Rules.

Item 46 Subclause 2(1) of Schedule 3 (definition of *accredited testing body*)

Item 46 repeals and replaces the definition of an *accredited testing body* to recognise that in addition to being accredited to test against a standard, a laboratory that is an accredited testing body may also be accredited to conduct testing against a document. New Schedule 5 to the General Equipment Rules sets out general standards, many of which are prescribed for equipment and which incorporate particular documents that set out the requirements for compliance with those standards.

Items 47 to 50 and 52

Items 47 to 50 amend subclause 2(1) of Schedule 3 to change the definitions in Schedule 3 for different ‘categories’ of devices. Schedule 3 sets out labelling requirements for equipment, where the EME standard in Schedule 4 or a general standard in new Schedule 5 to the General Equipment Rules is prescribed for the equipment. It also sets out particular requirements that must be met before a label is applied to equipment. Some of these requirements are different, based on the categorisation of the device. The items insert the following new definitions for the categorisation of devices in relation to these compliance requirements:

- ***EME compliance level 1 device*** is a device to which the EME standard applies, and which meets certain criteria set out in a document published by ARPANSA.
- ***EME compliance level 2 device*** means a device to which the EME standard applies, and that is:
 - not an EME compliance level 1 device; and
 - normally used more than 20 centimetres from the human body.
- ***EME compliance level 3 device*** means an applicable device that is neither an EME compliance level 1 device nor an EME compliance level 2 device.
- ***general compliance level 1 device*** means a device for which one of the following general standards in new Schedule 5 is prescribed:
 - the Intelligent Transport Systems Standard;
 - the Short Range Equipment Standard.
- ***general compliance level 2 device*** means a device that is not a general compliance level 1 device.

Item 52 makes a consequential change to subclause 2(3).

The new definitions are a renaming of the description of devices in relation to their compliance requirements. The renaming clarifies the descriptions of devices that are used to categorise the compliance requirements for a device in relation to the EME standard and the general standards. No substantive changes to the effect of the General Equipment Rules on particular devices have been made.

If a device is subject to both the EME standard and a general standard in new Schedule 5, then it may fall within two of the categories. For example, a particular device may be both an EME compliance level 1 device and a general compliance level 1 device. Such a device will need to meet the compliance requirements for both categories.

Item 51 Subclause 2(2) of Schedule 3

Item 51 repeals the definition of a *variant* of a device and substitutes it with an amended definition. The amended definition simplifies the way in which a variant is described, and is based on a similar definition that appeared in the Radiocommunications Labelling Notice.

Items 53 and 54

Items 53 and 54 make consequential changes to clause 3 of Schedule 3 as a result of item 55.

Item 55 At the end of subclause 3(4) of Schedule 3

Item 55 adds new subclauses 3(5) and 3(6) to Schedule 3, to require the manufacturer or importer of a device to label the device if a general standard is prescribed for the device. This replaces requirements contained in the Radiocommunications Labelling Notice.

Item 56 Subclause 4(1) of Schedule 3

Item 56 makes a consequential change to the subclause as a result of item 55. This ensures that a manufacturer of a device is taken to apply a label to the device if the label is applied by an agent or authorised person on behalf of the manufacturer to show compliance with a general standard.

Item 57 Subclause 4(2) of Schedule 3

Item 57 makes a consequential change to the subclause as a result of item 55. This ensures that an importer of a device is taken to apply a label to the device if the label is applied by an agent or authorised person on behalf of the importer to show compliance with a general standard.

Item 58 After subclause 5(1) of Schedule 3

Item 58 inserts additional requirements for a label applied to a wireless audio transmitter that is capable of operating in the frequency band 694 MHz to 820 MHz. The label is to indicate that the device operates under an ACMA class licence and must comply with all conditions of the class licence and must not operate in the 694 MHz to 820 MHz band to comply with the class licence. This replaces requirements contained in the Radiocommunications Labelling Notice.

Item 59 Subclause 5(2) of Schedule 3

Item 59 simplifies the wording of the subclause, which relates to the requirement for a label that is applied to equipment to be in a place that is readily accessible to a user.

Item 60 Subclause 5(5) of Schedule 3

Item 60 makes a consequential amendment to the subclause as a result of item 61.

Item 61 After subclause 5(5) of Schedule 3

Item 61 adds new subclause 5(5A) to Schedule 3, which specifies the size requirements for a label if the label is to also include information about wireless audio transmitters that operate in the frequency band 694 MHz to 820 MHz, as described above. The text of that information about the wireless audio

transmitters must be at least 5 mm high. In accordance with subclause 5(5) of Schedule 3, the remainder of the label, as referred to in subclause 5(1) of Schedule 3, must be at least 3 mm high.

Item 62 Paragraph 5(7)(c) of Schedule 3

Item 62 makes a consequential amendment to the paragraph as a result of item 61.

Item 63 Clause 7 of Schedule 3

Item 63 makes a consequential change to the clause as a result of items 64 to 68.

Item 64 Paragraph 9(3)(c) of Schedule 3

Item 64 amends the paragraph to clarify that, only if the device is an applicable device (that is, one to which the EME standard applies), is the declaration of conformity for the device to declare that the device complies with the EME standard.

A declaration of conformity for a device is required to be made by a manufacturer or importer of the device before a label is applied to the device. Giving false or misleading information is a serious offence under the *Criminal Code*.

Item 65 Paragraph 9(3)(d) of Schedule 3

Item 65 repeals the paragraph (other than the additional note) and replaces it with a requirement that a declaration of conformity for an EME compliance level 2 device or an EME compliance level 3 device must set out the measurement methods, assessment methods or computational methods used to test compliance with the EME standard.

The item also inserts new paragraph 9(3)(e) into Schedule 3 to require that, if a general standard is prescribed for a device, the declaration of conformity for the device must declare that the device complies with the general standard. As noted above, giving false or misleading information is a serious offence under the *Criminal Code*.

Item 66 At the end of clause 9 of Schedule 3

Item 66 adds new subclause 9(6) to Schedule 3 to provide that a declaration of conformity form that was approved under the repealed Radiocommunications Labelling Notice is taken to be approved under the General Equipment Rules, until the ACMA approves another form.

Item 67 Clause 10 of Schedule 3

Item 67 repeals and replaces the clause.

Before a manufacturer or importer of equipment applies a label in accordance with Schedule 3, the table in clause 10 requires the manufacturer or importer to do the following:

- if the equipment is an EME compliance level 1 device or a general compliance level 1 device – prepare a description of the device;
- if the equipment is an EME compliance level 2 device – prepare a description of the device, and obtain a test report in relation to the device;

- if the equipment is a general compliance level 2 device – prepare a description of the device and obtain one of the following:
 - written authority by the Federal Communications Commission for the device to operate in the United States of America, and a written statement about changes to the device if changes are necessary to allow the device to operate in Australia;
 - a test report in relation to the device’s compliance with the relevant general standard;
 - a manufacturer’s performance specifications for the device;
- if equipment is an EME compliance level 3 device – prepare a description of the device and obtain a test report from an accredited testing body in relation to the device.

If a device falls into more than one category, the manufacturer or importer must do the acts required for each category before applying the label.

This amendment does not involve a substantive change for the requirements that applied in relation to devices. Rather, it consolidates the requirements of repealed clauses 10 to 12 of Schedule 3, and of the repealed Radiocommunications Labelling Notice.

Item 68 Clauses 11 and 12 of Schedule 3

Item 68 repeals both clauses, as their requirements have been incorporated into clause 10 of Schedule 3.

Items 69 and 70

Items 69 and 70 make consequential changes to clause 13 of Schedule 3 as a result of items 67 and 68.

Item 71 Paragraph 13(2)(b) of Schedule 3

Item 71 repeals and replaces the paragraph to specify that, if a test report relates to a device’s compliance with the EME standard, the report must state whether the device complies with the EME standard.

Item 72 Paragraph 13(2)(c) of Schedule 3

Item 72 repeals and replaces the paragraph to specify that, if a test report relates to a device’s compliance with the EME standard, the report must describe the methods or procedures used to test the device’s compliance with the EME standard.

Item 73 After paragraph 13(2)(c) of Schedule 3

Item 73 inserts new paragraph 13(2)(ca) into Schedule 3, which specifies that, if a test report relates to a device’s compliance with a general standard, the report must state whether the device complies with the general standard.

The item also inserts new paragraph 13(2)(cb) into Schedule 3, which specifies that, if a test report relates to a device’s compliance with a general standard, the report must describe the test conducted on the device.

Item 74 Paragraph 13(2)(d) of Schedule 3

Item 74 amends the paragraph to specify that the results are to be stated for each test described in a test report. A test report may relate to more than one test (for example, if both the EME standard and one or more general standards applies in relation to a device).

Item 75 Paragraph 13(2)(e) of Schedule 3

Item 75 repeals and replaces the paragraph to specify that, if a test report relates to a device's compliance with the EME standard, it must state whether the methods or procedures used to test the device comply with Part 3 of Schedule 4 to the General Equipment Rules. Part 3 of Schedule 4 provides the specific measurement methods, computational procedures and assessment methods that are to be used to determine compliance with the EME standard.

Items 76 to 78

Items 76 to 78 make consequential amendments to paragraph 13(2)(f) of Schedule 3 as a result of items 86 and 99.

Items 79 and 80

Items 79 and 80 amend the requirement of paragraph 14(2)(c) of Schedule 3 by extending its application to all devices to which Schedule 3 applies. Paragraph 14(2)(c) requires a manufacturer or importer of a device who has applied a label to the device in accordance with Schedule 3, to keep a record of each test report or other document obtained, in accordance with Schedule 3.

Item 81 Paragraph 14(5)(d) of Schedule 3

Item 81 amends the paragraph by inserting 'if the first device is an applicable device –' (that is, a device to which the EME standard applies).

The change means that if a device is a variant of the first device, and the first device is required to meet the EME standard, then a written record of the variant created by the manufacturer or importer of the device must include a technical rationale for why the variant complies with the EME standard.

Item 82 After paragraph 14(5)(d) of Schedule 3

Item 82 inserts new paragraph 14(5)(da) into Schedule 3, which provides that, if a device is a variant of the first device, then a written record of the variant created by the manufacturer or importer of the device must, for each general standard that is prescribed for the first device, include a technical rationale for why the variant complies with the general standard.

Item 83 Paragraph 14(5)(e) of Schedule 3

Item 83 amends the paragraph by inserting "if the first device is an applicable device –" (that is, a device to which the EME standard applies).

The change means that if a device is a variant of the first device, and the first device is required to meet the EME standard, then a written record of the variant created by the manufacturer or importer of the device must include evidence that EME exposure caused by the variant is not likely to exceed the EME exposure of the first device.

Item 84 At the end of clause 14 of Schedule 3

Item 84 inserts new subclause 14(8) into Schedule 3, which is designed to clarify that a compliance record may be either a copy of an original document, or an electronic document.

Item 85 At the end of Schedule 3

Item 85 inserts new clause 16 into Schedule 3 to specify transitional arrangements in relation to applying a label to a device for general standards. The transitional arrangements provide that if a device had complied with the Radiocommunications Labelling Notice, as in force immediately before the commencement of clause 16, and a person applied a label to the device in accordance with the requirements of the Radiocommunications Labelling Notice as they existed at the time the label was applied (including any requirements that had to be met before the label was applied), then the person is taken to have complied with the requirements for applying a label as specified by Parts 2 and 3 of Schedule 3. In those circumstances, the person is required to comply with Part 4 of the Radiocommunications Labelling Notice, as in force at the time the person applied the label to the device, as if that instrument had not been repealed.

Clause 16 is designed to ensure that any person who acted in accordance with the Radiocommunications Labelling Notice before it was repealed is not in breach of the General Equipment Rules in relation to those actions, so long as the person complies with the requirements of the Radiocommunications Labelling Notice that had to be met after a label had been applied to a device.

While clause 16 applies to pre-existing acts, it operates prospectively for the benefit of manufacturers or importers of devices who were required to label, and have labelled, devices (before the commencement of clause 16) in accordance with the Radiocommunications Labelling Notice. Those manufacturers or importers do not need to relabel those devices as they are taken to have complied with the requirements for applying a label as specified by Parts 2 and 3 of Schedule 3 so long as they comply with Part 4 of the Radiocommunications Labelling Notice as in force at the time of labelling. This is intended to avoid any duplication of effort and additional costs to manufacturers or importers which might otherwise arise from transitioning to the new arrangements.

Item 86 Subclause 2(1) of Schedule 4

Item 86 inserts definitions into the subclause, for two new EME-related standards published by the IEC and IEEE. The new test method standards, IEC/IEEE 63195-1 and IEC/IEEE 63195-2, replace the interim technical report IEC TR 63170 (and the identical Standards Australia version). The new test method standards provide both measurement methods and computational methods for assessing EME in close proximity to the human head and body for above 6 GHz, whereas IEC TR 63170 and the Standards Australia equivalent had only provided measurement methods.

Item 87 Subclause 2(1) of Schedule 4 (definition of *IEC TR 63170*)

Item 87 repeals the definition of *IEC TR 63170* as a result of items 86 and 99.

Item 88 Subclause 2(1) of Schedule 4 (definition of *SA TR IEC 63170*)

Item 88 repeals the definition of *SA TR IEC 63170* (the Standards Australia equivalent to IEC TR 63170) as a result of items 86 and 99.

Item 89 At the end of subclause 3(1) of Schedule 4

Item 89 adds a new note to the subclause to state that EME is an abbreviation for electromagnetic energy.

Items 90 to 92

Item 90 to 92 make consequential amendments to clause 3 of Schedule 4 as a result of items 86 and 99.

Item 93 to 98

Items 93 to 98 make consequential changes to the headings to Part 3 of Schedule 4, clause 4 of Schedule 4 and column 3 of the table in subclause 4(2) of Schedule 4, and to other text in clause 4 of Schedule 4, as a result of items 86 and 99.

Item 99 Subclause 4(2) of Schedule 4 (table item 5, column 3)

Subclause 4(2) of Schedule 4 sets out a table, by which a person can work out which methods must be used to test a particular device for compliance with the EME standard.

Item 99 amends item 5 of the table to omit references to the measurement methods set out in IEC TR 63170 and the identical Standards Australia version. Those methods had been specified for the testing of devices:

- normally used 20 centimetres or less from the human body, including in close proximity to the human ear or human head; and
- operated between 6 GHz and 100 GHz (both inclusive).

The item replaces the references to those methods with references to the measurement methods in IEC/IEEE 63195-1 and the computational procedures in IEC/IEEE 63195-2. As a result, the measurement methods in IEC/IEEE 63195-1 and the computational procedures in IEC/IEEE 63195-2 are now specified for the testing of these devices.

Item 100 At the end of Schedule 4

Item 100 adds transitional provisions to Schedule 4 in relation to the removal of references, from item 5 of the table in clause 4, to the measurement methods set out in IEC TR 63170 and the Standards Australia equivalent (SA TR IEC 63170). The transitional provisions generally provide that if an applicable device was manufactured in Australia, imported, or altered or modified in a material respect, before the instrument commenced (or is manufactured in Australia, imported, or altered or modified in a material respect, up to 12 months after the instrument commenced) and item 5 of the table in clause 4, as in force before the instrument commenced, applied to the device (or would have applied to the device if the item continued to have the same effect), then to work out whether the device complies with the EME standard, the measurement methods or computational procedures in any of the following may be used:

- the IEC TR 63170 or the Standard Australia equivalent; or
- IEC/IEEE 63195-1; or
- IEC/IEEE 63195-2.

In effect, the transitional provisions permit the continued use of IEC TR 63170 or the Standard Australia equivalent for up to 12 months after the instrument commences.

Item 100 also inserts new Schedule 5 into the General Equipment Rules.

Schedule 5 – General standards

New Schedule 5 includes the content of 13 of the 14 old general standards, most of which incorporate industry documents as the standard to be met by specified equipment. Five additional international standards have also been incorporated to provide manufacturers and importers of equipment with greater flexibility to achieve compliance with technical performance requirements. The concordance between the old general standards and the new general standards in Schedule 5 is described further at Table A below (except in relation to the Short Range Equipment Standard, which is discussed separately).

Part 1–Preliminary

Clause 1 Object of this Schedule

Clause 1 provides that the purpose of new Schedule 5 is to contain interference to radiocommunications and contain interference to any uses or functions of equipment.

Clause 2 Interpretation

Clause 2 provides for the interpretation of various terms used in new Schedule 5.

Clause 2(2) provides that, for the purposes of a new general standard, there is a ‘transition period’ if an industry document (which is incorporated by the general standard) is amended or replaced by another document. The transition period for the amendment or replacement document starts on its publication date and lasts for 12 months.

The 12-month period allows the manufacturer or importer of the equipment sufficient time to transition to the new requirements.

The expression ‘transition period’ is used in clause 4 of new Schedule 5, which sets out the requirements that equipment may meet in relation to an industry document if the industry document is amended or replaced, and the relevant date for a device (as defined in clause 5) occurs during the transition period for the amending or replacement document.

Part 2–Prescribed standards and how equipment complies with standards

Clause 3 General standards prescribed for equipment

Clause 3 prescribes general standards that apply to specified equipment.

Subclause 3(1) of new Schedule 5 sets out 14 new general standards, which correspond to 12 of the old general standards (with the separation of the old general standard for VHF radios into 3 new general standards). A table is provided which defines the relationship between the 12 new general standards, the equipment for which they are prescribed and the industry document adopted by the new general standard for particular equipment (see Table A below).

Column 1 of the table specifies the name of each new general standard.

Column 2 of the table specifies the item of equipment for which a general standard is prescribed. The different kinds of equipment are defined in other Parts of Schedule 5.

Column 3 of the table specifies particular industry documents, the requirements of which must be met in order for equipment to comply with a prescribed general standard. The industry documents are referred to in an abbreviated form; the definitions of the terms used are found in other Parts of Schedule 5.

Column 4 of the table provides for the modification of the industry document.

Subclause 3(2) provides that there is a new general standard known as the Short Range Equipment Standard, which contains requirements prescribed for 'short range equipment'. The Short Range Equipment Standard is set out in a separate subclause as the Short Range Equipment Standard adopts specific requirements of the LIPD Class Licence and the Radio-controlled Models Class Licence as the standard to be met by short range equipment, rather than adopting an industry document as each other general standard does.

Table A sets out each of the new general standards (other than the Short Range Equipment Standard), which old general standard it replaces, which industry documents it adopts, which additional ETSI documents it adopts, and a brief description of how the new general standard differs from the old general standard it replaces.

Where a new general standard replaces an old general standard, the reasons for making the old general standard as set out in its explanatory statement continue to apply in relation to the new general standard.

TABLE A

Item	Name of general standard (upon commencement of the instrument)	Old general standard replaced by new general standard	Industry document adopted by new general standard	Provisions modifying the industry document	Additional ETSI document adopted by new general standard	Other substantive changes from old general standard
1	Analogue Speech (Angle Modulated) Equipment Standard	The old general standard was the <i>Radiocommunications (Analogue Speech (Angle Modulated) Equipment) Standard 2014</i> [F2014L01254], which adopted AS/NZS 4295. The old general standard and its explanatory statement are available on the Federal Register of Legislation.	Either AS/NZS 4295 or ETSI EN 300 086	Clause 10 of new Schedule 5 for ETSI EN 300 086	ETSI EN 300 086 (as per essential requirements of Directive 2014/53/EU)	N/A
2	HF CB and Handphone Equipment Standard	The old general standard was the <i>Radiocommunications (HF CB and Handphone Equipment) Standard 2017</i> [F2017L01076], which adopted AS/NZS 4355. The old general standard and its explanatory statement are available on the Federal Register of Legislation.	Either AS/NZS 4355 or ETSI EN 300 433	Clause 14 of new Schedule 5 for ETSI EN 300 433	ETSI EN 300 433 (as per essential requirements of Directive 2014/53/EU)	N/A
3	MF and HF Equipment – Land Mobile Service Standard	The old general standard was the <i>Radiocommunications (MF and HF Equipment – Land Mobile Service) Standard 2014</i> [F2014L01251], which adopted AS/NZS 4770. The old general standard and its explanatory statement are available on the Federal Register of Legislation.	AS/NZS 4770	N/A	N/A	N/A

Item	Name of general standard (upon commencement of the instrument)	Old general standard replaced by new general standard	Industry document adopted by new general standard	Provisions modifying the industry document	Additional ETSI document adopted by new general standard	Other substantive changes from old general standard
4	Paging Service Equipment Standard	The old general standard was the <i>Radiocommunications (Paging Service Equipment) Standard 2014</i> [F2014L01247], which adopted AS/NZS 4769.1 and AS/NZS 4769.2. The old general standard and its explanatory statement are available on the Federal Register of Legislation.	ETSI EN 300 224	Clause 19 of new Schedule 5	ETSI EN 300 224:2017 (as per essential requirements of Directive 2014/53/EU)	AS/NZS 4769.1 and AS/NZS 4769.2 have been withdrawn by Standards Australia and are not adopted by the General Equipment Rules. The table on page 64 of AS/NZS 4769.1 has been incorporated by reference to indicate the paging frequencies that apply in Australia, with a minor amendment to change the boundary of a paging frequency range from 460.375 MHz to 450.375MHz.
5	UHF CB Radio Equipment Standard	The old general standard was the <i>Radiocommunications (UHF CB Radio Equipment) Standard 2011 (No. 1)</i> [F2011L00863], which adopted AS/NZS 4365. The old general standard and its explanatory statement are available on the Federal Register of Legislation.	AS/NZS 4365	Clause 22 of new Schedule 5	N/A	N/A

Item	Name of general standard (upon commencement of the instrument)	Old general standard replaced by new general standard	Industry document adopted by new general standard	Provisions modifying the industry document	Additional ETSI document adopted by new general standard	Other substantive changes from old general standard
6	118 MHz to 137 MHz Amplitude Modulated Equipment – Aeronautical Radio Service Standard	The old general standard was the <i>Radiocommunications (118MHz to 137MHz Amplitude Modulated Equipment – Aeronautical Radio Service) Standard 2012</i> [F2012L01728], which adopted AS/NZS 4583. The old general standard and its explanatory statement are available on the Federal Register of Legislation.	Either AS/NZS 4583 or ETSI EN 300 676-1	Clause 26 of new Schedule 5 for both AS/NZS 4583 and ETSI EN 300 676-1	ETSI EN 300 676-1 (as per essential requirements of Directive 2014/53/EU)	N/A
7	406 MHz Satellite Distress Beacons Standard	The old general standard was the <i>Radiocommunications (406 MHz Satellite Distress Beacons) Standard 2014</i> [F2014L01240], which adopted AS/NZS 4280.1 and AS/NZS 4280.2. The old general standard and its explanatory statement are available on the Federal Register of Legislation.	Both AS/NZS 4280.1 and AS/NZS 4280.2	Clause 30 of new Schedule 5 for AS/NZS 4280.1 Clause 31 of new Schedule 5 for AS/NZS 4280.2	N/A	The old general standard adopted the 2017 version of AS/NZS 4280.1, or any later version that replaced the 2017 version. A 2022 version was published, replacing the 2017 version. The new general standard specifically adopts the 2022 version.
8	Equipment Used in the Inshore Boating Radio Services Band Standard	The old general standard was the <i>Radiocommunications (Devices Used in the Inshore Boating Radio Services Band) Standard 2017</i> [F2017L01078], which adopted AS 4376. The old general standard and its explanatory statement are available on the Federal Register of Legislation.	AS/NZS 4367	Clause 34 of new Schedule 5	N/A	N/A
9	MF and HF Radiotelephone Equipment – International	The old general standard was the <i>Radiocommunications (MF and HF Radiotelephone Equipment – International Maritime Mobile Service) Standard 2014</i> [F2014L01248], which adopted	ETSI EN 303 402	Clause 37 of new Schedule 5	ETSI EN 303 402 (as per essential	AS/NZS 4582 has been withdrawn by Standards Australia and is not adopted by the General

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Item	Name of general standard (upon commencement of the instrument)	Old general standard replaced by new general standard	Industry document adopted by new general standard	Provisions modifying the industry document	Additional ETSI document adopted by new general standard	Other substantive changes from old general standard
	Maritime Service Standard	AS/NZS 4582. The old general standard and its explanatory statement are available on the Federal Register of Legislation.			requirements of Directive 2014/53/EU)	Equipment Rules.
10	VHF Radiotelephone Equipment – Maritime Mobile Service Standard (Part 1)	The old general standard was the <i>Radiocommunications (VHF Radiotelephone Equipment – Maritime Mobile Service) Standard 2018</i> [F2018L01618], which relevantly adopted AS/NZS ETSI EN 301 025 and its identical ETSI EN counterpart. The old general standard and its explanatory statement are available on the Federal Register of Legislation.	Either AS/NZS ETSI EN 301 025 or ETSI EN 301 025	Clause 45 of new Schedule 5 for both AS/NZS ETSI EN 301 025 and ETSI EN 301 025	N/A	The old general standard adopted ETSI EN 301 025 without specifying the year it was published, and allowed for the ‘applicable industry standard’ to be an amended or replacement version of the industry standard. At the time the old general standard was made, the 2017 version ETSI EN 301 025 was adopted. Amended versions were approved in October 2020 and September 2021. A 2021 version of ETSI EN 301 025 was published in December 2021. The new general standard specifically adopts the 2021 version.

Item	Name of general standard (upon commencement of the instrument)	Old general standard replaced by new general standard	Industry document adopted by new general standard	Provisions modifying the industry document	Additional ETSI document adopted by new general standard	Other substantive changes from old general standard
11	VHF Radiotelephone Equipment – Maritime Mobile Service Standard (Part 2)	The old general standard was the <i>Radiocommunications (VHF Radiotelephone Equipment – Maritime Mobile Service) Standard 2018</i> [F2018L01618], which relevantly adopted AS/NZS ETSI EN 301 178 and its identical ETSI EN counterpart. The old general standard and its explanatory statement are available on the Federal Register of Legislation.	Either AS/NZS ETSI EN 301 178 or ETSI EN 301 178	Clause 46 of new Schedule 5 for both AS/NZS ETSI EN 301 178 and ETSI EN 301 178	N/A	An error in the old general standard which inadvertently required compliance with clause 8.5 (Audio frequency response) of AS/NZS ETSI 301 178 and ETSI 301 178 has been corrected.
12	VHF Radiotelephone Equipment – Maritime Mobile Service Standard (Part 3)	The old general standard was the <i>Radiocommunications (VHF Radiotelephone Equipment – Maritime Mobile Service) Standard 2018</i> [F2018L01618], which relevantly adopted AS/NZS ETSI EN 302 885 and its identical ETSI EN counterpart. The old general standard and its explanatory statement are available on the Federal Register of Legislation.	Either: AS/NZS ETSI EN 302 885; or ETSI EN 302 885	Clause 47 of new Schedule 5 for both AS/NZS ETSI EN 302 885 and ETSI EN 302 885	N/A	N/A
13	Digital Enhanced Cordless Telecommunications Equipment Standard	The old general standard was the <i>Radiocommunications (Digital Cordless Communications Devices – DECT Devices) Standard 2017</i> [F2017L01079], which adopted ETSI EN 301 406. The old general standard and its explanatory statement are available on the Federal Register of Legislation.	ETSI EN 301 406	Clause 50 of new Schedule 5	N/A	N/A

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Item	Name of general standard (upon commencement of the instrument)	Old general standard replaced by new general standard	Industry document adopted by new general standard	Provisions modifying the industry document	Additional ETSI document adopted by new general standard	Other substantive changes from old general standard
14	Intelligent Transport Systems Standard	The old general standard was the <i>Radiocommunications (Intelligent Transport Systems) Standard 2018</i> [F2018L01658], which adopted ETSI EN 302 571. The old general standard and its explanatory statement are available on the Federal Register of Legislation.	ETSI EN 302 571	N/A	N/A	N/A

Clause 4 Requirements to be met to comply with a general standard in relation an industry document

Clause 4 sets out the requirements for a device to comply with a general standard named in the table in subclause 3(1).

If clause 3 prescribes a new general standard for equipment, then subclause 4(2) provides that a device that is an item of that kind of equipment must meet the requirements in subclause (4), (5) or (6) in order to comply with the general standard. The device is only required to satisfy the requirements of one of the subclauses in relation to an industry document that is adopted by the new general standard.

Subclause 4(3) provides that if two or more industry documents apply to a device, the device is only required to meet the requirements for one industry document to comply with the new general standard. There is one exception to this; the 406 MHz Satellite Distress Beacons Standard adopts two industry documents, and the requirements of both must be met to comply with that new general standard.

Paragraph 4(4)(a) provides that a device will meet the requirements of subclause (4) if it complies with an industry document as existing on the relevant date for the device (except in a case covered by paragraph (4)(b)).

Paragraph 4(4)(b) covers a case where an industry document is replaced, and the relevant date for a device is on or after the publication date of the replacement document. In that case, the device will meet the requirements of subclause (4) if the device complies with the replacement document as existing on its publication date.

Subclause 4(5) covers a case where an industry document is amended or replaced, and the relevant date for a device occurs during the transition period for the amending document or replacement document. In that case, the device will meet the requirements of subclause (5) if it complies with any of the following:

- the industry document as existing immediately before the publication date of the amending document or the replacement document; or
- if the industry document is amended – the industry document as amended and existing on the publication date of the amending document; or
- if the industry document is replaced – the replacement document as existing on its publication date.

If the relevant date for the device occurs during more than one transition period for an amending document or replacement document, the device may meet the requirements of subclause (5) in relation to any of those transition periods. For example, if the relevant date for the device occurs during a transition period for an amending document, and also during the transition period for a replacement document, the device may meet the requirements of subclause (5) by complying with:

- the industry document as existing immediately before the publication date of the amending document or the replacement document;
- the industry document as amended and existing on the publication date of the amending document; or
- the replacement document as existing on its publication date.

Subclause 4(6) covers a case where a device is included in a class of equipment (within the meaning of clause 6). In that case, the device will meet the requirements of subclause (6) in relation to an industry document if the original device, or original modified device, of the class meets the requirements of subclause (4) or (5).

Subclause 4(7) provides that the requirement for a device to meet the requirements of subclause (4), (5) or (6) is subject to the savings and transitional arrangements in Part 16 of new Schedule 5.

Subclause 4(8) provides for the interpretation of various terms used in clause 4.

Clause 5 Relevant date for a device

Clause 5 defines *relevant date* for a device for the purposes of new Schedule 5.

For a device, other than a modified device, the relevant date is the date the device was manufactured in Australia or imported.

For a modified device, the relevant date is generally the date the device was modified or altered in a material respect to create the modified device.

For example, a device (other than a modified device) may meet the requirements of subclause 4(4) in relation to an industry document by complying with the industry document as existing on the date the device was manufactured in Australia or imported. If the device is included in a class of equipment, the device may meet the requirements of subclause 4(6) in relation to the industry document if the original device of the class complies with the industry document as existing on the date the original device of the class was manufactured in Australia or imported.

Clause 6 Class of equipment

Clause 6 deals with the following concepts for the purposes of clause 4:

- when a device is *included in a class of equipment*;
- when a device is the *original device* in relation to a class of equipment;
- when a modified device is *included in a class of equipment*; and
- when a modified device is the *original modified device* in relation to a class of equipment.

These matters are significant in determining whether a device meets the requirements of an industry document and, therefore, complies with a new general standard prescribed for the device.

If an original device or an original modified device of a class of equipment meets the requirements of subclause 4(4) or (5) in relation to an industry document, then all other devices or modified devices in the class will be treated as meeting those requirements (irrespective of when the other devices were manufactured or imported, or modified, or whether the industry document as existing on the relevant date for the original device or original modified device has since been amended or repealed).

Under paragraph 6(1)(a), a device, other than a modified device, is *included in a class of equipment* if:

- the device is identical to each device in the class, irrespective of when the devices were manufactured in Australia or imported; and
- the device and each device in the class was manufactured in Australia or imported by the same person.

Under paragraph 6(1)(b), the *original device* in relation to a class of equipment is the first device in the class that was manufactured in Australia or imported.

Under paragraph 6(2)(a), a modified device is *included in a class of equipment* if:

- the modifications made to create the device are identical for each device in the class, irrespective of when the modifications were made; and
- the modified device is identical to each device in the class, irrespective of when the devices were manufactured in Australia or imported; and
- the modified device and each device in the class were manufactured in Australia or imported by the same person.

Under paragraph 6(2)(b), the *original modified device* in relation to a class of equipment is the first device in the class that was modified.

Part 3—Analogue Speech (Angle Modulated) Equipment Standard

Clauses 7 and 8

Clauses 7 and 8 set out details about the industry documents adopted by the Analogue Speech (Angle Modulated) Equipment Standard.

Clause 9 Additional definition for Analogue Speech (Angle Modulated) Equipment Standard

The Analogue Speech (Angle Modulated) Equipment Standard is prescribed for analogue speech equipment. Clause 9 defines *analogue speech equipment*. Broadly speaking, analogue speech equipment covers certain kinds of transmitters that operate on a specified ‘land mobile frequency’ (as defined in the Interpretation Determination) and fall within the scope of AS/NZS 4295 or ETSI EN 300 086.

Clause 10 Modification of ETSI EN 300 086

Clause 10 modifies ETSI EN 300 086, so that only certain parts of that industry document apply in relation to a device’s compliance with the Analogue Speech (Angle Modulated) Equipment Standard.

Part 4—HF CB and Handphone Equipment Standard

Clauses 11 and 12

Clauses 11 and 12 set out details about the industry documents adopted by the HF CB and Handphone Equipment Standard.

Clause 13 Additional definitions for HF CB and Handphone Equipment Standard

The HF CB and Handphone Equipment Standard is prescribed for handphone equipment and for HF CB radio equipment. Clause 13 includes definitions of *handphone equipment* and *HF CB radio equipment*. Broadly speaking:

- a device is an item of handphone equipment if it is a handphone station (as defined in the Handphone Station Class Licence) or if it is designed or intended to be carried personally and to operate on a frequency, below 30 MHz, that is specified outside Australia for a similar kind of purpose as a handphone station (that is, the device could be used overseas as a handphone station); and

- a device is an item of HF CB radio equipment if it operates on certain frequencies specified in the CB Class Licence (**CB radio frequencies**), or if it is designed or intended to operate on a frequency that is specified outside Australia for a similar kind of purpose as radiocommunications between stations that operate on CB radio frequencies in Australia.

Clause 14 Modification of ETSI EN 300 433

Clause 14 modifies ETSI EN 300 433, so that only certain parts of that industry document apply, in certain circumstances, in relation to a device's compliance with the HF CB and Handphone Equipment Standard.

Part 5–MF and HF Equipment – Land Mobile Service Standard

Clause 15 AS/NZS 4770

Clause 15 sets out details about the industry document adopted by the MF and HF Equipment – Land Mobile Service Standard.

Clause 16 Additional definitions for MF and HF Equipment – Land Mobile Service Standard

The MF and HF Equipment – Land Mobile Service Standard is prescribed for MF and HF land mobile equipment. Clause 16 includes a definition of ***MF and HF land mobile equipment***. Broadly speaking, MF and HF land mobile equipment is equipment that is used with a land mobile service (as defined in the Interpretation Determination), between 2 MHz and 30 MHz, with a mode of emission known as J3E.

Part 6–Paging Service Equipment Standard

Clause 17 ETSI EN 300 224

Clause 17 sets out details about the industry document adopted by the Paging Service Equipment Standard.

Clause 18 Additional definition for Paging Service Equipment Standard

The Paging Service Equipment Standard is prescribed for paging service equipment. Clause 18 defines ***paging service equipment***. Broadly speaking, paging service equipment is a paging system station (as defined in the Interpretation Determination) that operates on a frequency band set out in ETSI EN 300 224.

Clause 19 Modification of ETSI EN 300 224

Clause 19 modifies ETSI EN 300 224, so that only certain parts of the industry document apply in relation to a device's compliance with the Paging Services Equipment Standard.

Subclause 19(3) also incorporates into the Paging Services Equipment Standard clause 8.3.3 and Table ZZ1 of AS/NZS 4769.1, as existing on 5 May 2018 (the day before it was withdrawn by Standards Australia), in order to maintain the existing requirement under the repealed *Radiocommunications (Paging Service Equipment) Standard 2014* that transmitters need to meet the transmitter requirements within Table ZZ1 for applicable paging frequencies.

Subclause 19(4) amends column 1 of Table ZZ1 to change the frequency 460.375 MHz to 450.375 MHz, to be consistent with the frequencies on which such devices may be operated in Australia.

Subclause 19(5) clarifies if there is an inconsistency between subclause 19(2) and 19(3), then subclause 19(3) prevails. That is, clause 8.8.3 and Table ZZ1 of AS/NZS 4769.1 prevail over any inconsistent part of ETSI EN 300 224 mentioned in subclause 19(2).

Part 7–UHF CB Equipment Standard

Clause 20 AS/NZS 4365

Clause 20 sets out details about the industry document adopted by the UHF CB Equipment Standard.

Clause 21 Additional definitions for UHF CB Equipment Standard

The UHF CB Equipment Standard is prescribed for UHF CB equipment. Clause 21 includes a definition of *UHF CB equipment*. Broadly speaking, a device is an item of UHF CB equipment if:

- it is capable of operating on an ultra high frequency (as defined in the Interpretation Determination) specified in the CB Class Licence, whether or not it can operate on other frequencies; or
- it is designed or intended to operate on an ultra high frequency specified outside Australia for a service substantially similar to a citizen band radio service.

However, a CB repeater station (as defined in the Interpretation Determination) is not UHF CB equipment.

Clause 21 also includes a definition of *multi-role equipment* for the purposes of clause 22.

Clause 22 Modification of AS/NZS 4365

Clause 22 modifies AS/NZS 4365, so that:

- the industry document does not apply to UHF CB equipment that is multi-role equipment to the extent that such equipment operates on frequencies other than ultra high frequencies specified in the CB Class Licence;
- certain parts of the industry document, including text specifically relevant to New Zealand, do not apply to UHF CB equipment; and
- the industry document is taken to contain additional requirements, set out in clause 22, which are continued from the *Radiocommunications (UHF CB Radio Equipment) Standard 2011 (No. 1)* (that is, the old general standard replaced by the UHF CB Equipment Standard).

Part 8–118 MHz to 137 MHz Amplitude Modulated Equipment – Aeronautical Radio Service Standard

Clauses 23 and 24

Clauses 23 and 24 set out details about the industry documents adopted by the 118 MHz to 137 MHz Amplitude Modulated Equipment – Aeronautical Radio Service Standard.

Clause 25 Additional definitions for 118 MHz to 137 MHz Amplitude Modulated Equipment – Aeronautical Radio Service Standard

The 118 MHz to 137 MHz Amplitude Modulated Equipment – Aeronautical Radio Service Standard is prescribed for aeronautical AM equipment. Clause 25 includes a definition of *aeronautical AM equipment*. Broadly speaking, aeronautical AM equipment is amplitude modulated equipment used in the ‘aeronautical radio service’ in the 118 MHz to 137 MHz frequency band.

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The aeronautical radio service is a service for radiocommunications between aeronautical stations (as defined in the Interpretation Determination) and aircraft stations (as defined in the Interpretation Determination).

Clause 25 also includes definitions of *ground mobile equipment* and *handheld radio equipment* for the purposes of clause 26.

Clause 26 Modification of AS/NZS 4583 and ETSI EN 300 676-1

Clause 26 modifies AS/NZS 4583 and ETSI EN 300 676-1, so that only certain parts of those industry documents apply to certain subsets of aeronautical AM equipment, in relation to a device's compliance with the 118 MHz to 137 MHz Amplitude Modulated Equipment Standard. In particular, some parts do not apply in relation to ground mobile equipment or handheld radio equipment.

Part 9–406 MHz Satellite Distress Beacons Standard

Clauses 27 and 28

Clauses 27 and 28 set out details about the industry documents adopted by the 406 MHz Satellite Distress Beacons Standard.

Clause 29 Additional definitions for 406 MHz Satellite Distress Beacons Standard

The 406 MHz Satellite Distress Beacons Standard is prescribed for 406 MHz satellite distress beacon equipment. Clause 29 includes a definition of *406 MHz satellite distress beacon equipment*. Broadly speaking, a device is an item of 406 MHz satellite distress beacon equipment if:

- the device is designed or intended for use in the maritime mobile-satellite service (as defined in the Interpretation Determination) or mobile-satellite service (as defined in the Interpretation Determination) in which mobile earth stations are located on land; and
- the emissions of the device are intended to facilitate search and rescue operations; and
- the device is capable of operating between 406 MHz and 406.1 MHz; and
- the device incorporates a homing transmitter that operates on 121.5 MHz, the emissions of which are also intended to facilitate search and rescue operations.

Clause 30 Modification of AS/NZS 4280.1

Clause 30 modifies AS/NZS 4280.1, so that only certain parts of that industry document apply in relation to a device's compliance with the 406 MHz Satellite Distress Beacons Standard.

Clause 31 Modification of AS/NZS 4280.2

Clause 31 modifies AS/NZS 4280.2, so that only certain parts of that industry document apply in relation to a device's compliance with the 406 MHz Satellite Distress Beacons Standard.

Part 10–Equipment Used in the Inshore Boating Radio Services Band Standard

Clause 32 AS/NZS 4367

Clause 32 sets out details about the industry document adopted by the Equipment Used in the Inshore Boating Radio Services Band Standard.

Clause 33 Additional definitions for Equipment Used in the Inshore Boating Radio Services Band Standard

The Equipment Used in the Inshore Boating Radio Services Bands Standard is prescribed for inshore boating radio equipment. Clause 33 includes a definition of *inshore boating radio equipment*. Broadly speaking, a device is an item of inshore boating radio equipment if:

- the device is used in the provision of an inshore boating radio service (as defined in the Maritime Ship Station Class Licence) and is capable of operating on a 27 MHz maritime frequency (as defined in the Interpretation Determination); or
- the device is designed or intended to operate on a frequency below 30 MHz that is specified outside Australia for a purpose substantially similar to an inshore boating radio service.

Clause 34 Modification of AS/NZS 4367

Clause 34 modifies AS/NZS 4367, so that subclause 4.1 of that industry document, or any equivalent provision, does not apply in relation to a device's compliance with the Equipment Used in the Inshore Boating Radio Services Bands Standard.

Part 11–MF and HF Equipment – International Maritime Service Standard

Clause 35 ETSI EN 303 402

Clause 35 sets out details about the industry document adopted by the MF and HF Equipment – International Maritime Service Standard.

Clause 36 Additional definitions for MF and HF Equipment – International Maritime Service Standard

The MF and HF Equipment – International Maritime Service Standard is prescribed for MF and HF equipment used in the international maritime mobile service. Clause 36 defines *MF and HF equipment used in the international maritime mobile service*. Broadly speaking, a radiocommunications device is an item of MF and HF equipment used in the international maritime mobile service if the device is:

- operated on a medium frequency or a high frequency (as defined in the Interpretation Determination); and
- used in the maritime mobile service (as defined in the Interpretation Determination).

Clause 37 Modification of ETSI EN 303 402

Clause 37 modifies ETSI EN 303 402 so that only certain parts of that industry document apply, in certain circumstances, in relation to a device's compliance with the MF and HF Equipment – International Maritime Service Standard.

Part 12–VHF Radiotelephone Equipment – Maritime Mobile Service Standard (Part 1, Part 2 and Part 3)

Clauses 38 and 41

Clauses 38 and 41 set out details about the industry documents adopted by the VHF Radiotelephone Equipment – Maritime Mobile Service Standard (Part 1).

Clauses 39 and 42

Clauses 39 and 42 set out details about the industry documents adopted by the VHF Radiotelephone Equipment – Maritime Mobile Service Standard (Part 2).

Clauses 40 and 43

Clauses 40 and 43 set out details about the industry documents adopted by the VHF Radiotelephone Equipment – Maritime Mobile Service Standard (Part 3).

Clause 44 Additional definitions for VHF Equipment – Maritime Mobile Service Standard (Part 1, Part 2 and Part 3)

The VHF Equipment – Maritime Mobile Service Standard (Part 1) is prescribed for fixed VHF equipment. Clause 44 includes a definition of ***fixed VHF equipment***. Broadly speaking, a radiocommunications device is an item of fixed VHF equipment if the device is:

- permanently installed on a ship or is associated with coastal radiocommunications services; and
- operated between 30 MHz and 300 MHz (**the maritime mobile service VHF frequencies**); and
- operated on a frequency specified in Australia for the purpose of maritime mobile services (as defined in the Interpretation Determination).

The VHF Equipment – Maritime Mobile Service Standard (Part 2) is prescribed for portable VHF equipment (non-GMDSS). Clause 44 also includes a definition of ***portable VHF equipment (non-GMDSS)***. Broadly speaking, a radiocommunication device is an item of portable VHF equipment (non-GMDSS) if the device is:

- portable; and
- not used as part of the GMDSS (as defined in the Interpretation Determination); and
- operated on a maritime mobile service VHF frequency; and
- operated on a frequency specified in Australia for the purpose of maritime mobile services (as defined in the Interpretation Determination).

The VHF Equipment – Maritime Mobile Service Standard (Part 3) is prescribed for portable VHF equipment (Digital Selective Calling). Clause 44 also includes a definition of ***portable VHF equipment (Digital Selective Calling)***. Broadly speaking, a radiocommunications device is an item of portable VHF equipment (Digital Selective Calling) if the device:

- is portable; and
- incorporates class H DSC (as defined in ITU-R Recommendation M.493); and
- is operated on a maritime mobile service VHF frequency; and
- is operated on a frequency specified in Australia for the purpose of maritime mobile services (as defined in the Interpretation Determination).

Clause 45 Modification of AS/NZS ETSI EN 301 025 and ETSI EN 301 025

Clause 45 modifies AS/NZS ETSI EN 301 025 and ETSI EN 301 025 so that only certain parts of those industry documents apply in relation to a device's compliance with the VHF Equipment – Maritime Mobile Service Standard (Part 1). It also replaces clause 1 of AS/NZS ETSI EN 301 025.

Clause 46 Modification of AS/NZS ETSI EN 301 178 and ETSI EN 301 178

Clause 46 modifies AS/NZS ETSI EN 301 178 and ETSI EN 301 178 so that only certain parts of those industry documents apply in relation to a device's compliance with the VHF Equipment – Maritime Mobile Service Standard (Part 2).

Clause 47 Modification of AS/NZS ETSI EN 302 885 and ETSI EN 302 885

Clause 47 modifies AS/NZS ETSI EN 302 885 and ETSI EN 302 885 so that only certain parts of those industry documents apply in relation to a device's compliance with the VHF Equipment – Maritime Mobile Service Standard (Part 3).

Part 13–Digital Enhanced Cordless Telecommunications Equipment Standard

Clause 48 ETSI EN 301 406

Clause 48 sets out details about the industry document adopted by the Digital Enhanced Cordless Telecommunications Equipment Standard.

Clause 49 Additional definition for Digital Enhanced Cordless Telecommunications Equipment Standard

The Digital Enhanced Cordless Telecommunications Equipment Standard is prescribed for digital enhanced cordless telecommunications equipment. Clause 49 defines *digital enhanced cordless telecommunications equipment*. Broadly speaking, a device is an item of digital enhanced cordless telecommunications equipment if it uses Digital Enhanced Cordless Telecommunications technology, a wireless standard that supports voice and data services which is often used for landline phones, on bands specified for that purpose in Australia. Digital enhanced cordless telecommunications equipment includes cordless landline phones used by homes and businesses.

Clause 50 Modification of ETSI EN 301 406

Clause 50 modifies ETSI EN 301 406 for the purposes of the Digital Enhanced Cordless Telecommunications Equipment Standard so that it is taken to include a requirement that equipment must only operate between 1880 MHz and 1900 MHz, and with a maximum radiated power of 36 dBm equivalent isotropically radiated power.

Part 14–Intelligent Transport Systems Standard

Clause 51 ETSI EN 302 571

Clause 51 sets out details about the industry document adopted by the Intelligent Transport Systems Standard.

Clause 52 Additional definition for Intelligent Transport Systems Standard

The Intelligent Transport Systems Standard is prescribed for ITS equipment. Clause 52 defines *ITS equipment*. Broadly speaking, a radiocommunications transmitter is ITS equipment if it is operated as part of an intelligent transport system established for the purpose of road transport, and is on or in a vehicle or a fixed or mobile road structure.

Part 15–Short Range Equipment Standard

Clause 53 Short Range Equipment Standard

Clause 53 sets out the Short Range Equipment Standard. The Short Range Equipment Standard generally consists of the same requirements as the repealed *Radiocommunications (Short Range Devices) Standard 2014* [F2021C00399]. That [standard](#) and its [explanatory statement](#) are available on the Federal Register of Legislation. The reasons for making that standard as set out in its explanatory statement continue to apply in relation to the Short Range Equipment Standard.

The Short Range Equipment Standard is prescribed for low interference potential equipment and for radio-controlled model equipment (see below).

Broadly speaking, in relation to low interference potential equipment, the equipment will comply with the requirements of the Short Range Equipment Standard if it complies with the conditions that apply to the operation of the equipment in the LIPD Class Licence (for example, in relation to operating frequency and maximum power). In relation to radio-controlled model equipment, the equipment will comply with the requirements of the Short Range Equipment Standard if it complies with the conditions that apply to the operation of the equipment in the Radio-controlled Models Class Licence (for example, in relation to operating frequency and maximum power).

Clause 53 also sets out some industry documents that must be complied with when testing whether low interference potential equipment or radio-controlled model equipment complies with the Short Range Equipment Standard.

Clause 54 Additional definitions for Short Range Equipment Standard

Clause 54 defines various terms for the purposes of Schedule 5, including *low interference potential equipment* and *radio-controlled model equipment*.

Broadly speaking, a device is an item of low interference potential equipment if it is equipment to which the LIPD Class Licence applies and it is capable of being operated in accordance with the LIPD Class Licence.

A device is an item of radio-controlled model equipment if it is model aircraft, model landcraft or model watercraft that operates between 29.72 MHz and 30 MHz, or between 36 MHz and 36.6 MHz.

Part 16–Savings and transitional arrangements

Clause 55 Device for which relevant date occurred before commencement of this Schedule

Subclause 55(1) provides savings and transitional arrangements to ensure that a device that was manufactured in Australia, imported, or altered or modified in a material respect, prior to commencement of new Schedule 5 is taken to comply with a new general standard set out in Schedule 5 if it met the requirements of the old general standard replaced by that new general standard.

Subclause 55(2) provides savings and transitional arrangements to ensure that a device that is included in a class of equipment is taken to comply with a new general standard set out in Schedule 5 if, prior to commencement of Schedule 5, the original device or original modified device of that class met the requirements of the old general standard replaced by that new general standard.

While clause 55 applies to pre-existing acts, it operates prospectively for the benefit of manufacturers or importers of devices who were required to comply with the old general standards. Those manufacturers or importers are taken to have complied with the new general standards so long as they

complied with the old general standards as in force at the time that a device or device that is included in a class of equipment was manufactured in Australia, imported, altered, or modified. This is intended to avoid any duplication of effort and additional costs to manufacturers or importers which might otherwise arise from transitioning to the new arrangements.

Schedule 2–Repeals

Schedule 2 repeals the Radiocommunications Labelling Notice and the 14 old general standards. Note the substantive requirements of the repealed instruments (except the 121.5 MHz and 243.0 MHz EPIRB Standard) have been included in Schedule 3 and new Schedule 5 of the General Equipment Rules.

The 121.5 MHz and 243.0 MHz EPIRB Standard has been repealed and its contents have not been included in new Schedule 5. The 121.5 MHz and 243.0 MHz EPIRB Standard is redundant due to satellites no longer being used to monitor Emergency Position Indicating Radio Beacons on 243 MHz. The 121.5 MHz emergency position indicating radio beacons are also no longer monitored by international satellites although the 121.5 MHz frequency is still being used for terrestrial homing purposes.