Radiocommunications Equipment (General) Rules 2021

made under subsection 156(1) of the

Radiocommunications Act 1992.

Mock compilation for consultation

Prepared by the Australian Communications and Media Authority, Melbourne

Part 1—Preliminary

1 Name

These are the *Radiocommunications Equipment (General) Rules 2021*.

3 Authority

This instrument is made under subsection 156(1) of the *Radiocommunications Act 1992*.

4 Interpretation

(1) In this instrument:

ABN has the meaning given by section 41 of the *A New Tax System (Australian Business Number) Act 1999*.

ACN has the meaning given by section 9 of the *Corporations Act 2001*.

ARBN has the meaning given by section 9 of the *Corporations Act 2001*.

ARPANSA means the Australian Radiation Protection and Nuclear Safety Agency.

broadcasting service has the meaning given by section 6 of the *Broadcasting Services Act 1992*.

~~***EMC labelling notice*** means the *Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2017*.~~

~~Note: Item 44 of Schedule 4 to the *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020* saves the EMC labelling notice, as modified by that item, as equipment rules made under section 156 of the Act.~~

~~***EMC standard*** means the *Radiocommunications (Electromagnetic Compatibility) Standard 2017*.~~

~~Note: Item 42 of Schedule 4 to the *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020* saves standards made under repealed section 162 of the Act, as modified by that item, as equipment rules made under section 156 of the Act.~~

creation date, for a modified device, means the date a device or other thing was modified to create the modified device.

EMC standard: see clause 3 of Schedule 6.

EME standard: see clause 3 of Schedule 4.

~~***EVC*** means Electric Vehicle Council of Australia Limited (ACN 645 443 401).~~

exemption: see section 48.

general standard: see clause 3 of Schedule 5.

included in a class of equipment: see section 4A.

modified, in relation to a device or other thing, means altered in a material respect:

(a) after the device or other thing was manufactured in Australia or imported: and

(b) by or on behalf of:

(i) if the device or other thing was manufactured in Australia – the person who manufactured the device or other thing; or

(ii) if the device or other thing was imported – the person who imported the device or other thing.

modified device means a device that has been modified and, for the avoidance of doubt, is the device as modified.

Note: Even if, at the time a device was manufactured in Australia or imported, no general standard was prescribed for the device, there may still be a general standard prescribed for the device as modified.

national database: see section 57.

original device: see section 4A.

original modified device: see section 4A.

permit means a permit issued under section 39.

relevant date for a device: see subsection (2A).

RCM means the symbol at Schedule 2.

standard: see subsection (2).

variant: see section 4B

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

(a) ACMA;
(b) authority;
(c) constitutional corporation;
(d) device;
(e) equipment;
(f) equipment rules;
(g) import;
(h) label;
(i) licence;
(j) licensee;
(ja) member of a visiting force;
(k) national emergency declaration;
(l) operate;
(la) permanent ban;
(m) radiocommunication;
(n) radiocommunications device;
(o) radiocommunications transmitter;
(p) radio emission;
(q) supply;
(r) transmitter.

Note 2: Other expressions used in this instrument may be defined in a determination made under subsection 64(1) of the *Australian Communications and Media Authority Act 2005*.

(2) Each of the following is a ***standard***:

(a) the EMC standard;
(b) the EME standard;
(c) each general standard.

(2A) A reference to the ***relevant date*** for a device is a reference to:

(a) in the case of a device, other than a modified device – the date the device was manufactured in Australia or imported; or
(b) in the case of a modified device – the creation date for the modified device.

(3) ~~In~~ For the purposes of this instrument~~,~~ :

(a) a standard is prescribed for a particular device if:

(~~a~~i) the standard is prescribed for a kind of equipment; and

(~~b~~ii) the device is an item of that kind of equipment~~.~~; and

~~Note:If a standard is prescribed for~~ (b) if a person causes radio emissions to be made by, possesses or supplies a particular device~~, then the~~ – a standard is applicable to the device if the standard is prescribed for the ~~purposes~~device, except to the extent that:

(i) an exemption applies in relation to a prohibition in this instrument that prohibits causing radio emissions to be made by, the possession or supply of the device (as the case may be) where the device does not comply with the standard; or

(ii) the person holds a permit that authorises causing radio emissions to be made by, the possession or supply of the device (as the case may be) where the device does not comply with the standard.

Note 1: Whether a standard is applicable to a particular device is relevant to paragraphs 107(1)(d~~),~~) and 166(3)(d) of the Act. See also paragraph 133(2)(e) and ~~166(3)(d), and~~ subparagraph 166(1)(b)(ii~~),~~) of the Act.

Note 2: A single permit or exemption may apply in relation to one or more of causing emissions to be made by, the possession or the supply of a device that does not comply with one or more standards.

Example: A person holds a permit allowing possession and operation of a device that does not comply with the EME Standard for a 12-month period. The EME Standard remains prescribed for the device but is not applicable while the permit is in force. The EME Standard becomes applicable when the permit expires or is cancelled.

(4) In this instrument, unless the contrary intention appears, a reference to a frequency band includes all frequencies that are greater than but not including the lower frequency, up to and including the higher frequency.

4A Class of equipment

(1) In this instrument:

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

(i) the device is identical to each other device in the class (irrespective of when the devices were manufactured in Australia or imported); and

(ii) the device and each other device in the class were manufactured in Australia or imported by the same person; and

(b) the ***original device***, in relation to the class, is the device in the class that was first to be manufactured in Australia or imported.

(2) A modified device is:

(a) ***included in a class of equipment*** if:

(i) the modification made to create the device is identical to the modification made to create each other device in the class (irrespective of when the modifications were made); and

(ii) the modified device is, in all other respects, identical to each other in the class (irrespective of when the devices were manufactured in Australia or imported); and

(iii) the modified device and each other device in the class were manufactured in Australia or imported by the same person; and

(b) the ***original modified device***, in relation to the class, is the device in the class that was the first to be so modified.

4B Variants

A device (the ***second device***) is a ***variant*** of another device (the ***first device***) if the second device is both:

(a) not identical to the first device; and

(b) sufficiently similar to the first device such that:

(i) a standard that is prescribed for the first device is also prescribed for the second device; and

(ii) if the first device complies with that standard, the second device also complies with that standard; and

(iii) if the first device does not comply with that standard, the second device also does not comply with that standard.

5 References to other instruments

In this instrument, unless the contrary intention appears:

(a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and

(b) a reference to any other kind of instrument or writing is a reference to that other instrument or writing as in force or existing from time to time.

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

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

Note 3: See section 314A of the Act.

6 Effect of obligations and prohibitions on other obligations and prohibitions

(1) Unless the contrary intention appears, no obligation or prohibition in this instrument limits, or is limited by:

(a) any other obligation or prohibition in this instrument;

~~(c) any obligation or prohibition in the EMC labelling notice;~~

(e) any provision of an instrument made under subsection 407(1) of the *Telecommunications Act 1997*.

Example: In relation to a single device, a person may be subject to a provision in each of Part 2, Part 3, Part 4 and Part 5 of this instrument, and a provision in ~~the EMC labelling notice~~an instrument made under subsection 407(1) of the *Telecommunications Act 1997*.

(2) However, nothing in:

(a) this instrument; or

(b) an instrument made under subsection 407(1) of the *Telecommunications Act 1997*; ~~or~~

~~(c) the EMC labelling notice;~~

requires a person to apply the same label, in the same manner, to a device more than once.

Note: This subsection does not affect the requirements to be met before or after applying a label to a device.

Example: Both this instrument and an instrument made under subsection 407(1) of the *Telecommunications Act 1997* require a person to apply a label to a particular device before supplying the device. The person complies with that requirement in both instruments by applying only one label to the device. This is because the form of the label and the way it is applied to meet that requirement in

both instruments are the same. The person must still comply with the requirements in both instruments that must be met before applying a label, and after applying a label.

~~7 When a device does not comply with EMC standard or EME standard~~

~~(1) In this instrument, a device that was manufactured in Australia does not comply with the EMC standard or the EME standard if :~~

~~(a) where the device has not been altered or modified in a material respect after its manufacture – the device did not comply with the standard when the device was manufactured;~~

~~(b) where the device has been altered or modified in a material respect after its manufacture – did not comply with the standard when the device was so altered or modified.~~

~~(2) In this instrument, a device that was imported does not comply with the EMC standard or the EME standard if:~~

~~(a) where the device has not been altered or modified in a material respect after it was imported – the device did not comply with the standard when the device was imported;~~

~~(b) where the device has been altered or modified in a material respect after it was imported – the device did not comply with the standard when the device was so altered or modified.~~

~~Note: For when a device complies with a general standard in relation to an industry document, see clause 4 of Schedule 5.~~

Part 2—Prohibitions and obligations relating to general standards

8 Simplified outline of this Part

Section 156 of the Act allows the ACMA to make equipment rules. Section 158 of the Act provides that the equipment rules may prescribe standards for equipment. Section 159 of the Act provides that the equipment rules may impose obligations or prohibitions in relation to equipment.

Schedule 5 prescribes standards for equipment, referred to as general standards.

This Part imposes obligations and prohibitions in relation to the operation, possession and supply of equipment that does not comply with the prescribed standards.

9 Object of this Part

The object of this Part is to:

(a) contain interference to radiocommunications; and

(b) contain interference to any uses or functions of equipment.

10 Prohibition – causing emissions and general standards

(1) A person must not, for the purposes of or in connection with radiocommunications, cause a radio emission to be made by a radiocommunications transmitter that does not comply with each general standard that is prescribed for it.

(2) Subsection (1) does not apply where:

(a) a person holds a permit that authorises the person to cause a radio emission to be made; and

(b) the permit specifies a general standard; and

(c) the person causes a radio emission to be made by a transmitter that does not comply with the general standard; and

(d) the radio emission is made in accordance with the permit.

(3) Subsection (1) does not apply if an exemption applies.

(4) Without limiting the generality of subsection (1), a radio emission is made ***in connection with radiocommunications*** if the radio emission interferes, or is likely to interfere, with radiocommunications.

11 Prohibition – possession and general standards

(1) A person must not possess a device that does not comply with each general standard that is prescribed for it, if the possession is for the purpose of operation.

(2) For the purposes of subsection (1), if:

(a) at a particular time, a person has a device in the person's possession, otherwise than for the purpose of supplying the device to another person; and

(b) the device can be operated;

it must be presumed that the person has the device in the person's possession for the purpose of operating the device, unless the person adduces or points to evidence that

suggests a reasonable possibility that, at that time, the person did not have the device in the person's possession for the purpose of operating the device.

(3) For the purposes of subsection (2), it is immaterial whether the device can be operated:
  (a) immediately; or
  (b) after taking one or more steps (for example, the connection of the device to a power supply).

(4) A reference in this section to a person having a device in the person's possession includes a reference to the person having it under control in any place whatever, whether for the use or benefit of that person or another person, and although another person has the physical possession or custody of it.

(5) Subsection (1) does not apply where:
  (a) a person holds a permit that authorises the person to possess a device; and
  (b) the permit specifies a general standard; and
  (c) the person possesses a device that does not comply with the general standard; and
  (d) the possession occurs in accordance with the permit.

(6) Subsection (1) does not apply if an exemption applies.

12 Prohibition – supply and general standards

(1) A person must not supply a device that does not comply with each general standard that is prescribed for it.

(2) Subsection (1) does not apply where:
  (a) a person holds a permit that authorises the person to supply a device; and
  (b) the permit specifies a general standard; and
  (c) the person supplies a device that does not comply with the general standard; and
  (d) the supply occurs in accordance with the permit.

(3) Subsection (1) does not apply unless:
  (a) the person mentioned in subsection (1) is a constitutional corporation; or
  (b) the supply mentioned in subsection (1) is, or would be, in the course of, or in relation to:
    (i) trade or commerce between Australia and places outside Australia; or
    (ii) trade or commerce among the States; or
    (iii) trade or commerce within a Territory, between a State and a Territory, or between two Territories; or
    (iv) the supply of goods or services to the Commonwealth, to a Territory or to an authority or instrumentality of the Commonwealth or of a Territory; or
    (v) the provision or use of a postal, telegraphic, telephonic or other like service; or
    (vi) the defence of Australia; or
    (vii) the operation of lighthouses, lightships, beacons or buoys; or
    (viii) astronomical or meteorological observations; or
    (ix) an activity of a constitutional corporation; or
    (x) banking, other than State banking; or
    (xi) insurance, other than State insurance; or
    (xii) weighing or measuring.

(4) Subsection (1) does not apply if an exemption applies.

Part 3—Prohibitions and obligations relating to EMC standard

13 Simplified outline of this Part

Section 156 of the Act allows the ACMA to make equipment rules. Section 158 of the Act provides that the equipment rules may prescribe standards for equipment. Section 159 of the Act provides that the equipment rules may impose obligations or prohibitions in relation to equipment.

The ACMA has made equipment rules that prescribe standards in relation to the electromagnetic compatibility of equipment.

This Part imposes obligations and prohibitions in relation to the operation, possession and supply of equipment that does not comply with the prescribed standards.

14 Object of this Part

The object of this Part is to:

(a) ensure the electromagnetic compatibility of equipment;

(b) contain interference to radiocommunications;

(c) contain interference to any uses or functions of equipment.

15 Prohibition – causing emissions and the EMC standard

(1) A person must not cause a radio emission to be made by a ~~transmitter~~device that does not comply with the EMC standard.

(2) Subsection (1) does not apply where:

(a) a person holds a permit that authorises the person to cause a radio emission to be made; and

(b) the permit specifies the EMC standard; and

(c) the person causes a radio emission to be made by a ~~transmitter~~device that does not comply with the EMC standard; and

(d) the radio emission is made in accordance with the permit.

(3) Subsection (1) does not apply in relation to a radio emission made by a ~~transmitter~~device unless:

(a) the person mentioned in subsection (1) is a constitutional corporation; or

(b) the radio emission was made as a result of the device being operated in the course of, or in relation to:

(i) trade or commerce between Australia and places outside Australia; or

(ii) trade or commerce among the States; or

(iii) trade or commerce within a Territory, between a State and a Territory, or between two Territories; or

(iv) the supply of goods or services to the Commonwealth, to a Territory or to an authority or instrumentality of the Commonwealth or of a Territory; or

(v) the defence of Australia; or

(vi) the operation of lighthouses, lightships, beacons or buoys; or

(vii) astronomical or meteorological observations; or

(viii) an activity of a constitutional corporation; or

(ix) banking, other than State banking; or

(x) insurance, other than State insurance; or
(xi) weighing or measuring; or

(c) the radio emission was likely to interfere with the operation of another device, where that operation was in the course of, or in relation to:
(i) trade or commerce between Australia and places outside Australia; or
(ii) trade or commerce among the States; or
(iii) trade or commerce within a Territory, between a State and a Territory, or between two Territories; or
(iv) the supply of goods or services to the Commonwealth, to a Territory or to an authority or instrumentality of the Commonwealth or of a Territory; or
(v) the defence of Australia; or
(vi) the operation of lighthouses, lightships, beacons or buoys; or
(vii) astronomical or meteorological observations; or
(viii) an activity of a constitutional corporation; or
(ix) banking, other than State banking; or
(x) insurance, other than State insurance; or
(xi) weighing or measuring; or

(d) the radio emission was likely to interfere with:
(i) radiocommunications; or
(ii) broadcasting services; or
(iii) carriage services; or
(iv) any other postal, telegraphic, telephonic or like services.

(4) Subsection (1) does not apply if an exemption applies.

16 Prohibition – possession and the EMC standard

(1) A person must not possess a device that does not comply with the EMC standard, if the possession is for the purpose of operation.

(2) For the purposes of subsection (1), if:
(a) at a particular time, a person has a device in the person's possession, otherwise than for the purpose of supplying the device to another person; and
(b) the device can be operated;

it must be presumed that the person has the device in the person's possession for the purpose of operating the device, unless the person adduces or points to evidence that suggests a reasonable possibility that, at that time, the person did not have the device in the person's possession for the purpose of operating the device.

(3) For the purposes of subsection (2), it is immaterial whether the device can be operated:
(a) immediately; or
(b) after taking one or more steps (for example, the connection of the device to a power supply).

(4) A reference in this section to a person having a device in the person's possession includes a reference to the person having it under control in any place whatever, whether for the use or benefit of that person or another person, and although another person has the physical possession or custody of it.

(5) Subsection (1) does not apply where:
(a) a person holds a permit that authorises the person to possess a device; and
(b) the permit specifies the EMC standard; and

(c) the person possesses a device that does not comply with the EMC standard; and
(d) the possession occurs in accordance with the permit.

(6) Subsection (1) does not apply in relation to possession of a device unless:
(a) the person mentioned in subsection (1) is a constitutional corporation; or
(b) the operation mentioned in subsection (1) is, or would be, in the course of, or in relation to:
(i) trade or commerce between Australia and places outside Australia; or
(ii) trade or commerce among the States; or
(iii) trade or commerce within a Territory, between a State and a Territory, or between two Territories; or
(iv) the supply of goods or services to the Commonwealth, to a Territory or to an authority or instrumentality of the Commonwealth or of a Territory; or
(v) the defence of Australia; or
(vi) the operation of lighthouses, lightships, beacons or buoys; or
(vii) astronomical or meteorological observations; or
(viii) an activity of a constitutional corporation; or
(ix) banking, other than State banking; or
(x) insurance, other than State insurance; or
(xi) weighing or measuring; or
(c) the operation mentioned in subsection (1) was, or would be, likely to interfere with the operation of another device, where the operation of that other device was, or would be, in the course of, or in relation to:
(i) trade or commerce between Australia and places outside Australia; or
(ii) trade or commerce among the States; or
(iii) trade or commerce within a Territory, between a State and a Territory, or between two Territories; or
(iv) the supply of goods or services to the Commonwealth, to a Territory or to an authority or instrumentality of the Commonwealth or of a Territory; or
(v) the defence of Australia; or
(vi) the operation of lighthouses, lightships, beacons or buoys; or
(vii) astronomical or meteorological observations; or
(viii) an activity of a constitutional corporation; or
(ix) banking, other than State banking; or
(x) insurance, other than State insurance; or
(xi) weighing or measuring; or
(d) the operation mentioned in subsection (1) was, or would be, likely to interfere with:
(i) radiocommunications; or
(ii) broadcasting services; or
(iii) carriage services; or
(iv) any other postal, telegraphic, telephonic or like services.

(7) Subsection (1) does not apply if an exemption applies.

17 Prohibition – supply and the EMC standard

(1) A person must not supply a device that does not comply with the EMC standard.

(2) Subsection (1) does not apply where:
(a) a person holds a permit that authorises the person to supply a device; and

(b) the permit specifies the EMC standard; and
(c) the person supplies a device that does not comply with the EMC standard; and
(d) the supply occurs in accordance with the permit.

(3) Subsection (1) does not apply unless:
(a) the person mentioned in subsection (1) is a constitutional corporation; or
(b) the supply mentioned in subsection (1) is, or would be, in the course of, or in relation to:
(i) trade or commerce between Australia and places outside Australia; or
(ii) trade or commerce among the States; or
(iii) trade or commerce within a Territory, between a State and a Territory, or between two Territories; or
(iv) the supply of goods or services to the Commonwealth, to a Territory or to an authority or instrumentality of the Commonwealth or of a Territory; or
(v) the provision or use of a postal, telegraphic, telephonic or other like service; or
(vi) the defence of Australia; or
(vii) the operation of lighthouses, lightships, beacons or buoys; or
(viii) astronomical or meteorological observations; or
(ix) an activity of a constitutional corporation; or
(x) banking, other than State banking; or
(xi) insurance, other than State insurance; or
(xii) weighing or measuring.

(4) Subsection (1) does not apply if an exemption applies.

Part 4—Prohibitions and obligations relating to EME standard

18 Simplified outline of this Part

Section 156 of the Act allows the ACMA to make equipment rules. Section 158 of the Act provides that the equipment rules may prescribe standards for equipment. Section 159 of the Act provides that the equipment rules may impose obligations or prohibitions in relation to equipment.

Part 2 of Schedule 4 prescribes standards in relation to the emission of electromagnetic energy from equipment.

This Part imposes obligations and prohibitions in relation to the operation, possession and supply of equipment that does not comply with the prescribed standards.

19 Object of this Part

The object of this Part is to protect 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.

20 Prohibition – causing emissions and the EME standard

(1) A person must not, for the purposes of or in connection with radiocommunications, cause a radio emission to be made by a radiocommunications transmitter that does not comply with the EME standard.

(2) Subsection (1) does not apply where:
  (a) a person holds a permit that authorises the person to cause a radio emission to be made; and
  (b) the permit specifies the EME standard; and
  (c) the person causes a radio emission to be made by a transmitter that does not comply with the EME standard; and
  (d) the radio emission is made in accordance with the permit.

(3) Subsection (1) does not apply if an exemption applies.

(4) Without limiting the generality of subsection (1), a radio emission is made ***in connection with radiocommunications*** if the radio emission interferes, or is likely to interfere, with radiocommunications.

21 Prohibition – possession and the EME standard

(1) A person must not possess a device that does not comply with the EME standard, if the possession is for the purpose of operation.

(2) For the purposes of subsection (1), if:
  (a) at a particular time, a person has a device in the person's possession, otherwise than for the purpose of supplying the device to another person; and
  (b) the device can be operated;

it must be presumed that the person has the device in the person's possession for the purpose of operating the device, unless the person adduces or points to evidence that

suggests a reasonable possibility that, at that time, the person did not have the device in the person's possession for the purpose of operating the device.

(3) For the purposes of subsection (2), it is immaterial whether the device can be operated:
  (a) immediately; or
  (b) after taking one or more steps (for example, the connection of the device to a power supply).

(4) A reference in this section to a person having a device in the person's possession includes a reference to the person having it under control in any place whatever, whether for the use or benefit of that person or another person, and although another person has the physical possession or custody of it.

(5) Subsection (1) does not apply where:
  (a) a person holds a permit that authorises the person to possess a device; and
  (b) the permit specifies the EME standard; and
  (c) the person possesses a device that does not comply with the EME standard; and
  (d) the possession occurs in accordance with the permit.

(6) Subsection (1) does not apply if an exemption applies.

22 Prohibition – supply and the EME standard

(1) A person must not supply a device that does not comply with the EME standard.

(2) Subsection (1) does not apply where:
  (a) a person holds a permit that authorises the person to supply a device; and
  (b) the permit specifies the EME standard;
  (c) the person supplies a device that does not comply with the EME standard; and
  (d) the supply occurs in accordance with the permit.

(3) Subsection (1) does not apply unless:
  (a) the person mentioned in subsection (1) is a constitutional corporation; or
  (b) the supply mentioned in subsection (1) is, or would be, in the course of, or in relation to:
    (i) trade or commerce between Australia and places outside Australia; or
    (ii) trade or commerce among the States; or
    (iii) trade or commerce within a Territory, between a State and a Territory, or between two Territories; or
    (iv) the supply of goods or services to the Commonwealth, to a Territory or to an authority or instrumentality of the Commonwealth or of a Territory; or
    (v) the provision or use of a postal, telegraphic, telephonic or other like service; or
    (vi) the defence of Australia; or
    (vii) the operation of lighthouses, lightships, beacons or buoys; or
    (viii) astronomical or meteorological observations; or
    (ix) an activity of a constitutional corporation; or
    (x) banking, other than State banking; or
    (xi) insurance, other than State insurance; or
    (xii) weighing or measuring.

(4) Subsection (1) does not apply if an exemption applies.

Part 4A—Prohibition on applying label to non-compliant device

22A Simplified outline of this Part

Section 156 of the Act allows the ACMA to make equipment rules. Section 159 of the Act provides that the equipment rules may impose obligations or prohibitions in relation to equipment.

This instrument prescribes standards in relation to equipment. This instrument also requires a label to be applied to equipment, in the form of the RCM, where a standard is prescribed for that equipment.

This Part imposes a prohibition in relation to equipment that does not comply with a prescribed standard, preventing the labelling of that equipment with the RCM.

22B Object of this Part

The object of this Part is to:

(a) contain interference to radiocommunications;

(b) contain interference to any uses or functions of equipment;

(c) protect 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;

(d) ensure that persons who operate equipment have access to information about the equipment.

22C Prohibition – applying label to a device that does not comply with a standard

(1) If:

(a) one or more standards is prescribed for a device; and

(b) the device does not comply with one or more of those standards;

a person must not apply a label that consists of, or includes, the RCM to the device.

Note 1: For when a device complies with the EME standard, see clause 3A of Schedule 4.

Note 2: For when a device complies with a general standard, see clause 4 of Schedule 5.

Note 3: For when a device complies with the EMC standard, see clause 3 of Schedule 6.

(2) Subsection (1) does not apply to a person in relation to a device unless:

(a) the person imports the device; or

(b) the person is a constitutional corporation; or

(c) the person applies the label to the device:

(i) in the course of, or in relation to; or

(ii) for the purposes of supply in the course of, or in relation to;

one or more of the following:

(iii) trade or commerce between Australia and places outside Australia; or

(iv) trade or commerce among the States; or

(v) trade or commerce within a Territory, between a State and a Territory, or between two Territories; or

(vi) the supply of goods or services to the Commonwealth, to a Territory or to an authority or instrumentality of the Commonwealth or of a Territory; or

(vii) the provision or use of a postal, telegraphic, telephonic or other like service; or

(viii) the defence of Australia; or

(ix) the operation of lighthouses, lightships, beacons or buoys; or

(x) astronomical or meteorological observations; or

(xi) an activity of a constitutional corporation; or

(xii) banking, other than State banking; or

(xiii) insurance, other than State insurance; or

(xiv) weighing or measuring.

Part 5 ~~— Prohibitions~~ General prohibitions and obligations in relation to labelling ~~notices~~

23 Simplified outline of this Part

Section 156 of the Act allows the ACMA to make equipment rules. Section 159 of the Act provides that the equipment rules may impose obligations or prohibitions in relation to equipment, and that those rules may prohibit a person from supplying, or offering to supply, a specified kind of equipment unless the person satisfies one or more specified conditions.

The ACMA has made equipment rules that prescribe standards in relation to equipment. The ACMA has also made equipment rules that require a label to be applied to equipment.

This Part imposes obligations and prohibitions in relation to the supply of equipment that is labelled, and in relation to the supply of equipment that is unlabelled.

24 Object of this Part

The object of this Part is to:

(a) ensure the electromagnetic compatibility of equipment;

(b) contain interference to radiocommunications;

(c) contain interference to any uses or functions of equipment;

(d) protect 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;

(e) ensure that persons who operate equipment have access to information about the equipment.

25 Prohibition – supplying an unlabelled device

~~*EMC labelling notice*~~

~~(3) If:~~

~~(a) a person (the ***manufacturer***) manufactures a device in Australia; and~~

~~(b) the EMC labelling notice requires the manufacturer, an agent of the manufacturer, or a person who is authorised by the manufacturer or an agent of the manufacturer, to apply a label to the device in a particular form;~~

~~the manufacturer must not supply the device unless a label in that form has been applied to the device in accordance with the notice.~~

~~(4) If:~~

~~(a) a person (the ***importer***) imports a device; and~~

~~(b) the EMC labelling notice requires the importer, an agent of the importer, or a person who is authorised by the importer or an agent of the importer, to apply a label to the device in a particular form;~~

~~the importer must not supply the device unless a label in that form has been applied to the device in accordance with the notice.~~

~~Note: See sections 3.1, 3.2 and 3.3 of the EMC labelling notice for the obligation to apply a label to a device. Other sections of that notice specify other obligations in relation to the application of the label, and other matters.~~

Labelling requirements in this instrument

(5) If:

(a) a person (the ***manufacturer***) manufactures a device in Australia; and

(b) Part 2 of Schedule 3 requires the manufacturer to apply a label to the device in a particular form;

the manufacturer must not supply the device unless a label in that form has been applied to the device in accordance with Part 2 of Schedule 3.

(6) If:

(a) a person (the ***importer***) imports a device; and

(b) Part 2 of Schedule 3 requires the importer to apply a label to the device in a particular form;

the importer must not supply the device unless a label in that form has been applied to the device in accordance with Part 2 of Schedule 3.

26 Application of section 25

(1) Section 25 does not apply where:

(a) a person holds a permit that authorises the person to supply an unlabelled device; and

(b) the person supplies a device that does not have a label applied to it; and

(c) the supply occurs in accordance with the permit.

(2) Section 25 does not apply if an exemption applies.

(3) ~~Subsections 25(3) and~~Subsection 25(5) ~~do~~does not apply to a manufacturer unless:

(a) the manufacturer mentioned in the subsection is a constitutional corporation; or

(b) the manufacturer supplies the relevant device in the course of, or in relation to:

(i) trade or commerce between Australia and places outside Australia; or

(ii) trade or commerce among the States; or

(iii) trade or commerce within a Territory, between a State and a Territory, or between two Territories; or

(iv) the supply of goods or services to the Commonwealth, to a Territory or to an authority or instrumentality of the Commonwealth or of a Territory; or

(v) the provision or use of a postal, telegraphic, telephonic or other like service; or

(vi) the defence of Australia; or

(vii) the operation of lighthouses, lightships, beacons or buoys; or

(viii) astronomical or meteorological observations; or

(ix) an activity of a constitutional corporation; or

(x) banking, other than State banking; or

(xi) insurance, other than State insurance; or

(xii) weighing or measuring.

27 Prohibition – ~~applying~~supplying a ~~label~~device without satisfying requirements

~~*EMC labelling notice*~~

~~(2) If:~~

~~(a) the EMC labelling notice requires a person to apply a label to a device; and~~

~~(b) the EMC labelling notice requires the person to satisfy one or more requirements before applying the label to the device;~~

~~the person must not apply:~~

~~(c) the label; or~~

~~(d) a label that purports to be such a label;~~

~~before the person satisfies those requirements.~~

~~*Labelling requirements in this instrument*~~

(3) If Part 2 of Schedule 3 requires a person to apply a label to a device, the person must not ~~apply:~~

~~(a) the label; or~~

~~(b) a label that purports to be such a label;~~

~~to~~supply the device ~~before~~if the person has not complied with each requirement in Part 3 of Schedule 3 that applies to the person in relation to the device.

Note: The person may comply with the requirements in Part 3 of Schedule 3 after the label is applied to the device, so long as the person complies with the requirements before, or when, supplying the device.

28 Application of section 27

(1) Section 27 does not apply to a person unless:

(a) the person is a constitutional corporation; or

(b) the person manufactured or imported the relevant device for the purposes of supply in the course of, or in relation to:

(i) trade or commerce between Australia and places outside Australia; or

(ii) trade or commerce among the States; or

(iii) trade or commerce within a Territory, between a State and a Territory, or between two Territories; or

(iv) the supply of goods or services to the Commonwealth, to a Territory or to an authority or instrumentality of the Commonwealth or of a Territory; or

(v) the provision or use of a postal, telegraphic, telephonic or other like service; or

(vi) the defence of Australia; or

(vii) the operation of lighthouses, lightships, beacons or buoys; or

(viii) astronomical or meteorological observations; or

(ix) an activity of a constitutional corporation; or

(x) banking, other than State banking; or

(xi) insurance, other than State insurance; or

(xii) weighing or measuring.

(2) Section 27 does not apply if an exemption applies.

(3) Section 27 does not apply where:

(a) a person holds a permit that authorises the person to supply an unlabelled device; and

(b) the person supplies a device that does not have a label applied to it; and

(c) the supply occurs in accordance with the permit.

28A Obligation – complying with requirements after applying a label under Schedule 3

(1) If Part 2 of Schedule 3 requires a person to apply a label to a device, the person must comply with each requirement in Part 4 or Part 5 of Schedule 3 that applies to the person in relation to the device.

Note: The requirements in Part 4 of Schedule 3 apply after the label is applied to the device, and do not need to be complied with until the person who applies the label supplies the device. The requirements in Part 5 of Schedule 3 apply at all times after the label is applied to the device.

(2) Subsection (1) does not apply to a person unless:

(a) the person is a constitutional corporation; or

(b) the person manufactured or imported the device for the purposes of supply that is, or would be, in the course of, or in relation to:

(i) trade or commerce between Australia and places outside Australia; or

(ii) trade or commerce among the States; or

(iii) trade or commerce within a Territory, between a State and a Territory, or between two Territories; or

(iv) the supply of goods or services to the Commonwealth, to a Territory or to an authority or instrumentality of the Commonwealth or of a Territory; or

(v) the provision or use of a postal, telegraphic, telephonic or other like service; or

(vi) the defence of Australia; or

(vii) the operation of lighthouses, lightships, beacons or buoys; or

(viii) astronomical or meteorological observations; or

(ix) an activity of a constitutional corporation; or

(x) banking, other than State banking; or

(xi) insurance, other than State insurance; or

(xii) weighing or measuring.

(3) Subsection (1) does not apply if an exemption applies.

(4) Subsection (1) does not apply where:

(a) a person holds a permit that authorises the person to supply an unlabelled device; and

(b) the person supplies a device that does not have a label applied to it; and

(c) the supply occurs in accordance with the permit.

~~**29 Application of certain requirements in labelling notices**~~

~~*Definition*~~

~~(1) In this section, a ***post-label provision*** is a provision of the EMC labelling notice that imposes an obligation on a person to do a thing after a label has been applied to equipment.~~

~~*Post-label provisions*~~

~~(2) A post-label provision does not apply to a person unless:~~

~~(a) the person is a constitutional corporation; or~~

~~(b) the person manufactured or imported the device for the purposes of supply that is, or would be, in the course of, or in relation to:~~

~~(i) trade or commerce between Australia and places outside Australia; or~~

~~(ii) trade or commerce among the States; or~~

~~(iii) trade or commerce within a Territory, between a State and a Territory, or between two Territories; or~~

~~(iv) the supply of goods or services to the Commonwealth, to a Territory or to an authority or instrumentality of the Commonwealth or of a Territory; or~~

~~(v) the provision or use of a postal, telegraphic, telephonic or other like service; or~~

~~(vi) the defence of Australia; or~~

~~(vii) the operation of lighthouses, lightships, beacons or buoys; or~~

~~(viii) astronomical or meteorological observations; or~~

~~(ix) an activity of a constitutional corporation; or~~

~~(x) banking, other than State banking; or~~

~~(xi) insurance, other than State insurance; or~~

~~(xii) weighing or measuring.~~

~~(3) A post-label provision does not apply if an exemption applies.~~

~~*All obligations in labelling notices*~~

~~(5) An obligation imposed by a provision of the EMC labelling notice (including a post-label provision) does not apply where:~~

~~(a) a person holds a permit that authorises the person to supply an unlabelled device; and~~

~~(b) the person supplies a device that does not have a label applied to it; and~~

~~(c) the supply occurs in accordance with the permit.~~

Part 6—Prohibitions and obligations in relation to supply to unlicensed person

30 Simplified outline of this Part

Section 156 of the Act allows the ACMA to make equipment rules. Section 159 of the Act provides that the equipment rules may impose obligations or prohibitions in relation to equipment, and that those rules may prohibit a person from supplying, or offering to supply, a specified kind of equipment unless the person satisfies one or more specified conditions.

This Part imposes a prohibition on the supply of equipment known as cellular mobile repeaters, except to a person with a licence authorising the operation of that equipment, and imposes related obligations on the suppliers of that equipment.

31 Object of this Part

The object of this Part is to ensure that certain radiocommunications transmitters are not supplied to persons intending to operate those transmitters unless those persons are authorised by or under the Act to operate those transmitters.

32 Definitions

In this Part:

authorised person, in relation to a licensee, means:

(a) for the licensee of an apparatus licence – a person authorised under subsection 114(1) of the Act;

(b) for the licensee of a spectrum licence – a person authorised under subsection 68(1) of the Act.

base station means a radiocommunications transmitter that is part of a telecommunications network by means of which a public mobile telecommunications service is supplied.

cellular mobile repeater means a radiocommunications device that draws power from a power source and that, operating as a single radiocommunications device or as part of a system of radiocommunications devices, is able to:

(a) receive a radio emission from a base station and retransmit the radio emission (or transmit a replica of the radio emission) to:

(i) another base station; or

(ii) a mobile station that is used to access a public mobile telecommunications service; or

(b) receive a radio emission from a mobile station that is used to access a public mobile telecommunications service and retransmit the radio emission (or transmit a replica of the radio emission) to:

(i) a base station; or

(ii) another mobile station that is used to access a public mobile telecommunications service.

exempt repeater: see clause 1 of Schedule 1.

public mobile telecommunications service has the meaning given by section 32 of the *Telecommunications Act 1997*.

supplier means a person who carries on a supply business.

supply business means the business of supplying radiocommunications devices to persons intending to operate them.

33 Prohibition – supply of cellular mobile repeater to unlicensed person

(1) A supplier must not supply another person (***other person***) with a cellular mobile repeater in the course of carrying on a supply business.

(2) Subsection (1) does not apply if:
  (a) the other person presents to the supplier a licence, or a duplicate of the licence, that authorises the other person to operate the cellular mobile repeater; and
  (b) the supplier records the matters specified in subsection (3) in relation to the supply of the cellular mobile repeater.

(3) For the purposes of paragraph (2)(b), the matters are:
  (a) the following details about the licence, or duplicate of the licence, that was presented to the supplier:
    (i) the licence number;
    (ii) the date of issue;
    (iii) the date of expiry;
    (iv) the licence type;
    (v) the full name of the licensee;
  (b) if the supplier provided the cellular mobile repeater to a person other than the licensee – the full name of the person to whom the supplier provided the cellular mobile repeater (***recipient***);
  (c) other matters that the supplier considers, on reasonable grounds, confirm the identity of the recipient, such as a passport number or driver's licence number;
  (d) the date on which the supplier provided the cellular mobile repeater to the recipient;
  (e) matters that the supplier considers, on reasonable grounds, allow the cellular mobile repeater to be uniquely identified, such as the repeater's brand name, model number or serial number;
  (f) if the recipient claimed to the supplier to be an authorised representative or agent of the licensee – matters that the supplier considers, on reasonable grounds, confirm that the recipient is an authorised representative or agent of the licensee;
  (g) if the recipient claimed to the supplier to be an authorised person in relation to the licensee – matters that the supplier considers, on reasonable grounds, confirm that the recipient is an authorised person in relation to the licensee;
  (h) if the recipient claimed to the supplier to be an authorised representative or agent of a person (***the intermediary***) that is claimed to be an authorised person in relation to the licensee – matters that the supplier considers, on reasonable grounds, confirm that:
    (i) the intermediary is an authorised person in relation to the licensee; and
    (ii) the recipient is an authorised representative or agent of the intermediary.

Example: An example of matters mentioned in paragraph (f), (g) or (h) is relevant content of a written communication from the licensee, or from a person authorised by the licensee.

(4) Without limiting this section, paragraph (2)(a) is satisfied if:

(a) the other person presents to the supplier a document purporting to be a licence, or a duplicate of the licence, that authorises the other person to operate the cellular mobile repeater; and

(b) the supplier believes, on reasonable grounds, that the document was such a licence, or a duplicate of such a licence.

(5) Subsection (1) does not apply if:

(a) at the time the cellular mobile repeater is supplied, the repeater is an exempt repeater; and

(b) the supplier records the matters specified in subsection (6) in relation to the supply of the repeater.

(6) For the purposes of paragraph (5)(b), the matters are:

(a) the full name of the person to whom the supplier provided the repeater (***recipient***);

(b) other matters that the supplier considers, on reasonable grounds, confirm the identity of the recipient, such as a passport number or driver's licence number;

(c) the date on which the supplier provided the cellular mobile repeater to the recipient;

(d) matters that the supplier considers, on reasonable grounds, allow the cellular mobile repeater to be uniquely identified, such as the repeater's brand name, model number or serial number.

34 Obligation – keeping records of supply of cellular mobile repeater

(1) If a supplier records a matter specified in subsection 33(3) in relation to the supply of a cellular mobile repeater, the supplier must keep the record for at least 2 years after the supply.

(2) If a supplier records a matter specified in subsection 33(6) in relation to the supply of an exempt repeater, the supplier must keep the record for at least 2 years after the supply.

Part 7—Permits

Division 1 Simplified outline

35 Simplified outline of this Part

Section 156 of the Act allows the ACMA to make equipment rules. Section 159 of the Act provides that the equipment rules may prohibit the doing of an act or thing by a person unless the person holds a permit issued by the ACMA under the equipment rules, and the permit authorises the person to do the act or thing.

Parts 2, 3, 4 and 5 of this instrument prohibit the operation, possession or supply of certain equipment, unless the person holds a permit that authorises the person to operate, possess or supply the equipment.

This Part sets out how a person may apply for a permit, how the ACMA may deal with an application for a permit and, if the ACMA issues a permit, how the ACMA and the holder of the permit may deal with the permit.

Note: For permits issued under repealed subsection 167(2) of the Act that were in force immediately before the commencement of Part 4 of Schedule 4 to the *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020*, see item 47 of Schedule 4 to that Act.

Division 2 Preliminary matters

36 Object of this Part

(1) The object of this Part is to provide for permits to do an act otherwise prohibited by equipment rules, or not to comply with an obligation that is otherwise required by equipment rules.

(2) The object specified in subsection (1) is incidental or ancillary to the objects of the other Parts of this instrument.

37 Definitions

In this Part:

application charge means the charge determined under section 60 of the *Australian Communications and Media Authority Act 2005* in relation to an application to the ACMA for a permit.

variation charge means the charge determined under section 60 of the *Australian Communications and Media Authority Act 2005* in relation to an application for the ACMA to vary a permit.

Note: At the time this instrument was made, the charge known as the ‘general service charge’ applied in relation to an application for a permit or an application to vary a permit.

Division 3 Issuing permits

38 Application

(1) A person may apply, in writing, for a permit.

(2) An application must be:
  (a) in the form approved by the ACMA (if any);
  (b) made in the manner approved by the ACMA (if any);
  (c) accompanied by the application charge (if any).

(3) The ACMA may approve more than one form, and more than one manner, for the purposes of subsection (2).

(4) The application must specify one or more of the following actions the permit would authorise, if issued:
  (a) to cause a radio emission to be made by a device that does not comply with one or more specified standards;
  (b) to possess a device that does not comply with one or more specified standards;
  (c) to supply a device that does not comply with one or more specified standards;
  (d) to supply an unlabelled device.

(5) The application must specify one or more standards for the purposes of paragraph (4)(a), (b) or (c).

39 Decision on application

(1) If a person applies for a permit in accordance with section 38, the ACMA may:
  (a) issue the permit;
  (b) refuse to issue the permit.

(2) If the ACMA issues the permit, the ACMA must specify in the permit a date on which the permit expires.

(3) If the ACMA issues the permit, the ACMA must specify in the permit that the permit authorises one or more of the following:
  (a) to cause a radio emission to be made by a device that does not comply with one or more specified standards;
  (b) to possess a device that does not comply with one or more specified standards;
  (c) to supply a device that does not comply with one or more specified standards;
  (d) to supply an unlabelled device.

(4) If the ACMA issues the permit and the permit authorises an act specified in paragraph (3)(a), (b) or (c), the ACMA must specify one or more standards in the permit.

(5) If the ACMA refuses to issue the permit, the ACMA must notify the applicant in writing of the refusal and give a statement of reasons for the refusal.

(6) If the ACMA makes a decision to:
  (a) issue a permit that authorises an act specified in paragraph (3)(a), (b) or (c); but
  (b) the ACMA does not specify each standard specified in the application for the permit;

the decision is declared to be a decision to which section 285 of the Act applies.

40 Duration of permits

(1) Subject to subsection (2), a permit is in force for the period:
  (a) commencing on the day the permit is issued; and
  (b) ending on the earlier of:
    (i) the day on which the permit expires;

(ii) the day on which the permit is cancelled under this instrument;
(iii) the day on which the permit is cancelled under section 307 of the Act.

(2) If a permit is suspended, the permit is not in force for the period of suspension.

41 Conditions

(1) If the ACMA issues a permit, the ACMA may include one or more conditions in the permit.

(2) A condition may provide that the holder of the permit may only be authorised to cause a radio emission to be made by, or to possess or supply, a specified device or a specified class of devices.

(3) Subsection (2) does not limit subsection (1).

(4) It is a condition of every permit that the holder of the permit complies with the Act.

Division 4 Dealing with permits

42 Varying permit

Changes to conditions

(1) The ACMA may vary a permit by:
(a) amending a condition included in a permit;
(b) including a new condition in a permit;
(c) revoking a condition in a permit.

(2) If the ACMA varies a permit under subsection (1), the ACMA must:
(a) notify the holder of the permit in writing and provide reasons for the variation; and
(b) provide the holder with a replacement permit.

(3) If, otherwise than in response to an application made under subsection 43(1), the ACMA makes a decision to vary a permit under subsection (2), the decision is declared to be a decision to which section 285 of the Act applies.

Changes to specified standards

(4) Except in relation to a permit that only authorises an act specified in paragraph 39(3)(d), the ACMA may vary a permit by:
(a) specifying a new standard in the permit;
(b) removing a standard specified in the permit;
so long as the permit always specifies at least one standard.

(5) If the ACMA varies a permit under subsection (4), the ACMA must:
(a) notify the holder of the permit in writing and provide reasons for the variation; and
(b) provide the holder with a replacement permit.

(6) If, otherwise than in response to an application made under subsection 43(1), the ACMA makes a decision to vary a permit under subsection (4), the decision is declared to be a decision to which section 285 of the Act applies.

Change to duration

(7) The ACMA may vary a permit by omitting the specified date for the expiry of the permit, and specifying a later date.

(8) If the ACMA varies a permit under subsection (7), the ACMA must:
  (a) notify the holder of the permit in writing and provide reasons for the variation; and
  (b) provide the holder with a replacement permit.

Application of section

(9) Subsections (1) to (6) apply regardless of whether a person has applied under subsection 43(1).

(10) Subsections (7) to (8) only apply if a person has applied under subsection 43(1).

43 Applying for variation

(1) A person may apply, in writing, for the ACMA to vary a permit (***variation application***).

(2) A variation application must be:
  (a) in the form approved by the ACMA (if any);
  (b) made in the manner approved by the ACMA (if any);
  (c) accompanied by the variation charge (if any).

(3) The ACMA may approve more than one form, and more than one manner, for the purposes of subsection (2).

(4) The variation application must specify:
  (a) the permit to be varied; and
  (b) the manner in which the permit would be varied.

(5) If a person makes a variation application, the ACMA may:
  (a) in accordance with section 42, vary the permit in the manner specified in the application;
  (b) in accordance with section 42, vary the permit in a manner otherwise than as specified in the application;
  (c) refuse to vary the permit.

(6) If the ACMA refuses to vary the permit, the ACMA must notify the applicant in writing of the refusal and provide reasons for the refusal.

(7) If:
  (a) a person makes a variation application; and
  (b) the ACMA makes a decision to refuse to vary the permit, or makes a decision to vary the permit in a manner otherwise than as specified in the application;

the decision in paragraph (b) is declared to be a decision to which section 285 of the Act applies.

44 Suspending or cancelling permit

Grounds for suspension or cancellation

(1) This section applies to a permit if the ACMA is satisfied that:
  (a) a person holds the permit; and
  (b) the person has engaged in conduct; and

(c) the conduct contravenes a condition of the permit.

Suspension of permit

(2) If this section applies to a permit, the ACMA may, by notice in writing given to the person, suspend the permit for the period specified in the notice.

(3) The period specified in the notice must not be greater than 3 months.

Cancellation of permit

(4) If this section applies to a permit, the ACMA may, by notice in writing given to the person, cancel the permit.

(5) In deciding whether to cancel a permit, the ACMA:

(a) must have regard to all matters that it considers relevant; and

(b) without limiting paragraph (a), may have regard to:

(i) whether or not a civil penalty order in relation to subsection 160(10) of the Act has been made against the person who holds the permit, or an agent of that person;

(ii) whether or not the person who holds the permit, or an agent of that person, has been convicted of an offence against section 136.1 or 137.1 of the *Criminal Code* that relates to the Act.

Reasons for suspension or cancellation

(6) A notice given under subsection (2) or subsection (4) must give the reasons for suspending or cancelling the permit.

Action to be taken before suspending or cancelling permit

(7) The ACMA must comply with subsections (8) and (9) before suspending or cancelling a permit, unless the ACMA is satisfied that it is necessary to suspend or cancel the permit as a matter of urgency in order to protect the health or safety of a person.

(8) The ACMA must give the holder of the permit a notice that:

(a) states the ACMA's intention to suspend or cancel the permit;

(b) sets out the reason the ACMA intends to suspend or cancel the permit;

(c) gives the holder of the permit at least 2 weeks, commencing the day after the notice was given to the holder, to make submissions about the suspension or cancellation of the permit.

(9) The ACMA must have regard to any submissions made in accordance with paragraph (8)(c).

(10) For the avoidance of doubt, other action taken by the ACMA in relation to a contravention of a condition does not affect whether the ACMA may suspend or cancel a permit under this section.

Note: Under subsection 160(10) of the Act, contravention of a condition of a permit may be subject to a civil penalty.

Review

(11) If the ACMA makes a decision to suspend a permit, the decision is declared to be a decision to which section 285 of the Act applies.

Division 5—Transitional

45 Permissions in force before commencement of instrument

(1) If:

(a) before the commencement day, the ACMA had given written permission (***pre-existing permission***) to a person under section 174 of the Act as in force immediately before the commencement day; and

(b) the pre-existing permission was in force immediately before the commencement day; and

(c) the pre-existing permission authorised the person to supply a non-standard device specified in the pre-existing permission (***specified device***);

the person is taken to have been issued a permit under section 39 of this instrument that:

(d) authorises the person to supply a device;

(e) specifies the date 1 year after the commencement day as the date on which the permit expires;

(f) specifies each standard for which the specified device was a non-standard device;

(g) includes each condition included in the pre-existing permission;

(h) includes a condition that the person is only authorised to supply the specified device.

(2) In this section:

commencement day means the day Part 1 of Schedule 4 to the *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020* commenced.

non-standard device has the meaning given by subsection 9(2) of the Act, as in force immediately before the commencement day.

Note: For permits issued under repealed subsection 167(2) of the Act that were in force immediately before the commencement of Part 1 of Schedule 4 to the *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020*, see item 47 of Schedule 4 to that Act.

Part 8—Exemptions

46 Simplified outline of this Part

Section 156 of the Act allows the ACMA to make equipment rules. Section 159 of the Act provides that the equipment rules may prohibit the doing of an act or thing by a person.

Parts 2, 3, 4 and 5 of this instrument prohibit the operation, possession or supply of certain equipment in certain circumstances, unless an exemption applies.

This Part sets out the exemptions that may apply.

47 Object of this Part

(1) The object of this Part is to provide for exemptions to do an act otherwise prohibited by equipment rules, or not to comply with an obligation that is otherwise required by equipment rules.

(2) The object specified in subsection (1) is incidental or ancillary to the objects of the other Parts of this instrument.

48 Definitions

In this instrument, each of the following is an ***exemption***:

(a) section 49;
(b) subsection 50(1);
(c) section 51;
(d) section 52;
(da) section 52A;
(e) section 53;
(ea) subsection 53A(1);
(eb) subsection 53A(2);
(f) subsection 54(1);
(fa) subsection 54A(2);
(g) subsection 54A(1);
(h) subsection 54B(1);
(ha) subsection 54B(1A);
(i) subsection 54C(1);
(j) subsection 54C(2~~).~~);
(k) subsection 54D(1).

49 Exemption – emergency transmission

A person does not contravene a prohibition that relates to:

(a) causing radio emission to be made by a device; or
(b) possession of a device for the purpose of operation;

if:

(c) the person:

(i) causes a radio transmission to be made; or

(ii) has a device in the person's possession for the purpose of operation; and

(d) the person does so in the reasonable belief that the transmission or possession was necessary for the purpose of:

(i) securing the safety of a vessel, aircraft or space object that was in danger; or

(ii) dealing with an emergency involving a serious risk of threat to the environment; or

(iii) dealing with an emergency involving risk of death of, or injury to, persons; or

(iv) dealing with an emergency involving risk of substantial loss of, or damage to, property; or

(v) if a national emergency declaration is in force – dealing with the emergency to which the declaration relates.

50 Exemption – possession or supply for use solely outside Australia

(1) A person does not contravene ~~a prohibition that relates to~~:

(a) a prohibition that relates to possession of a device; or

(b) if the prohibition is in Part 2, Part 3 or Part 4 of this instrument – a prohibition that relates to supply of a device; or

(c) a prohibition or an obligation in Part 5 of this instrument;

if the device is intended to be used solely outside Australia.

(2) If there is applied to a device:

(a) a statement that the device is for export only; or

(b) a statement indicating, by use of the words specified in subsection (3), that the device is intended to be used solely outside Australia;

it is presumed for the purposes of this section, unless the contrary is established, that the device is intended to be so used.

(3) For the purposes of paragraph (2)(b), the words are:

The device is intended to be used only outside Australia.

(4) For the purposes of subsection (2), a statement is taken to be applied to a device if:

(a) the statement is impressed on, worked into, or annexed or affixed to, the device; or

(b) the statement is applied to a covering (including a box, case, frame or wrapper), label or thing in or with which the device is supplied.

51 Exemption – supply for modification

A person does not contravene a prohibition in Part 2, Part 3 or Part 4 of this instrument that relates to supply of a device if the supply was for the purpose of modifying or altering the device so that the device would comply with all standards applicable to it at the time of the alteration or modification.

52 Exemption – supply for re-export

A person does not contravene a prohibition in Part 2, Part 3 or Part 4 of this instrument that relates to supply of a device ~~if:~~or contravene a prohibition or obligation in Part 5 of this instrument if:

(a) the device was imported; and

(b) the person supplied the device for the purposes of re-export.

52A Exemption – Defence and visiting forces

A person does not contravene a prohibition or obligation in Part 2, Part 3, Part 4 or Part 5 of this instrument if the device is:

(a) used solely as equipment, or as part of military equipment or a weapons system, used by the Defence Force; or

(b) used solely as equipment, or as part of military equipment or a weapons system, used by a member of a visiting force.

53 Exemption – persons acting in relation to particular devices exempt from prohibitions in Part 3 and Part 4

A person does not contravene a prohibition in Part 3 or Part 4 of this instrument that relates to:

(a) causing radio emission to be made by a device; or

(b) possession of a device for the purpose of operation; or

(c) supply of a device;

if the device is:

~~(d) used solely as equipment, or as part of a weapons system, used by the Defence Force; or~~

~~(e) used solely as equipment, or as part of a weapons system, used by a member of a visiting force; or~~

(f) used solely for law enforcement activities, or solely for performing functions related to the investigation, prevention and prosecution of serious crime, or of corruption (or solely for both purposes) by any of the following bodies~~:~~ (whether or not the body also performs other functions):

(i) the Australian Crime Commission;

(ii) the Australian Federal Police;

(iii) the Corruption and Crime Commission of Western Australia;

(iv) the Crime and Corruption Commission of Queensland;

(v) the Independent Commission Against Corruption of New South Wales;

(vi) the Independent ~~Commissioner~~Commission Against Corruption of South Australia;

~~(vii) the Integrity Commissioner (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006*);~~

(vii) the National Anti-Corruption Commission;

(viii) the Law Enforcement Conduct Commission of New South Wales;

(ix) the New South Wales Crime Commission;

(x) the police force of a State or Territory; or

(g) used solely for law enforcement activities by a body that is:

(i) not mentioned in paragraph (f); and

(ii) responsible for criminal law enforcement; and

(iii) established by or under a law of the Commonwealth, or a law of a State or Territory; or

(h) used by a body that:

(i) is not mentioned in paragraph (f) or (g); and

(ii) performs functions related to the investigation, prevention and prosecution of serious crime, or of corruption (whether or not the body also performs other functions); and

(iii) is covered by a written determination made by the ACMA under paragraph 27(1)(be) of the Act;

solely for the investigation, prevention and prosecution activities of that body; or

(i) used by a fire fighting, civil defence or rescue organisation; or

(j) used by an ambulance service; or

(k) used by any other organisation whose sole or principal purpose involves securing the safety of persons during an emergency.

53A Exemption – faultless recipient of altered device

(1) A person (the ***faultless recipient***) does not contravene a prohibition in Part 4 of this instrument that relates to:

(a) causing radio emission to be made by a device; or

(b) possession of a device for the purpose of operation; or

(c) supply of a device;

if:

(d) the device is not a modified device; and

(e) either:

(i) if the device was manufactured in Australia – the device has been altered after it was manufactured; or

(ii) if the device was imported – the device has been altered after it was imported; and

(f) before the device was altered, the device complied with the EME standard; and

(g) after the device was altered, the device does not comply with the EME standard; and

(h) the faultless recipient is neither:

(i) the person who altered the device; or

(ii) knowingly concerned in the alteration of the device.

Note: A person may contravene a prohibition in Part 4 of this instrument if a device was altered by or on behalf of the Australian manufacturer or importer. Such a device is a ***modified device***.

(2) A person (the ***faultless recipient***) does not contravene a prohibition in Part 4 of this instrument that relates to:

(a) causing radio emission to be made by a device; or

(b) possession of a device for the purpose of operation; or

(c) supply of a device;

if:

(d) the device is a modified device; and

(e) after the device became a modified device, another alteration (the ***subsequent alteration***) has been made to the device; and

(f) the manufacturer or importer of the device is neither:

(i) the person who made the subsequent alteration; or

(ii) knowingly concerned in the subsequent alteration of the device; and

(g) before the subsequent alteration, the device complied with the EME standard; and

(g) after the subsequent alteration, the device does not comply with the EME standard; and

(h) the faultless recipient is neither:

(i) the person who made the subsequent alteration; or

(ii) knowingly concerned in the subsequent alteration.

54 Exemption – ~~particular manufacturers and importers~~**devices in vehicles exempt from labelling in** ~~relation to~~ **certain** ~~equipment~~**circumstances**

(1) ~~Subject to subsection (2), a~~A person does not contravene~~:~~

(a) a prohibition in subsection 25(5) or 25(6), or in section 27~~,~~; or

(b) the obligation in subsection 28A(1~~), in relation to a device if:~~);

~~(a) the device:~~

~~(i) is manufactured in Australia~~ in relation to a device, if the person complies with Part 3, and Part 4 or Part 5, of Schedule 3, as if the person had been required to apply a label to the device in accordance with Part 2 of Schedule 3, and both of the following applies:

(c) the device is an integral part of a motor vehicle~~, or~~ and is:

(i) manufactured in Australia as part of a motor vehicle; or

(ii) installed in Australia in a motor vehicle~~,~~; or

(iii) imported as part of a motor vehicle~~,~~;

by a member of~~:~~

(iv) the Federal Chamber of Automotive Industries (ACN 008 550 347) (***FCAI***); ~~and~~or

~~(ii) is an integral part of the motor vehicle; or~~

~~(b~~ (v) the Electric Vehicle Council of Australia Limited (ACN 645 443 401) (***EVC***);

(d) the device~~:~~

~~(i) is manufactured or imported by a member of the FCAI; and~~

~~(ii)~~ can only be operated if it is installed in a motor vehicle~~; or~~ and is manufactured or imported by a member of:

(i) the FCAI; or

(ii) the EVC.

(2) A person does not contravene:

(a) a prohibition in subsection 25(5) or 25(6), or in section 27; or

(b) the obligation in subsection 28A(1);

in relation to a device, if the person complies with Part 3, and Part 4 or Part 5, of Schedule 3, as if the person had been required to apply a label to the device in accordance with Part 2 of Schedule 3, and both of the following applies:

(c) the device is an integral part of a vehicle and is:

(i) manufactured in Australia as part of a ~~motor~~ vehicle~~,~~; or

(ii) installed in Australia in a ~~motor~~ vehicle~~,~~; or

(iii) imported as part of a ~~motor~~ vehicle~~,~~;

by a member of~~:~~

(iv) the Construction & Mining Equipment Industry Group Inc, an incorporated association registered under the Associations Incorporation Act 2009 (NSW), with incorporation number INC9879927 (***CMEIG***); or

~~(d) the device:~~

~~(i) is manufactured or imported by a member of the CMEIG; and~~

~~(ii) can only be operated if it is installed in a motor vehicle; or~~

~~(c) the device is manufactured in Australia as part of a motor vehicle, or installed in Australia in a motor vehicle, or imported as part of a motor vehicle, by a member of~~ v) the Tractor and Machinery Association of Australia (ACN 004 237 209) (***TMA***); ~~or~~

(~~f~~d) the device~~:~~

~~(i) is manufactured or imported by a member of the TMA; and~~

~~(ii)~~ can only be operated if it is installed in a ~~motor~~ vehicle~~; or~~ and is manufactured or imported by a member of:

~~(g) the device:~~

~~(i) is manufactured in Australia as part of a motor vehicle, or installed in Australia in a motor vehicle, or imported as part of a motor vehicle, by a member of the EVC; and~~

(i) the CMEIG; or

(ii) ~~is an integral part of the motor vehicle; or~~

~~(h) the device:~~

~~(i) is manufactured or imported by a member of the EVC; and~~

~~(ii) can only be operated if it is installed in a motor vehicle.~~

~~(2) The exemption in subsection (1) only applies to a person in relation to a device if the person complies with Part 3, and Part 4 or Part 5, of Schedule 3, as if the person had been required to apply a label to the device in accordance with Part 2 of Schedule 3~~the TMA.

(3) In this section~~,~~:

vehicle includes a machine that is:

(a) self-propelled; and

(b) capable of being used only on land.

Example: Earthmoving machinery may be a vehicle.

motor vehicle means a motor-powered road vehicle (including a 4 wheel drive vehicle).

Note: This exemption only applies in relation to labelling requirements for the general standards and the EME standard. A device mentioned in this exemption must still not be possessed, operated or supplied if it does not comply with the EME standard or any general standard that is prescribed for the device: see Parts 2 and 4 of this instrument.

54A Exemption – devices used for significant events

(1) A person does not contravene a prohibition in Part 2 of this instrument in relation to a device if:

(a) the device is imported solely for use in Australia in connection with a significant event; and

(b) subject to subsection (1A), in a case where there is a requirement to the effect that the device is tested or inspected before it may be used in Australia – the requirement has been satisfied; and

(c) in a case where:

(i) subject to subsection (1A), there is a condition or requirement on the use or operation of the device in Australia; and

(ii) the prohibition in Part 2 relates to causing radio emission to be made by the device;

the device is only used or operated in compliance with that condition or requirement; and

(d) the device is used or operated in Australia only at the location, and only during the period, of the significant event.

Note: If this exemption applies in relation to a device, it applies only in relation to general standards. Prohibitions in relation to the EMC standard and the EME standard may still apply in relation to the device.

(1A) Paragraph (1)(b) and subparagraph (1)(c)(i) do not apply in relation to a condition or requirement in:

(a) Part 2 of this instrument; or

(b) Schedule 5 to this instrument; or

(c) the LIPD class licence, to the extent the condition or requirement relates to:

(i) Part 2 of this instrument; or

(ii) Schedule 5 to this instrument.

(2) For the purposes of this section, the ACMA may make a notifiable instrument that does all of the following:

(a) declares a specified event to be a ***significant event***;

(b) specifies a period as the ***period of the significant event***;

(c) specifies a location as the ***location of the significant event***.

Note: See also subsection (7).

(3) Before making an instrument under subsection (2), the ACMA must have regard to:

(a) the object of the Act; and

(b) whether the instrument would be directed towards achieving any of the objectives set out in subsection 156(3) of the Act; and

(c) the likelihood that:

(i) a person will enter Australia temporarily to attend the event (regardless of the capacity in which the person attends the event); and

(ii) the person will, when entering Australia, bring equipment into Australia for the purposes of attending the event; and

(iii) the person will, when leaving Australia, take the equipment outside Australia; and

(d) whether the organiser of the event has put, or proposes to put, in place any measures to minimise the risk of interference being caused by equipment in use at the event and, if so, the nature of those measures.

(4) For paragraph (2)(b), the ACMA must not specify a period greater than 1 month.

(5) If the ACMA makes an instrument under subsection (2), the ACMA must 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.

(6) A failure to comply with subsection (5) does not affect the validity of an instrument under subsection (2).

(7) For the purposes of this section, if:

(a) before the commencement of this section:

(i) the Chair of the ACMA approved a notice that specified an event (***relevant event***) at a location (***relevant location***); and

(ii) that notice was published on the ACMA's website; and

(b) the whole or a part of the relevant event occurs after that commencement;

then:

(c) the relevant event is a ***significant event***; and

(d) the period of 1 month beginning at the earlier of the following times:

(i) the start of the relevant event; or

(ii) the commencement of this section;

is the ***period of the significant event***; and

(e) the relevant location is the ***location of the significant event***.

(8) In this section, ***LIPD class licence*** has the same meaning as in Schedule 5.

54B Exemption – equipment imported from New Zealand

(1) A person does not contravene a prohibition or obligation in Part 5 of this instrument that relates to the supply of a device if:

(a) the device was imported from New Zealand; and

(b) the device complies with New Zealand labelling legislation; and

(c) a general standard is prescribed for the device; and

(d) the device is not an applicable device.

(1A) A person does not contravene a prohibition or obligation in Part 5 of this instrument that relates to the supply of a device if:

(a) the device was imported from New Zealand; and

(b) the device complies with New Zealand EMC labelling legislation; and

(c) the EMC standard is prescribed for the device; and

(d) the device is not an applicable device.

(2) For paragraph (1)(b), a device ***complies with New Zealand labelling legislation*** if:

(a) the device complies, within the meaning of the New Zealand Radio Standards Notice, with each standard mentioned in Table 1 of that notice that applies to the device, which has a level of conformity of 1, 2, 3, A1, A2 or A3; and

(b) the supplier of the device, within the meaning of the New Zealand Compliance Notice, has the documents mentioned in section 4 of that notice for level of conformity 1, 2, 3, A1, A2 or A3; and

(c) the device is labelled with a compliance mark, within the meaning of the New Zealand Compliance Notice.

(2A) For paragraph (1A)(b), a device ***complies with New Zealand EMC labelling legislation*** if:

(a) the device complies, within the meaning of the New Zealand EMC Standards Notice, with the applicable standards in the tables of that notice for the device, which has a level of conformity of 1, 2 or 3; and

(b) the supplier of the device, within the meaning of the New Zealand Compliance Notice, has the documents mentioned in section 4 of that notice for level of conformity 1, 2 or 3; and

(c) the device is labelled with a compliance mark, within the meaning of the New Zealand Compliance Notice.

(3) In this section:

applicable device has the same meaning as in Schedule 4.

New Zealand Compliance Notice means:

(a) the Radiocommunications (Compliance) Notice 2020 made under paragraphs 32(1)(d) to (h) of the *Radiocommunications Regulations 2001* of New Zealand; or

(b) if a later document replaces that notice – the later document.

Note 1: The New Zealand Compliance Notice is available, free of charge, from the Radio Spectrum Management website at www.rsm.govt.nz.

Note 2: The *Radiocommunications Regulations 2001* of New Zealand are available, free of charge, from the New Zealand legislation website at www.legislation.govt.nz.

New Zealand EMC Standards Notice means:

(a) the Radiocommunications (EMC Standards) Notice 2019 made under paragraphs 32(1)(a) to (d) and (j) of the *Radiocommunications Regulations 2001* of New Zealand; or

(b) if a later document replaces that notice – the later document.

Note 1: The New Zealand EMC Standards Notice is available, free of charge, from the Radio Spectrum Management website at www.rsm.govt.nz.

Note 2: The *Radiocommunications Regulations 2001* of New Zealand are available, free of charge, from the New Zealand legislation website at www.legislation.govt.nz.

New Zealand Radio Standards Notice means:

(a) the Radiocommunications Regulations (Radio Standards) Notice 2020 made under paragraphs 32(1)(a), (b), (d) and (j) of the *Radiocommunications Regulations 2001* of New Zealand; or

(b) if a later document replaces that notice – the later document.

Note 1: The New Zealand Radio Standards Notice is available, free of charge, from the Radio Spectrum Management website at www.rsm.govt.nz.

Note 2: The *Radiocommunications Regulations 2001* of New Zealand are available, free of charge, from the New Zealand legislation website at www.legislation.govt.nz.

54C Exemption – devices in vehicles and machinery to which an industry code applies

(1) A person-:

(a) does not contravene~~:~~

~~(a)~~ a prohibition in Part 3 of this instrument that relates to:

(i) causing a radio emission to be made by a device; or

(ii) possession of a device for the purpose of operation; or

(iii) supply of a device; or

(b) ~~a~~ if:

(i) the EMC standard is prescribed for a device; and

(ii) a general standard is not prescribed for the device; and

(iii) the device is not an applicable device;

does not contravene a prohibition ~~in subsections 25(3), 25(4), or~~ 27~~(2), or the~~ obligation in ~~section 29~~in Part 5, in relation to ~~a~~the device;

if:

(c) the device:

(i) is manufactured in Australia as part of a vehicle, or installed in Australia in a vehicle, or imported as part of a vehicle or machine, by a member of ~~the EVC~~an industry association, and is an integral part of the vehicle~~,~~ or machine; or

(ii) is a vehicle or machine manufactured in Australia, or imported, by a member of ~~the EVC~~an industry association; and

(d) either:

(i) the vehicle or machine is in the possession of that member ~~of the EVC~~; or

(ii) the vehicle or machine is first supplied by a member of the ~~EVC~~same industry association as that member; and

(e) the ~~EVC~~industry code of that industry association is expressed to apply to the vehicle or machine; and

(f) the vehicle or machine complies with all ~~Broadband Emissions and Narrowband Emissions~~the emission requirements specified in ~~the EVC~~that industry code, as

existing at the time the device ~~or,~~ vehicle or machine was manufactured in Australia or imported, or the device was installed in Australia in a vehicle~~.~~ or machine; and

(g) that member retains the records required by that industry code as existing at the time mentioned in paragraph (f).

(2) A person ~~does not contravene~~:

(a) does not contravene a prohibition in Part 3 of this instrument that relates to:

(i) causing a radio emission to be made by a device; or

(ii) possession of a device for the purpose of operation; or

(iii) supply of a device; or

(b) ~~a~~ if:

(i) the EMC standard is prescribed for a device; and

(ii) a general standard is not prescribed for the device; and

(iii) the device is not an applicable device;

does not contravene a prohibition ~~in subsections 25(3), 25(4),~~ or ~~27(2), or the~~ obligation in ~~section 29~~in Part 5, in relation to ~~a~~the device;

if:

(c) the device:

(i) is manufactured or imported by a member of ~~the EVC~~an industry association; and

(ii) can only be operated if it is installed in a vehicle or machine; and

(d) the ~~EVC~~industry code of that association is expressed to apply to the device; and

(e) the device complies with all ~~Broadband Emissions and Narrowband Emissions~~the emission requirements specified in ~~the EVC~~that industry code as existing at the time the device was manufactured or imported~~.~~; and

(f) that member retains the records required by that industry code as existing at the time mentioned in paragraph (e).

Definitions

(3) In this section:

~~Broadband Emissions~~ has***emission requirements***, in relation to an industry code, means requirements and standards specified in the code that relate to:

(a) broadband emissions, within the meaning ~~given~~of the code; and

(b) narrowband emissions, within the meaning of the code.

industry association means each of:

(a) the Construction & Mining Equipment Industry Group Inc, registered under the *Associations Incorporation Act 2009* (NSW) (INC9879927) (***CMEIG***);

(b) the Electric Vehicle Council of Australia Limited (ACN 645 443 401) (***EVC***);

(c) the Federal Chamber of Automotive Industries (ACN 008 550 347) (***FCAI***);

(d) the Tractor and Machinery Association of Australia (ACN 004 237 209) (***TMA***);

(e) the Truck Industry Council (ACN 097 387 954) (***TIC***).

industry code:

(a) for the CMEIG and the TMA – means:

(i) the Voluntary Code of Practice for Electromagnetic Compatibility (EMC) of Machinery, published by the ~~EVC code.~~CMEIG and the TMA; or

(ii) if a later document published by the CMEIG and TMA is expressed to replace the document mentioned in paragraph (a) – the later document;

(b) for the EVC ~~***code***~~ – means:

(~~a~~i) the Voluntary Code of Practice for Electromagnetic Compatibility of Motor Vehicles Radiocommunications, published by the EVC; or

(~~b~~ii) if a later document published by the EVC is expressed to replace the document mentioned in paragraph (a) – the later document~~.~~;

(c) for the FCAI – means:

(i) the Voluntary Code of Practice for Electromagnetic Compatibility (EMC) of Motor Vehicles, published by the FCAI; or

(ii) if a later document published by the FCAI is expressed to replace the document mentioned in paragraph (a) – the later document;

(d) for the TIC – means:

(i) the Voluntary Code of Practice for Electromagnetic Compatibility (EMC) of Motor Vehicles, published by the TIC; or

(ii) if a later document published by the TIC is expressed to replace the document mentioned in paragraph (a) – the later document.

Note 1: The ~~EVC~~industry code for the CMEIG and the TMA is available, free of charge, from the ~~EVC~~CMEIG's website at www.cmeig.com.au.

Note 2: The industry code for the EVC is available, free of charge, from the EVC's website at www.electricvehiclecouncil.com.au.

~~***Narrowband Emissions*** has the meaning given by the EVC code.~~

Note 3: The industry code for the FCAI is available, free of charge, from the FCAI's website at www.fcai.com.au.

Note 4: The industry code for the TIC is available, free of charge, from the TIC's website at www.truck-industry-council.org.

54D Exemption – innovation and industry development exemption framework

(1) A person does not contravene:

(a) a prohibition in Part 2, Part 3 or Part 4 of this instrument that relates to a relevant act done by the person in relation to a device;

(b) a prohibition or an obligation in Part 5 of this instrument in relation to supply of a device;

if:

(c) the device is an item of a kind of equipment specified in a permanent ban; and

(d) the person is named in an instrument, made under subclause 1(1) of Schedule 1 to the exemption determination, that is in force at the time the person does a relevant act in relation to the device; and

(e) the person has complied, or does comply, with each condition in the exemption determination that applies in relation to the person and the relevant act.

Note: At the commencement of this section, the only permanent ban in force was the *Radiocommunications (Jamming Equipment) Permanent Ban 2023*. That instrument is available, free of charge, from the Federal Register of Legislation at www.legislation.gov.au. The kinds of equipment subject to the permanent ban include mobile phone jammers, Global Positioning System jammers, Wi-Fi jammers and drone jammers.

(2) In this section:

exemption determination means:

(a) the *Radiocommunications (Exemption) Determination 2024*; or

(b) if a later instrument replaces that instrument – the later instrument.

Note: The *Radiocommunications (Exemption) Determination 2024* is available, free of charge, from the Federal Register of Legislation at www.legislation.gov.au.

relevant act, in relation to a device, means each of the following:

(a) causing radio emissions to be made by the device;

(b) possession of the device for the purpose of operation;

(c) supply of the device.

Part 9—National database

55 Simplified outline of this Part

Section 156 of the Act allows the ACMA to make equipment rules. Section 159 of the Act provides that the equipment rules may prohibit the doing of an act or thing by a person.

Subsection 27(3) of this instrument prohibits a person from applying a label to a device unless the person complies with any requirements to be met before applying the label. Clause 8 of Schedule 3 requires a person to be registered on a national database before applying a label to a device.

This Part establishes the national database.

56 Object of this Part

(1) The object of this Part is to provide for registration, on a national database, of persons who manufacture or import equipment.

(2) The object specified in subsection (1) is incidental or ancillary to the objects of the other Parts of this instrument.

57 National database

(1) The ACMA may, by notifiable instrument, designate a database as the ***national database***.

(2) Subject to the ACMA designating a database under subsection (1), the database that was the national database for the purposes of the *Radiocommunications (Compliance Labelling – Electromagnetic Radiation) Notice 2014* is taken to be the national database.

(3) If, before the commencement of this section, a person was registered on the database mentioned in subsection (2), the person is taken to be registered on the national database.

(4) If, before the commencement of this subsection, a person was registered on the database mentioned in section 11 of the *Radiocommunications (Compliance Labelling – Devices) Notice 2014*, as in force immediately before that commencement, the person is taken to be registered on the national database.

(5) If, before the commencement of this subsection, a person was registered on the database in accordance with section 4.2 of the *Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2017*, as in force immediately before that commencement, the person is taken to be registered on the national database.

58 Registration on national database

(1) To be registered on the national database, a person must provide to the database:
  (a) the person's ABN; and
  (b) one of the following:
    (i) if the person is a body corporate – the name and ACN of the body corporate;
    (ii) if the person is an individual – the name of the individual;

(iii) in any case – a business name that is used by the person in connection with its business in relation to the supply of devices and that is registered as a business name under the *Business Names Registration Act 2011*; and

(c) the person's address in Australia; and

(d) if the person is not an individual – the name and contact details of an individual who represents the person.

(2) If information included on the national database about a person changes, the person must provide the changed information to the database within 30 days after the change occurs.

(3) The person must provide the information in subsection (1) and (2) using a method indicated by the database for including information on the database.

(4) In this section:

corporation has the meaning given by section 57A of the *Corporations Act 2001*.

representative of a person means:

(a) an employee of the person; or

(b) if the person is a corporation– an officer of the corporation, within the meaning of section 9 of the *Corporations Act 2001*; or

(c) if the person is an entity that is neither an individual nor a corporation – an officer of the entity, within the meaning of section 9 of the *Corporations Act 2001*; or

(d) another person authorised in writing for the purposes of this section by:

(i) the person; or

(ii) an employee of the person; or

(iii) an officer of the person.

Schedule 1—Exempt repeaters

(section 32 and subsection 33(5))

1 Interpretation

In this Schedule:

cellular mobile repeater has the meaning given by section 32.

exempt repeater: see clause 3.

2 Carrier may request ACMA to make instrument

A carrier may request, in writing, the ACMA to make an instrument under clause 3 in relation to a specified cellular mobile repeater.

3 Instrument of exempt repeater

If the ACMA receives a request under clause 2, the ACMA may make a written instrument that declares the cellular mobile repeater specified in the request to be an ***exempt repeater***.

4 Publication of exempt repeater

If the ACMA makes an instrument under clause 3 in relation to a cellular mobile repeater, the ACMA must publish the following information on its website:

(a) the brand name of the repeater;
(b) the model number of the repeater;
(c) an image of the repeater;
(d) the date the instrument was made;
(e) the carrier that requested the instrument.

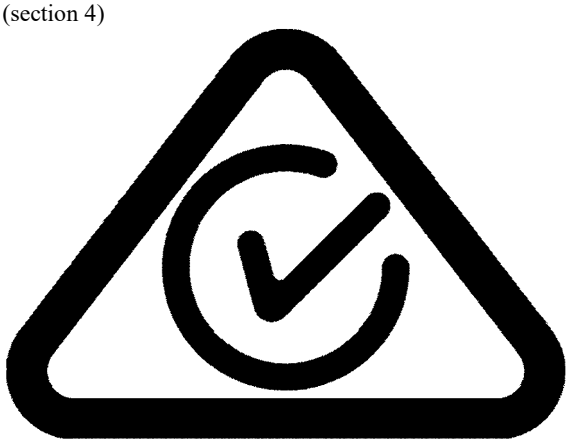
5 Refusal to make instrument

(1) If the ACMA refuses to make an instrument under clause 3, the decision is declared to be a decision to which section 285 of the Act applies.

(2) If the ACMA refuses to make an instrument under clause 3, the ACMA must give the carrier the reasons for the decision.

Schedule 2—RCM

(section 4)



Note: The RCM is a protected symbol (see section 166 of the Act).

Schedule 3—Labelling requirements

(sections 25, 27 and 28A)

Part 1—Preliminary

1 Object of this Schedule

The object of this Schedule is to:

(a) protect 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;

(b) ensure that persons who operate equipment have access to information about the equipment;

(c) contain interference to radiocommunications;

(d) contain interference to any uses or functions of equipment~~.~~;

(e) ensure the electromagnetic compatibility of equipment.

2 Interpretation

(1) In this Schedule:

accredited testing body, in relation to a document, or a standard prescribed for equipment, means a laboratory that is:

(a) accredited by NATA to conduct testing against that document or standard; or

(b) accredited, by a body that has entered into a mutual recognition arrangement with the International Laboratory Accreditation Cooperation, to conduct testing against:

(i) that document or standard; or

(ii) another document or requirement that is equivalent to that document or standard.

Note 1: An accredited testing body does not necessarily have accreditation under Part 5.4 of the Act.

Note 2: More information about NATA can be obtained from its website, at www.nata.com.au. More information about the International Laboratory Accreditation Cooperation can be obtained from its website, at www.ilac.org.

agent, in relation to a person, means an agent of the person who is authorised to act on behalf of the person for the purposes of equipment rules.

applicable device has the same meaning as in Schedule 4.

battery-powered device means a device that:

(a) is not an EMC compliance level 2 device; and

(b) is not capable of being connected, directly or indirectly, to an external power supply; and

(c) is powered only by either a button cell battery or an AA, AAA, AAAA, C, D, 123A, 6V or 9V battery.

built-in display, for a device, means an electronic display or electronic screen that:

(a) is integral to the device; and

(b) cannot be used independently of the device.

CISPR 11 means CISPR 11:2024 'Industrial, scientific and medical equipment – Radio-frequency disturbance characteristics – Limits and methods of measurement' published by the International Electrotechnical Commission.

Note: CISPR 11 may be obtained, for a fee, from the International Electrotechnical Commission website at webstore.iec.ch/en/. CISPR 11 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

compliance record: see subclause 14(2).

EMC compliance level 1 device means a device that is neither:

(a) an EMC compliance level 2 device; or

(b) an EMC compliance level 3 device.

EMC compliance level 2 device: see subclause (6).

EMC compliance level 3 device means a device described as 'Group 2 ISM equipment' in CISPR 11.

EME compliance level 1 device: see subclause (3).

EME compliance level 2 device means an applicable device that is:

(a) not an EME compliance level 1 device; and

(b) 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 is prescribed:

(a) the Intelligent Transport Systems Standard;

(b) the Short Range Equipment Standard.

Note: See clause 3 of Schedule 5.

general compliance level 2 device means a device that is not a general compliance level 1 device.

human body includes the head, neck, trunk and limbs.

NATA means the National Association of Testing Authorities, Australia (ACN 004 379 748).

RPS S-1 Advisory Note means:

(a) the document titled 'RPS S-1 Advisory Note: Compliance of mobile or portable transmitting equipment (100 kHz to 300 GHz)', published by ARPANSA; or

(b) if a later document published by ARPANSA is expressed to replace the document mentioned in paragraph (a) – the later document.

Note: RPS S-1 Advisory Note is available, free of charge, from the ARPANSA website: www.arpansa.gov.au.

~~***variant***: see subclause (2).~~

~~(2) A device (the ***second device***) is a ***variant*** of another device (the ***first device***) if the second device is both:~~

~~(a) not identical to the first device; and~~

~~(b) sufficiently similar to the first device such that:~~

~~(i) a standard that is prescribed for the first device is also prescribed for the second device; and~~

~~(ii) if the first device complies with that standard, the second device also complies with that standard; and~~

~~(iii) if the first device does not comply with that standard, the second device also does not comply with that standard.~~

(3) If, for an applicable device, the RPS S-1 Advisory Note provides that the evaluation of mobile or portable transmitting equipment for compliance with the ARPANSA standard is not required, the applicable device is a ***EME compliance level 1 device***.

(4) If:

(a) a person manufactures or imports a kind of equipment; and

(b) this Schedule requires the person to do a thing in relation to a device the person manufactures or imports (***the relevant requirement***); and

(c) the device is an item of that kind of equipment;

the person is taken to comply with the relevant requirement for each device of that kind of equipment the person manufactures or imports if:

(d) each device of that kind of equipment is identical; and

(e) subject to paragraphs (f) and (g), the person complies with the relevant requirement for one device of that kind of equipment (***the model device***); and

(f) the person complies with the relevant requirement for the model device from the first time the person must, but for the effect of this subclause, comply with the relevant requirement in relation to a device of that kind of equipment; and

(g) where a person must continue to meet the relevant requirement during a period – the person continues to comply with the relevant requirement for the model device during the period:

(i) beginning at the first time the person must, but for the effect of this subclause, comply with the relevant requirement in relation to a device of that kind of equipment; and

(ii) ending at the last time the person must, but for the effect of this subclause, comply with the relevant requirement in relation to a device of that kind of equipment.

(5) If:

(a) a person manufactures or imports a kind of equipment (***the first kind of equipment***); and

(b) the person manufactures or imports another kind of equipment (***the second kind of equipment***); and

(c) each device of the second kind of equipment is a variant of a device of the first kind of equipment;

(d) a provision in Part 3 of this Schedule requires the person to do a thing in relation to a device the person manufactures or imports (***the relevant requirement***), before the person applies a label to the device; and

(e) the person complies with the relevant requirement in relation to each device of the first kind of equipment;

the person is taken to comply with the relevant requirement for each device of the second kind of equipment if:

(f) each device of the second kind of equipment is identical; and

(g) subject to paragraphs (h) and (i), the person complies with the relevant requirement for one device of that kind of equipment (***the model device***); and

(h) the person complies with the relevant requirement for the model device from the first time the person must, but for the effect of this subclause, comply with the relevant requirement in relation to a device of that kind of equipment; and

(i) where a person must continue to meet the relevant requirement during a period – the person continues to comply with the relevant requirement for the model device during the period:

(i) beginning at the first time the person must, but for the effect of this subclause, comply with the relevant requirement in relation to a device of that kind of equipment; and

(ii) ending at the last time the person must, but for the effect of this subclause, comply with the relevant requirement in relation to a device of that kind of equipment.

Note: See the definition of ***"variant"*** in subsection 4(1).

(6) Subject to subclause (7), an ***EMC compliance level 2 device*** is a device that:

(a) is not an EMC compliance level 3 device; and

(b) contains 1 or more of the following:

(i) a switch mode power supply;

(ii) a transistor switching circuit;

(iii) a microprocessor;

(iv) a commutator;

(v) a slip-ring motor; an electronic device operating in a switching mode or a non-linear mode.

(7) A battery-powered device is not an EMC compliance level 2 device unless the ACMA has declared the device to be an EMC compliance level 2 device under subclause (8).

(8) The ACMA may declare, in writing, that a specified battery-powered device is an EMC compliance level 2 device if:

(a) the common operation of the device causes radio emissions; and

(b) those radio emissions have caused, or are likely to cause, interference, disruption or disturbance to other devices or to radiocommunications services; and

(c) the device is not an EMC compliance level 3 device.

(9) A declaration under subclause (8) is a notifiable instrument for the purposes of the *Legislation Act 2003*.

Part 2—Applying a label

3 Requirement – applying a label to a device

(1) For the purposes of subsections 25(5), 25(6), 27(3) and 28A(1), this clause requires a person to apply a label to a device.

Note: A person must not apply a label consisting of the RCM to a device that does not comply with a standard prescribed for it: see section 22C.

Labelling an applicable device because of the EME standard

(2) Subject to subclause (4), if an applicable device is manufactured in Australia, the person who manufactured the device must apply a label to the device in accordance with this Part.

(3) Subject to subclause (4), if an applicable device is imported, the person who imported the device must apply a label to the device in accordance with this Part.

(4) If Schedule 4 does not prescribe a standard for an applicable device, subclauses (2) and (3) do not apply in relation to the device.

Labelling a device because of a general standard

(5) If:

(a) a device is manufactured in Australia; and

(b) a general standard is prescribed for the device;

the person who manufactured the device must apply a label to the device in accordance with this Part.

(6) If:

(a) a device is imported; and

(b) a general standard is prescribed for the device;

the person who imported the device must apply a label to the device in accordance with this Part.

Labelling a device because of the EMC standard

(7) If:

(a) a device is manufactured in Australia; and

(b) the EMC standard is prescribed for the device; and

(c) the device is an EMC compliance level 2 device or an EMC compliance level 3 device;

the person who manufactured the device must apply a label to the device in accordance with this Part.

(8) If:

(a) a device is imported; and

(b) the EMC standard is prescribed for the device; and

(c) the device is an EMC compliance level 2 device or an EMC compliance level 3 device;

the person who imported the device must apply a label to the device in accordance with this Part.

(9) If:

(a) the EMC standard is prescribed for a device; and

(b) the device is an EMC compliance level 1 device; and

(c) the device is not an applicable device; and

(d) a general standard is not prescribed for the device;

then:

(e) the person who manufactured the device in Australia, or the person who imported the device, may apply a label to the device; and

(f) if that person chooses not to apply a label to the device, then, for the application of the following provisions of this Schedule, the EMC compliance level 1 device is taken to have a label applied to it:

(i) Part 3 (other than clause 9);

(ii) Part 4.

Note 1: If ~~both~~two or more of subclauses (2) ~~and (5), or both subclauses (3) and (6),~~to (8) apply in relation to a device, see subsection 6(2).

Note 2: The effect of applying subclause 3(9) to an EMC compliance level 1 device is to require the manufacturer in Australia, or the importer, to comply with record-keeping obligations and register on the national database, whether or not the device has a label applied to it.

4 Who may apply a label to a device

(1) For the purposes of subclauses 3(2), (5), (7) and (~~5~~9), a person who manufactures a device (***manufacturer***) is taken to apply a label to the device if the label is applied by an agent of the manufacturer, by a person who is authorised to apply the label by the manufacturer, or by a person who is authorised to apply the label by an agent of the manufacturer.

(2) For the purposes of subclauses 3(3), (6), (8) and (~~6~~9), a person who imports a device (***importer***) is taken to apply a label to a device if the label is applied by an agent of the importer, by a person outside Australia who is authorised to apply the label by the importer, or by a person outside Australia who is authorised to apply the label by an agent of the importer.

5 The label

General requirements for the label and applying the label

(1) The label must be:
  (a) the RCM; or
  (b) a QR code, or similar thing, if the relevant link is to information on a website that complies with subclause (8).

(1A) If the device is a wireless audio transmitter that is capable of operating in the frequency band 694 MHz to 820 MHz, the label must also include the following text in bold type:

> This device operates under an ACMA class licence and must comply with all conditions of that licence, including frequencies. In order to comply, this device must not be operated in the 694-820 MHz band.

~~Note: At the time this subclause commenced, Schedule 5 prescribed the Short Range Equipment Standard for wireless audio transmitters operated under the *Radiocommunications (Low Interference Potential Devices) Class Licence 2015*.~~

(2) Subject to subclause (6) and clause 6, the label must be applied to the surface of the device in a place that is readily accessible to a user of the device.

(3) The label must be durable.

(4) The label must be applied:
  (a) permanently; or
  (b) in a way that makes removal or obliteration difficult.

(5) Subject to subclause (5A), the label must be at least 3 mm high.

(5A) If subclause (1A) applies, the part of the label referred to in subclause (1) must be at least 3 mm high and the other part of the label that must include the text in bold type referred to in subclause (1A) must be at least 5 mm high.

Applying the label to packaging

(6) If, because of the size or physical nature of a device, it is impossible or impractical to apply the label to the surface of the device, the label must be applied to:
  (a) the external surface of the packaging used for the device, in a manner that complies with subclause (7); and
  (b) the documentation, including any warranty or guarantee certificate, that accompanies the device when it is offered for supply.

Note: See subclause 14(3).

(7) For the purposes of paragraph (6)(a), the label must:
  (a) occupy an area that is greater than 1% of the external surface of the packaging; and
  (b) be clearly visible;
  (c) be applied in accordance with subclauses (3) to (5A).

QR code information

(8) For the purposes of paragraph (1)(b), the information on the website must display the RCM prominently.

6 Electronic labelling

(1) This clause applies in relation to a device (***relevant device***) that has a built-in display.

(2) A person is taken to comply with subclause 5(2) in relation to a relevant device if:
  (a) when the relevant device is first offered for supply, and at all later times, the built-in display of the relevant device is capable of displaying the RCM; and
  (b) ~~the~~instructions for displaying the label are:
    (i) included in documentation that accompanies the device ~~at all times it~~when the device is ~~offered for supply by~~ supplied; or
    (ii) if the device was manufactured in Australia – clearly and prominently published on the website of the person ~~sets out instructions for displaying the RCM on the built-in display~~who manufactured the device at the time the device is supplied by that person to another person; and
    (iii) if the device was imported – clearly and prominently published on the website of the person who imported the device at the time the device is supplied by that person to another person; and
  (c) it is difficult or impossible to prevent the RCM from being displayed on the built-in display when a person follows the instructions mentioned in paragraph (b).

Part 3—Requirements to be met before ~~applying a label~~, or when, supplying a device

7 Application of Part - requirements

For the purposes of subsection 27(3), each of clauses 8 to 10 sets out one or more requirements to be met by a person before, or when, the person ~~applies~~supplies a device to which the person has applied a label ~~to a device~~ in accordance with Part 2 of this Schedule.

8 Requirement – registration on national database

A person must be registered on the national database.

8A Requirement – explanatory documentation to be supplied with a device

If it is possible for a device, for which the EMC standard applies and to which a label has been applied in accordance with Part 2 of this Schedule, to be installed or operated incorrectly, to the extent that the device may be used in a way that the device does not comply with the EMC standard, the person who manufactured the device in Australia, or the person who imported the device, must supply documentation with the device that sets out specifications for correct installation and operation to minimise that possibility.

Example: If a variable speed drive was fitted with a 1.2 m cable from the controller to the motor when it was tested and shown compliant, the documentation must specify that the same type and length of cable must be used when installed, unless testing was performed with different cables.

9 Requirement – making a declaration of conformity

(1) ~~If~~Subject to subclause (8), if the device is manufactured in Australia, the person who manufactured the device must make a declaration of conformity for the device that complies with subclause (3).

(2) ~~If~~Subject to subclause (8), if the device is imported, either:

(a) the person who imported the device must make a declaration of conformity for the device that complies with subclause (3); or

(b) both:

(i) the person who manufactured the device must make a declaration of conformity for the device that complies with subclause (3); and

(ii) the person who imported the device must obtain a copy of that declaration.

(3) A declaration of conformity for a device must:

(a) either:

(i) be in the form approved by the ACMA; or

(ii) subject to paragraph (b), contain all the information required by the form approved by the ACMA, whether or not it includes other information; and

(b) except for a declaration of conformity that is mentioned in subparagraph (2)(b)(i) – if the person making the declaration of conformity is a body corporate, contain one or more of:

(i) an ABN; or

(ii) an ACN; or

(iii) an ARBN;

of the person making the declaration; and

(c) if the device is an applicable device – declare that the device complies with the EME standard; and

(d) if the device is an EME compliance level 2 device or an EME compliance level 3 device – set out the measurement methods, assessment methods or computational methods, used to measure, assess or compute whether the device complies with the EME standard, in accordance with Part 3 of Schedule 4; and

(e) if a general standard is prescribed for the device – declare that the device complies with the general standard~~.~~; and

(f) if the EMC standard is prescribed for the device – declare that the device complies with the EMC standard.

Note: It is a serious offence to give false or misleading information (see section 137.1 of the *Criminal Code*).

(4) The ACMA must approve a form for a declaration of conformity.

(5) If the ACMA approved a form for a declaration of conformity for the purposes of the *Radiocommunications (Compliance Labelling – Electromagnetic Radiation) Notice 2014*, that form is taken to be approved under subclause (4), until the ACMA approves another form under subclause (4).

(6) If the ACMA approved a form for a declaration of conformity for the purposes of the *Radiocommunications (Compliance Labelling – Devices) Notice 2014*, that form is taken to be approved under subclause (4), until the ACMA approves another form under subclause (4).

(7) If the ACMA approved a form for a declaration of conformity for the purposes of the *Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2017*, that form is taken to be approved under subclause (4), until the ACMA approves another form under subclause (4).

(8) If a person who manufactured a device in Australia, or imported a device, does not apply a label to an EMC compliance level 1 device, the person is not required to make a declaration of conformity for the device in relation to compliance with the EMC standard.

Note: While a declaration of conformity is not required for an unlabelled EMC compliance level 1 device, a manufacturer in Australia or importer may still be required to make a declaration of conformity that the EME standard or a general standard is prescribed for the device.

10 Requirement – obtaining or creating documents

(1) For a device mentioned in an item in the table, the person who manufactured the device in Australia, or who imported the device, must perform the acts specified in the item.

Item	Column 1	Column 2
	Device	**Acts to be performed**
1	general compliance level 1 device	Prepare a description of the device that complies with subclause 13(1)
2	general compliance level 2 device	(a) prepare a description of the device that complies with subclause 13(1); and (b) obtain each document specified in paragraph 10(2)(a), (b) or (c) in relation to the device and the general standard
3	EME compliance level 1 device	Prepare a description of the device that complies with subclause 13(1)
~~*1*~~*4*	~~(a)~~ EME compliance level ~~1 device; or~~ ~~(b) general compliance level 1~~2 device	~~Prepare~~(a) prepare a description of the device that complies with subclause 13(1); and (b) obtain a test report in relation to the device that complies with subclause 13(2)
~~*2*~~*5*	EME compliance level ~~2~~3 device	(a) prepare a description of the device that complies with subclause 13(1); and (b) obtain a test ~~report in relation to the device~~ that complies with subclause 13(2~~)~~), and that is prepared by an accredited testing body, in accordance with the criteria that apply to the body's accreditation, in relation to the device
6	EMC compliance level 1 device	(a) prepare a description of the device that complies with subclause 13(1); and (b) prepare a copy of any explanatory documentation required by subclause 13(4).
~~*3*~~*7*	~~general~~EMC compliance level 2 device	(a) prepare a description of the device that complies with subclause 13(1); and (b) obtain ~~each document specified in paragraph 10(2)(~~a~~), (b) or (c)~~ test report in relation to the device that complies with subclause 13(2) and ~~the general standard~~clause 13A; and (c) prepare a copy of any explanatory documentation required by subclause 13(4).
~~*4*~~*8*	~~EME~~EMC compliance level 3 device	(a) prepare a description of the device that complies with subclause 13(1); and

Item	Column 1 Device	Column 2 Acts to be performed
		(b) obtain a test report in relation to the device that complies with subclause 13(2)~~,~~) and clause 13A, that is prepared by an accredited testing body, in accordance with the criteria that apply to the body's accreditation~~,~~ in relation to the device; and (c) prepare a copy of any explanatory documentation required by subclause 13(4).

Note: A device may be mentioned in more than one item of the table. In that case, the person needs to perform the acts specified in each item. However, the acts specified in one item may satisfy some of the requirements of another item.

Example: A device is both an EME compliance level 2 device and a general compliance level 1 device. The person who imported the device must perform the acts specified in both items 1 and 2 of the table. However, the person needs to prepare only one description of the device that complies with subclause 13(1) to perform the act specified in item 1, and the act specified in paragraph (a) of item 2.

(2) For the purposes of paragraph (b) of item 3 of the table, the following documents are specified in relation to the device and the general standard:

(a) both:

(i) written authority by the Federal Communications Commission of the United States of America for the device to operate in that country; and

(ii) if the laws of the United States of America are inconsistent with a part of the general standard – a written statement describing how the device has been altered to comply with that part of the general standard;

(b) a test report in relation to the device's compliance with the general standard that complies with subclause 13(2);

(c) a manufacturer's performance specifications for the device.

13 Description and test report

(1) For the purposes of clause 10, a description of a device must have sufficient information to determine whether the device described is the same as:

(a) a device for which a declaration of conformity is made; or

(b) a device identified in a test report.

(2) For the purposes of clause 10, a test report in relation to a device must:

(a) identify the device; and

(b) if the test report relates to the device's compliance with the EME standard – state whether the device complies with the EME standard; and

(c) if the test report relates to the device's compliance with the EME standard – describe the methods or procedures used by the person who prepared the report to test whether the device complies with the EME standard; and

(ca) if the test report relates to the device's compliance with a general standard – state whether the device complies with the general standard; and

(cb) if the test report relates to the device's compliance with a general standard – describe the test conducted on the device; and

(cc) if the test report relates to the device's compliance with the EMC standard – state whether the device complies with the EMC standard; and

(cd) if the test report relates to the device's compliance with the EMC standard – describe the test conducted on the device; and

(ce) if the test report relates to the device's compliance with the EMC standard – state whether the test was conducted in accordance with clause 13A; and

(d) state the results of each test described in the test report, including any measurement or evaluation data obtained from the test; and

(e) if the test report relates to the device's compliance with the EME standard – state whether the methods or procedures, used to test whether the device complies with the EME standard, comply with Part 3 of Schedule 4; and

(f) if:

(i) Part 3 of Schedule 4 specifies measurement methods, assessment methods or computational procedures for the device by reference to a document; and

(ii) the test report describes those methods or procedures; and

(iii) the document sets out requirements for a test report for a test that uses those methods or procedures (***test report requirements***);

comply with the test report requirements; and

(g) not be false or misleading in a material particular.

Note: It is a serious offence to give false or misleading information (see section 137.1 of the *Criminal Code*).

13A Testing of devices incorporating a radiocommunications transmitter because of the EMC standard

For the purposes of table items 7 and 8 in subclause 10(1), the following is specified in relation to the test report:

(a) if a device (a ***parent device***) contains or incorporates a radiocommunications transmitter, the transmitter must be switched off or placed in an idle state before the parent device is assessed for compliance against any emission requirements because of the EMC standard;

(b) for the avoidance of doubt, if a parent device contains or incorporates a radiocommunications transmitter, a person need not comply with the requirements of Schedule 3 in relation to the transmitter solely because of the EMC standard, so long as the person complies with those requirements in relation to the parent device.

Note 1: Subsection 7(2) of the Act contains the definition of ***radiocommunications transmitter***.

Note 2: For a device that contains or incorporates a radiocommunications transmitter, and which can be operated whilst the radiocommunications transmitter is not active (for example, a smart phone switched to "aeroplane mode", or a "smart meter" or a "data logger" which only transmits intermittently), a person must comply with the requirements of Schedule 3 because of the EMC standard with the transmitter turned off.

Part 4—Requirements to be met after applying a label

14 Requirement – creating and keeping records – generally

(1) For the purposes of subsection 28A(1) of this instrument, this clause sets out requirements to be met by a person ~~after the person~~who applies a label to a device in accordance with Part 2 of this Schedule.

(1A) A requirement in this clause must be met by a person before the person supplies a device to which it has applied a label in accordance with Part 2 of this Schedule.

(2) A person (***labeller***) who applies a label to a device in accordance with Part 2 of this Schedule must keep the following records (***compliance records***) in accordance with this clause:

(a) a declaration of conformity for the device, made in accordance with clause 9; and

(b) a description of the device, prepared in accordance with Part 3 of this Schedule; and

(c) a test report or other document obtained in accordance with Part 3 of this Schedule; and

(ca) if clause 8A of this Schedule applies in relation to the device – explanatory documentation prepared in accordance with clause 8A; and

(d) if subclause 5(6) applies to the device – a record made in accordance with subclause (3); and

(e) if subclause (4) applies to the labeller – a record made in accordance with subclause (4); and

(f) if subclause (5) applies to the device – a record made in accordance with subclause (5).

(3) If subclause 5(6) applies to a device, the labeller must create a written record of:

(a) the reasons why subclause 5(6) applies to the device; and

(b) where on the packaging of the device a label is applied.

(4) If a labeller arranges for an agent to keep records on the person's behalf for the purposes of this clause, the labeller must create a written record of the agency agreement between the labeller and the agent.

(5) If a device is a variant of another device (***the first device***), the labeller must create a written record of the variant that:

(a) identifies the first device; and

(b) identifies the variant; and

(c) describes the differences between the first device and the variant; and

(d) if the first device is an applicable device – provides a technical rationale for why the variant complies with the EME standard; and

(da) for each general standard prescribed for the first device – provides a technical rationale for why the variant complies with the general standard; and

(db) if the EMC standard is prescribed for the first device – provides a technical rationale for why the variant complies with the EMC standard; and

(e) if the first device is an applicable device – includes evidence that the electromagnetic exposure caused by the variant is not likely to exceed that of the first device; and

(f) is not false or misleading in a material particular.

Note: It is a serious offence to give false or misleading information (see section 137.1 of the *Criminal Code*).

(6) A compliance record for a device must be kept during the period:

(a) commencing on the day the record is created; and

(b) ending on the day occurring 5 years after the device is first supplied to a person.

(7) A compliance record must be in English.

(8) For the avoidance of doubt, a compliance record may be:

(a) a copy of an original document; or

(b) kept in electronic form.

Part 5—Transitional

15 Requirement – applying a label – transitional provisions

(1) For the purposes of subsection 28A(1) of this instrument, paragraph (2)(f) sets out a requirement to be met by a person after the person applies a label to a device in accordance with Part 2 of this Schedule.

(2) If:

(a) an applicable device complies with the *Radiocommunications (Compliance Labelling – Electromagnetic Radiation) Notice 2014*, as in force immediately before the commencement day; and

(b) before the commencement day a person applied a label to the device in accordance with the *Radiocommunications (Compliance Labelling – Electromagnetic Radiation) Notice 2014*, as in force at the time the person applied the label to the device; and

(c) before the person applied the label to the device, the person complied with Part 2 of the *Radiocommunications (Compliance Labelling – Electromagnetic Radiation) Notice 2014*, as in force at the time the person applied the label to the device;

then:

(d) the person is taken to have applied a label to the device in accordance with Part 2 of this Schedule; and

(e) the person is taken to have met the requirements in Part 3 of this Schedule before applying the label to the device; and

(f) the person is required to comply with Part 4 of the *Radiocommunications (Compliance Labelling – Electromagnetic Radiation) Notice 2014*, as in force at the time the person applied the label to the device, as if that instrument had not been repealed.

(3) In this clause, ***commencement day*** means the day this clause commenced.

16 Requirement – applying a label for general standards– transitional provisions

(1) For the purposes of subsection 28A(1) of this instrument, paragraph (2)(f) sets out a requirement to be met by a person after the person applies a label to a device in accordance with Part 2 of this Schedule.

(2) If:

(a) a device complies with the *Radiocommunications (Compliance Labelling – Devices) Notice 2014*, as in force immediately before the amendment day; and

(b) before the amendment day, a person applied a label to the device in accordance with the *Radiocommunications (Compliance Labelling – Devices) Notice 2014*, as in force at the time the person applied the label to the device; and

(c) before the person applied the label to the device, the person complied with Parts 2 and 2A of the *Radiocommunications (Compliance Labelling – Devices) Notice 2014*, as in force at the time the person applied the label to the device;

then:

(d) the person is taken to have applied a label to the device in accordance with Part 2 of this Schedule; and

(e) the person is taken to have met the requirements in Part 3 of this Schedule before applying the label to the device; and

(f) the person is required to comply with Part 4 of the *Radiocommunications (Compliance Labelling – Devices) Notice 2014*, as in force at the time the person applied the label to the device, as if that instrument had not been repealed.

(3) In this clause, ***amendment day*** means the day the *Radiocommunications Equipment (General) Amendment Rules 2023 (No. 1)* commence.

17 Requirement – applying a label for EMC standard – transitional provisions

(1) For the purposes of subsection 28A(1) of this instrument, paragraph (2)(f) sets out a requirement to be met by a person after the person applies a label to a device in accordance with Part 2 of this Schedule.

(2) If:

(a) an applicable device complies with the *Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2017*, as in force immediately before the commencement day; and

(b) before the commencement day a person applied a label to the device in accordance with the *Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2017*, as in force at the time the person applied the label to the device; and

(c) before the person applied the label to the device, the person complied with Part 4 of the *Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2017*, as in force at the time the person applied the label to the device;

then:

(d) the person is taken to have applied a label to the device in accordance with Part 2 of this Schedule; and

(e) the person is taken to have met the requirements in Part 3 of this Schedule before applying the label to the device; and

(f) the person is required to comply with Part 5 of the *Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2017*, as in force at the time the person applied the label to the device, as if that instrument had not been repealed.

(3) In this clause, ***commencement day*** means the day this clause commenced.

Schedule 4—Standard in relation to human exposure to electromagnetic energy

(section 4)

Part 1—Preliminary

1 Object of this Schedule

The object of this Schedule is to protect 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.

2 Interpretation

(1) In this Schedule:

applicable device: see subclause 3(1).

ARPANSA standard means the *Radiation Protection Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz (2021)*, or any standard published as a replacement of that standard by ARPANSA.

Note: The ARPANSA standard is available, free of charge, from the ARPANSA website: www.arpansa.gov.au.

AS/NZS 2772.2 means:

(a) the document titled 'AS/NZS 2772.2:2016 Radiofrequency fields, Part 2: Principles and methods of measurement and computation – 3 kHz to 300 GHz', published by Standards Australia; or

(b) if a later document published by Standards Australia is expressed to replace the document mentioned in paragraph (a) – the later document.

Note: AS/NZS 2772.2 may be obtained, for a fee, from a Standards Australia distributor listed on the Standards Australia website: www.standards.org.au. AS/NZS 2772.2 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

AS/NZS IEC/IEEE 62209.1528 means:

(a) the document titled 'AS/NZS IEC/IEEE 62209.1528:2021 Measurement procedure for the assessment of specific absorption rate of human exposure to radio frequency fields from hand-held and body-mounted wireless communication devices, Part 1528: Human models, instrumentation, and procedures (Frequency range of 4 MHz to 10 GHz)' published by Standards Australia; or

(b) if a later document published by Standards Australia is expressed to replace the document mentioned in paragraph (a) – the later document.

Note: AS/NZS IEC/IEEE 62209.1528 may be obtained, for a fee, from a Standards Australia distributor listed on the Standards Australia website: www.standards.org.au. AS/NZS IEC/IEEE 62209.1528 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

AS/NZS IEC/IEEE 63195.1 means:

(a) the document titled 'AS/NZS IEC/IEEE 63195.1:2024 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' published by Standards Australia; or

(b) if a later document published by Standards Australia is expressed to replace the document mentioned in paragraph (a) – the later document.

Note: AS/NZS IEC/IEEE 63195.1 may be obtained, for a fee, from a Standards Australia distributor listed on the Standards Australia website: www.standards.org.au. AS/NZS IEC/IEEE 63195.1 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

AS/NZS IEC/IEEE 63195.2 means:

(a) the document titled 'AS/NZS IEC/IEEE 63195.2:2024 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' published by Standards Australia; or

(b) if a later document published by Standards Australia is expressed to replace the document mentioned in paragraph (a) – the later document.

Note: AS/NZS IEC/IEEE 63195.2 may be obtained, for a fee, from a Standards Australia distributor listed on the Standards Australia website: www.standards.org.au. AS/NZS IEC/IEEE 63195.1 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

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

basic restrictions means the restrictions identified as basic restrictions in sections 2 and 3 of the ARPANSA standard.

C95.3 means:

(a) the document titled 'IEEE C95.3:2021 – IEEE Recommended Practice for Measurements and Computations of Electric, Magnetic, and Electromagnetic Fields with Respect to Human Exposure to Such Fields, 0 Hz to 300 GHz', published by the Institute of Electrical and Electronics Engineers; or

(b) if a later document published by the Institute of Electrical and Electronics Engineers is expressed to replace the document mentioned in paragraph (a) – the later document.

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

EN 62209-1 means:

(a) the document titled 'EN 62209-1:2016 Measurement procedure for the assessment of specific absorption rate of human exposure to radio frequency fields from hand-held and body-mounted wireless communication devices – Part 1: Devices used next to the ear (frequency range of 300 MHz to 6 GHz)', published by the European Committee for Electrotechnical Standardization; or

(b) if a later document published by the European Committee for Electrotechnical Standardization is expressed to replace the document mentioned in paragraph (a) – the later document.

Note: EN 62209-1 may be obtained, for a fee, from a ~~Standards Australia~~European Committee for Electrotechnical Standardization distributor listed on the ~~Standards Australia~~European Committee for Electrotechnical Standardization website: www.~~standards.org.au~~cencenelec.eu. EN 62209-1 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

EN 62209-2 means:

(a) the document titled 'EN 62209-2:2010 Human exposure to radio frequency fields from hand-held and body-mounted wireless communication devices – Human models, instrumentation, and procedures – Part 2: Procedure to determine the specific absorption rate (SAR) for wireless communication devices used in close proximity to the human body (frequency range of 30 MHz to 6 GHz)', published by the European Committee for Electrotechnical Standardization; or

(b) if a later document published by the European Committee for Electrotechnical Standardization is expressed to replace the document mentioned in paragraph (a) – the later document.

Note: EN 62209-2 may be obtained, for a fee, from a ~~Standards Australia~~European Committee for Electrotechnical Standardization distributor listed on the ~~Standards Australia~~European Committee for Electrotechnical Standardization website: www.~~standards.org.au~~cencenelec.eu . EN 62209-2 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

EN IEC/IEEE 62209-1528 means:

(a) the document titled 'EN IEC/IEEE 62209-1528:2021 Measurement procedure for the assessment of specific absorption rate of human exposure to radio frequency fields from hand-held and body-mounted wireless communication devices, Part 1528: Human models, instrumentation, and procedures (Frequency range of 4 MHz to 10 GHz)' published by the European Committee for Electrotechnical Standardization; or

(b) if a later document published by the European Committee for Electrotechnical Standardization is expressed to replace the document mentioned in paragraph (a) – the later document.

Note: EN IEC/IEEE 62209-1528 may be obtained, for a fee from a European Committee for Electrotechnical Standardization distributor listed on the European Committee for Electrotechnical Standardization website: www.cencenelec.eu. EN IEC/IEEE 62209-1528 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

EN IEC/IEEE 63195-1 means:

(a) the document titled 'EN IEC/IEEE 63195-1:2023 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' published by the European Committee for Electrotechnical Standardization; or

(b) if a later documented published by the European Committee for Electrotechnical Standardization is expressed to replace the document mentioned in paragraph (a) – the later document.

Note: EN IEC/IEEE 63195-1 may be obtained, for a fee from a European Committee for Electrotechnical Standardization distributor listed on the European Committee for Electrotechnical Standardization website: www.cencenelec.eu. EN IEC/IEEE 63195-1 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

EN IEC/IEEE 63195-2 means:

(a) the document titled 'EN IEC/IEEE 63195-2:2023 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' published by the European Committee for Electrotechnical Standardization; or

(b) if a later documented published by the European Committee for Electrotechnical Standardization is expressed to replace the document mentioned in paragraph (a) – the later document.

Note: EN IEC/IEEE 63195-2 may be obtained, for a fee from a European Committee for Electrotechnical Standardization distributor listed on the European Committee for Electrotechnical Standardization website: www.cencenelec.eu. EN IEC/IEEE 63195-2 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

human body includes the head, neck, trunk and limbs.

IEC 62209-3 means:

(a) the document titled 'IEC/IEEE 62209-3:2019 Measurement procedure for the assessment of specific absorption rate of human exposure to radio frequency fields from hand-held and body-mounted wireless communication devices – Part 3: Vector measurement-based systems (Frequency range of 600 MHz to 6 GHz)', published by the International Electrotechnical Commission; or

(b) if a later document published by the International Electrotechnical Commission is expressed to replace the document mentioned in paragraph (a) – the later document.

Note: IEC 62209-3 may be obtained, for a fee, from ~~a Standards Australia distributor listed on the Standards Australia~~the International Electrotechnical Commission website: ~~www.standards.org.au.~~webstore.iec.ch. IEC 62209-3 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

IEC/IEEE 62209-1528 means:

(a) the document titled 'IEEE/IEC 62209-1528:2020 – Measurement procedure for the assessment of specific absorption rate of human exposure to radio frequency fields from hand-held and body-mounted wireless communication devices – Part 1528: Human models, instrumentation, and procedures (Frequency range of 4 MHz to 10 GHz)', published by the International Electrotechnical Commission; or

(b) if a later document published by the International Electrotechnical Commission is expressed to replace the document mentioned in paragraph (a) – the later document.

Note: IEC/IEEE 62209-1528 may be obtained, for a fee, from ~~a Standards Australia distributor listed on the Standards Australia~~the International Electrotechnical Commission website: ~~www.standards.org.au.~~webstore.iec.ch. IEC/IEEE 62209-1528 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

IEC/IEEE 63195-1 means:

(a) the document titled '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', published by the International Electrotechnical Commission and the Institute of Electrical and Electronics Engineers; or

(b) if a later document published by the International Electrotechnical Commission and the Institute of Electrical and Electronics Engineers is expressed to replace the document mentioned in paragraph (a) – the later document.

Note: IEC/IEEE 63195-1 may be obtained, for a fee, from ~~a Standards Australia distributor listed on the Standards Australia~~the International Electrotechnical Commission website: ~~www.standards.org.au.~~webstore.iec.ch. IEC/IEEE 63195-1 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

IEC/IEEE 63195-2 means:

(a) the document titled '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', published by the International Electrotechnical Commission and the Institute of Electrical and Electronics Engineers; or

(b) if a later document published by the International Electrotechnical Commission and the Institute of Electrical and Electronics Engineers is expressed to replace the document mentioned in paragraph (a) – the later document.

Note: IEC/IEEE 63195-2 may be obtained, for a fee, from ~~a Standards Australia distributor listed on the Standards Australia~~the International Electrotechnical Commission website: ~~www.standards.org.au.~~webstore.iec.ch. IEC/IEEE 63195-2 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

integral antenna, for a device, means an antenna that is:

(a) permanently attached to the device; or

(b) designed to be directly attached to a fixed connection on the device, without the use of an external cable.

reference levels means the levels identified as reference levels in sections 2 and 3 of the ARPANSA standard.

RPS S-1 Advisory Note means:

(a) the document titled 'RPS S-1 Advisory Note: Compliance of mobile or portable transmitting equipment (100 kHz to 300 GHz)', published by ARPANSA; or

(b) if a later document published by ARPANSA is expressed to replace the document mentioned in paragraph (a) – the later document.

Note: RPS S-1 Advisory Note is available, free of charge, from the ARPANSA website: www.arpansa.gov.au.

simultaneous multi-band transmission mode, in relation to a device, means an operating mode allowing the device to transmit on more than one frequency band simultaneously.

(2) A term that is:

(a) used, but not defined, in this Schedule; and

(b) defined in the Glossary of the ARPANSA standard (***Glossary***);

has the same meaning in this Schedule as given by the Glossary.

Part 2—EME standard

3 Standard – performance requirements for equipment

(1) This clause prescribes a standard (***EME standard***) for each device (***applicable device***) that:

(a) is a mobile station; and

(b) is capable of operating in the frequency band 100 kHz to 300 GHz (inclusive); and

(c) has an integral antenna; and

(d) is not intended to be used as an emergency location beacon.

Note: EME is short for electromagnetic energy.

(2) If, for an applicable device:

(a) the device is normally used 20 centimetres or less from the human body (***normal position***); and

(b) a measurement method or computational procedure is specified for the device in Part 3 of this Schedule;

the device, when used in its normal position and in its normal mode of operation, must comply with:

(c) if the device is used by an Aware User, or is reasonably likely only to be used by an Aware User – the basic restrictions for occupational exposure; and

(d) in any other case – the basic restrictions for general public exposure.

Note: A device that is normally used in close proximity to the human head or ear is necessarily normally used 20 centimetres or less from the human body.

(3) If, for an applicable device:

(a) the device is normally used more than 20 centimetres from the human body (***normal position***); and

(b) an assessment method is specified for the device in Part 3 of this Schedule;

the device, when used in its normal position and in its normal mode of operation, must comply with:

(c) if the device is used by an Aware User, or reasonably likely only to be used by an Aware User – the reference levels for occupational exposure; and

(d) in any other case – the reference levels for general public exposure.

(4) ~~Whether a~~Subject to subclause (5), compliance of an applicable device ~~complies~~ with the EME standard ~~in~~must be determined as follows:

(a) if subclause (2) applies to the device, compliance must be ~~measured~~determined by:

(i) measurement in accordance with one or more of the measurement methods ~~or computed~~specified for the device in clause 4; or

(ii) computation in accordance with one or more of the computational procedures specified for the device in clause 4~~.~~; and

(5) ~~Whether a device complies with the standard in~~ (b) if subclause (3) applies to the device, compliance must be ~~assessed~~determined in accordance with one or more of the assessment methods specified for the device in clause 4.

(5) Subclause (4) does not apply in relation to an applicable device if the RPS S-1 Advisory Note provides that evaluation of the device for compliance with the ARPANSA standard is not required.

(6) For the purposes of this clause, if a device is capable of being used in simultaneous multi-band transmission mode, ***normal mode of operation*** means that mode.

(7) Despite subclauses (2) and (3), if no measurement method, nor any computational procedure, nor any assessment method is specified for an applicable device in Part 3 of this Schedule, no standard is prescribed for the device.

3A When a device complies with EME standard

(1) A device complies with the EME standard if, subject to subclause (2), the device complies with the EME standard as in force on the relevant date for the device.

(2) If a device is not a modified device, and either:

(a) if the device was manufactured in Australia – the device has been altered after it was manufactured; or

(b) if the device was imported – the device has been altered after it was imported;

the device complies with the EME standard if, after the device was altered, the device complies with the EME standard as in force at the time the device was altered.

Part 3—Measurement methods, computational procedures and assessment methods for EME standard

4 Measurement methods, computational procedures and assessment methods for EME standard

(1) If an applicable device:

(a) is normally used in the manner described in an item in column 1 of the table below; and

(b) operates in the frequency range specified in column 2 of that item;

then, for the purposes of subclauses 3(2) and 3(3), the measurement methods, computational procedures or assessment methods specified for the device are those specified in column 3 of that item.

(2) If, as a result of subclause (1), more than one measurement method, computational procedure or assessment method is specified for a device, any of those measurement methods, computational procedures or assessment methods may be used for the purposes of subclauses 3(4) and 3(5).

Item	Column 1	Column 2	Column 3
	Manner of use	**Frequency range (inclusive of both boundaries)**	**Measurement methods, computational procedures or assessment methods**
1	Normally used only in close proximity to the human ear	300 MHz to 6 GHz	Measurement methods set out in ~~EN~~any of: (a) AS/NZS IEC/IEEE 62209-1528; (b) EN 62209-1; (c) EN IEC/IEEE 62209-1528; or (d) IEC/IEEE 62209-1528
2	Normally used 20 centimetres or less from the human body, but not in close proximity to the human ear	30 MHz to 6 GHz	Measurement methods set out in any of: (a) AS/NZS IEC/IEEE 62209-1528; (b) EN 62209-2; (c) EN IEC/IEEE 62209-1528; or (d) IEC/IEEE 62209-1528
3	Normally used 20 centimetres or less from the human body, including in close proximity to the human ear or human head	4 MHz to 10 GHz	Measurement methods set out in any of: (a) AS/NZS IEC/IEEE- 62209-1528; (b) EN IEC/IEEE 62209-1528; or (c) IEC/IEEE 62209-1528
4	Normally used 20 centimetres or less from the human body, including in close proximity to the human ear or human head	600 MHz to 6 GHz	Measurement methods set out in IEC 62209-3
5	Normally used 20 centimetres or less from the human body, including in close proximity to the human ear or human head	6 ~~6~~ GHz ~~and~~to 100 GHz	(a) measurement methods set out in any of: (i) AS/NZS IEC/IEEE 63195-.1; (ii) EN IEC/IEEE 63195.1; or

Item	Column 1	Column 2	Column 3
	Manner of use	**Frequency range (inclusive of both boundaries)**	**Measurement methods, computational procedures or assessment methods**
			(iii) IEC/IEEE 63195-1; or (b) computational procedures set out in any of: (i) AS/NZS IEC/IEEE 63195.2; (ii) EN IEC/IEEE 63195.2; or (iii) IEC/IEEE 63195-2
6	Normally used more than 20 centimetres from the human body	100 kHz ~~and~~to 100 GHz	Assessment methods set out in: (a) AS/NZS 2772.2; or (b) C95.3

Part 4—Transitional

5 Standard – transitional provisions

(1) If an applicable device is manufactured in Australia before the commencement day, or not later than 12 months after the commencement day, the device is taken to comply with the EME standard if it complies with the *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2014*, as in force immediately before the commencement day.

(2) If an applicable device is imported before the commencement day, or not later than 12 months after the commencement day, the device is taken to comply with the EME standard if it complies with the *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2014*, as in force immediately before the commencement day.

(3) If an applicable device:
  (a) is manufactured in Australia; and
  (b) before the commencement day, or not later than 12 months after the commencement day, is altered or modified in a material respect;

the device, as altered or modified, is taken to comply with the EME standard if it complies with the *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2014*, as in force immediately before the commencement day.

(4) If an applicable device:
  (a) is imported; and
  (b) before the commencement day, or not later than 12 months after the commencement day, is altered or modified in a material respect;

the device, as altered or modified, is taken to comply with the EME standard if it complies with the *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2014*, as in force immediately before the commencement day.

(5) In this clause, ***commencement day*** means the day this clause commenced.

6 Measurement methods – transitional provisions

(1) If:

(a) an applicable device:

(i) was manufactured in Australia or imported before the amendment day; or

(ii) is manufactured or imported not later than 12 months after the amendment day; and

(b) item 5 of the table in clause 4, as in force immediately before the amendment day:

(i) applied to the device; or

(ii) would have applied to the device if the item continued to have the same effect on or after the amendment day;

then, despite subclause 3(4), whether the device complies with the standard in subclause 3(2) must be:

(c) measured in accordance with one or more of the measurement methods specified for the device in item 5 of the table in clause 4 as in force immediately before the amendment day; or

(d) measured in accordance with one or more of the measurement methods or computed in accordance with one or more of the computational procedures specified for the device in item 5 of the table in clause 4 as in force on the amendment day.

(2) If:

(a) an applicable device:

(i) was altered or modified in a material respect after it was manufactured in Australia or imported but before the amendment day; or

(ii) is altered or modified in a material respect after it was manufactured in Australia or imported but not later than 12 months after the amendment day; and

(b) item 5 of the table in clause 4, as in force immediately before the amendment day:

(i) applied to the device, as altered or modified; or

(ii) would have applied to the device, as altered or modified, if the item continued to have the same effect on or after the amendment day;

then, despite subclause 3(4), whether the device complies with the standard in subclause 3(2) must be:

(c) measured in accordance with one or more of the measurement methods specified for the device in clause 4 as in force immediately before the amendment day; or

(d) measured in accordance with one or more of the measurement methods or computed in accordance with one or more of the computational procedures specified for the device in clause 4 as in force on the amendment day.

(3) In this clause, ***amendment day*** means the day the *Radiocommunications Equipment (General) Amendment Rules 2023 (No. 1)* commence.

Schedule 5—General standards

(section 4)

Part 1—Preliminary

1 Object of this Schedule

The object of this Schedule is to:

(a) contain interference to radiocommunications; and

(b) contain interference to any uses or functions of equipment.

2 Interpretation

(1) In this Schedule:

amending document, in relation to an industry document, means a document:

(a) published by the person, body or association that published the industry document; and

(b) that amends the industry document.

CB class licence means:

(a) the *Radiocommunications (Citizen Band Radio Stations) Class Licence ~~2015~~2025*; or

(b) if a later instrument replaces that class licence – the later instrument.

Note: The *Radiocommunications (Citizen Band Radio Stations) Class Licence ~~2015~~2025* is available, free of charge, from the Federal Register of Legislation at www.legislation.gov.au.

~~***creation date***, for a modified device, means the date a device or other thing was modified to create the modified device.~~

equivalent provision, in relation to a provision of an industry document (***original provision***), means:

(a) if the industry document has been amended – any provision of the industry document, as amended, that has a substantially similar purpose or performs a substantially similar function as the original provision;

(b) if there is a replacement document for the industry document – any provision of the replacement document that has a substantially similar purpose or performs a substantially similar function as the original provision.

~~***included in a class of equipment***: see clause 6.~~

industry document means a document specified in column 3 of the table at clause 3.

~~***modified***, in relation to a device or other thing, means modified or altered in a material respect:~~

~~(a) after the device or other thing was manufactured in Australia or imported: and~~

~~(b) by or on behalf of:~~

~~(i) if the device or other thing was manufactured in Australia – the person who manufactured the device or other thing; or~~

~~(ii) if the device or other thing was imported – the person who imported the device or other thing.~~

~~***modified device*** means a device that has been modified and, for the avoidance of doubt, is the device as modified.~~

~~Note: Even if, at the time a device was manufactured in Australia or imported, no general standard was prescribed for the device, there may still be a general standard prescribed for the device as modified.~~

~~***original device***: see clause 6.~~

~~***original modified device***: see clause 6.~~

publication date, of a document published by a person, body or association, is the date on which the document is first published by the person, body or association.

~~***relevant date***: see clause 5.~~

replacement document, in relation to an industry document, means a document:

(a) published by the person, body or association that published the industry document; and

(b) that replaces the industry document.

short range equipment: see clause 54.

Short Range Equipment Standard: see subclause 3(2).

transition period: see subclause (2).

Note: Other words and phrases may be defined in another Part of this Schedule.

(2) If an industry document is amended or replaced by another document, there is a ***transition period*** for the amending document or replacement document that starts on its publication date and lasts for 12 months.

Part 2—Prescribed standards and how equipment complies with standards

3 General standards prescribed for equipment

(1) For the purposes of this instrument:

(a) there is a general standard to be known by the name specified in an item of the following table; and

(b) the requirements of the general standard are set out in clause 4 in relation to an industry document specified in the item, as modified by the provisions (if any) specified in the item; and

(c) the general standard is prescribed for the equipment specified in the item.

Item	Column 1 **Name of general standard**	Column 2 **Equipment for which the general standard is prescribed**	Column 3 **Industry document**	Column 4 **Provisions modifying the industry document**
Land mobile standards				
1	Analogue Speech (Angle Modulated) Equipment Standard Note: See Part 3.	analogue speech equipment	Either: (a) AS/NZS 4295; or (b) ETSI EN 300 086	Clause 10 for ETSI EN 300 086

Item	Column 1 Name of general standard	Column 2 Equipment for which the general standard is prescribed	Column 3 Industry document	Column 4 Provisions modifying the industry document
2	HF CB Standard Note: See Part 4.	HF CB radio equipment	Either: (a) AS/NZS 4355; or (b) ETSI EN 300 433	Clause 14 for ETSI EN 300 433
3	MF and HF Equipment – Land Mobile Service Standard Note: See Part 5.	MF and HF land mobile equipment	AS/NZS 4770	-
4	Paging Service Equipment Standard Note: See Part 6.	paging service equipment	ETSI EN 300 224	Clause 19
5	UHF CB Equipment Standard Note: See Part 7.	UHF CB equipment	AS/NZS 4365	Clause 22
Maritime, aeronautical and safety standards				
6	118 MHz to 137 MHz Amplitude Modulated Equipment – Aeronautical Radio Service Standard Note: See Part 8.	aeronautical AM equipment	Either: (a) AS/NZS 4583; or (b) ETSI EN 300 676-1	Clause 26 for both AS/NZS 4583 and ETSI EN 300 676-1
7	406 MHz Satellite Distress Beacons Standard Note: See Part 9.	406 MHz satellite distress beacon equipment	Both: (a) AS/NZS 4280.1; and (b) AS/NZS 4280.2	(a) clause 30 for AS/NZS 4280.1; and (b) clause 31 for AS/NZS 4280.2
8	Equipment Used in the Inshore Boating Radio Services Band Standard Note: See Part 10.	inshore boating radio equipment	AS~~/NZS~~ 4367	Clause 34
9	MF and HF Equipment – International Maritime Mobile Service Standard Note: See Part 11.	MF and HF equipment used in the international maritime mobile service	ETSI EN 303 402	Clause 37
10	VHF Equipment – Maritime Mobile Service Standard (Part 1) Note: See Part 12.	fixed VHF equipment	Either: (a) AS/NZS ETSI EN 301 025; or (b) ETSI EN 301 025	Clause 45 for both AS/NZS ETSI EN 301 025 and ETSI EN 301 025

Item	Column 1	Column 2	Column 3	Column 4
	Name of general standard	**Equipment for which the general standard is prescribed**	**Industry document**	**Provisions modifying the industry document**
11	VHF Equipment – Maritime Mobile Service Standard (Part 2) Note: See Part 12.	portable VHF equipment (non-GMDSS)	Either: (a) AS/NZS ETSI EN 301 178; or (b) ETSI EN 301 178	Clause 46 for both AS/NZS ETSI EN 301 178 and ETSI EN 301 178
12	VHF Equipment – Maritime Mobile Service Standard (Part 3) Note: See Part 12.	portable VHF equipment (Digital Selective Calling)	Either: (a) AS/NZS ETSI EN 302 885; or (b) ETSI EN 302 885	Clause 47 for both AS/NZS ETSI EN 302 885 and ETSI EN 302 885
Other equipment standards Note: See also subclause (2).				
13	Digital Enhanced Cordless Telecommunications Equipment Standard Note: See Part 13.	digital enhanced cordless telecommunications equipment	ETSI EN 301 406	Clause 50
14	Intelligent Transport Systems Standard Note: See Part 14.	ITS equipment	ETSI EN 302 571	-

Note: Words and phrases in the table may be defined in another Part of this Schedule.

(2) For the purposes of this instrument:

(a) there is a general standard to be known as the Short Range Equipment Standard; and

(b) the requirements of the general standard are set out in clause 53; and

(c) the general standard is prescribed for short range equipment.

Note: For the avoidance of doubt, where a general standard is prescribed for equipment, the general standard is applicable to it.

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

(1) This clause:

(a) sets out the requirements of a general standard named in an item of the table in subclause 3(1) in relation to an industry document; and

(b) applies to a device that is an item of equipment for which the general standard is prescribed.

Note: See the definition of ***"industry document"*** in subclause (8).

(2) A device must meet the requirements in subclause (4), (5), (6) or (~~6~~6A) in relation to an industry document in order to comply with the general standard.

Note: Parts 2 and 5 of this instrument impose obligations and prohibitions in relation to equipment for which a general standard is prescribed.

(3) However, unless the contrary intention appears, if there are 2 or more industry documents, a device is only required to meet the requirements in subclause (4), (5) or (6) in relation to one of those industry documents in order to comply with the general standard.

Note: Item 7 of the table at subclause 3(1) has a contrary intention.

Example: The device may meet the requirements in subclause (4), (5) or (6) in relation to 2 or more of those industry documents, but is not required to do so in relation to more than 1 of those industry documents in order to comply with the general standard.

(4) A device meets the requirements of this subclause in relation to an industry document if the device complies with:

(a) except in a case covered by paragraph (b) – the industry document as existing on the relevant date for the device; or

(b) in a case where the relevant date is on or after the publication date of a replacement document for the industry document – the replacement document as existing on its publication date.

(5) A device meets the requirements of this subclause in relation to an industry document if:

(a) the industry document is amended or replaced by another document; and

(b) the relevant date for the device occurs during the transition period for the amending document or replacement document; and

(c) the device complies with:

(i) the industry document as existing immediately before the publication date of the amending document or replacement document; or

(ii) the industry document as amended and existing on the publication date of the amending document; or

(ii) the replacement document as existing on its publication date.

Note: To avoid doubt, if the relevant date for a device occurs during more than one transition period for an amending document or replacement document, in relation of an industry document, the device may meet the requirements of this subclause in relation to any of those transition periods.

(6) A device meets the requirements of this subclause in relation to an industry document if:

(a) the device is included in a class of equipment; and

(b) the original device, or the original modified device, of the class meets the requirements of subclause (4) or (5) in relation to the industry document.

(6A) A device meets the requirements of this subclause in relation to an industry document if:

(a) the device is a variant of another device (the ***first device***); and

(b) the first device is included in a class of equipment; and

(c) the original device, or the original modified device, of the class meets the requirements of subclause (4) or (5) in relation to the industry document; and

(d) the variant meets the requirements of subclause (4) or (5), as modified by subclause (6B), in relation to the industry document.

(6B) For the purposes of paragraph (6A)(d), subclauses (4) and (5) are modified by replacing each occurrence of 'relevant date for the device' with 'relevant date for the first device'.

Example: To meet the requirements of paragraph (4)(a), the variant must meet the requirements of the industry document as existing on the relevant date for the first device.

(7) Subclause (2) is subject to Part 16 of this Schedule.

(8) In this clause:

device means a device to which this clause applies.

general standard means the general standard referred to in paragraph (1)(a).

industry document means an industry document specified in the item of the table in subclause 3(1) in which the general standard is named, as modified by the provisions (if any) specified in the item.

~~**5 Relevant date for a device**~~

~~In this Schedule, a reference to the ***relevant date*** for a device is a reference to:~~

~~(a) in the case of a device, other than a modified device – the date the device was manufactured in Australia or imported; or~~

~~(b) in the case of a modified device – the creation date for the modified device.~~

~~**6 Class of equipment**~~

~~(1) In this Schedule:~~

~~(a) a device, other than a modified device, is ***included in a class of equipment*** if:~~

~~(i) the device is identical to each other device in the class (irrespective of when the devices were manufactured in Australia or imported); and~~

~~(ii) the device and each other device in the class were manufactured in Australia or imported by the same person; and~~

~~(b) the ***original device***, in relation to the class, is the device in the class that was the first to be manufactured in Australia or imported.~~

~~(2) In this Schedule:~~

~~(a) a modified device is ***included in a class of equipment*** if:~~

~~(i) the modification made to create the device is identical to the modification made to create each other device in the class (irrespective of when the modifications were made);~~

~~(ii) the modified device is, in all other respects, identical to each other device in the class (irrespective of when the devices were manufactured in Australia or imported); and~~

~~(iii) the modified device and each other device in the class were manufactured in Australia or imported by the same person; and~~

~~(b) the ***original modified device***, in relation to the class, is the device in the class that was the first to be so modified.~~

Part 3—Analogue Speech (Angle Modulated) Equipment Standard

7 AS/NZS 4295

In this Schedule, ***AS/NZS 4295*** means 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’, published by Standards Australia and Standards New Zealand.

Note: AS/NZS 4295 may be obtained, for a fee, from a Standards Australia distributor listed on the Standards Australia website at www.standards.org.au. AS/NZS 4295 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

8 ETSI EN 300 086

In this Schedule, ***ETSI EN 300 086*** means 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', published by the European Telecommunications Standards Institute.

Note: ETSI EN 300 086 is available, free of charge, from the website of the European Telecommunications Standards Institute at www.etsi.org.

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

In this Schedule, ***analogue speech equipment*** means equipment that is:

(a) one of the following:
  (i) an ambulatory station;
  (ii) a land mobile system station;
  (iii) a point to multipoint station;
  (iv) a point to point station;
  (v) a station on board a ship for the purpose of on-board communications; and

(b) operated on a land mobile frequency within one of the following frequency bands:
  (i) for a station on board a ship for the purpose of on-board communications – 450 MHz to 479 MHz (inclusive);
  (ii) otherwise – 29.7 MHz to 520 MHz (inclusive); and

(c) operated with a bandwidth of 12.5 kHz, 20 kHz or 25 kHz; and

(d) equipment to which either:
  (i) AS/NZS 4295; or
  (ii) ETSI EN 300 086;

applies, on its own terms; and

(e) used to provide a land mobile service.

Note: At the time the *Radiocommunications Equipment (General) Amendment Rules 2025 (No. 1)* commenced, a number of expressions used in this Part were defined in the *Radiocommunications (Interpretation) Determination 2025*, including:

(a) ambulatory station;
(b) land mobile frequency;
(c) land mobile service;
(d) land mobile system station;
(e) point to multipoint station;
(f) point to point station;
(g) ship;
(h) station.

10 Modification of ETSI EN 300 086

(1) This clause modifies ETSI EN 300 086 for the purposes of the Analogue Speech (Angle Modulated) Equipment Standard.

(2) A clause of ETSI EN 300 086, or any equivalent provision, only forms part of the Analogue Speech (Angle Modulated) Equipment Standard if:
  (a) both:
    (i) the clause is specified in an item of the table; and
    (ii) the circumstances set out in that item exist; or
  (b) the clause defines a word or phrase used in a clause covered by paragraph (a), or is otherwise necessary for the operation of the last-mentioned clause.

Item	Column 1	Column 2
	Clause of ETSI EN 300 086	**Circumstances in which the clause applies**
1	Clause 7.1 (Frequency error)	All

Item	Column 1	Column 2
	Clause of ETSI EN 300 086	**Circumstances in which the clause applies**
2	Clause 7.2 (Transmitter power (conducted))	Only in relation to equipment with an external antenna conductor
3	Clause 7.3 (Maximum effective radiated power)	Only in relation to equipment without an external antenna conductor
4	Clause 7.4 (Frequency deviation)	All
5	Clause 7.5 (Adjacent and alternate channel power)	All
6	Clause 7.6 (Unwanted emissions in the spurious domain)	All
7	Clause 7.7 (Intermodulation attenuation)	Only in relation to base stations, within the meaning given by ETSI EN 300 086
8	Clause 8.1 (Maximum usable sensitivity (conducted))	Only in relation to equipment with an external antenna conductor
9	Clause 8.2 (Maximum usable sensitivity (field strength))	Only in relation to equipment without an external antenna conductor
10	Clause 8.3 (Co-channel rejection)	All
11	Clause 8.4 (Adjacent channel selectivity)	All
12	Clause 8.5 (Spurious response rejection)	All
13	Clause 8.6 (Intermodulation response rejection)	All
14	Clause 8.7 (Blocking or desensitization)	All
15	Clause 8.8 (Spurious radiations)	All
16	Clause 9.1 (Receiver desensitization (with simultaneous transmission and reception))	Only in relation to equipment operated with a duplex filter
17	Clause 9.2 (Receiver spurious response rejection (with simultaneous transmission and reception))	Only in relation to equipment operated with a duplex filter

Part 4—HF CB Equipment Standard

11 AS/NZS 4355

In this Schedule, ***AS/NZS 4355*** means AS/NZS 4355:2006 ‘Radiocommunications equipment used in the handphone and citizen band radio services operating at frequencies not exceeding 30 MHz’, published by Standards Australia and Standards New Zealand.

Note: AS/NZS 4355 may be obtained, for a fee, from a Standards Australia distributor listed on the Standards Australia website at www.standards.org.au. AS/NZS 4355 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

12 ETSI EN 300 433

In this Schedule, ***ETSI EN 300 433*** means 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’, published by the European Telecommunications Standards Institute.

Note: ETSI EN 300 433 is available, free of charge, from the website of the European Telecommunications Standards Institute at www.etsi.org.

13 Additional definitions for HF CB Equipment Standard

In this Schedule:

HF CB radio equipment means equipment that is:

(a) a HF CB station; or

(b) designed or intended to operate on a carrier frequency specified outside Australia for a purpose substantially similar to a HF CB service.

HF CB service means a service involving radiocommunication between HF CB stations.

HF CB station means a station operating on a channel centred on a high frequency specified inf Schedule 1 to the CB class licence.

Note 1: At the time the *Radiocommunications Equipment (General) Amendment Rules 2025 (No. 1)* commenced, ***station*** was defined in the *Radiocommunications (Interpretation) Determination 2025*.

Note 2: In this Part, "carrier" is not intended to have the meaning given by the *Radiocommunications (Interpretation) Determination 2025*.

14 Modification of ETSI EN 300 433

(1) This clause modifies ETSI EN 300 433 for the purposes of the HF CB Equipment Standard.

(2) A clause of ETSI EN 300 433, or any equivalent provision, only forms part of the HF CB Equipment Standard if:

(a) both:

(i) the clause is specified in an item of the table; and

(ii) the circumstances set out in that item exist; or

(b) the clause defines a word or phrase used in a clause covered by paragraph (a), or is otherwise necessary for the operation of the last-mentioned clause.

Item	Column 1	Column 2
	Clause of ETSI EN 300 433	**Circumstances in which the clause applies**
1	Clause 7.1 (Frequency error)	All, except where adjacent and alternative channel power is measured under extreme test conditions in accordance with clause 7.4.2 of ETSI EN 300 433
2	Clause 7.2 (Transmitter power)	All
3	Clause 7.3 (Maximum permissible frequency deviation)	Only in relation to equipment that uses angle modulation
4	Clause 7.4 (Adjacent and alternative channel power)	All
5	Clause 7.5 (Unwanted emissions in the spurious domain)	All
6	Clause 7.6 (Transient behaviour of the transmitter)	Only in relation to equipment with cyclic keying during data transmissions
7	Clause 8.1 (Maximum usable sensitivity)	All
8	Clause 8.2 (Adjacent channel selectivity)	All
9	Clause 8.3 (Intermodulation response rejection)	All

Item	Column 1	Column 2
	Clause of ETSI EN 300 433	**Circumstances in which the clause applies**
10	Clause 8.4 (Spurious radiations)	All
11	Clause 8.5 (Blocking and Spurious Response Rejection)	All

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

15 AS/NZS 4770

In this Schedule, ***AS/NZS 4770*** means AS/NZS 4770:2000 'MF and HF radiocommunications equipment in the land mobile service utilizing single sideband suppressed carrier emission', published by Standards Australia and Standards New Zealand.

Note: AS/NZS 4770 may be obtained, for a fee, from a Standards Australia distributor listed on the Standards Australia website at www.standards.org.au. AS/NZS 4770 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

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

In this Schedule:

J3E mode means a mode of emission with the basic characteristic of a single sideband amplitude modulated suppressed carrier on a single channel, containing primarily analogue telephony information.

Note: At the time this clause commenced, Appendix 1 of the Radio Regulations set out the method to be used for determining the designation of a radiocommunications transmitter's emission. J3E may be part of the designation of a radiocommunications transmitter's emission.

MF and HF land mobile equipment means equipment that is:

(a) used with a land mobile service; and

(b) operated in the frequency band 2 MHz to 30 MHz; and

(c) operated in J3E mode.

Note 1: At the time the *Radiocommunications Equipment (General) Amendment Rules 2025 (No. 1)* commenced, a number of expressions used in this Part were defined in the *Radiocommunications (Interpretation) Determination 2025*, including:

(a) land mobile service;

(b) single sideband.

Note 2: In this Part, "carrier" is not intended to have the meaning given by the *Radiocommunications (Interpretation) Determination 2025*.

Part 6—Paging Service Equipment Standard

17 ETSI EN 300 224

In this Schedule, ***ETSI EN 300 224*** means 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', published by the European Telecommunications Standards Institute.

Note: ETSI EN 300 224 is available, free of charge, from the website of the European Telecommunications Standards Institute at www.etsi.org.

18 Additional definition for Paging Service Equipment Standard

In this Schedule, ***paging service equipment*** means equipment that is:

(a) a paging system station; and

(b) operated on a frequency band set out in ETSI EN 300 224.

Note: At the time the *Radiocommunications Equipment (General) Amendment Rules 2025 (No. 1)* commenced, ***paging system station*** was defined in the *Radiocommunications (Interpretation) Determination 2025*.

19 Modification of ETSI EN 300 224

(1) This clause modifies ETSI EN 300 224 for the purposes of the Paging Service Equipment Standard.

(2) A clause of ETSI EN 300 224, or any equivalent provision only forms part of the Paging Service Equipment Standard if:

(a) the clause is specified in an item of the table; or

(b) the clause defines a word or phrase used in a clause covered by paragraph (a), or is otherwise necessary for the operation of the last-mentioned clause.

Item	Column 1
	Clause of ETSI EN 300 224
1	Clause 7.1 (Frequency error)
2	Clause 7.2 (Carrier power)
3	Clause 7.3 (Adjacent channel power)
4	Clause 7.4 (Frequency deviation)
5	Clause 7.5 (Spurious emissions)
6	Clause 7.6 (Transmitter transient behaviour)
7	Clause 7.7 (Maximum transmission time)
8	Clause 8.1 (Paging receivers reference sensitivity (field strength, data))
9	Clause 8.2 (Adjacent Channel Selectivity)
10	Clause 8.3 (Co-channel rejection)
11	Clause 8.4 (Intermodulation response rejection)
12	Clause 8.5 (Spurious response rejection)
13	Clause 8.6 (Spurious emissions)
14	Clause 9.1 (Measured sensitivity for analogue speech)
15	Clause 9.2 (Measured sensitivity for messages)
16	Clause 9.3 (Co-channel rejection for analogue speech)
17	Clause 9.4 (Co-channel rejection for messages)
18	Clause 9.5 (Adjacent channel selectivity for analogue speech)
19	Clause 9.6 (Adjacent channel selectivity for messages)
20	Clause 9.7 (Spurious response immunity for analogue speech)
21	Clause 9.8 (Spurious response immunity for messages)
22	Clause 9.9 (Intermodulation immunity for analogue speech)
23	Clause 9.10 (Intermodulation immunity for messages)
24	Clause 9.11 (Blocking immunity or desensitization for analogue speech)
25	Clause 9.12 (Blocking immunity or desensitization for messages)
26	Clause 9.13 (Spurious emissions)

(3) Subject to subclause (4), ETSI EN 300 224 is taken to include clause 8.3.3 and Table ZZ1 (***Table ZZ1***) of AS/NZS 4769.1:2000 'Radiocommunications equipment used in the paging service Angle modulated equipment', published by Standards Australia and Standards New Zealand, as existing on 5 May 2018.

Note: AS/NZS 4769.1:2000 may be obtained, for a fee, from a Standards Australia distributor listed on the Standards Australia website at www.standards.org.au. AS/NZS 4769.1:2000 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

(4) In column 1 of Table ZZ1, '460.375' is taken to be '450.375'.

(5) To the extent of any inconsistency, subclause (3) prevails over subclause (2).

Part 7—UHF CB Equipment Standard

20 AS/NZS 4365

In this Schedule, ***AS/NZS 4365*** means AS/NZS 4365:2011 'Radiocommunications equipment used in the UHF citizen band radio service', published by Standards Australia and Standards New Zealand.

Note: AS/NZS 4365 may be obtained, for a fee, from a Standards Australia distributor listed on the Standards Australia website at www.standards.org.au. AS/NZS 4365 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

21 Additional definitions for UHF CB Equipment Standard

In this Schedule:

multi-role equipment means equipment that is capable of operating on:

(a) an ultra high frequency specified in the CB class licence; and

(b) another frequency.

UHF CB equipment means equipment, other than a CB repeater station, that is:

(a) capable of operating on an ultra high frequency specified in the CB class licence (whether or not it is capable of operating on any other frequency); or

(b) designed or intended to operate on an ultra high frequency specified for a service outside Australia that is substantially similar to a citizen band radio service.

Note: At the time the *Radiocommunications Equipment (General) Amendment Rules 2025 (No. 1)* commenced, a number of expressions used in this Part were defined in the *Radiocommunications (Interpretation) Determination 2025*, including:

(a) CB repeater station;

(b) ultra high frequency.

22 Modification of AS/NZS 4365

(1) This clause modifies AS/NZS 4365 for the purposes of the UHF CB Equipment Standard.

(2) AS/NZS 4365 does not form part of the UHF CB Equipment Standard in relation to UHF CB equipment that is multi-role equipment, to the extent that it operates on frequencies other than ultra high frequencies specified in the CB class licence.

Note: As a result of subclause (2), the UHF CB Equipment Standard only sets requirements for multi-role equipment in respect of the equipment's operation on ultra high frequencies specified in the CB class licence.

(3) Clause 5.2 of AS/NZS 4365, and any equivalent provision, is not part of the UHF CB Equipment Standard.

(4) Any requirement of AS/NZS 4365 that relates to the laws of New Zealand or to the New Zealand Ministry of Economic Development does not form part of the UHF CB Equipment Standard.

Note: If a requirement of AS/NZS 4365 relates to both the laws of Australia and the laws of New Zealand, or to both the ACMA and the New Zealand Ministry of Economic Development, the requirement is part of the UHF CB Equipment Standard only to the extent that it relates to the laws of Australia or to the ACMA.

(5) Clauses 6.7.3 and 6.7.4 of AS/NZS 4365, and any equivalent provisions, are omitted and replaced with the following clauses, for the UHF CB Equipment Standard:

6.7.3 *Limit for telemetry or telecommand transmissions*

When tested in accordance with clause 6.7.4, the adjacent channel power shall not exceed -22 dBm under any modulation condition.

6.7.4 *Method of test for telemetry or telecommand transmissions*

The measurement is made under standard test conditions (Clause 4.1) and using an adjacent channel power measuring 'receiver' conforming to the requirements of clause 6.7.5.

For test purposes, it is desirable that telemetry or telecommand transmissions of the test samples should be at least three seconds in duration.

The transmitter output shall be connected to an artificial load which is used to provide an appropriate signal level to the 'receiver' input. The output of the transmitter during a telemetry or telecommand transmission shall be observed by spectrum analysis or some other suitable means.

The transmitter shall be operated in a modulated state at the highest available power output.

For the purposes of this test the modulation shall be that which results in worst case adjacent channel power performance. The RMS power in the upper and lower adjacent channels as defined by Table 3D below shall be measured and recorded.

6.7.5 *Characteristics of Power Measuring Receiver (telemetry and telecommand transmissions)*

6.7.5.1 *General*

The characteristics of the power measuring receiver outlined below are consistent with ETS 300 086 V1.4.1 (2010-06).

6.7.5.2 *Power measuring receiver specification*

The power measuring receiver consists of an oscillator, a mixer, an IF filter, an amplifier, a variable attenuator and an RMS value indicator. Instead of the variable attenuator with the RMS value indicator it is also possible to use a dB calibrated RMS voltmeter. The technical characteristics of the power measuring receiver are given below.

6.7.5.3 *IF filter*

The IF filter shall be within the limits of the selectivity characteristic in Figure 2A.

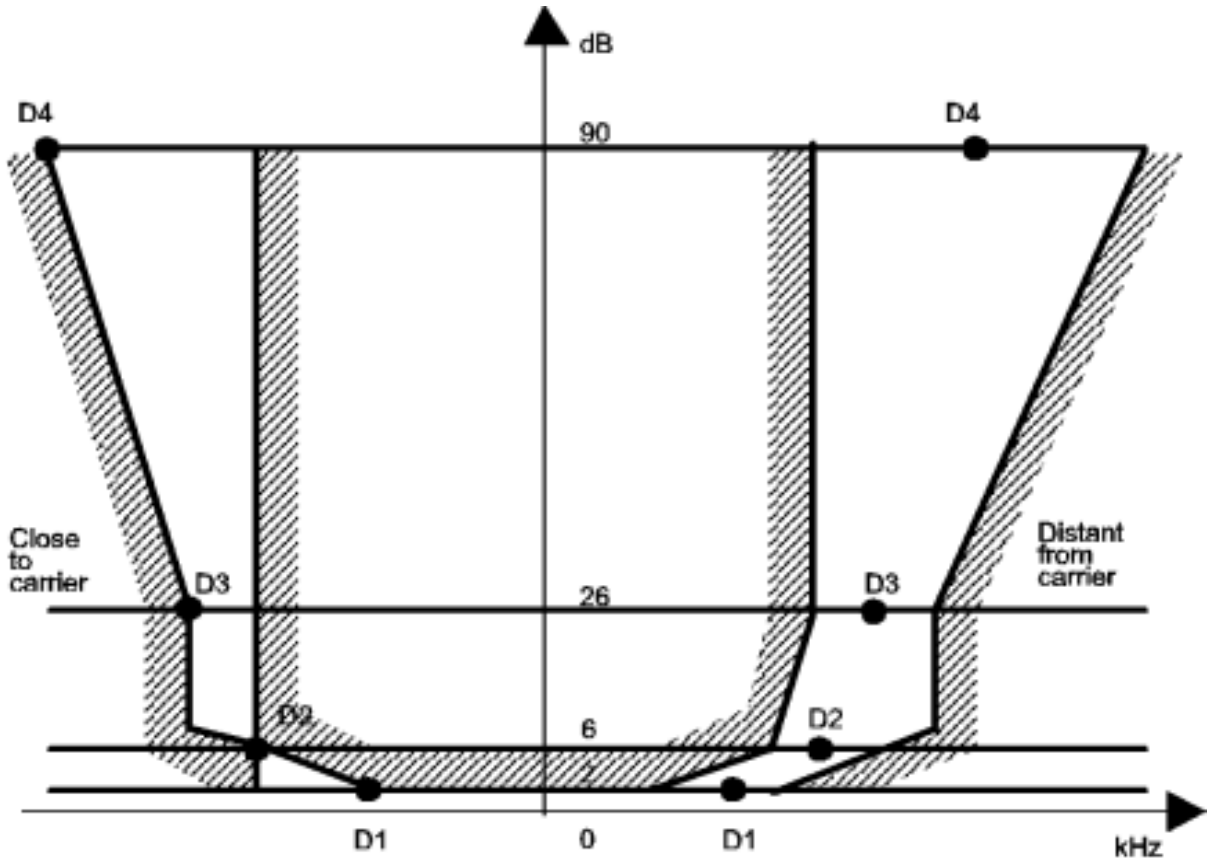


Figure 2A Selectivity characteristic

The selectivity characteristics shall keep the following frequency separations from the nominal centre frequency of the adjacent channel as shown in Table 3A.

Table 3A Selectivity frequency separations

Frequency separation of filter curve from nominal centre frequency of adjacent channel kHz			
D1	**D2**	**D3**	**D4**
5	**8.0**	**9.25**	**13.25**

The attenuation points shall not exceed the tolerances shown in Tables 3B and 3C.

Table 3B Attenuation points close to carrier

Tolerance range kHz			
D1	**D2**	**D3**	**D4**
+3.1	**±0.1**	**-1.35**	**-5.35**

Table 3C Attenuation points distant from carrier

Tolerance range kHz			
D1	**D2**	**D3**	**D4**
±3.5	**±3.5**	**±3.5**	**+3.5** **-7.5**

The minimum attenuation of the filter outside the 90 dB attenuation points must be equal to or greater than 90 dB. The tuning of the power measuring receiver shall be adjusted away from the carrier so that the -6 dB response nearest to the transmitter carrier frequency is located at a displacement from the nominal carrier frequency as given in Table 3D.

Table 3D Frequency displacement

Specified necessary bandwidth kHz	Displacement from the -6 dB point kHz
16	**17**

6.7.5.4 *Attenuation indicator*

The attenuation indicator shall have a minimum range of 80 dB and a reading resolution of 1 dB.

6.7.5.5 *RMS value indicator*

The instrument shall accurately indicate non-sinusoidal signals in a ratio of up to 10:1 between peak value and RMS value.

6.7.5.6 *Oscillator and amplifier*

The oscillator and amplifier shall be designed in such a way that the measurement of the adjacent channel power of a low-noise unmodulated transmitter, whose self-noise has a negligible influence on the measurement result, yields a measured value of ≤ –90 dB referred to the carrier of the oscillator.

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

23 AS/NZS 4583

In this Schedule, ***AS/NZS 4583*** means AS/NZS 4583:2016 ‘Amplitude modulated equipment for use in the aeronautical radio service in the frequency range 118 MHz to 137 MHz’, published by Standards Australia and Standards New Zealand.

Note: AS/NZS 4583 may be obtained, for a fee, from a Standards Australia distributor listed on the Standards Australia website at www.standards.org.au. AS/NZS 4583 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

24 ETSI EN 300 676-1

In this Schedule, ***ETSI EN 300 676-1*** means 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', published by the European Telecommunications Standards Institute.

Note: ETSI EN 300 676-1 is available, free of charge, from the website of the European Telecommunications Standards Institute at www.etsi.org.

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

In this Schedule:

aeronautical AM equipment means amplitude modulated equipment used in the aeronautical radio service in the 118 MHz to 137 MHz frequency band.

aeronautical radio service means a service for radiocommunications between:

(a) 2 or more aeronautical stations; or

(b) an aeronautical station and an aircraft station; or

(c) 2 or more aircraft stations.

ground mobile equipment means equipment that is both:

(a) a mobile station; and

(b) designed or intended to be operated on the ground.

handheld radio equipment means equipment that:

(a) is designed or intended to be both:

(i) handheld; and

(ii) operated on the ground; and

(b) has an integral battery.

Note: At the time the *Radiocommunications Equipment (General) Amendment Rules 2025 (No. 1)* commenced, a number of expressions used in this Part were defined in the *Radiocommunications (Interpretation) Determination 2025*, including:

(a) aeronautical station;

(b) aircraft station;

(c) mobile station.

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

(1) This clause modifies AS/NZS 4583 and ETSI EN 300 676-1 for the purposes of the 118 MHz to 137 MHz Amplitude Modulated Equipment – Aeronautical Radio Service Standard.

(2) A clause of AS/NZS 4583, or of ETSI EN 300 676-1, or any equivalent provision, only forms part of the 118 MHz to 137 MHz Amplitude Modulated Equipment – Aeronautical Radio Service Standard if:

(a) the clause is specified in an item of the table, and only in relation to the aeronautical AM equipment specified in that item; or

(b) the clause defines a word or phrase used in a clause covered by paragraph (a), or is otherwise necessary for the operation of the last-mentioned clause.

Item	Column 1	Column 2
	Clause of AS/NZS 4583 or ETSI EN 300 676-1	**Equipment to which the clause applies**
1	Clause 7.2 (Frequency error)	transmitters
2	Clause 7.3 (Carrier power)	transmitters
3	Clause 7.5 (Adjacent channel power)	transmitters
4	Clause 7.7 (Conducted spurious emissions)	transmitters
5	Clause 7.8 (Intermodulation attenuation)	transmitters, other than ground mobile equipment or handheld radio equipment
6	Clause 7.10 (Keying Transient frequency behaviour of the transmitter)	transmitters, other than ground mobile equipment or handheld radio equipment
7	Clause 7.12 (Cabinet Radiation)	transmitters
8	Clause 8.1 (Sensitivity)	receivers
9	Clause 8.6 (Adjacent channel rejection)	receivers
10	Clause 8.7 (Spurious response rejection)	receivers
11	Clause 8.8 (Intermodulation response rejection)	receivers
12	Clause 8.9 (Blocking or desensitization)	receivers
13	Clause 8.10 (Conducted spurious emissions)	receivers
14	Clause 8.12 (Cross modulation rejection)	receivers
15	Clause 8.17 (Cabinet Radiation)	receivers

Part 9—406 MHz Satellite Distress Beacons Standard

27 AS/NZS 4280.1

In this Schedule, ***AS/NZS 4280.1*** means 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)’, published by Standards Australia and Standards New Zealand.

Note: AS/NZS 4280.1 may be obtained, for a fee, from a Standards Australia distributor listed on the Standards Australia website at www.standards.org.au. AS/NZS 4280.1 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

28 AS/NZS 4280.2

In this Schedule, ***AS/NZS 4280.2*** means AS/NZS 4280.2:~~2017~~2023 ‘406 MHz ~~satellite distress beacons, Part 2:~~Satellite Personal ~~locator beacons~~Locator Beacons (PLBs)’, published by Standards Australia and Standards New Zealand.

Note: AS/NZS 4280.2 may be obtained, for a fee, from a Standards Australia distributor listed on the Standards Australia website at www.standards.org.au. AS/NZS 4280.2 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

29 Additional definitions for 406 MHz Satellite Distress Beacons Standard

In this Schedule:

121.5 MHz homing transmitter means a transmitter that operates on a carrier frequency of 121.5 MHz.

406 MHz satellite distress beacon equipment means equipment that:

(a) is either:
  (i) a 406 MHz satellite emergency position indicating radio beacon; or
  (ii) a 406 MHz satellite personal locator beacon; and
(b) is capable of being operated on a carrier frequency in the frequency band 406 MHz to 406.1 MHz; and
(c) incorporates a 121.5 MHz homing transmitter, the emissions of which are intended to facilitate search and rescue operations.

406 MHz satellite emergency position indicating radio beacon means a device designed or intended for use in the maritime mobile-satellite service, the emissions of which are intended to facilitate search and rescue operations.

406 MHz satellite personal locator beacon means a device designed or intended for use in the land mobile-satellite service, the emissions of which are intended to facilitate search and rescue operations.

land mobile-satellite service means a mobile-satellite service in which mobile earth stations are located on land.

Note 1: At the time the *Radiocommunications Equipment (General) Amendment Rules 2025 (No. 1)* commenced, a number of expressions used in this Part were defined in the *Radiocommunications (Interpretation) Determination 2025*, including:
  (a) maritime mobile-satellite service;
  (b) mobile earth station;
  (c) mobile-satellite service.

Note 2: In this Part, "carrier" is not intended to have the meaning given by the *Radiocommunications (Interpretation) Determination 2025*.

30 Modification of AS/NZS 4280.1

(1) This clause modifies AS/NZS 4280.1 for the purposes of the 406 MHz Satellite Distress Beacon Standard.

(2) A clause of AS/NZS 4280.1, or any equivalent provision, only forms part of the 406 MHz Satellite Distress Beacon Standard if:
  (a) the clause is specified in an item of the table; or
  (b) the clause defines a word or phrase used in a clause covered by paragraph (a), or is otherwise necessary for the operation of the last-mentioned clause.

Item	Column 1
	Clause of AS/NZS 4280.1
1	~~Paragraph~~Paragraphs (k) and (m) of clause 4.2 (General)
2	~~Paragraph~~Paragraphs (e) and (f) of subclause 4.3.3 (Activation)
3	Subclause 4.3.4 (Self-test)
4	Clause 5.2 (Signal and message format)
~~*4*~~*5*	Clause 5.5 (121,5 MHz homing signal)
6	Clause 5.6 (AIS locating signal)
7	Subclause 5.8.1 Return Link Service (RLS)
8	Subclause 5.9.1 (General)
~~*5*~~*9*	Subclause 6.1.8 (Preparation of EPIRB for type-approval testing)
~~*6*~~*10*	Subclause 6.1.9 (Test conditions)
11	Subclause 6.1.11 (Performance check)
12	Subclause 6.3.3.6 (Tests for 4.2 k), 5.2 and 5.6

Item	Column 1
	Clause of AS/NZS 4280.1
13	Subclause 6.3.3.7 (Tests for 4.2 m), 5.2 and 5.6
~~*7*~~*14*	Subclause 6.3.4.1 (EPIRB self-test)
15	Subclause 6.3.4.2 (GNSS self-test)
16	Subclause 6.14.1 (406 MHz signal characteristics)
17	Subclause 6.14.2 (121,5 MHz homing signal)
18	Subclause 6.14.3 (AIS locating signal)
19	Subclause 6.18 (Interference testing)
20	Subclause 6.19 (Spurious emissions)
~~*8*~~*21*	Annex D (Technical Standards for 121,5 MHz homing device)
22	Annex E (AIS locating signal specification)

(3) Subclause 6.3.4.1 and any equivalent provision are modified as follows:

(a) by omitting from the subclause all but the following text:

> The 121,5 MHz auxiliary radio-locating device signal shall be checked to ensure it does not exceed three audio sweeps or 1 second, whichever is greater, during self-test.

(b) by omitting from the equivalent provision any text that has the same or substantially similar effect as the text omitted under paragraph (a).

(4) Annexure D and any equivalent provision are modified as follows:

(a) by omitting from the Annexure paragraph D.3(h);

(b) by omitting from the equivalent provision any text that has the same or substantially similar effect as the paragraph omitted under paragraph (a).

31 Modification of AS/NZS 4280.2

(1) This clause modifies AS/NZS 4280.2 for the purposes of the 406 MHz Satellite Distress Beacon Standard.

(2) A clause of AS/NZS 4280.2, or any equivalent provision, only forms part of the 406 MHz Satellite Distress Beacon Standard if:

(a) the clause is specified in an item of the table; or

(b) the clause defines a word or phrase used in a clause covered by paragraph (a), or is otherwise necessary for the operation of the last mentioned clause.

Item	Column 1
	Clause of AS/NZS 4280.2
1	Subclause 1.5.4~~.5 (Radiation~~ (Groups)
2	Clause 4.1 (Summary of technical characteristics)
3	Subclause 4.2.1 406 MHz Signal
~~*2*~~*4*	Subclause ~~1.4.10 (Spurious~~2.2 406 MHz emission~~)~~ limitations
~~*3*~~*5*	~~Clause 3.1 (Adjustment mechanisms)~~Subclause 4.2.3 121.5 MHz Signal
~~*4*~~*6*	Subclause ~~3~~4.2.~~2.2 (Homing compliance)~~4 121.5 MHz emission limitations
7	Subclause 4.2.5 AIS Signal
~~*5*~~*8*	~~Clause 3.3 (Homing transmitter for 406 MHz personal locator beacon)~~Subclause 4.2.6 406 MHz PLB Transmissions
9	Subclause 4.2.7 Homing Signals

Item	Column 1
	Clause of AS/NZS 4280.2
10	Subclause 4.2.8 Beacon Self-Test
11	Subclause 4.2.10 Return Link Service (RLS)
~~6~~*12*	~~Appendix E (Radiofrequency tests for the homing transmitter of 406 MHz personal locator beacons)~~Annex A (Environmental and Operational Performance Test Procedures for Approval of 406 MHz PLBs) Section A.1.7 (Preparation of PLB for type-approval testing), A1.12 (Performance Test), A.12 (Spurious Emissions Test), A.16 Homing Signal Tests
13	Annex D (AIS locating signal specification)

(3) Subclause 3.2.2.2 and any equivalent provision are modified as follows:

(a) by omitting from the subclause "In addition to the requirements of Clause 3.2.2.1, the" and substituting "A";

(b) by omitting from the equivalent provision any text that has the same or substantially similar effect as the text omitted under paragraph (a) and substituting text that has the same or substantially similar effect as the text substituted under paragraph (a).

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

32 AS/NZS 4367

In this Schedule, ***AS/~~NZS~~ 4367*** means AS/~~NZS~~ 4367:2007 'Radiocommunications equipment used in the inshore boating radio services bands', published by Standards Australia ~~and Standards New Zealand~~.

Note: AS/~~NZS~~ 4367 may be obtained, for a fee, from a Standards Australia distributor listed on the Standards Australia website at www.standards.org.au. AS/~~NZS~~ 4367 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

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

In this Schedule:

Australian territorial sea means the sea within the limits of the territorial sea declared under subsection 7(1) of the *Seas and Submerged Lands Act 1973*.

inshore boating radio equipment means equipment that is:

(a) both:

(i) used in the provision of an inshore boating radio service; and

(ii) capable of operating on the 27 MHz maritime frequencies; or

(b) designed or intended to operate on a carrier frequency, below 30 MHz, specified outside Australia for a purpose substantially similar to an inshore boating radio service.

inland waterways means waters within Australia, other than the Australian territorial sea.

inshore boating radio service means a maritime mobile service comprising:

(a) one or more limited coast stations; and

(b) one or more maritime ship stations;

that operate in either or both the Australian territorial sea or inland waterways.

limited coast station has the meaning given by:

(a) the *Radiocommunications (Maritime Ship Station) Class Licence 2025*; or

(b) if a later instrument replaces that class licence and defines the term – the later instrument.

Note 1: The *Radiocommunications (Maritime Ship Station) Class Licence* 2025 is available, free of charge, from the Federal Register of Legislation at www.legislation.gov.au.

Note 2: At the time the *Radiocommunications Equipment (General) Amendment Rules 2025 (No. 1)* commenced, the following expressions were defined in the *Radiocommunications (Interpretation) Determination 2025*:

(a) 27 MHz maritime frequency;
(b) maritime mobile service;
(c) maritime ship station.

Note 3: In this Part, "carrier" is not intended to have the meaning given by the *Radiocommunications (Interpretation) Determination 2025*.

34 Modification of AS/~~NZS~~ 4367

(1) This clause modifies AS/~~NZS~~ 4367 for the purposes of the Equipment Used in the Inshore Boating Radio Services Bands Standard.

(2) Subclause 4.1 (Equipment markings), or any equivalent provision, does not form part of the Equipment Used in the Inshore Boating Radio Services Bands Standard.

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

35 ETSI EN 303 402

In this Schedule, ***ETSI EN 303 402*** means 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', published by the European Telecommunications Standards Institute.

Note: ETSI EN 303 402 is available, free of charge, from the website of the European Telecommunications Standards Institute at www.etsi.org.

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

In this Schedule, ***MF and HF equipment used in the international maritime mobile service*** means equipment that is:

(a) operated on a medium frequency or a high frequency; and

(b) a radiocommunications device; and

(c) used in the maritime mobile service.

Note: At the time the *Radiocommunications Equipment (General) Amendment Rules 2025 (No. 1)* commenced, a number of expressions used in this Part were defined in the *Radiocommunications (Interpretation) Determination 2025*, including:

(a) high frequency;
(b) maritime mobile service;
(c) medium frequency.

37 Modification of ETSI EN 303 402

(1) This clause modifies ETSI EN 303 402 for the purposes of the MF and HF Equipment – International Maritime Service Standard.

(2) A clause of ETSI EN 303 402, or any equivalent provision, only forms part of the MF and HF Equipment – International Maritime Service Standard if:

(a) both:

(i) the clause is specified in an item of the table; and

(ii) the circumstances set out in that item exist; or

(b) the clause defines a word or phrase used in a clause covered by paragraph (a), or is otherwise necessary for the operation of the last-mentioned clause.

Item	Column 1	Column 2
	Clause of ETSI EN 303 402	**Circumstances in which the clause applies**
1	Clause 4.2 (General, operational and technical requirements)	All
2	Clause 7.4.2 (Dry heat)	All
3	Clause 7.4.3 (Damp heat)	All
4	Clause 7.4.4 (Low temperature cycle)	All
5	Clause 7.5 (Vibration test)	All
6	Clause 7.6 (Corrosion test)	Only in the circumstances set out in clause 7.6.1 of ETSI EN 303 402
7	Clause 7.7 (Rain test)	Only if equipment is mounted above deck on a ship
8	Clause 8.1 (Frequency error)	All
9	Clause 8.2 (Output power and intermodulation products)	All
10	Clause 8.3 (Power of out-of-band emissions of SSB telephony)	All
11	Clause 8.4 (Power of conducted spurious emissions of SSB telephony)	All
12	Clause 8.5 (Carrier suppression)	All
13	Clause 8.6 (Unwanted frequency modulation)	All
14	Clause 8.7 (Sensitivity of the microphone and the 600 Ω line inputs for SSB telephony)	All
15	Clause 8.8 (Automatic level control and/or limiter for SSB telephony)	All
16	Clause 8.9 (Audio frequency response of SSB telephony)	All
17	Clause 8.10 (Residual hum and noise power for telephony)	All
18	Clause 8.11 (Residual frequency modulation on DSC)	All
19	Clause 8.12 (Continuous operation on telephony)	All
20	Clause 8.13 (Protection of transmitter)	All
21	Clause 8.14 (Transmitter radiated spurious emissions)	All
22	Clause 9.1 (Receiver spurious emissions)	All
23	Clause 9.2 (Maximum usable sensitivity)	All
24	Clause 9.3 (Adjacent signal selectivity)	All
25	Clause 9.4 (Blocking or desensitization)	All

Item	Column 1	Column 2
	Clause of ETSI EN 303 402	**Circumstances in which the clause applies**
26	Clause 9.5 (Intermodulation response)	All
27	Clause 9.6 (Spurious response rejection ratio)	All
28	Clause 9.7 (Receiver frequency error)	All
29	Clause 9.8 (Unwanted frequency modulation)	All
30	Clause 9.9 (Pass band)	All
31	Clause 9.10 (Reciprocal mixing)	All
32	Clause 9.11 (Harmonic content in output)	All
33	Clause 9.12 (Audio frequency intermodulation)	All
34	Clause 9.13 (Internally generated spurious signals)	All
35	Clause 9.14 (AGC efficiency)	All
36	Clause 9.15 (AGC time constants (attack and recovery time))	All
37	Clause 9.16 (Protection of input circuits)	All

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

38 AS/NZS ETSI EN 301 025

In this Schedule, ***AS/NZS ETSI EN 301 025*** means AS/NZS ETSI EN 301 025:2018 'VHF radiotelephone equipment for general communications and associated equipment for Class "D" Digital Selective Calling (DSC)', published by Standards Australia and Standards New Zealand.

Note: AS/NZS ETSI EN 301 025 may be obtained, for a fee, from a Standards Australia distributor listed on the Standards Australia website at www.standards.org.au. AS/NZS ETSI EN 301 025 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

39 AS/NZS ETSI EN 301 178

In this Schedule, ***AS/NZS ETSI EN 301 178*** means 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)'', published by Standards Australia and Standards New Zealand.

Note: AS/NZS ETSI EN 301 178 may be obtained, for a fee, from a Standards Australia distributor listed on the Standards Australia website at www.standards.org.au. AS/NZS ETSI EN 301 178 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

40 AS/NZS ETSI EN 302 885

In this Schedule, ***AS/NZS ETSI EN 302 885*** means 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', published by Standards Australia and Standards New Zealand.

Note: AS/NZS ETSI EN 302 885 may be obtained, for a fee, from a Standards Australia distributor listed on the Standards Australia website at www.standards.org.au. AS/NZS ETSI EN 302 885 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

41 ETSI EN 301 025

In this Schedule, ***ETSI EN 301 025*** means 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", published by the European Telecommunications Standards Institute.

Note: ETSI EN 301 025 is available, free of charge, from the website of the European Telecommunications Standards Institute at www.etsi.org.

42 ETSI EN 301 178

In this Schedule, ***ETSI EN 301 178*** means 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', published by the European Telecommunications Standards Institute.

Note: ETSI EN 301 178 is available, free of charge, from the website of the European Telecommunications Standards Institute at www.etsi.org.

43 ETSI EN 302 885

In this Schedule, ***ETSI EN 302 885*** means 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', published by the European Telecommunications Standards Institute.

Note: ETSI EN 302 885 is available, free of charge, from the website of the European Telecommunications Standards Institute at www.etsi.org.

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

In this Schedule:

fixed VHF equipment means equipment that is a radiocommunications device that is:

(a) one of the following;
  (i) permanently installed on a ship;
  (ii) a limited coast assigned system station;
  (iii) a limited coast marine rescue station;
  (iv) a limited coast non assigned station; or
(b) operated on one or more of the maritime mobile service VHF frequencies.

ITU-R Recommendation M.493 means:

(a) ITU-R Recommendation M.493 'Digital selective-calling system for use in the maritime mobile service', published by the Radiocommunications Sector of the International Telecommunication Union; or
(b) if a later document replaces that document – the later document.

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

maritime mobile service VHF frequency means a frequency:

(a) specified in the spectrum plan as a frequency that may be used for the purpose of maritime mobile services; and

(b) is in the frequency band 30 MHz to 300 MHz.

portable VHF equipment (Digital Selective Calling) means equipment that is:

(a) a portable radiocommunications device that incorporates class H DSC, as defined in ITU-R Recommendation M.493; and

(b) operated on one or more of the maritime mobile service VHF frequencies.

portable VHF equipment (non-GMDSS) means equipment that is:

(a) a portable radiocommunications device; and

(b) not used as part of the GMDSS; and

(c) operated on one or more of the maritime mobile service VHF frequencies.

Note: At the time the *Radiocommunications Equipment (General) Amendment Rules 2025 (No. 1)* commenced, a number of expressions used in this Part were defined in the *Radiocommunications (Interpretation) Determination 2025*, including:

(a) GMDSS;

(b) limited coast assigned system station;

(c) limited coast marine rescue station;

(d) limited coast non assigned station;

(e) maritime mobile service.

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

(1) This clause modifies AS/NZS ETSI EN 301 025 and ETSI EN 301 025 for the purposes of the VHF Equipment – Maritime Mobile Service Standard (Part 1).

(2) A clause of AS/NZS ETSI EN 301 025, or any equivalent provision, does not form part of the VHF Equipment – Maritime Mobile Service Standard (Part 1) if the clause is specified in an item of the table.

Item	
	Clause of AS/NZS ETSI EN 301 025
1	Paragraph 4 of Clause 1 (Scope)
2	Clause 4.1 (General)
3	Clause 4.2 (Composition)
4	Paragraphs 1 and 2 of Clause 4.3 (Construction)
5	Paragraph 2 of Clause 4.4 (Controls and indicators)
6	Clause 4.7 (Handset and loudspeaker)
7	Clause 4.8 (Safety precautions)
8	Paragraphs 2 and 3 of Clause 4.9 (Labelling)
9	Clause 4.10 (Warm up)
10	Clause 4.11 (GNSS receiver antenna)
11	Clause 5.1 (Switching time)
12	Section 7 (Environmental tests)
13	Clause 9.1 (Harmonic distortion and rated audio-frequency output power)
14	Clause 9.2 (Audio frequency response)
15	Clause 9.11 (Receiver residual noise level)
16	Clause 9.13 (Squelch hysteresis)

(3) Clause 1 of AS/NZS ETSI EN 301 025 and any equivalent provision are modified as follows:

(a) by omitting the paragraph and substituting:

The present document covers the minimum requirements for general communication for shipborne fixed installations and limited coast station equipment using a VHF radiotelephone operating in certain frequency bands allocated to the maritime mobile service using either 25 kHz or 25 kHz and 12.5 kHz channels and associated equipment for DSC – class D. The present document does not cover requirements for the integrated GNSS receiver locating function.

(b) by omitting from the equivalent provision any text that has the same or substantially similar effect as the paragraph omitted under paragraph (a) and substituting text that has the same or substantially similar effect as the text substituted under paragraph (a).

(4) A clause of ETSI EN 301 025, or any equivalent provision, does not form part of the VHF Equipment – Maritime Mobile Service Standard (Part 1) if the clause is specified in an item of the table.

Item	
	Clause of ETSI EN 301 025
1	Note 2 to Clause 1 (Scope)
2	Clause 4.1 (General)
3	Clause 4.2 (Composition)
4	Paragraph 2 of Clause 4.3 (Controls and indicators)
5	Clause 4.5 (Handset and loudspeaker)
6	Paragraphs 2 and 3 of Clause 4.6 (Labelling)
7	Clause 4.7 (GNSS receiver antenna)
8	Clause 5.1 (Warm up)
9	Clause 5.2 (Switching time)
10	Clause 6.11 (Arrangement for monitoring the receiver output)
11	Section 7 (Environmental tests)
12	Clause 8.16 (Protection of the transmitter)
13	Clause 9.1 (Harmonic distortion and rated audio-frequency output power)
14	Clause 9.2 (Audio frequency response)
15	Clause 9.11 (Receiver residual noise level)
16	Clause 9.13 (Squelch hysteresis)
17	Clause 9.15 (Receiver dynamic range)

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

(1) This clause modifies AS/NZS ETSI EN 301 178 and ETSI EN 301 178 for the purposes of the VHF Equipment – Maritime Mobile Service Standard (Part 2).

(2) A clause of AS/NZS ETSI EN 301 178 or ETSI EN 301 178, or any equivalent provision, does not form part of the VHF Equipment – Maritime Mobile Service Standard (Part 2) if the clause is specified in an item of the table.

Item	
	Clause of AS/NZS ETSI EN 301 178 or ETSI EN 301 178
1	Paragraph 3 of Clause 1 (Scope)
2	Paragraphs 1 to 5, 8, 13 and 14 of Clause 4.1 (Construction)
3	Clause 4.3 (Microphone and loudspeaker)

Item	Clause of AS/NZS ETSI EN 301 178 or ETSI EN 301 178
4	Clause 4.4 (Safety precautions)
5	Paragraphs 2 to 4 of Clause 4.5 (Labelling)
6	Clause 5.1 (Environmental profile)
7	Clause 5.2.1 (Switching time)
8	Section 7 (Environmental tests)
9	Clause 8.5 (Audio frequency response)
10	Clause 9.1 (Harmonic distortion and rated audio frequency output power)
11	Clause 9.2 (Audio frequency response)
12	Clause 9.11 (Receiver noise and hum level)
13	Clause 9.13 (Squelch hysteresis)

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

(1) This clause modifies AS/NZS ETSI EN 302 885 and ETSI EN 302 885 for the purposes of the VHF Equipment – Maritime Mobile Service Standard (Part 3).

(2) A clause of AS/NZS ETSI EN 302 885 or ETSI EN 302 885, or any equivalent provision, does not form part of the VHF Equipment – Maritime Mobile Service Standard (Part 3) if the clause is specified in an item of the table.

Item	Clause of AS/NZS ETSI EN 302 885 or ETSI EN 302 885
1	Paragraph 3 of Clause 1 (Scope)
2	Clause 4.0 (Conformance)
3	Paragraphs 1 to 4, 6, 7, 9 and 15 of Clause 4.1 (Construction)
4	Clause 4.3 (Microphone and loudspeaker)
5	Clause 4.4 (Safety precautions)
6	Paragraphs 2 and 3 of Clause 4.5 (Labelling)
7	Clause 5.0 (Conformance)
8	Clause 5.1 (Switching time)
9	Clause 5.3 (Battery capacity)
10	Section 7 (Environmental tests)
11	Clause 9.1 (Harmonic distortion and rated audio frequency output power)
12	Clause 9.2 (Audio frequency response)
13	Clause 9.11 (Receiver noise and hum level)
14	Clause 9.13 (Squelch hysteresis)

Part 13—Digital Enhanced Cordless Telecommunications Equipment Standard

48 ETSI EN 301 406

In this Schedule, ***ETSI EN 301 406*** means the most recently published version of ETSI EN 301 406 ‘Digital Enhanced Cordless Telecommunications (DECT); Harmonised Standard covering the essential requirements of article 3.2 of the Directive 2014/53/EU’, published by the European Telecommunications Standards Institute.

Note 1: ETSI EN 301 406 is available, free of charge, from the website of the European Telecommunications Standards Institute at www.etsi.org.

Note 2: At the time the *Radiocommunications Equipment (General) Amendment Rules 2024 (No. 1)* were made, the most recently published version of ETSI EN301 406 consisted of two parts (Part 1 and Part 2).

49 Additional definition for Digital Enhanced Cordless Telecommunications Equipment Standard

In this Schedule, ***digital enhanced cordless telecommunications equipment*** means equipment that uses Digital Enhanced Cordless Telecommunications technology, other than equipment that is designed or intended to operate in one or more of the following frequency bands:

(a) 915 MHz to 928 MHz;

(b) 2400 MHz to 2483.5 MHz;

(c) 5725 MHz to 5850 MHz.

50 Modification of ETSI 301 406

(1) This clause modifies ETSI 301 406 for the purposes of the Digital Enhanced Cordless Telecommunications Equipment Standard.

(2) The following provision (***frequency and power provision***) is taken to be included in ETSI 301 406 for the purposes of the Digital Enhanced Cordless Telecommunications Equipment Standard:

Digital enhanced cordless telecommunications equipment must operate:

(a) only in the frequency band 1880 MHz to 1900 MHz; and

(b) with a maximum radiated power of:

(i) 36 dBm EIRP, if the equipment is covered by the scope of Part 1 of ETSI EN 301 406; or

(ii) 30 dBm EIRP, if the equipment is covered by the scope of Part 2 of ETSI EN 301 406.

(3) Any clause of ETSI 301 406, or any equivalent provision, that is inconsistent with the frequency and power provision does not form part of the Digital Enhanced Cordless Telecommunications Equipment Standard to the extent of the inconsistency.

Part 14—Intelligent Transport Systems Standard

51 ETSI EN 302 571

In this Schedule, ***ETSI EN 302 571*** means 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', published by the European Telecommunications Standards Institute.

Note: ETSI EN 302 571 is available, free of charge, from the website of the European Telecommunications Standards Institute at www.etsi.org.

52 Additional definition for Intelligent Transport Systems Standard

In this Schedule, ***ITS equipment*** means equipment that is:

(a) a radiocommunications transmitter; and

(b) operated as part of an intelligent transport system established for the purpose of road transport; and

(c) one of the following

(i) on a vehicle;

(ii) part of a vehicle, regardless of whether the equipment was part of the vehicle when the vehicle was manufactured;

(iii) held, or carried, by an individual in a vehicle;

(iv) on, or part of, a fixed or mobile road structure.

Part 15—Short Range Equipment Standard

53 Short Range Equipment Standard

Short Range Equipment Standard

(1) Subclauses (2) and (3) set out the requirements of the ***Short Range Equipment Standard***.

(2) If a radiocommunications device is an item of low interference potential equipment:

(a) the device must only operate on a frequency band (***permitted frequency band***) specified for the device in column 2 of Schedule 1 to the LIPD class licence, as in force on either:

(i) the relevant date for the device; or

(ii) if the device is included in a class of equipment – the relevant date for the original device or original modified device of the class; and

(b) the upper and lower frequency limits of 99% of the emission power bandwidth of the device must be within that permitted frequency band; and

(c) operation of the device must not exceed the maximum EIRP specified for the device in column 3 of Schedule 1 to the LIPD class licence as in force on either:

(i) the relevant date for the device; or

(ii) if the device is included in a class of equipment – the relevant date for the original device or original modified device of the class; and

(d) the device, or operation of the device, must comply with any limitation specified for the device in column 4 of Schedule 1 to the LIPD class licence as in force on either:

(i) the relevant date for the device; or

(ii) if the device is included in a class of equipment – the relevant date for the original device or original modified device of the class; and

(e) subject to subclause (6), the device must comply with any instrument specified for the device in column 4 of Schedule 1 to the LIPD class licence (***relevant instrument***) as in force on either:

(i) the relevant date for the device; or

(ii) if the device is included in a class of equipment – the relevant date for the original device or original modified device of the class; and

(f) the device must comply with subclause (5).

(2A) A device meets the requirements of subclause (2) if:

(a) the device is a variant of another device (the ***first device***); and

(b) the first device is included in a class of equipment (the ***first class***); and

(c) the original device, or the original modified device, of the class meets the requirements of subclause (2); and

(d) the variant meets the requirements of subclause (2), as modified by subclause (2B), in relation to the industry document.

(2B) For the purposes of paragraph (2A)(d), subclause (2) is modified by:

(a) replacing each occurrence of 'relevant date for the device' with 'relevant date for the first device'; and

(b) replacing each occurrence of 'if the device is included in a class of equipment – the relevant date for the original device or original modified device of the class' with 'the relevant date for the original device or original modified device of the first class'.

Example: To meet the requirements of paragraph (2)(a), the variant must only operate on a permitted frequency band specified in the LIPD class licence as in force on the relevant date for the first device, or the relevant date for the original device or original modified device of the first class.

(3) If a radiocommunications device is an item of radio-controlled model equipment:

(a) the device must only operate on a frequency band specified for the device in the RCM class licence as in force on either:

(i) the relevant date for the device; or

(ii) if the device is included in a class of equipment – the relevant date for the original device or original modified device of the class; and

(b) the device must only operate on a carrier frequency worked out in accordance with the RCM class licence, as in force on either:

(i) the relevant date for the device; or

(ii) if the device is included in a class of equipment – the relevant date for the original device or original modified device of the class; and

(c) operation of the device must not exceed the maximum EIRP specified for the device in the RCM class licence, as in force on either:

(i) the relevant date for the device; or

(ii) if the device is included in a class of equipment – the relevant date for the original device or original modified device of the class; and

(d) the device must not exceed an emission bandwidth of 10 kHz; and

(e) operation of the device must not cause spurious emissions greater than 50 μW.

(3A) A radiocommunications device meets the requirements of subclause (3) if:

(a) the device is a variant of another device (the ***first device***); and

(b) the first device is included in a class of equipment; and

(b) the first device is included in a class of equipment (the ***first class***); and

(c) the original device, or the original modified device, of the class meets the requirements of subclause (3); and

(d) the variant meets the requirements of subclause (3), as modified by subclause (3B), in relation to the industry document.

(3B) For the purposes of paragraph (3A)(d), subclause (3) is modified by:

(a) replacing each occurrence of 'relevant date for the device' with 'relevant date for the first device'; and

(b) replacing each occurrence of 'if the device is included in a class of equipment – the relevant date for the original device or original modified device of the class' with 'the relevant date for the original device or original modified device of the first class'.

Example: To meet the requirements of paragraph (2)(a), the variant must only operate on a permitted frequency band specified in the RCM class licence as in force on the relevant date for the first device, or the relevant date for the original device or original modified device of the first class.

Testing methods

(4) To determine whether a radiocommunications device meets the requirements of the Short Range Equipment Standard, the testing methods identified for the device (if any) in any of the following must be used:

(a) AS/NZS 4268;

(b) ETSI EN 300 220-1;

(ba) ETSI EN 300 220-2;

(c) ETSI EN 300 330;

(d) ETSI EN 300 440;

(e) ETSI EN 305 550-1;

(f) Federal Communications Commission Rules Title 47 (Telecommunications) Part 15–Radio Frequency Devices.

Note: The Federal Communications Commission Rules are available, free of charge, from www.ecfr.gov.

(5) If, for a radiocommunications device that is an item of low interference potential equipment:

(a) a testing method is identified for the device in a document specified in subclause (4) (***relevant document***); and

(b) that testing method is used, by or on behalf of the person who manufactured or imported the device, to determine whether the device meets the requirements of the Short Range Equipment Standard; and

(c) the relevant document specifies a spurious emission limit for the device;

the device, and operation of the device, must comply with that spurious emission limit.

Modifications of relevant instruments

(6) If, for a radiocommunications device that is an item of low interference potential equipment:

(a) there is a relevant instrument for the device; and

(b) the relevant instrument:

(i) specifies an operating frequency band for the device that is different from or inconsistent with the permitted frequency band for the device; or

(ii) specifies a maximum EIRP for the device that is different from that mentioned in paragraph (2)(c) for the device; or

(iii) specifies a limitation for the device that is inconsistent with a limitation mentioned in paragraph (2)(d) for the device; or

(iv) does not specify a limitation for the device that is mentioned in paragraph (2)(d) for the device;

the relevant instrument is taken to be modified as follows:

(c) if subparagraph (b)(i) applies – the operating frequency band specified for the device is taken to be the permitted frequency band;

(d) if subparagraph (b)(ii) applies – the maximum EIRP specified for the device is taken to be the maximum EIRP mentioned in paragraph (2)(c);

(e) if subparagraph (b)(iii) applies – the limitation is replaced with the limitation mentioned in paragraph (2)(d);

(f) if subparagraph (b)(iv) applies – the limitation mentioned in paragraph (2)(d) is included.

54 Additional definitions for Short Range Equipment Standard

In this Schedule:

AS/NZS 4268 means:

(a) AS/NZS 4268:2017 'Radio equipment and systems – Short range devices – Limits and methods of measurement', published by Standards Australia and Standards New Zealand; or

(b) if a later document published by Standards Australia and Standards New Zealand replaces that document – the later document.

Note: AS/NZS 4268 may be obtained, for a fee, from a Standards Australia distributor listed on the Standards Australia website at www.standards.org.au. AS/NZS 4268 is also available to be viewed, on prior request, at an ACMA office, subject to licensing conditions.

ETSI EN 300 220-1 means:

(a) 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', published by the European Telecommunications Standards Institute; or

(b) if a later document published by the European Telecommunications Standard Institute replaces that document – the later document.

Note: ETSI EN 300 220-1 is available, free of charge, from the website of the European Telecommunications Standards Institute at www.etsi.org.

ETSI EN 300 220-2 means:

(a) ETSI EN 300 220-2 V3.3.1 (2025-03) 'Short Range Devices (SRD) operating in the frequency range 25 MHz to 1 000 MHz with power levels ranging up to 500 mW e.r.p.; Part 2: Harmonised Standard for access to radio spectrum for non specific radio equipment', published by the European Telecommunications Standards Institute; or

(b) if a later document published by the European Telecommunications Standard Institute replaces that document – the later document.

Note: ETSI EN 300 220-2 is available, free of charge, from the website of the European Telecommunications Standards Institute at www.etsi.org.

ETSI EN 300 330 means:

(a) 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', published by the European Telecommunications Standards Institute; or

(b) if a later document published by the European Telecommunications Standard Institute replaces that document – the later document.

Note: ETSI EN 300 330 is available, free of charge, from the website of the European Telecommunications Standards Institute at www.etsi.org.

ETSI EN 300 440 means:

(a) 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', published by the European Telecommunications Standards Institute; or

(b) if a later document published by the European Telecommunications Standard Institute replaces that document – the later document.

Note: ETSI EN 300 440 is available, free of charge, from the website of the European Telecommunications Standards Institute at www.etsi.org.

ETSI EN 305 550-1 means:

(a) 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', published by the European Telecommunications Standards Institute; or

(b) if a later document published by the European Telecommunications Standard Institute replaces that document – the later document.

Note: ETSI EN 305 550-1 is available, free of charge, from the website of the European Telecommunications Standards Institute at www.etsi.org.

LIPD class licence means:

(a) the *Radiocommunications (Low Interference Potential Devices) Class Licence ~~2015~~2025*; or

(b) if a later instrument replaces that class licence – the later instrument.

Note: The LIPD class licence is available, free of charge, from the Federal Register of Legislation at www.legislation.gov.au.

low interference potential equipment means equipment that is:

(a) of a kind mentioned in column 1 of an item in Schedule 1 to the LIPD class licence; and

(b) capable of being operated in accordance with the LIPD class licence.

radio-controlled model equipment means model aircraft, model landcraft or model vessel that operates on a carrier frequency:

(a) in the frequency band 29.72 MHz to 30 MHz; or

(b) in the frequency band 36 MHz to 36.6 MHz.

RCM class licence means:

(a) the *Radiocommunications (Radio-controlled Models) Class Licence ~~2015~~2025*; or

(b) if a later instrument replaces that class licence – the later instrument.

Note: The RCM class licence is available, free of charge, from the Federal Register of Legislation at www.legislation.gov.au.

relevant instrument: see paragraph 53(2)(e).

short range equipment means:

(a) low interference potential equipment that is capable of being operated on a frequency, or within a range of frequencies, within the frequency band specified for the equipment in column 2 of Schedule 1 to the LIPD class licence; and

(b) radio-controlled model equipment.

Note 1: At the time the *Radiocommunications Equipment (General) Amendment Rules 2025 (No. 1)* commenced, a number of expressions used in this Part were defined in the *Radiocommunications (Interpretation) Determination 2025*, including:

(a) EIRP;

(b) spurious emission.

Note 2: In this Part, "carrier" is not intended to have the meaning given by the *Radiocommunications (Interpretation) Determination 2025*.

Part 16—Savings and transitional arrangements

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

(1) If:

(a) a relevant date for a device occurred before the commencement of this Schedule (***commencement***); and

(b) an instrument that was a general standard under subsection 4(3) as in force immediately before commencement (***old general standard***) applied to the device; and

(c) the requirements of the old general standard were the same, or substantially the same, as the requirements of a general standard prescribed for such equipment under this Schedule (***new general standard***); and

(d) the device meets the requirements of the old general standard as in force immediately before commencement;

the device is taken to comply with the new general standard.

(2) A device is taken to comply with a general standard prescribed for such equipment under this Schedule (***new general standard***) if:

(a) the device is included in a class of equipment; and

(b) the original device or original modified device of the class is taken to comply with the new general standard under subclause (1).

Schedule 6—Standard in relation to electromagnetic compatibility

(section 4)

Part 1—Preliminary

1 Object of this Schedule

The object of this Schedule is to contain interference to radiocommunications.

2 Interpretation

In this Schedule:

amending document, in relation to an EMC industry document, means a document:

(a) published by the person, body or association that published the EMC industry document; and

(b) that amends the EMC industry document.

commencement day means the day on which this Schedule commences.

EMC industry document, in relation to a device, has the meaning given by clause 4.

list of EMC industry documents means the list of documents set out in Schedule 8.

Official Journal of the European Union means the document titled "Official Journal of the European Union" published in electronic form on the EUR-Lex website in accordance with Council Regulation (EU) No 216/2013 of 7 March 2013.

Note: The Official Journal of the European Union is available, free of charge, from the Publications Office of the European Union website EUR-Lex at https://eur-lex.europa.eu/oj/direct-access.html.

Official Journal period, in relation to an EMC industry document that is amended or replaced, means the period:

(a) commencing on the day the EMC industry document is amended or replaced; and

(b) ending on the latest date of cessation of presumption of conformity mentioned from time to time in the Official Journal of the European Union for the EMC industry document.

Note: An EMC industry document may be recognised under more than one European Union directive. The Official Journal of the European Union may specify different dates of cessation of presumption of conformity for each directive. The Official Journal period ends on the latest of those dates.

publication date, of a document published by a person, body or association, is the date on which the document is first published by the person, body or association

relevant part of an EMC industry document: see subclause 3(5).

replacement document, in relation to an EMC industry document, means a document:

(a) published by the person, body or association that published the EMC industry document; and

(b) that replaces the EMC industry document.

transition period: see clause 6.

Part 2—EMC Standard

3 Standard – performance requirements for equipment

(1) Subclause (2) prescribes a standard (***EMC standard***) for each device, other than a device specified in an item in Schedule 7.

(2) Subject to this clause, subclause 4(4) and clause 5, a device must comply with all the relevant parts of an EMC industry document for the device, as existing on the relevant date for the device.

(3) A device is taken to comply with a relevant part of an EMC industry document if:

(a) the device is included in a class of equipment; and

(b) the original device, or the original modified device, of the class meets the requirement of subclause (2) in relation to the part.

(4) A device is taken to comply with a relevant part of an EMC industry document if:

(a) the device is a variant of another device (the ***first device***); and

(b) the first device is included in a class of equipment; and

(c) the original device, or original modified device, of that class meets the requirement of subclause (2) in relation to the part of the document; and

(d) the variant complies with the part of the document, as existing on the relevant date for the first device.

(5) A part of an EMC industry document is a ***relevant part of an EMC industry document*** if it:

(a) sets a requirement that relates to interference to either or both:

(i) radiocommunications; or

(ii) uses or functions of devices; or

(b) the part defines a word or phrase used in a part covered by paragraph (a), or is otherwise necessary for the operation of the last-mentioned part.

4 EMC industry document

(1) In this Schedule, subject to subclauses (2) and (3), the ***EMC industry document***, for a device, has the meaning determined using the following table:

Item	Column 1 If…	Column 2 the EMC industry document for the device is...
1	a document in column 1 of Part 2 of the list of EMC industry documents is expressed to apply to the device	that document
2	more than 1 document in column 1 of Part 2 of the list of EMC industry documents is expressed to apply to the device	the document that relates to the primary function of the device
3	neither table item 1 nor table item 2 applies to the device	any of the documents mentioned in column 1 of Part 1 of the list of EMC industry documents

Note 1: For a given device, an EMC industry document is incorporated as existing at the relevant date for the device, and may also be incorporated as existing at the times mentioned in clause 5.

Note 2: See the Note to the list of EMC industry documents in Schedule 8 for information about how a copy of an EMC industry document can be obtained.

Note 3: Column 2 of the list of EMC industry documents gives a person guidance about whether a particular document listed in column 2 of Part 1 and 2 of the list of EMC industry documents may apply to a device.

Note 4: If an EMC industry document mentioned in table item 3 has passed its expiry date, information in column 4 of the list of EMC industry documents may give details about a document that replaces the EMC industry document.

(2) A document in column 2 of Parts 1 and 2 of the list of EMC industry documents is not an ***EMC industry document*** for a device if the expiry date mentioned in the document has passed.

(3) If:

(a) a document is in column 1 of the list of EMC industry documents; and

(b) subclause (1) has the effect that, apart from this subsection, the document is an EMC industry document for a device; and

(c) remarks in column 3 of the list of EMC industry documents in relation to the document modify the application or requirements of the document;

the ***EMC industry document*** for the device is the document as modified by those remarks.

(4) For table item 2 in subclause (1), if more than one document matches the primary function of a device then, for the purposes of this Schedule, the device is taken to comply with all the relevant parts of each of those documents if it complies with all the relevant parts of any one of those documents.

Note: Each of the documents is an EMC industry document for the device. However, the effect of subclause (4) is that, practically speaking, the person who manufactured the device in Australia, or imported the device, can chose which of the documents is the EMC industry document for the device.

5 Transition periods – choice of EMC industry document

(1) In this Schedule, if an EMC industry document for a device is amended or replaced, there is a ***transition period*** in relation to the EMC industry document, being a period of:

(a) if the EMC industry document is published in the Official Journal of the European Union – the Official Journal period; or

(b) in any other case – two years commencing on the day that EMC industry document is amended or replaced.

(2) If a device is manufactured in Australia, or imported, during a transition period in relation to an EMC industry document for the device then, for the purposes of this Schedule, the device is taken to comply with all the relevant parts of the EMC industry document if it complies with all the relevant parts of:

(a) the EMC industry document as existing immediately before the commencement of the transition period; or

(b) either:

(i) if the EMC industry document was amended – the EMC industry document as existing at the commencement of the transition period; or

(ii) if the EMC industry document was replaced by a new EMC industry document – the replacement document as existing at the commencement of the transition period.

(3) If:

(a) a transition period overlaps with another transition period in relation to an EMC industry document for a device; and

(b) a device is manufactured in Australia, or imported, during the period of overlap;

then, for the purposes of this Schedule, the device is taken to comply with all the relevant parts of the EMC industry document if it complies with all the relevant parts of:

(c) the EMC industry document as existing immediately before the commencement of the earliest of those transition periods; or

(d) either:

(i) if, in relation to one or more of those transition periods, the EMC industry document was amended – the EMC industry document as existing at the commencement of the earliest of those transition periods; or

(ii) if, in relation to one or more of those transition periods, the EMC industry document was replaced by a new EMC industry document – the replacement document as existing at the commencement of any one of those transition periods.

Part 3—Savings and transitional arrangements

6 Device for which relevant date occurred before commencement day

(1) If:

(a) a relevant date for a device occurred before the commencement day; and

(b) the *Radiocommunications (Electromagnetic Compatibility) Standard 2017* (the old ***EMC standard***), as in force on the relevant date, applied to the device; and

(c) the device meets the requirements of the old EMC standard as in force immediately before the commencement day;

the device is taken to comply with the EMC standard.

(2) A device is taken to comply with the EMC standard if:

(a) the device is included in a class of equipment; and

(b) the original device or original modified device of the class is taken to comply with the EMC standard under subclause (1). (3) A device is taken to comply with the EMC standard if:

(a) the device is a variant of another device (the ***first device***); and

(b) the first device is included in a class of equipment; and

(c) the original device, or original modified device, of the class is taken to comply with the EMC standard under subclause (1); and

(d) the variant is taken to comply with the EMC standard under subclause (1), as modified by subclause (4).

(4) For the purposes of paragraph (3)(d), subclause (1) is modified by replacing:

(a) 'relevant date for the device' with 'relevant date for the first device'; and

(b) 'relevant date, applied to the device' with 'relevant date for the first device, applied to the first device'.

Note: To be taken to comply with the EMC standard under subclause (1), the variant must comply with the EMC standard as existing on the relevant date for the first device.

Schedule 7—Devices not subject to EMC standard

(subclause 3(1) of Schedule 6)

1 Devices relying primarily on radiocommunications transmitters

A device that:

(a) meets the following requirements:

(i) the device is or incorporates one or more radiocommunications transmitters; and

(ii) the device retains minimal or no functionality when each such radiocommunications transmitter is not operated; and

(b) complies with any standard or requirement that relates to radio emissions caused by operation of the device under a law of the Commonwealth (except Schedule 6 to this instrument), a State or a Territory.

Examples: Garage door remote controls and car keyless entry remote controls that comply with Schedules 4 and 5 of this instrument.

2 Devices not involving a radiocommunications transmitter that comply with other requirements

A device that:

(a) is not, and does not incorporate, a radiocommunications transmitter; and

(b) in relation to which standard or requirement that relates to radio emissions caused by operation of the device is imposed or set under a law of the Commonwealth (except Schedule 6 to this instrument), a State or a Territory; and

(c) complies with all such standards and requirements.

Example 1: A device that complies with any electromagnetic compatibility requirements specified by the Therapeutic Goods Administration under the *Therapeutic Goods Act 1989*.

Example 2: A device that complies with any electromagnetic compatibility requirements specified by the Civil Aviation Safety Authority under the *Civil Aviation Safety Regulations 1998*.

3 Prototypes

(1) A device that is a prototype that is solely created and used for the purposes of demonstration or development.

(2) In this item:

demonstration, in relation to a device, means a planned presentation in which the device is operated, displayed or simulated in real time to show its features, capabilities and performance to an audience (whether for the purpose of persuading the audience to purchase or invest in relation to the device, or otherwise).

development, in relation to a device, means the iterative process of designing, creating, testing and refining a series of devices to improve performance, usability and feasibility of a design for the device (whether for the purpose of the commercial production of devices identical to the final device resulting from the iterative process, or otherwise).

4 Devices with very low power consumption

A device with a power consumption not exceeding 1 milliwatt.

5 Electromagnetic scientific equipment

A device that is designed or adapted to conduct a test, measurement or study of electromagnetic phenomena in:

(a) an educational establishment, such as a university; or

(b) a training establishment, such as a vocational training institute; or

(c) a research establishment, such as a medical research institute.

6 Devices to be incorporated into another thing

A device (the ***first device***) that is designed or adapted to be included in another device (whether or not the other device yet exists), where:

(a) the EMC standard is prescribed for the other device, or would be once manufactured in Australia or imported; and

(b) the first device is incapable of being operated without being included in the other device.

7 Particular devices used solely for demonstration and exhibition

(1) A device that:

(a) is not included in a class of equipment; and

(b) is solely used for the purposes of demonstration or exhibition.

Note: This sub-item excludes a unique device from the EMC standard if it is used solely for the purposes of demonstration or exhibition.

(2) A device that:

(a) is included in a class of equipment; and

(b) is solely used for the purposes of demonstration or exhibition; and

(c) is the first device in that class to be solely used for those purposes.

Note 1: This sub-item excludes the first device in a class of equipment (such as the first sample of a device) from the EMC standard if it is used solely used for the purposes of demonstration or exhibition. However, subsequent devices in that class of equipment (such as the second and third samples of a device) must comply with the EMC standard.

Note 2: Devices which are not supplied, such as those used solely for the purposes of demonstration and exhibition, do not require labelling under this instrument.

(3) In this item:

demonstration, in relation to a device, means a planned presentation in which the device is operated, displayed or simulated in real time to show its features, capabilities and performance to an audience (whether for the purpose of persuading members of the audience to purchase or invest in relation to the device, or otherwise).

exhibition, in relation to a device, means the formal demonstration of the device to an audience (whether at an event, such as a trade show, or for a limited group of people, such as at a customer meeting) for the purpose of persuading members of the audience to purchase or invest in relation to the device

8 Devices for fixed installations

(1) A device that is a fixed installation.

Note: Devices that form part of the fixed installation (eg, by being combined with another device to create the fixed installation) are not specified in this sub-item.

(2) In this item, a ***fixed installation*** is a combination of at least 2 devices, whether or not it includes other things, that:

(a) when created, is placed at a location; and

(b) cannot physically be moved from that location without one or more of the devices being removed from the combination, or without the combination being disassembled; and

(c) can only function if none of the devices were removed from the combination.

Note 1: Attaching a device to a thing does not necessarily create a fixed installation.

Note 2: Not every device that forms part of a fixed installation is included, or to be included, in a fixed installation.

Example 1: A single device that is attached to a wall does not create a fixed installation.

Example 2: An automotive assembly line may be a fixed installation.

9 High voltage devices

A device that is designed to operate, and operates, using an electrical supply greater than:

(a) 600 volts AC; or

(b) 1000 volts DC.

10 Personal computers

A personal computer that is assembled:

(a) in Australia; and

(b) from components, each of which complies with any requirements for the component in:

(i) Schedule 3 to this instrument; and

(ii) an instrument made under subsection 407(1) of the *Telecommunications Act 1997*; and

(c) is only powered by an external power source.

Examples: Externally powered desktop, tower, or minicomputers are kinds of personal computers covered by this item. Portable computers, such as laptops and tablets, which can be powered by an internal battery as well as an external power source, are not a kind of personal computer covered by this item.

Schedule 8—List of EMC industry documents

[See Draft Schedule 8 – List of EMC industry documents]