

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

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

Dated:

Member

Member/General Manager

Australian Communications and Media Authority

1 Name

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

2 Commencement

 This instrument commences on the later of:

 (a) the start of the day after the day this instrument is registered on the Federal Register of Legislation;

 (b) the same time as the *Radiocommunications Equipment (General) Amendment Rules 2021 (No. 1)* commence.

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

3 Authority

 This instrument is made under subsection 110A(2), subsection 132(1) and subsection 156(1) of the *Radiocommunications Act 1992*.

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

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

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

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

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

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

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

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

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

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

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

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

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

 The *Radiocommunications (Compliance Labelling – Electromagnetic Radiation) Notice 2014* (F2014L00965) is repealed.

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

 The *Radiocommunications (Compliance Labelling – Electromagnetic Radiation) Notice 2014* (F2014L00960) is repealed.

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

(section 4)

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

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

Repeal the definition, substitute:

***ARPANSA standard*** means the *Radiation Protection Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz (2021)*, or any standard published as a replacement of that standard, by the Australian Radiation Protection and Nuclear Safety Agency.

Note: The ARPANSA standard is available, free of charge, from the Australian Radiation Protection and Nuclear Safety Agency website at [www.arpansa.gov.au](http://www.arpansa.gov.au).

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

Repeal the definition.

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

Repeal the definition, substitute:

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

4 Subsection 4(2)

Repeal the subsection.

5 After section 4

Insert:

4A References to other instruments

 In this Determination, unless the contrary intention appears:

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

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

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

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

Note 3: See section 314A of the Act.

6 Paragraph 6(2)(c)

Repeal the paragraph.

7 After subsection 6(2)

Insert:

 (3) For the purposes of paragraph (b), a device is a ***compliant mobile station*** if:

 (a) clause 3 of Schedule 4 to the *Radiocommunications Equipment (General) Rules 2021* prescribes a standard for the device; and

 (b) the device complies with that standard; and

 (c) the device is not a device mentioned in section 53 of the *Radiocommunications Equipment (General) Rules 2021*.

8 Subsection 10(3)

 Repeal the subsection, substitute:

 (3) If the licensee spatially averages measurements taken for paragraph (2)(a), the licensee must do so in accordance with the sections 2 and 3 of the ARPANSA standard.

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

(section 5)

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

1 Section 4 (definition of *ARPANSA Standard*)

Repeal the definition, substitute:

***ARPANSA Standard*** means the *Radiation Protection Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz (2021)*, or any standard published as a replacement of that standard, by the Australian Radiation Protection and Nuclear Safety Agency.

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

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

(section 6)

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

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

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

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

(section 7)

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

1 Subsection 4(3) (note 5)

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

2 Subsection 5(4) (note 1)

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

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

(section 8)

Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2017 [F2018L00028]

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

Omit “paragraph 3(2)(h)”, substitute “paragraph 3(2)(g)”.

2 Schedule 2, item 1 (examples)

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

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

Repeal the notes, substitute:

Note: See also Division 4 of Part 1.4 of the Act for exemptions for certain entities, including defence and national security related entities.

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

(section 9)

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

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

Repeal the definition, substitute:

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

2 Subsection 4(2)

Repeal the subsection.

3 After section 4

Insert:

4A References to other instruments

 In this Notice, unless the contrary intention appears:

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

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

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

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

Note 3: See section 314A of the Act.

4 Section 26, note 2 to the section

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