
EXPLANATORY STATEMENT

Statutory Rules 1995 No. 428

Issued by the authority of the Spectrum Management Agency ('SMA')

Radiocommunications Standard (Analogue Speech (Angle Modulated) Equipment) No. 1 of 1995

Radiocommunications Act 1992

Legislative Provisions

Under s. 162(1) of the Radiocommunications Act 1992 (the Act) the SMA may, by written instrument, make standards for:

(a) the performance of specified devices., or

(b) the maximum permitted level of radio emissions from devices (other than radiocommunications from radiocommunications devices in accordance with Chapter 3) within specified parts of the spectrum.

Under s. 162(3) of the Act, standards made under s. 162(1) can only include requirements for:

(a) containing interference to radiocommunications; or

(b) containing interference to any of the uses or functions of devices; or

(c) establishing for the operation of radiocommunications devices an adequate level of immunity from electromagnetic disturbance; or

(d) establishing for the uses or functions of devices an adequate level of immunity from electromagnetic disturbances caused by the operation of the radiocommunications transmitters.

Under s.163(1) of the Act, the SMA must, so far as practicable, try to ensure that interested persons have an adequate opportunity to make representations about the proposed standard and that due consideration has been given to any representations made.

Under s. 163(2) of the Act. the SMA may make an arrangement with various bodies to undertake public consultation and prepare and publish a standard on behalf of the SMA.

Section 314A of the Act allows the SMA to deal with any matter by adopting an Instrument made by any person or body in Australia.

There are offences relating to the use, supply and possession of nonstandard devices set out in SS. 157-161 of the Act. In addition, devices to which standards made under s. 162 apply, may be subject to labelling requirements under s. 182(1)(a) of the Act.

Background

Under s.163(2) of the Act, the SMA has entered into a Memorandum of Understanding with the Standards Association of Australia (SAA) for it to prepare standards and engage In public consultation on behalf of the SMA. This arrangement has been entered into so that the SMA can consider adopting the standards mode by the SAA as mandatory standards under s. 162 of the Act.
The SAA has established a technical committee (RC/1) to consider and draft standards concerning radiocommunications. This technical committee is drawn from relevant sections of industry, government and professional associations. In addition, the SAA consults widely with both industry and the community when preparing its standards. The SMA is satisfied that the SAA provides adequate public consultation for the purposes of s. 163(1) of the Act.

The SAA published the following standard on 5 July 1995:

"Australian Standard AS 4295 - 1995: Analogue speech (angle modulated) equipment operating in the land mobile and fixed services bands in the frequency range 29.7 Mhz to 1 GHz".

This standard currently contains no limits for frequencies above 520 MHz because limits for the frequency range 520 GHz to 1 GHz is currently under consideration by the SAA. AS 4295 contains technical performance parameters for conventional two-way radio equipment that is used in taxis, courier and security services. The contents of AS 4295 - 1995 are well known to the radiocommunications industry as they mirror an information brochure previously used by the SMA and its predecessors to advise of the technical requirements in licensing this equipment. Therefore no additional burden is expected to be placed upon industry by the making of the s. 162 instrument adopting the standard.

On 14 December 1995, the SMA made a written instrument under 3.162(1) of the Act entitled Radiocommunications Standard (Analogue Speech (Angle Modulated) Equipment) No. 1 of 1995. This instrument adopts the above SAA standard, AS 4295. This standard was adopted by the SMA under s.314A of the Act as the relevant standard applicable to certain devices which are specified in clause 4 of the instrument.

The types of radiocommunications equipment covered by this standard and their applications include.

(a) two-way radios used by, for example. taxis and courier services;
(b) police and fire fighting communications, and;
(c) communications for maintenance crews of large ocean-going vessels.

Notes on the Instrument

Clause 1 - Citation

Clause 1 is a citation provision.

Clause 2 - Commencement

Clause 2 provides that the instrument comes into force on 1 January 1996.

Clause 3 - interpretation

Clause 3 defines the terms used in the instrument.

Clause 4 - Application of this Instrument

This clause provides that the instrument applies to analogue speech angle modulated equipment which is intended to be operated as a:

a) land mobile system station;

b) ambulatory station;
c) point to multi point station;

d) point to point station, and;

e) a station which are operated on board a ship for the purpose of on-board communications which operate in the frequency range 450MHz to 470MHz

In addition, the standard only applies to devices which operate in the frequency range 29.7 MHz to 620 MHz inclusive and on a frequency channel with a band width of 12.5kHz, 20 kHz or 25 kHz.

**Clause 5**

This clause adopts Standards Association of Australia Australian Standard AS 4295 -1995, as In force on 1 January 1996, as the standard which applies to the devices set out in clause 4. This adoption is authorised by s.314A of the Act.