



Radiocommunications (Devices Used in the Inshore Boating Radio Services Band) Standard 2017

The Australian Communications and Media Authority makes the following standard under subsection 162(1) of the *Radiocommunications Act 1992*.

Dated: 18 August 2017

Richard Bean
[signed]
Member

James Cameron
[signed]
Member/~~General Manager~~

Australian Communications and Media Authority

Part 1—Preliminary

1 Name

This is the *Radiocommunications (Devices Used in the Inshore Boating Radio Services Band) Standard 2017*.

2 Commencement

This standard commences at the start of the day after it is registered on the Federal Register of Legislation.

Note: The Federal Register of Legislation may be accessed at www.legislation.gov.au.

3 Authority

This standard is made under subsection 162(1) of the *Radiocommunications Act 1992*.

4 Repeal of the *Radiocommunications (Devices Used in the Inshore Boating Radio Services Band) Standard 2008*

The *Radiocommunications (Devices Used in the Inshore Boating Radio Services Band) Standard 2008* [F2008L02134] is repealed.

5 Background

- (1) This standard applies to particular radiocommunications devices, as provided by section 12, and is made for the performance of those devices.

Note: A radiocommunications device to which this standard applies is referred to as an *item*.

- (2) This standard consists only of such requirements as are necessary or convenient for the purpose of containing interference to radiocommunications.

Part 2—Interpretation

6 Definitions

In this standard:

Chair means the Chair of the ACMA.

commencement day means the day on which this standard commences.

exempt item means a radiocommunications device that:

- (a) is imported solely for use in Australia in connection with a significant event;
- (b) if there is a requirement that the device is tested or inspected before it may be used in Australia – meets the requirement;
- (c) if there is a condition or requirement imposed on the use of the device in Australia – is used in compliance with that condition or requirement; and
- (d) is used in Australia only at the location, and for the duration, of the significant event.

included in a class of items has the meaning given by section 8.

industry standard means the Australian Standard AS 4367-2007 (R2015) – *Radiocommunications equipment used in the inshore boating radio services band* published by Standards Australia on 22 January 2007.

Note 1: The industry standard is incorporated as in force at the times mentioned in section 14 (with the modification specified in Schedule 1).

Note 2: A copy of the industry standard could, at the time of making this instrument, be obtained for a fee from SAI Global Pty Limited's website at <https://infostore.saiglobal.com/> or may be viewed at an office of the ACMA on request and subject to licensing conditions.

inshore boating radio equipment means a radiocommunications device that:

- (a) is used in the provision of an inshore boating radio service; and
- (b) can operate on the 27 MHz maritime frequencies.

inshore boating radio service has the same meaning as in the *Radiocommunications (Maritime Ship Station — 27 MHz and VHF) Class Licence 2015*.

Note: That class licence is a legislative instrument. For references to such instruments, see section 7.

item means a radiocommunications device to which this standard applies, as provided by section 12, and includes a modified item.

manufacturer, in relation to an item, includes (but is not limited to) a person who modifies the item.

modified, in relation to an item or any other device, means modified or altered in a material respect (after the item or other device was manufactured or imported) by, or on behalf of, the manufacturer or importer of the item or other device.

modified item means:

- (a) an item that has been modified and, for the avoidance of doubt, is the item as modified; or

(b) a device that has been modified in such a way that it becomes an item.

original item has the meaning given by paragraph 8(1)(b).

original modified item has the meaning given by paragraph 8(2)(b).

relevant date, for an item, has the meaning by section 10.

replacement standard means an instrument that replaces the industry standard.

significant event means an event at a location or locations specified in a notice approved by the Chair and published on the ACMA's website at www.acma.gov.au.

transition period, for an amendment or the replacement of the industry standard, has the meaning given by section 11.

Note 1: A number of other expressions used in this standard are defined in the Act and the *Radiocommunications (Interpretation) Determination 2015*, including the following:

- (a) 27 MHz maritime frequencies (see section 3 of, and Schedule 1 to, the determination);
- (b) ACMA (see section 5 of the Act);
- (c) Act (see section 4 of the determination);
- (d) Australia (see section 5 of the Act);
- (e) device (see section 5 and subsection 9(1) of the Act);
- (f) import (see section 5 of the Act);
- (g) radiocommunications device (see section 5 and subsection 7(1) of the Act).

Note 2: See paragraph 3(2)(g) of the *Radiocommunications (Interpretation) Determination 2015*, which is made under subsection 64(1) of the *Australian Communications and Media Authority Act 2005*, for the application of that determination to this standard.

7 References to other instruments

In this standard, 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 is a reference to that other kind of instrument as in force 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: For references to the industry standard, see Notes 1 and 2 at end of the definition of **industry standard** in section 6.

8 Class of items

(1) In this standard:

- (a) an item, other than a modified item, is **included in a class of items** if the item:
 - (i) is identical to each other item in the class (irrespective of when the items were manufactured or imported); and
 - (ii) has the same manufacturer or importer as each other item; and
- (b) the **original item**, in relation to the class, is the item in the class that was the first to be manufactured in Australia or imported.

- (2) In this standard:
- (a) a modified item is ***included in a class of items*** if:
 - (i) the modification made to create that item is identical to the modification made to create each other item in the class (irrespective of when the modifications were made);
 - (ii) the modified item is, in all other respects, identical to each other item (irrespective of when the items were manufactured or imported); and
 - (iii) the modified item has the same manufacturer or importer as each other item; and
 - (b) the ***original modified item***, in relation to the class, is the item in the class that was the first to be created in Australia or imported.

9 Date a modified item is created

In this standard, a reference to the date a modified item is created is a reference to the date of making of the modification which creates that item.

10 Relevant date for an item

In this standard, a reference to a ***relevant date*** for an item is a reference to:

- (a) in the case of an item, other than a modified item – each of the following:
 - (i) the date the item is manufactured in Australia or imported;
 - (ii) if the item is included in a class of items – the date the original item in the class was manufactured in Australia or imported;
- (b) in the case of a modified item – each of the following:
 - (i) the date the modified item is created in Australia or imported;
 - (ii) if the modified item is included in a class of items – the date the original modified item in the class was created in Australia or imported.

Example: Under subsection 14(1), if a relevant date for an item does not occur during a transition period and the item complies with the industry standard as in force at the relevant date (with the modification specified in Schedule 1), the item meets the requirements of the subsection.

If:

- (a) a modified item that is included in a class of items complies with either:
 - (i) the industry standard as in force at the date the modified item is created in Australia or imported (with the modification specified in Schedule 1); or
 - (ii) the industry standard as in force at the date the original modified item in the class was created in Australia or imported (with the modification specified in Schedule 1); and
- (b) that date does not occur during a transition period;
the first-mentioned item meets the requirements of subsection 14(1).

11 Transition period

For the purposes of this standard, if the industry standard is amended or replaced, there is a ***transition period***, being a period of one year commencing on the day the industry standard is amended or replaced.

Note 1: See subsection 14(2) in relation to a transition period.

Note 2: If the industry standard is amended or replaced during a transition period, there is another transition period which overlaps with the first-mentioned period. See subsection 14(3) in relation to overlapping transition periods.

Part 3—Application and requirements

12 Application

This standard applies to a radiocommunications device that:

- (a) is inshore boating radio equipment; or
- (b) was designed or intended to operate on a carrier frequency below 30 MHz specified for a service that is:
 - (i) substantially similar service to an inshore boating radio service; and
 - (ii) outside Australia;

unless the device is an exempt item.

13 Requirements

An item must meet the requirements of subsection 14(1), (2) or (3) in order to comply with this standard.

Note: An item that is a multi-role device (within the meaning of the industry standard) may also be required to comply with another standard under section 162 of the Act if that other standard contains requirements that apply to the item.

14 Standard for items

- (1) If:
 - (a) a relevant date for an item does not occur during a transition period; and
 - (b) the item complies with the industry standard as in force at the relevant date (with the modification specified in Schedule 1);the item meets the requirements of this subsection.
- (2) If:
 - (a) a relevant date for an item occurs during a transition period; and
 - (b) the item complies with:
 - (i) the industry standard as in force immediately before the commencement of the transition period (with the modification specified in Schedule 1);
 - (ii) the industry standard as in force at the commencement of the transition period (with the modification specified in Schedule 1); or
 - (iii) a replacement standard as in force at the commencement of the transition period;the item meets the requirements of this subsection.
- (3) If:
 - (a) a transition period overlaps with another transition period;
 - (b) a relevant date for an item occurs during the period of overlap; and
 - (c) the item complies with:
 - (i) the industry standard as in force immediately before the commencement of the earliest of those transition periods (with the modification specified in Schedule 1);

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- (ii) the industry standard as in force at the commencement of any one of those transition periods (with the modification specified in Schedule 1); or
- (iii) a replacement standard as in force at the commencement of any one of those transition periods;

the item meets the requirements of this subsection.

Note: An item, in the case mentioned in each subsection, meets the requirements of the subsection, irrespective of whether there is another relevant date for the item or when that date occurs.

Part 4—Savings and transitional arrangements

15 Items for which relevant date occurred before commencement day

If:

- (a) a relevant date for an item occurred before the commencement day; and
- (b) the item complies with the *Radiocommunications (Devices Used in the Inshore Boating Radio Services Band) Standard 2008* as in force immediately before the commencement day;

the item is taken to comply with this standard.

Note: An item, in that case, is taken to comply with this standard, irrespective of whether there is another relevant date for the item or when that date occurs.

Schedule 1—Modification of the industry standard

Item	Provision	Modification
1	Subclause 4.1 (Equipment markings)	This subclause does not apply

Note 1: The industry standard is incorporated as in force at the times mentioned in section 14 with the modification specified in the above table.

Note 2: See the note at the end of section 13 in relation to a multi-role device (within the meaning of the industry standard).