



Radiocommunications (Body Scanning – Aviation Security) Class Licence 2018

made under subsection 132 of the

Radiocommunications Act 1992

Compilation No. 1

Compilation date: 17 November 2021

Includes amendments up to: F2021L01568

Prepared by the Australian Communications and Media Authority, Melbourne

About this compilation

This compilation

This is a compilation of the *Radiocommunications (Body Scanning – Aviation Security) Class Licence 2018* that shows the text of the law as amended and in force on 17 November 2021 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Federal Register of Legislation (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Federal Register of Legislation for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Federal Register of Legislation for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Part 1—Preliminary

1 Name

This is the *Radiocommunications (Body Scanning – Aviation Security) Class Licence 2018*.

3 Authority

This instrument is made under section 132 of the *Radiocommunications Act 1992*.

4 Definitions

In this instrument:

Act means the *Radiocommunications Act 1992*.

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 Australia 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.

authorised person means:

- (a) a screening authority; or
- (b) a screening officer; or
- (c) a registered training organisation; or
- (d) a person employed by or contracted to a registered training organisation.

body scanner means a scanner that is capable of detecting metallic and non-metallic items on a person by using millimetre-wave radio frequency technology.

Note: A body scanner is, or includes, a radiocommunications transmitter.

EIRP means equivalent isotropically radiated power.

registered training organisation has the meaning given by the *National Vocational Education and Training Regulator Act 2011*.

screening authority has the meaning given by the *Aviation Transport Security Act 2004*.

screening officer has the meaning given by the *Aviation Transport Security Act 2004*.

security controlled airport has the meaning given by the *Aviation Transport Security Act 2004*.

Note: Gazette notices of declarations of security controlled airports are published on the Federal Register of Legislation.

VET course has the meaning given by the *National Vocational Education and Training Regulator Act 2011*.

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

- (a) interference;

(b) transmitter.

Note 2: In accordance with subsection 64(1) of the *Australian Communications and Media Authority Act 2005*, other expressions in this instrument have the same meaning as in an instrument made under that subsection, unless the contrary intention appears.

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 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: For paragraph (b), see section 314A of the Act.

Part 2—Class Licence

6 Class Licence

- (1) This instrument authorises a screening authority or a screening officer to operate a body scanner for the purpose of carrying out screening of persons at a security controlled airport, subject to the conditions set out in section 7.
- (2) This instrument authorises:
 - (a) a registered training organisation;
 - (b) a person employed by or contracted to a registered training organisation;to operate a body scanner for the purpose of training screening officers, subject to the conditions set out in sections 7 and 8.

Note: A body scanner operated under this instrument will operate in parts of the radiofrequency spectrum expected to be used by other radiocommunications devices. A radiocommunications receiver tuned to the body scanner's radiocommunications transmitter will not be afforded protection from interference caused by other radiocommunications devices.

7 Conditions for operation by an authorised person

- (1) An authorised person must operate the body scanner in:
 - (a) the frequency range from 24.25 GHz to 30 GHz; or
 - (b) the frequency range from 67 GHz to 80 GHz.
- (2) An authorised person must operate the body scanner at a radiated power that does not exceed:
 - (a) if the body scanner is operated in the frequency range from 24.25 GHz to 30 GHz – a maximum instantaneous EIRP of -10 dBm and a maximum power spectral density of -10 dBm per 4 MHz;
 - (b) if the body scanner is operated in the frequency range from 67 GHz to 80 GHz – a maximum instantaneous EIRP of 7 dBm and a maximum power spectral density of 7 dBm per 1 MHz.
- (3) An authorised person must operate the body scanner indoors at a security controlled airport.
- (4) An authorised person must not operate the body scanner if the electromagnetic radiation emitted by the body scanner, or by a group of body scanners that includes the body scanner, exceeds the general public exposure limits specified in the ARPANSA Standard.
- (5) An authorised person must not operate a body scanner if its operation, whether on its own or in operation with one or more other transmitters, would cause interference to the operation of radiocommunications services.

8 Additional condition for operation by registered training organisation

A registered training organisation, or a person employed by or contracted to a registered training organisation, must not operate the body scanner unless there is in force a written agreement between the registered training organisation and a screening authority that requires the registered training organisation to provide training as part of a VET course to:

- (a) a screening officer employed by the screening authority or another screening authority; or

- (b) a person who intends to become a screening officer employed by that screening authority or another screening authority.

Note: The written agreement may deal with other matters.

Endnotes

Endnote 1 – About the endnotes

The endnotes provide information about this compilation and the compiled law.

Endnote 2 (Abbreviation key) sets out abbreviations that may be used in the endnotes.

Endnote 3 (Legislation history) provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

Endnote 4 (Amendment history) provides information about the amendments at the provision (generally section or equivalent) level and includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

It also includes information about any misdescribed amendment (that is, an amendment that does not accurately describe the amendment to be made). If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history. If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

exp = expires/expired or ceases/ceased to have effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment
cannot be given effect

mod = modified/modification

No. = Number(s)

par = paragraph(s)/subparagraph(s)
/sub-subparagraph(s)

Pt = Part(s)

r = regulation(s)/rule(s)

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

underlining = whole or part not
commenced or to be commenced

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
<i>Radiocommunications (Body Scanning – Aviation Security) Class Licence 2018</i>	20 November 2018 (see F2018L01583)	21 November 2021	
<i>Radiocommunications (Electromagnetic Energy) Amendment Instrument 2021 (No.1)</i>	16 November 2021 (see F2021L01568)	17 November 2021	

Endnote 4—Amendment history

Provision affected	How affected
s.2.....	rep. LA s.48D
s.4.....	am. F2021L01568
