

EXPLANATORY STATEMENT

Radiocommunications Amendment Standard 2005 (No. 1)

Issued by the Authority of the Australian Communications and Media Authority
(ACMA)

Legislative Provisions

This instrument is the *Radiocommunications Amendment Standard 2005* (the Amendment Standard). The Australian Communications and Media Authority ('ACMA') makes the Amendment Standard under subsection 162(1) of the *Radiocommunications Act 1992* ('the Act'). The purpose of the Amendment Standard is to amend 14 radiocommunications technical standards made under subsection 162(1) of the Act and to revoke the *Radiocommunications Amendment Standard 2000* (No. 2).

Section 162(1) of the Act provides that ACMA may make standards for the performance of specified devices or the maximum permitted level of radio emissions from devices within specified parts of the spectrum.

Background

During significant events, such as the Melbourne 2006 Commonwealth Games, radiocommunications devices will be brought into Australia for use during the preparation and staging of the event. This includes equipment to be used in association with recording and broadcasting coverage of the event to the world. Some of this equipment may not comply with the requirements of applicable technical standards made by ACMA under subsection 162(1) of the Act ('technical standards'), but may meet international standards.

As such, ACMA wishes to exempt international visitors to Australia who import radiocommunications devices for use solely at significant events from having to demonstrate that their device complies with relevant Australian technical standards. ACMA will arrange monitoring at these events in order to minimise the risk of interference being caused by these devices. Although the devices will be exempt from compliance with applicable standards and labelling arrangements as a result of this amendment, they will not be exempt from licensing arrangements. ACMA will manage the licensing of these devices on an individual basis by having a physical presence at each significant event to safeguard against possible interference. ACMA will not license any radiocommunications device that poses an unacceptable risk of interference or is unsafe.

Purpose and Operation

The main purpose of the Amendment Standard is to insert a new provision into 14 technical standards made under subsection 162(1) of the Act. The new provision is known as the 'significant event' provision and operates by exempting devices that are imported solely for use at a significant event. The term 'significant event' is introduced and defined in this amendment as an event listed on an ACMA webpage and developed specifically for the purposes of the ACMA regulatory arrangements.

The webpage details the event, its location(s) and duration. Only the Chair of ACMA can decide that an event be identified as a significant event for the purposes of this arrangement.

The term 'significant event' has been developed to extend the useability of this arrangement to any event where there is a significant international presence in Australia, such as the Formula 1 Grand Prix, the Australian Open and the Indy 500.

The Amendment Standard also revokes the Amendment Standard 2000 (No.1) which exempted radiocommunications devices imported for use at the Sydney 2000 Olympic Games.

Impact and Effect

A radiocommunications device that is operated in Australia must comply with relevant Australian technical standards made under subsection 162(1). Any device that is manufactured or imported for supply in Australia must also meet labelling requirements under the *Radiocommunications Labelling Notice 2001*. This amendment exempts this equipment from the compliance and labelling requirements where it is imported solely for use at a significant event.

The significant event provision will have limited application and is only intended to operate to exempt radiocommunications devices that meet certain conditions specified in the provision.

The changes mirror a similar exemption scheme recently created under the *Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001* (the 'TLN') in May 2005. The amendment to the TLN exempts telecommunications customer equipment and cabling imported for connection at a significant event from complying with Australian labelling requirements.

Other than at significant events, the Amendment Standard will have no effect on the implementation of the existing radiocommunications compliance arrangements. Unless the Chair of ACMA has decided that an event is to be considered a 'significant event' for the purposes of this amendment, there will be no changes to the current arrangements for suppliers of radiocommunications devices. Only after careful consideration of all the issues surrounding the managing of safety and interference at a particular event will the Chair decide an event is a 'significant event'.

Consultation

The Office of Regulation Review (ORR) has advised that the making of the Amendment Standard does not impose a substantial additional regulatory burden on manufacturers and importers of radiocommunications equipment and accordingly a Regulation Impact Statement (RIS) is not required. The ORR RIS exception ID number is 7297.

Under section 163(1) of the Act ACMA must before making a standard, so far as is practicable, try to ensure interested persons have an adequate opportunity to make representations about the proposed standard and give due consideration to any representations. ACMA advertised the 'significant event' exemption on the ACMA website and directly contacted industry stakeholders allowing three weeks in which concerns could be raised or submissions sent to ACMA. A number of responses were received from individuals and organisations representing a range of radiocommunications interests.

The initial reaction was a concern that unlicensed radiocommunications devices would be operating as a result of this amendment. Each submission was addressed and consequential information provided including an explanation that ACMA will manage the licensing of these devices and will not allow any device that is unsafe or that poses an unacceptable risk of interference to be licensed.

Detailed Description of the Amendment Standard

Details of the Amendment Standard are in Attachment 1.

Notes on the instrument

Section 1—Name of Standard

This section states that the name of the standard is the *Radiocommunications Amendment Standard 2005 (No.1)*.

Section 2—Commencement

This section provides that the Standard commences on the day after it is registered.

Section 3—Amendment of *Radiocommunications (Short Range Devices) Standard 2004*

This section provides that Schedule 1 amends the *Radiocommunications (Short Range Devices) Standard 2004*.

Section 4—Amendment of *Radiocommunications (MF and HF equipment – Land Mobile Service) Standard 2003*

This section provides that Schedule 2 amends the *Radiocommunications (MF and HF equipment – Land Mobile Service) Standard 2003*.

Section 5—Amendment of *Radiocommunications (MF and HF Radiotelephone Equipment – International Maritime Mobile Service) Standard 2002*

This section provides that Schedule 3 amends the *Radiocommunications (MF and HF Radiotelephone Equipment – International Maritime Mobile Service) Standard 2002*.

Section 6—Amendment of *Radiocommunications (Paging Service Equipment) Standard 2002*

This section provides that Schedule 4 amends the *Radiocommunications (Paging Service Equipment) Standard 2002*.

Section 7—Amendment of *Radiocommunications (118MHz to 137MHz Amplitude Modulated Equipment – Aeronautical Radio Service) Standard 2002*

This section provides that Schedule 5 amends the *Radiocommunications (118MHz to 137MHz Amplitude Modulated Equipment – Aeronautical Radio Service) Standard 2002*.

Section 8—Amendment of *Radiocommunications Standard (HF CB and Handphone Radio Transmitters) No.1 of 1996*

This section provides that Schedule 6 amends the *Radiocommunications Standard (HF CB and Handphone Radio Transmitters) No.1 of 1996*.

Section 9—Amendment of *Radiocommunications Standard (Cordless Telephone) No.1 of 1997*

This section provides that Schedule 7 amends the *Radiocommunications Standard (Cordless Telephone) No.1 of 1997*.

Section 10—Amendment of Radiocommunications Standard (Radiocommunications Devices Used in the Inshore Boating Radio Services Band) No.1 of 1996

This section provides that Schedule 8 amends the Radiocommunications Standard (Radiocommunications Devices Used in the Inshore Boating Radio Services Band) No.1 of 1996.

Section 11—Amendment of *Radiocommunications (121.5 MHz and 243.0 MHz Emergency Position Indicating Radio Beacons) Standard 2003*

This section provides that Schedule 9 amends the *Radiocommunications (121.5 MHz and 243.0 MHz Emergency Position Indicating Radio Beacons) Standard 2003*.

Section 12—Amendment of *Radiocommunications (UHF CB Radio Equipment) Standard 2004*

This section provides that Schedule 10 amends the *Radiocommunications (UHF CB Radio Equipment) Standard 2004*.

Section 13—Amendment of *Radiocommunications (Data Transmission Equipment Using Spread Spectrum Modulation Techniques) Standard 2003*

This section provides that Schedule 11 amends the *Radiocommunications (Data Transmission Equipment Using Spread Spectrum Modulation Techniques) Standard 2003*.

Section 14—Amendment of *Radiocommunications (VHF Radiotelephone Equipment – Maritime Mobile Service) Standard 2004*

This section provides that Schedule 12 amends the *Radiocommunications (VHF Radiotelephone Equipment – Maritime Mobile Service) Standard 2004*.

Section 15—Amendment of *Radiocommunications (Analogue Speech (Angle Modulated) Equipment) Standard 2005*

This section provides that Schedule 13 amends the *Radiocommunications (Analogue Speech (Angle Modulated) Equipment) Standard 2005*.

Section 16—Amendment of *Radiocommunications (406 MHz Satellite Distress Beacons) Standard 2005*

This section provides that Schedule 14 amends the *Radiocommunications (406 MHz Satellite Distress Beacons) Standard 2005*.

Section 17—Revocation of *Radiocommunications Standard Amendment Standard 2000 (No.2)*

This section revokes the *Radiocommunications Standard 2000 (No. 2)*, made by the Australian Communications Authority (ACA) on 6 July 2000.

SCHEDULE 1 – AMENDMENT

Item [1] Section 5

Item 1 amends the *Radiocommunications (Short Ranges Devices) Standard 2004* by substituting a new section 5. Previously section 5 merely specified the types of radiocommunications devices the *Radiocommunications (Short Ranges Devices) Standard 2004* applied to.

As a consequence of this amendment, section 5 now also specifies the types of radiocommunications devices to which the Short Ranges Devices Standard does not apply. Subsection 5(2) sets out the circumstances in which a radiocommunications device normally covered by the Short Ranges Devices Standard will not have to comply with that Standard. These circumstances are: -

- the device must be imported into Australia for the sole purpose of being used at an event known as a significant event (paragraph 5(2)(a)); and
- the importer must submit the device for testing or inspection requirements where required to do so by ACMA and the device must satisfy those testing or inspection requirements (paragraph 5(2)(b)); and
- the importer must ensure that the device satisfies any conditions that are imposed upon the operation of the device (paragraph 5(2)(c)); and
- the device must only be used at specified locations (paragraph 5(2)(d)); and
- the device must only be used for the duration of the event known as a significant event (paragraph 5(2)(e)).

Subsection 5(3) defines what is meant by ‘significant event’ for the purposes of subsection 5(2). A significant event is defined as meaning an event that is held at a specific location or locations identified as a significant event for the purposes of this exemption on the ACMA website and has been approved by the ACMA Chair as a significant event.

The exemption provision in subsection 5(2) will only apply to a device imported for use in Australia where the Chair of ACMA has approved the notification of an event as a significant event on the ACMA website and where the device is used in accordance with the conditions set out in subsection 5(2). If a device fails to meet any of the criterion set out in subsection 5(2) the importer must ensure that the device complies with the Short Ranges Devices Standard.

The purpose of making a device imported for use at a significant event possibly subject to testing or inspection requirements and/or conditions on its use is to allow flexibility in the manner in which ACMA can address possible interference problems posed by the device as a result of it not having to comply with the requirements of the Short Ranges Devices Standard. These requirements and/or conditions may be in the areas of labelling, power levels and frequency usage.

SCHEDULE 2 – AMENDMENT

Item [1] Section 3

Item 1 amends the *Radiocommunications (MF and HF equipment — Land Mobile Service) Standard 2003* by substituting a new section 3. Previously section 3 merely

specified the types of radiocommunications devices the *Radiocommunications (MF and HF equipment — Land Mobile Service) Standard 2003* applied to.

As a consequence of this amendment, section 3 now also specifies the types of radiocommunications devices to which the MF and HF equipment — Land Mobile Service Standard does not apply. Subsection 3(2) sets out the circumstances in which a radiocommunications device normally covered by the MF and HF equipment — Land Mobile Service Standard will not have to comply with that Standard. These circumstances are: -

- the device must be imported into Australia for the sole purpose of being used at an event known as a significant event (paragraph 3(2)(a)); and
- the importer must submit the device for testing or inspection requirements where required to do so by ACMA and the device must satisfy those testing or inspection requirements (paragraph 3(2)(b)); and
- the importer must ensure that the device satisfies any conditions that are imposed upon the operation of the device (paragraph 3(2)(c)); and
- the device must only be used at specified locations (paragraph 3(2)(d)); and
- the device must only be used for the duration of the event known as a significant event (paragraph 3(2)(e)).

Subsection 3(3) defines what is meant by ‘significant event’ for the purposes of subsection 3(2). A significant event is defined as meaning an event that is held at a specific location or locations that is identified as a significant event for the purposes of this exemption on the ACMA website and has been approved by the ACMA Chair as a significant event.

The exemption provision in subsection 3(2) will only apply to a device imported for use in Australia where the Chair of ACMA has approved the notification of an event as a significant event on the ACMA website and where the device is used in accordance with the conditions set out in subsection 3(2). If a device fails to meet any of the criterion set out in subsection 3(2) the importer must ensure that the device complies with the MF and HF equipment — Land Mobile Service Standard.

The purpose of making a device imported for use at a significant event possibly subject to testing or inspection requirements and/or conditions on its use is to allow flexibility in the manner in which ACMA can address possible interference problems posed by the device as a result of it not having to comply with the requirements of the MF and HF equipment — Land Mobile Standard. These requirements and/or conditions may be in the areas of labelling, power levels and frequency usage.

SCHEDULE 3 – AMENDMENT

Item [1] Section 3

Item 1 amends the *Radiocommunications (MF and HF equipment — International Maritime Mobile Service) Standard 2002* by substituting a new section 3. Previously section 3 merely specified the types of radiocommunications devices the *Radiocommunications (MF and HF equipment — International Maritime Mobile Service) 2002* applied to.

As a consequence of this amendment, section 3 now also specifies the types of radiocommunications devices to which the MF and HF equipment — International Maritime Mobile Service Standard does not apply. Subsection 3(2) sets out the circumstances in which a radiocommunications device normally covered by the MF and HF equipment — International Maritime Mobile Service Standard will not have to comply with that Standard. These circumstances are: -

- the device must be imported into Australia for the sole purpose of being used at an event known as a significant event (paragraph 3(2)(a)); and
- the importer must submit the device for testing or inspection requirements where required to do so by ACMA and the device must satisfy those testing or inspection requirements (paragraph 3(2)(b)); and
- the importer must ensure that the device satisfies any conditions that are imposed upon the operation of the device (paragraph 3(2)(c)); and
- the device must only be used at specified locations (paragraph 3(2)(d)); and
- the device must only be used for the duration of the event known as a significant event (paragraph 3(2)(e)).

Subsection 3(3) defines what is meant by ‘significant event’ for the purposes of subsection 3(2). A significant event is defined as meaning an event that is held at a specific location or locations that is identified as a significant event for the purposes of this exemption on the ACMA website and has been approved by the ACMA Chair as a significant event.

The exemption provision in subsection 3(2) will only apply to a device imported for use in Australia where the Chair of ACMA has approved the notification of an event as a significant event on the ACMA website and where the device is used in accordance with the conditions set out in subsection 3(2). If a device fails to meet any of the criterion set out in subsection 3(2) the importer must ensure that the device complies with the MF and HF equipment — International Maritime Mobile Service Standard.

The purpose of making a device imported for use at a significant event possibly subject to testing or inspection requirements and/or conditions on its use is to allow flexibility in the manner in which ACMA can address possible interference problems posed by the device as a result of it not having to comply with the requirements of the MF and HF equipment — International Maritime Mobile Service Standard. These requirements and/or conditions may be in the areas of labelling, power levels and frequency usage.

SCHEDULE 4 – AMENDMENT

Item [1] Section 3

Item 1 amends the *Radiocommunications (Paging Service Equipment) Standard 2002* by substituting a new section 3. Previously section 3 merely specified the types of radiocommunications devices the *Radiocommunications (Paging Service Equipment) 2002* applied to.

As a consequence of this amendment, section 3 now also specifies the types of radiocommunications devices to which the Paging Service Equipment Standard does not apply. Subsection 3(2) sets out the circumstances in which a radiocommunications

device normally covered by the Paging Service Equipment Standard will not have to comply with that Standard. These circumstances are: -

- the device must be imported into Australia for the sole purpose of being used at an event known as a significant event (paragraph 3(2)(a)); and
- the importer must submit the device for testing or inspection requirements where required to do so by ACMA and the device must satisfy those testing or inspection requirements (paragraph 3(2)(b)); and
- the importer must ensure that the device satisfies any conditions that are imposed upon the operation of the device (paragraph 3(2)(c)); and
- the device must only be used at specified locations (paragraph 3(2)(d)); and
- the device must only be used for the duration of the event known as a significant event (paragraph 3(2)(e)).

Subsection 3(3) defines what is meant by 'significant event' for the purposes of subsection 3(2). A significant event is defined as meaning an event that is held at a specific location or locations that is identified as a significant event for the purposes of this exemption on the ACMA website and has been approved by the ACMA Chair as a significant event.

The exemption provision in subsection 3(2) will only apply to a device imported for use in Australia where the Chair of ACMA has approved the notification of an event as a significant event on the ACMA website and where the device is used in accordance with the conditions set out in subsection 3(2). If a device fails to meet any of the criterion set out in subsection 3(2) the importer must ensure that the device complies with the Paging Service Equipment Standard.

The purpose of making a device imported for use at a significant event possibly subject to testing or inspection requirements and/or conditions on its use is to allow flexibility in the manner in which ACMA can address possible interference problems posed by the device as a result of it not having to comply with the requirements of the Paging Service Equipment Standard. These requirements and/or conditions may be in the areas of labelling, power levels and frequency usage.

SCHEDULE 5 – AMENDMENT

Item [1] Section 3

Item 1 amends the *Radiocommunications (118MHz to 137MHz Amplitude Modulated Equipment — Aeronautical Radio Service) Standard 2002* by substituting a new section 3. Previously section 3 merely specified the types of radiocommunications devices the *Radiocommunications (118MHz to 137MHz Amplitude Modulated Equipment — Aeronautical Radio Service) 2002* applied to.

As a consequence of this amendment, section 3 now also specifies the types of radiocommunications devices to which the 118MHz to 137MHz Amplitude Modulated Equipment — Aeronautical Radio Service Standard does not apply. Subsection 3(2) sets out the circumstances in which a radiocommunications device normally covered by the 118MHz to 137MHz Amplitude Modulated Equipment — Aeronautical Radio Service Standard will not have to comply with that Standard. These circumstances are: -

- the device must be imported into Australia for the sole purpose of being used at an event known as a significant event (paragraph 3(2)(a)); and
- the importer must submit the device for testing or inspection requirements where required to do so by ACMA and the device must satisfy those testing or inspection requirements (paragraph 3(2)(b)); and
- the importer must ensure that the device satisfies any conditions that are imposed upon the operation of the device (paragraph 3(2)(c)); and
- the device must only be used at specified locations (paragraph 3(2)(d)); and
- the device must only be used for the duration of the event known as a significant event (paragraph 3(2)(e)).

Subsection 3(3) defines what is meant by ‘significant event’ for the purposes of subsection 3(2). A significant event is defined as meaning an event that is held at a specific location or locations that is identified as a significant event for the purposes of this exemption on the ACMA website and has been approved by the ACMA Chair as a significant event.

The exemption provision in subsection 3(2) will only apply to a device imported for use in Australia where the Chair of ACMA has approved the notification of an event as a significant event on the ACMA website and where the device is used in accordance with the conditions set out in subsection 3(2). If a device fails to meet any of the criterion set out in subsection 3(2) the importer must ensure that the device complies with the 118MHz to 137MHz Amplitude Modulated Equipment — Aeronautical Radio Service Standard.

The purpose of making a device imported for use at a significant event possibly subject to testing or inspection requirements and/or conditions on its use is to allow flexibility in the manner in which ACMA can address possible interference problems posed by the device as a result of it not having to comply with the requirements of the 118MHz to 137MHz Amplitude Modulated Equipment — Aeronautical Radio Service Standard. These requirements and/or conditions may be in the areas of labelling, power levels and frequency usage.

SCHEDULE 6 – AMENDMENTS

Item [1] Section 2, after definition of *carrier frequency*

As the standard being amended has been drafted in a style that lacks some clarity, this item inserts a definition for radiocommunications transmitter to give greater clarity to the application of the standard.

Item [2] Section 2A

This item inserts a new section 2A into the HF CB and Handphone Radio Transmitter Standard to clarify the types of radiocommunications device to which the standard does and does not apply to (subsection 2A(1)). Subsection 2A(2) specifies the types of radiocommunications devices to which the HF CB and Handphone Radio Transmitter Standard does not apply. Subsection 2A(2) sets out the circumstances in which a radiocommunications device normally covered by the HF CB and Handphone Radio Transmitter Standard will not have to comply with that Standard. These circumstances are: -

- the device must be imported into Australia for the sole purpose of being used at an event known as a significant event; and
- the importer must submit the device for testing or inspection requirements where required to do so by ACMA and the device must satisfy those testing or inspection requirements; and
- the importer must ensure that the device satisfies any conditions that are imposed upon the operation of the device; and
- the device must only be used at specified locations; and
- the device must only be used for the duration of the event known as a significant event.

Subsection 2A(3) defines what is meant by ‘significant event’ for the purposes of subsection 2A(2). A significant event is defined as meaning an event that is held at a specific location or locations. It is an event that is identified as a significant event for the purposes of this exemption on the ACMA website and has been approved by the Chair of ACMA as a significant event.

The exemption provision in subsection 2A(2) will only apply to a device imported for use in Australia, where ACMA’s Chair has approved the notification of an event as a significant event on the ACMA website and where the device is used in accordance with the conditions set out in subsection 2A(2). If a device fails to meet any of the criterion set out in subsection 2A(2) the importer must ensure that the device complies with the HF CB and Handphone Radio Transmitter Standard.

The purpose of inserting provisions that require the device to satisfy testing or inspection requirements and/or conditions of use where necessary is to provide a level of flexibility in the manner in which ACMA can address possible interference problems posed by the device as a result of it not having to comply with requirements of the HF CB and Handphone Radio Transmitter Standard. These requirements and/or conditions may be in the areas of labelling, power levels and frequency usage.

Item [3] Section 3, heading

This item replaces the section heading with a new heading for greater clarity.

Item [4] Section 3

This item amends an inconsistency in the drafting style for this section.

Item [5] Section 4

This item removes the section relating to a previous amendment for the 2000 Olympic Games as it is no longer relevant.

Item [6] Schedule 1

This item removes the schedule relating to a previous amendment for the 2000 Olympic Games as it is no longer relevant.

SCHEDULE 7 – AMENDMENTS

Item [1] Section 2, definition of *cordless telephone*

This item replaces the definition of cordless telephone with a new definition. The changes to the definition of cordless telephone are editorial in nature and do not effect

the previous scope of the Radiocommunications Standard (Cordless Telephone) No.1 of 1997.

Item [2] Section 2A

This item inserts a new section 2A into the Cordless Telephone Standard to clarify the types of radiocommunications device to which the standard does and does not apply to (subsection 2A(1)). Subsection 2A(2) specifies the types of radiocommunications devices to which the Cordless Telephone Standard does not apply. Subsection 2A(2) sets out the circumstances in which a radiocommunications device normally covered by the Cordless Telephone Standard will not have to comply with that Standard.

These circumstances are: -

- the device must be imported into Australia for the sole purpose of being used at an event known as a significant event; and
- the importer must submit the device for testing or inspection requirements where required to do so by ACMA and the device must satisfy those testing or inspection requirements; and
- the importer must ensure that the device satisfies any conditions that are imposed upon the operation of the device; and
- the device must only be used at specified locations; and
- the device must only be used for the duration of the event known as a significant event.

Subsection 2A(3) defines what is meant by ‘significant event’ for the purposes of subsection 2A(2). A significant event is defined as meaning an event that is held at a specific location or locations. It is an event that is identified as a significant event for the purposes of this exemption on the ACMA website and has been approved by the Chair as a significant event.

The exemption provision in subsection 2A(2) will only apply to a device imported for use in Australia, where the Chair of ACMA has approved the notification of an event as a significant event on the ACMA website and where the device is used in accordance with the conditions set out in subsection 2A(2). If a device fails to meet any of the criterion set out in subsection 2A(2) the importer must ensure that the device complies with the Cordless Telephone Standard.

The purpose of inserting provisions that require the device to satisfy testing or inspection requirements and/or conditions of use where necessary is to provide a level of flexibility in the manner in which ACMA can address possible interference problems posed by the device as a result of it not having to comply with the requirements of the Cordless Telephone Standard. These requirements and/or conditions may be in the areas of labelling, power levels and frequency usage.

Item [3] Section 3, heading

This item replaces the section heading with a new heading for greater clarity.

SCHEDULE 8 – AMENDMENTS

Item [1] Section 2A

This item inserts a new section 2A into the Radiocommunications Devices Used in the Inshore Boating Radio Services Band Standard to clarify the types of

radiocommunications device to which the standard does and does not apply to (subsection 2A (1)). Subsection 2A (2) specifies the types of radiocommunications devices to which the Radiocommunications Devices Used in the Inshore Boating Radio Services Band Standard does not apply. Subsection 2A (2) sets out the circumstances in which a radiocommunications device normally covered by the Radiocommunications Devices Used in the Inshore Boating Radio Services Band Standard will not have to comply with that Standard. These circumstances are: -

- the device must be imported into Australia for the sole purpose of being used at an event known as a significant event; and
- the importer must submit the device for testing or inspection requirements where required to do so by ACMA and the device must satisfy those testing or inspection requirements; and
- the importer must ensure that the device satisfies any conditions that are imposed upon the operation of the device; and
- the device must only be used at specified locations; and
- the device must only be used for the duration of the event known as a significant event.

Subsection 2A (3) defines what is meant by ‘significant event’ for the purposes of subsection 2A (2). A significant event is defined as meaning an event that is held at a specific location or locations. It is an event that is identified as a significant event for the purposes of this exemption on the ACMA website and has been approved by the Chair as a significant event.

The exemption provision in subsection 2A(2) will only apply to a device imported for use in Australia, where the Chair of ACMA has approved the notification of an event as a significant event on the ACMA website and where the device is used in accordance with the conditions set out in subsection 2A(2). If a device fails to meet any of the criterion set out in subsection 2A(2) the importer must ensure that the device complies with the Radiocommunications Devices Used in the Inshore Boating Radio Services Band Standard.

The purpose of inserting provisions that require the device to satisfy testing or inspection requirements and/or conditions of use where necessary is to provide a level of flexibility in the manner in which ACMA can address possible interference problems posed by the device as a result of it not having to comply with the requirements of the Inshore Boating Radio Services Band Standard. These requirements and/or conditions may be in the areas of labelling, power levels and frequency usage.

Item [2] Section 3, heading

This item replaces the section heading with a new heading for greater clarity.

Item [3] Section 3A

This item removes the section relating to a previous amendment for the 2000 Olympic Games as it is no longer relevant.

Item [4] Schedule 1

This item removes the schedule relating to a previous amendment for the 2000 Olympic Games as it is no longer relevant.

SCHEDULE 9 – AMENDMENT

Item [1] Section 5

Item 1 amends the *Radiocommunications (121.5MHz and 243.0 MHz Emergency Position Indicating Radio Beacons) Standard 2003* by substituting a new section 5. Previously section 5 merely specified the types of radiocommunications devices the *Radiocommunications (121.5MHz and 243.0 MHz Emergency Position Indicating Radio Beacons) Standard 2003* applied to.

As a consequence of this amendment, section 5 now also specifies the types of radiocommunications devices to which the 121.5MHz and 243.0 MHz Emergency Position Indicating Radio Beacons Standard does not apply. Subsection 5(2) sets out the circumstances in which a radiocommunications device normally covered by the 121.5MHz and 243.0 MHz Emergency Position Indicating Radio Beacons Standard will not have to comply with that Standard. These circumstances are: -

- the device must be imported into Australia for the sole purpose of being used at an event known as a significant event (paragraph 5(2)(a)); and
- the importer must submit the device for testing or inspection requirements where required to do so by ACMA and the device must satisfy those testing or inspection requirements (paragraph 5(2)(b)); and
- the importer must ensure that the device satisfies any conditions that are imposed upon the operation of the device (paragraph 5(2)(c)); and
- the device must only be used at specified locations (paragraph 5(2)(d)); and
- the device must only be used for the duration of the event known as a significant event (paragraph 5(2)(e)).

Subsection 5(3) defines what is meant by ‘significant event’ for the purposes of subsection 5(2). A significant event is defined as meaning an event that is held at a specific location or locations that is identified as a significant event for the purposes of this exemption on the ACMA website and has been approved by the ACMA Chair as a significant event.

The exemption provision in subsection 5(2) will only apply to a device imported for use in Australia where the Chair of ACMA has approved the notification of an event as a significant event on the ACMA website and where the device is used in accordance with the conditions set out in subsection 5(2). If a device fails to meet any of the criterion set out in subsection 5(2) the importer must ensure that the device complies with the 121.5MHz and 243.0 MHz Emergency Position Indicating Radio Beacons Standard.

The purpose of making a device imported for use at a significant event possibly subject to testing or inspection requirements and/or conditions on its use is to allow flexibility in the manner in which ACMA can address possible interference problems posed by the device as a result of it not having to comply with the requirements of the 121.5MHz and 243.0 MHz Emergency Position Indicating Radio Beacons Standard. These requirements and/or conditions may be in the area of labelling, power levels and frequency usage.

SCHEDULE 10 – AMENDMENT

Item [1] Section 5

Item 1 amends the *Radiocommunications (UHF CB Radio Equipment) Standard 2004* by substituting a new section 5. Previously section 5 merely specified the types of radiocommunications devices the *Radiocommunications (UHF CB Radio Equipment) Standard 2004* applied to.

As a consequence of this amendment, section 5 now also specifies the types of radiocommunications devices to which the UHF CB Radio Equipment Standard does not apply. Subsection 5(2) sets out the circumstances in which a radiocommunications device normally covered by the UHF CB Radio Equipment Standard will not have to comply with that Standard. These circumstances are: -

- the device must be imported into Australia for the sole purpose of being used at an event known as a significant event (paragraph 5(2)(a)); and
- the importer must submit the device for testing or inspection requirements where required to do so by ACMA and the device must satisfy those testing or inspection requirements (paragraph 5(2)(b)); and
- the importer must ensure that the device satisfies any conditions that are imposed upon the operation of the device (paragraph 5(2)(c)); and
- the device must only be used at specified locations (paragraph 5(2)(d)); and
- the device must only be used for the duration of the event known as a significant event (paragraph 5(2)(e)).

Subsection 5(3) defines what is meant by ‘significant event’ for the purposes of subsection 5(2). A significant event is defined as meaning an event that is held at a specific location or locations that is identified as a significant event for the purposes of this exemption on the ACMA website and has been approved by the ACMA Chair as a significant event.

The exemption provision in subsection 5(2) will only apply to a device imported for use in Australia where the Chair of ACMA has approved the notification of an event as a significant event on the ACMA website and where the device is used in accordance with the conditions set out in subsection 5(2). If a device fails to meet any of the criterion set out in subsection 5(2) the importer must ensure that the device complies with the UHF CB Radio Equipment Standard.

The purpose of making a device imported for use at a significant event possibly subject to testing or inspection requirements and/or conditions on its use is to allow flexibility in the manner in which ACMA can address possible interference problems posed by the device as a result of it not having to comply with the requirements of the UHF CB Radio Equipment Standard. These requirements and/or conditions may be in the areas of labelling, power levels and frequency usage.

SCHEDULE 11 – AMENDMENT

Item [1] Section 3

Item 1 amends the *Radiocommunications (Data Transmission Equipment Using Spread Spectrum Modulation Techniques) Standard 2003* by substituting a new section 3. Previously section 3 merely specified the types of radiocommunications

devices the *Radiocommunications (Data Transmission Equipment Using Spread Spectrum Modulation Techniques) 2003* applied to.

As a consequence of this amendment, section 3 now also specifies the types of radiocommunications devices to which the Data Transmission Equipment Using Spread Spectrum Modulation Techniques Standard does not apply. Subsection 3(2) sets out the circumstances in which a radiocommunications device normally covered by the Data Transmission Equipment Using Spread Spectrum Modulation Techniques Standard will not have to comply with that Standard. These circumstances are: -

- the device must be imported into Australia for the sole purpose of being used at an event known as a significant event (paragraph 3(2)(a)); and
- the importer must submit the device for testing or inspection requirements where required to do so by ACMA and the device must satisfy those testing or inspection requirements (paragraph 3(2)(b)); and
- the importer must ensure that the device satisfies any conditions that are imposed upon the operation of the device (paragraph 3(2)(c)); and
- the device must only be used at specified locations (paragraph 3(2)(d)); and
- the device must only be used for the duration of the event known as a significant event (paragraph 3(2)(e)).

Subsection 3(3) defines what is meant by ‘significant event’ for the purposes of subsection 3(2). A significant event is defined as meaning an event that is held at a specific location or locations that is identified as a significant event for the purposes of this exemption on the ACMA website and has been approved by the ACMA Chair as a significant event.

The exemption provision in subsection 3(2) will only apply to a device imported for use in Australia where the Chair of ACMA has approved the notification of an event as a significant event on the ACMA website and where the device is used in accordance with the conditions set out in subsection 3(2). If a device fails to meet any of the criterion set out in subsection 3(2) the importer must ensure that the device complies with the Data Transmission Equipment Using Spread Spectrum Modulation Techniques Standard.

The purpose of making a device imported for use at a significant event possibly subject to testing or inspection requirements and/or conditions on its use is to allow flexibility in the manner in which ACMA can address possible interference problems posed by the device as a result of it not having to comply with the requirements of the Data Transmission Equipment Using Spread Spectrum Modulation Techniques Standard. These requirements and/or conditions may be in the areas of labelling, power levels and frequency usage.

SCHEDULE 12 – AMENDMENTS

Item [1] Section 4, definition of *DSC capable equipment*

This item replaces the definition of DSC capable equipment with a new definition for clarity. The change to the definition does not affect the scope of the *Radiocommunications (VHF Radiotelephone Equipment – Maritime Mobile Service) Standard 2004*.

Item [2] Section 5

Item 2 amends the *Radiocommunications (VHF Radiotelephone Equipment — Maritime Mobile Service) Standard 2004* by substituting a new section 5. Previously section 5 merely specified the types of radiocommunications devices the *Radiocommunications (VHF Radiotelephone Equipment — Maritime Mobile Service) Standard 2004* applied to.

As a consequence of this amendment, section 5 now also specifies the types of radiocommunications devices to which the VHF Radiotelephone Equipment — Maritime Mobile Service Standard does not apply. Subsection 5(2) sets out the circumstances in which a radiocommunications device normally covered by the VHF Radiotelephone Equipment — Maritime Mobile Service Standard will not have to comply with that Standard. These circumstances are: -

- the device must be imported into Australia for the sole purpose of being used at an event known as a significant event (paragraph 5(2)(a)); and
- the importer must submit the device for testing or inspection requirements where required to do so by ACMA and the device must satisfy those testing or inspection requirements (paragraph 5(2)(b)); and
- the importer must ensure that the device satisfies any conditions that are imposed upon the operation of the device (paragraph 5(2)(c)); and
- the device must only be used at specified locations (paragraph 5(2)(d)); and
- the device must only be used for the duration of the event known as a significant event (paragraph 5(2)(e)).

Subsection 5(3) defines what is meant by ‘significant event’ for the purposes of subsection 5(2). A significant event is defined as meaning an event that is held at a specific location or locations that is identified as a significant event for the purposes of this exemption on the ACMA website and has been approved by the ACMA Chair as a significant event.

The exemption provision in subsection 5(2) will only apply to a device imported for use in Australia where the Chair of ACMA has approved the notification of an event as a significant event on the ACMA website and where the device is used in accordance with the conditions set out in subsection 5(2). If a device fails to meet any of the criterion set out in subsection 5(2) the importer must ensure that the device complies with the VHF Radiotelephone Equipment — Maritime Mobile Service Standard.

The purpose of making a device imported for use at a significant event possibly subject to testing or inspection requirements and/or conditions on its use is to allow flexibility in the manner in which ACMA can address possible interference problems posed by the device as a result of it not having to comply with the requirements of the VHF Radiotelephone Equipment — Maritime Mobile Service Standard. These requirements and/or conditions may be in the areas of labelling, power levels and frequency usage.

SCHEDULE 13 – AMENDMENTS

Item [1] Section 5, after the heading

This item inserts a reference to the application of the standard to certain radiocommunications devices.

Item [2] Section 5

This item amends the drafting style for this section so a reference to ‘This Standard applies’ is replaced with ‘This subsection applies’.

Item [3] Section 5

Item 3 amends the *Radiocommunications (Analogue Speech (Angle Modulated) Equipment) Standard 2005* by inserting a new section 5. Previously section 5 merely specified the types of radiocommunications devices the *Radiocommunications (Analogue Speech (Angle Modulated) Equipment) Standard 2005* applied to.

As a consequence of this amendment, section 5 now also specifies the types of radiocommunications devices to which the Analogue Speech (Angle Modulated) Equipment Standard does not apply. Subsection 5(3) sets out the circumstances in which a radiocommunications device normally covered by the Analogue Speech (Angle Modulated) Equipment Standard will not have to comply with that Standard. These circumstances are: -

- the device must be imported into Australia for the sole purpose of being used at an event known as a significant event (paragraph 5(3)(a)); and
- the importer must submit the device for testing or inspection requirements where required to do so by ACMA and the device must satisfy those testing or inspection requirements (paragraph 5(3)(b)); and
- the importer must ensure that the device satisfies any conditions that are imposed upon the operation of the device (paragraph 5(3)(c)); and
- the device must only be used at specified locations (paragraph 5(3)(d)); and
- the device must only be used for the duration of the event known as a significant event (paragraph 5(3)(e)).

Subsection 5(4) defines what is meant by ‘significant event’ for the purposes of subsection 5(3). A significant event is defined as meaning an event that is held at a specific location or locations that is identified as a significant event for the purposes of this exemption on the ACMA website and has been approved by the ACMA Chair as a significant event.

The exemption provision in subsection 5(3) will only apply to a device imported for use in Australia where the Chair of ACMA has approved the notification of an event as a significant event on the ACMA website and where the device is used in accordance with the conditions set out in subsection 5(3). If a device fails to meet any of the criterion set out in subsection 5(3) the importer must ensure that the device complies with the Analogue Speech (Angle Modulated) Equipment Standard.

The purpose of making a device imported for use at a significant event possibly subject to testing or inspection requirements and/or conditions on its use is to allow flexibility in the manner in which ACMA can address possible interference problems posed by the device as a result of it not having to comply with the requirements of the

Analogue Speech (Angle Modulated) Equipment Standard. These requirements and/or conditions may be in the areas of labelling, power levels and frequency usage.

SCHEDULE 14 – AMENDMENT

Item [1] Section 5

Item 1 amends the *Radiocommunications (406 MHz Satellite Distress Beacons) Standard 2005* by substituting a new section 5. Previously section 5 merely specified the types of radiocommunications devices the *Radiocommunications (406 MHz Satellite Distress Beacons) Standard 2005* applied to.

As a consequence of this amendment, section 5 now also specifies the types of radiocommunications devices to which the 406 MHz Satellite Distress Beacon Standard does not apply. Subsection 5(2) sets out the circumstances in which a radiocommunications device normally covered by the 406 MHz Satellite Distress Beacon Standard will not have to comply with that Standard. These circumstances are: -

- the device must be imported into Australia for the sole purpose of being used at an event known as a significant event (paragraph 5(2)(a)); and
- the importer must submit the device for testing or inspection requirements where required to do so by ACMA and the device must satisfy those testing or inspection requirements (paragraph 5(2)(b)); and
- the importer must ensure that the device satisfies any conditions that are imposed upon the operation of the device (paragraph 5(2)(c)); and
- the device must only be used at specified locations (paragraph 5(2)(d)); and
- the device must only be used for the duration of the event known as a significant event (paragraph 5(2)(e)).

Subsection 5(3) defines what is meant by ‘significant event’ for the purposes of subsection 5(2). A significant event is defined as meaning an event that is held at a specific location or locations that is identified as a significant event for the purposes of this exemption on the ACMA website and has been approved by the ACMA Chair as a significant event.

The exemption provision in subsection 5(2) will only apply to a device imported for use in Australia where the Chair of ACMA has approved the notification of an event as a significant event on the ACMA website and where the device is used in accordance with the conditions set out in subsection 5(2). If a device fails to meet any of the criterion set out in subsection 5(2) the importer must ensure that the device complies with the 406 MHz Satellite Distress Beacon Standard.

The purpose of making a device imported for use at a significant event possibly subject to testing or inspection requirements and/or conditions on its use is to allow flexibility in the manner in which ACMA can address possible interference problems posed by the device as a result of it not having to comply with the requirements of the 406 MHz Satellite Distress Beacon Standard. These requirements and/or conditions may be in the areas of labelling, power levels and frequency usage.