EXPLANATORY STATEMENT

Issued by Authority of the Australian Communications and Media Authority

RADIOCOMMUNICATIONS (ELECTROMAGNETIC COMPATIBILITY) STANDARD 2008

This instrument is the *Radiocommunications (Electromagnetic Compatibility) Standard 2008*. It is made under section 162 of the *Radiocommunications Act 1992* ("the Act").

Purpose and Operation

Subsection 162(1) of the Act provides that the Australian Communications and Media Authority ("ACMA") may make standards for the maximum permitted level of radio emissions from devices within specified parts of the spectrum.

On 24 January 2008, ACMA made the *Radiocommunications (Electromagnetic Compatibility) Standard 2008* ("the Standard").

The Standard and the *Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2008* operate together to specify the Australian regulatory arrangements for electromagnetic compatibility ("EMC").

A standard made under section 162 of the Act is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Legislative Background

ACMA has responsibility for the regulation of specified devices in Australia under the Act. In order to fulfil its responsibilities under the Act, ACMA has implemented the EMC regulatory arrangement. This arrangement puts in place mandatory standards for devices, other than radiocommunications devices, at the point of import into, or manufacture in, Australia. The arrangement has been in effect since 1997.

The EMC arrangement through its mandatory standard specifies maximum allowable level for unintended emissions of electromagnetic energy from electrical and electronic devices for the protection of radiocommunications services. The Standard specifies limits for emissions by sub-referencing the limits contained in a suite of industry developed national and international standards for EMC. These standards are identified as 'applicable standards' throughout the instruments for the arrangement.

In using international standards and Australian standards based on international standards, the arrangement contributes to Australia's international trade arrangements by facilitating trade between Australia and other economies that have an EMC arrangement.

The Standard replaces the *Radiocommunications (Electromagnetic Compatibility) Standard 2001* which commenced on 2 November 2001. As part of the drafting of the Standard, the format of the Standard has been updated to reflect changes to the format of the *Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2008*.

Though significantly different in format from its predecessor, the Standard reiterates current policies and interpretations, and does not introduce any significant changes over the previous version of this standard.

NOTES ON CLAUSES

Section 1 - Name of Standard

Section 1 provides the name and citation for the Standard - *Radiocommunications (Electromagnetic Compatibility) Standard 2008.*

Section 2 - Commencement

Section 2 provides that the Standard commences on the day after it is registered on the Federal Register of Legislative Instruments.

Section 3 – Object of Standard

Section 3 sets out the objects of the Standard. The object of this Standard is to implement an arrangement that will contain interference to:

1. radiocommunications; and
2. any uses or functions of devices.

Section 4 - Revocation

Section 4 revokes the previous Standard that formed part of the EMC regulatory arrangement, the *Radiocommunications (Electromagnetic Compatibility) Standard 2001* made on 2 November 2001.

Section 5 – Application of Standard

Section 5 specifies the devices that are covered by the Standard. The Standard applies to a device manufactured in, or imported into, Australia for supply in Australia. However, the Standard does not apply to a device mentioned in Schedule 2 to the *Radiocommunications (Electromagnetic Compatibility) Labelling Notice 2008*.

Section 6 - Definitions

Section 6 defines the relevant terms used in the Standard.

Section 7 – Definition of *applicable standard*

Section 7 defines what constitutes an "applicable standard". The list of standards is shown at www.acma.gov.au/standards/emc. Standards are divided into two major parts: Part 1 "generic standards" and Part 2 "product family and equipment standards".

An applicable standard for a device is a standard where the device falls within the scope of the standard and the standard has not expired. The manufacturer of the device in Australia or the importer of the device to Australia may choose an appropriate product family or equipment standard from Part 2 of the list.

If a device falls within the scope of more than one standard, the manufacturer or the importer can choose which of these standards is used as the applicable standard. The

EMC regulatory arrangement presently requires compliance with only one applicable standard though several may be suitable.

If the device does not clearly fit within the scope of any of the product family or equipment standards listed in part 2 of the list, one of the generic standards listed in Part 1 of the list must be used. All devices other than those mentioned in Schedule 2 to the *Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2008* will therefore have an applicable standard.

Section 8 – Modifying information in a standard

Section 8 provides that the requirements of a standard may be modified by comments in the remarks column (column 10) of the list of standards on the web page (www.acma.gov.au/standards/emc) for the purposes of compliance with the Standard.

> *For example:*
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> *The ISM band around 900 MHz that is specified in the national and international standards for Industrial, Scientific and Medical (ISM) equipment is not correct for Australia. The standard shows the international allocation for the ISM band (902 to 928 MHz) where the ISM band in Australia is limited to 918 to 926 MHz. The frequency range between 902 to 918 MHz is used for GSM mobile services in Australia. The remarks column therefore amends the application of the standard to the correct ISM band for Australia pending modification to the International Standards to address these issues.*

Section 9 – Compliance

Section 9 provides that a device must comply with an applicable standard. However, this Standard requires compliance with matters contained in a standard referred to in section 7 only to the extent to which those matters relate to interference to:

- radiocommunications; and
- any uses or functions of the devices.

Compliance with any requirements in the applicable standards relating to immunity, safety, or matters other than radiofrequency emissions is not required for compliance under this arrangement.