

EXPLANATORY STATEMENT

Approved by the Australian Communications and Media Authority

Radiocommunications Act 1992

Radiocommunications Equipment (General) Amendment Rules 2025 (No. 1)

Authority

The Australian Communications and Media Authority (the **ACMA**) has made the *Radiocommunications Equipment (General) Amendment Rules 2025 (No. 1)* (the **instrument**) under subsection 156(1) of the *Radiocommunications Act 1992* (the **Act**) and subsection 33(3) of the *Acts Interpretation Act 1901* (the **AIA**).

Subsection 156(1) of the Act provides that the ACMA may, by legislative instrument, make rules relating to equipment (**equipment rules**).

Subsection 156(3) provides that equipment rules must be directed towards achieving any or all of the objectives listed in that subsection including, relevantly:

- containing interference to radiocommunications;
- containing interference to any uses or functions of equipment;
- protecting the health or safety of individuals from any adverse effect likely to be attributable to radio emissions resulting from a reasonably foreseeable use (including a misuse) of radiocommunications transmitters; and
- ensuring that persons who operate equipment have access to information about the equipment.

Subsection 33(3) of the AIA relevantly provides that where an Act confers a power to make a legislative instrument, the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

Purpose and operation of the instrument

Background

The ACMA regulates specified radiocommunications equipment to manage:

- the risk of interference to radiocommunications services;
- the efficient use of the radiofrequency spectrum; and
- human exposure to electromagnetic energy (**EME**) emissions from equipment.

The regulatory arrangements relating to equipment include:

- the *Radiocommunications Equipment (General) Rules 2021* (the **General Equipment Rules**) under subsection 156(1) of the Act;
- the provisions of the Act (including offence provisions) which apply in relation to the operation, possession and supply of equipment that does not comply with the General Equipment Rules;
- the provisions of the Act (including offence provisions) which apply in relation to the licensing of radiocommunications devices, including class licences.

It is a general requirement of the Act that operation of all radiocommunications devices within Australia must be authorised by a licence. A class licence is one type of radiocommunications licence available to authorise any person to operate a radiocommunications device of a specified kind or for a

specified purpose, or to operate a radiocommunication device of a specified kind for a specified purpose.

The General Equipment Rules, among other things, impose obligations and prohibitions in relation to the operation and possession of equipment that does not comply with applicable standards for that equipment. Schedule 5 to the General Equipment Rules includes general standards that apply to specified radiocommunications devices. Each general standard is designed to apply in conjunction with one or more class licences authorising operation of the specified radiocommunications devices.

The purpose of the instrument

The purpose of the instrument is to make minor consequential amendments to the General Equipment Rules due to:

- the sunseting of the *Radiocommunications (27 MHz Handphone Station) Class Licence 2015* (the **Handphone Station Class Licence**); and
- the making of:
 - the *Radiocommunications (Maritime Ship Station – 27 MHz and VHF) Class Licence 2025* (the **Maritime Ship Station Class Licence**);
 - the *Radiocommunications (Citizen Band Radio Stations) Class Licence 2025* (the **CB Class Licence**);
 - the *Radiocommunications (Radio-controlled Models) Class Licence 2025* (the **RCM Class Licence**); and
 - the *Radiocommunications (Low Interference Potential Devices) Class Licence 2025* (the **LIPD Class Licence**).

The instrument:

- amends provisions in section 54A of the General Equipment Rules as a result of structural changes between the LIPD Class Licence and the *Radiocommunications (Low Interference Potential Devices) Class Licence 2015* (the **LIPD Class Licence 2015**);
- repeals definitions and references to the Handphone Station Class Licence in Schedule 5 to the General Equipment Rules as a result of the sunseting of that class licence under Part 4 of Chapter 3 of the *Legislation Act 2003* (the **LA**) on 1 October 2025;
- amends headings and definitions in Part 4 of Schedule 5 to the General Equipment Rules (the HF CB and Handphone Equipment Standard) as result of changes to definitions between the CB Class Licence and the *Radiocommunications (Citizen Band Radio Stations) Class Licence 2015* (the **CB Class Licence 2015**);
- adds and amends definitions in Part 10 of Schedule 5 to the General Equipment Rules (the Equipment Used in the Inshore Boating Radio Services Band Standard) as a result of changes to definitions between the Maritime Ship Station Class Licence and the *Radiocommunications (Maritime Ship Station — 27 MHz and VHF) Class Licence 2015* (the **Maritime Ship Station Class Licence 2015**); and
- amends provisions in Part 15 of Schedule 5 to the General Equipment Rules (the Short Range Equipment Standard) as a result of structural and definitional changes between the RCM Class Licence and the *Radiocommunications (Radio-controlled Models) Class Licence 2015* (the **RCM Class Licence 2015**);
- updates references to the *Radiocommunications (Interpretation) Determination 2025* (the **Interpretation Determination**) in various notes in the General Equipment Rules.

Other matters

Section 160 of the Act provides that it is an offence, and subject to a civil penalty, for a person to engage in conduct that is prohibited by the General Equipment Rules, or to engage in conduct that

contravenes an obligation imposed by the General Equipment Rules. (Contravention of some prohibitions or obligations may only be subject to a civil penalty, and not an offence: see subsections 160(9) and (10) of the Act.)

Parliament has prescribed that the maximum penalty for an offence, and the maximum civil penalty, is in each case 500 penalty units (which is \$165,000, based on the current penalty unit amount of \$330).

A provision-by-provision description of the instrument is set out in the notes at **Attachment A**.

The instrument is a legislative instrument for the purposes of the LA, and is subject to disallowance.

The General Equipment Rules are subject to the sunset provisions in Part 4 of Chapter 3 of the LA.

Documents incorporated by reference

Subsection 314A(1) of the Act provides that an instrument under the Act may make provision in relation to a matter by applying, adopting or incorporating (with or without modifications) matter contained in any Act as in force at a particular time, or as in force from time to time.

Subsection 314A(2) of the Act provides that an instrument under the Act may make provision in relation to a matter by applying, adopting or incorporating (with or without modifications) matter contained in any other instrument or writing as in force or existing at a particular time, or as in force or existing from time to time.

The instrument amends the General Equipment Rules to incorporate by reference all or part of the following Act and legislative instruments:

- the *Seas and Submerged Lands Act 1973*;
- the LIPD Class Licence;
- the Maritime Ship Station Class Licence.

The Act and legislative instruments are available, free of charge, from the Federal Register of Legislation: www.legislation.gov.au.

Consultation

Before the instrument was made, the ACMA was satisfied that consultation was undertaken to the extent appropriate and reasonably practicable, in accordance with section 17 of the LA.

The ACMA undertook separate consultations in relation to making each of the Maritime Ship Station Class Licence, CB Class Licence, RCM Class Licence, and LIPD Class Licence (the **Class Licences**) and in relation to allowing the Handphone Station Class Licence to sunset. Draft instruments (where appropriate) and consultation papers containing explanatory information were made available on the ACMA website. The consultation papers stated that consequential amendments to the General Equipment Rules would be required. Interested parties were notified of the proposals and invited to comment. The consultations were undertaken on:

- 3 February to 17 March 2025 for the Handphone Station Class Licence;
- 19 March 2025 to 16 May 2025 for the LIPD Class Licence;
- 14 April 2025 to 26 May 2025 for the RCM Class Licence;
- 12 May 2025 to 23 June 2025 for the Maritime Ship Station Class Licence;
- 2 June 2025 to 15 July 2025 for the CB Class Licence.

The submissions received in relation to sunsetting the Handphone Station Class Licence did not reveal an active user base of 27 MHz handphone radios. Consequently, the Handphone Station Class Licence has been allowed to sunset on 1 October 2025.

There were no submissions received in relation to making the RCM Class Licence.

There were no objections to making the Maritime Ship Station Class Licence, CB Class Licence and LIPD Class Licence. The ACMA considered all submissions received and made minor amendments in response to submissions before making the Maritime Ship Station Class Licence, CB Class Licence and LIPD Class Licence.

The instrument makes minor consequential amendments to the General Equipment Rules to reflect the class licences made, and the sunsetting of the Handphone Station Class Licence. The ACMA received no submissions on the making of consequential amendments to the General Equipment Rules.

Statement of compatibility with human rights

Subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* requires the rule-maker in relation to a legislative instrument to which section 42 (disallowance) of the LA applies to cause a statement of compatibility with human rights to be prepared in respect of that legislative instrument.

The statement of compatibility with human rights set out below has been prepared to meet that requirement.

Overview of the instrument

It is a general requirement of the Act that operation of all radiocommunications devices within Australia must be authorised by a licence. A class licence is one type of radiocommunications licence available to authorise any person to operate a radiocommunications device of a specified kind or for a specified purpose, or to operate a radiocommunication device of a specified kind for a specified purpose.

The General Equipment Rules, among other things, impose obligations and prohibitions in relation to the operation and possession of equipment that does not comply with applicable standards for that equipment. Schedule 5 to the General Equipment Rules includes general standards that apply to specified radiocommunications devices. Each general standard is designed to apply in conjunction with one or more class licences authorising operation of the specified radiocommunications devices.

The purpose of the instrument is to make minor consequential amendments to the General Equipment Rules. In particular, the instrument:

- amends provisions resulting from structural changes between the LIPD Class Licence and the LIPD Class Licence 2015;
- repeals definitions and references to the Handphone Station Class Licence as a result of the sunsetting of that licence under Part 4 of Chapter 3 of the LA on 1 October 2025;
- amends definitions resulting from changes to definitions between the CB Class Licence and the CB Class Licence 2015;
- adds and amends definitions resulting from changes to definitions between the Maritime Ship Station Class Licence and the Maritime Ship Station Class Licence 2015;
- amends provisions resulting from structural and definitional changes between the RCM Class Licence and the RCM Class Licence 2015; and
- updates references to the Interpretation Determination in various notes.

Human rights implications

The ACMA has assessed whether the instrument is compatible with human rights, being the rights and freedoms recognised or declared by the international instruments listed in subsection 3(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* as they apply to Australia.

Having considered the likely impact of the instrument and the nature of the applicable rights and freedoms, the ACMA has formed the view that the instrument does not engage any of those rights or freedoms.

Conclusion

The instrument is compatible with human rights as it does not raise any human rights issues.

Notes to the *Radiocommunications Equipment (General) Amendment Rules 2025 (No. 1)*

Section 1 Name

This section provides for the instrument to be cited as the *Radiocommunications Equipment (General) Amendment Rules 2025 (No. 1)*.

Section 2 Commencement

This section provides for the instrument to commence at the start of the day after the day it is registered on the Federal Register of Legislation, or the start of 1 October 2025, whichever is the later. This is to ensure that all the other instruments made, upon which the changes to the General Equipment Rules are consequent, have commenced.

The Federal Register of Legislation may be accessed free of charge at www.legislation.gov.au.

Section 3 Authority

This section identifies the provision of the Act that authorises the making of the instrument, namely subsection 156(1) of the Act.

Section 4 Schedule

This section provides that each instrument specified in the Schedule to the instrument is amended or repealed as set out in each applicable item. Any other item in the Schedule also has effect according to its terms.

Schedule 1 – Consequential amendments because of sunseting instruments

Radiocommunications Equipment (General) Rules 2021 (F2021L00661)

Items 1 and 2

Section 54A of the General Equipment Rules is an exemption to some of the obligations and prohibitions in the General Equipment Rules, which applies where a device is imported solely for use in Australia in connection with a significant event.

Item 1 repeals paragraphs 54A(1)(b) and (c) of the General Equipment Rules, and item 2 inserts a new subsection 54A(1A). For the exemption to apply, the device and its use must comply with any requirements or conditions that apply, other than those in the General Equipment Rules or those in the LIPD Class Licence that relate to the General Equipment Rules. Section 54A has been amended due to drafting changes between the LIPD Class Licence and the LIPD Class Licence 2015.

Item 3

Clause 3 of Schedule 5 to the General Equipment Rules sets out what general standards are imposed by Schedule 5.

Item 3 repeals the cells in columns 1 and 2 of table item 2 in clause 3, and substitutes them with:

HF CB Standard	HF CB radio equipment
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Note: See Part 4.

The amendment reflects that the term ‘handphone equipment’ is no longer required in relation to one of the general standards, due to the sunseting of the Handphone Station Class Licence.

Item 4

Item 4 repeals the note in clause 9 of Schedule 5, and substitutes it with a note clarifying that at the time the instrument commenced, a number of expressions used in Part 3 of Schedule 5 to the General Equipment Rules were defined in the Interpretation Determination. Such expressions include ‘ambulatory station’, ‘land mobile frequency’, ‘land mobile service’, ‘land mobile system station’, ‘point to multipoint station’, ‘point to point station’, ‘ship’ and ‘station’.

Items 5 to 8, and items 10, 12 and 13

Part 4 of Schedule 5 to the General Equipment Rules sets out a general standard called the ‘HF CB and Handphone Standard’. It has applied to HF CB equipment (operation of which is authorised by the CB Class Licence) and Handphone Equipment (operation of which was authorised by the Handphone Station Class Licence until that instrument sunset).

Item 5 repeals the words ‘**and Handphone**’ from the heading of Part 4 of Schedule 5 due to the sunseting of the Handphone Station Class Licence.

Item 6 repeals the words ‘**and Handphone**’ from the heading of clause 13 of Schedule 5 due to the sunseting of the Handphone Station Class Licence.

Item 7 repeals the definition of *handphone equipment* from clause 13 of Schedule 5 due to the sunseting of the Handphone Station Class Licence.

Item 8 repeals the definition for *handphone station*, including the note, from clause 13 of Schedule 5 due to the sunseting of the Handphone Station Class Licence.

Item 10 repeals the definition of *regulated handphone service* in clause 13 of Schedule 5 due to the sunseting of the Handphone Station Class Licence.

Item 12 repeals the words ‘and Handphone’ from subclause 14(1) of Schedule 5 due to the sunseting of the Handphone Station Class Licence.

Item 13 repeals the words ‘and Handphone’ from subclause 14(2) of Schedule 5 due to the sunseting of the Handphone Station Class Licence.

Item 9

Item 9 repeals the words ‘channel mentioned in Part 1 of’ from the definition of *HF CB station* in clause 13 of Schedule 5 and substitutes ‘channel centred on a high frequency specified in’ due to drafting changes between the CB Class Licence and the CB Class Licence 2015.

Item 11

Item 11 repeals the notes at the end of clause 13 of Schedule 5 and substitutes two new notes to update references to the Interpretation Determination. The first new note clarifies that at the time the instrument commenced, ‘station’ was defined in the Interpretation Determination. An additional note clarifies that in Part 4 of Schedule 5, ‘carrier’ is not intended to have the meaning given by the Interpretation Determination.

Item 14

Item 14 repeals the notes at the end of clause 16 of Schedule 5 and substitutes two new notes to update references to the Interpretation Determination. The first new note clarifies that at the time the

instrument commenced, a number of expressions used in Part 5 of Schedule 5 to the General Equipment Rules were defined in the Interpretation Determination. Such expressions include ‘land mobile service’ and ‘single sideband’. An additional note clarifies that in Part 5 of Schedule 5, ‘carrier’ is not intended to have the meaning given by the Interpretation Determination.

Item 15

Item 15 repeals the note at the end of clause 18 of Schedule 5 and substitutes a note clarifying that at the time the instrument commenced, ‘paging system station’ was defined in the Interpretation Determination.

Item 16

Item 16 repeals the note at the end of clause 21 of Schedule 5 and substitutes a note clarifying that at the time the instrument commenced, a number of expressions used in Part 7 of Schedule 5 to the General Equipment Rules were defined in the Interpretation Determination. Such expressions include ‘CB repeater station’ and ‘ultra high frequency’.

Item 17

Item 17 repeals the note at the end of clause 25 of Schedule 5 and substitutes a note clarifying that at the time the instrument commenced, a number of expressions used in Part 8 of Schedule 5 to the General Equipment Rules were defined in the Interpretation Determination. Such expressions include ‘aeronautical station’, ‘aircraft station’ and ‘mobile station’.

Item 18

Item 18 repeals the notes at the end of clause 29 of Schedule 5 and substitutes two new notes to update references to the Interpretation Determination. The first new note clarifies that at the time the instrument commenced, a number of expressions used in Part 9 of Schedule 5 to the General Equipment Rules were defined in the Interpretation Determination. Such expressions include ‘maritime mobile-satellite service’, ‘mobile earth station’ and ‘mobile-satellite service’. An additional note clarifies that in Part 9 of Schedule 5, ‘carrier’ is not intended to have the meaning given by the Interpretation Determination.

Items 19 and 20

Part 10 of Schedule 5 to the General Equipment Rules sets out a general standard called the ‘Equipment Used in the Inshore Boating Radio Services Band’. It applies to some radiocommunications devices authorised to be operated under the Maritime Ship Station Class Licence. The drafting of the Maritime Ship Station Class Licence differs slightly from the Maritime Ship Station Class Licence 2015, based in part on whether the equipment is within Australian territorial waters.

Item 19 inserts a new definition in clause 33 of Schedule 5 for *Australian territorial sea*, to align with the definition in the Maritime Ship Station Class Licence.

Item 20 repeals the definition of *inshore boating radio service*, including the notes, in clause 33 of Schedule 5, and substitutes definitions for *inland waterways*, *inshore boating radio service* and *limited coast station* as a result of amendments made to definitions between the Maritime Ship Station Class Licence and the Maritime Ship Station Class Licence 2015.

Item 21

Item 21 repeals the note in clause 36 of Schedule 5 and substitutes a note clarifying that at the time the instrument commenced, a number of expressions used in Part 11 of Schedule 5 to the General Equipment Rules were defined in the Interpretation Determination. Such expressions include ‘high frequency’, ‘maritime mobile service’ and ‘medium frequency’.

Item 22

Item 22 repeals the note at the end of clause 44 of Schedule 5 and substitutes a note clarifying that at the time the instrument commenced, a number of expressions used in Part 12 of Schedule 5 to the General Equipment Rules were defined in the Interpretation Determination. Such expressions include ‘GMDSS’, ‘limited coast assigned system station’, ‘limited coast marine rescue station’, ‘limited coast non assigned station’ and ‘maritime mobile service’.

Items 23 to 26

Part 15 of Schedule 5 to the General Equipment Rules sets out a general standard called the Short Range Equipment Standard. It applies to some radiocommunications devices authorised to be operated under the LIPD Class Licence or the RCM Class Licence.

Item 23 repeals the words ‘section 7 of’ from paragraph 53(3)(a) of Schedule 5 due to drafting changes between the RCM Class Licence and the RCM Class Licence 2015.

Item 24 repeals the words ‘paragraph 7(b) or (d) of’ from paragraph 53(3)(b) of Schedule 5 due to drafting changes between the RCM Class Licence and the RCM Class Licence 2015.

Item 25 repeals the words ‘in paragraph 7(a) of’ from paragraph 53(3)(c) of Schedule 5 and substitutes ‘for the device in’ due to drafting changes between the RCM Class Licence and the RCM Class Licence 2015.

Item 26 repeals the words ‘(including a drone), model landcraft or model watercraft’ from the definition of **radio-controlled model equipment** in clause 54 of Schedule 5 and substitutes the words ‘, model landcraft or model vessel’ due to drafting changes between the RCM Class Licence and RCM Class Licence 2015.

Item 27

This section repeals the notes at the end of clause 54 of Schedule 5 and substitutes two new notes to update references to the Interpretation Determination. The first new note clarifies that at the time the instrument commenced, terms used in Part 15 of Schedule 5 to the General Equipment Rules were defined in the Interpretation Determination, including ‘EIRP’ and ‘spurious emission’. An additional note clarifies that in Part 15 of Schedule 5, ‘carrier’ is not intended to have the meaning given by the Interpretation Determination.