

## **EXPLANATORY STATEMENT**

**Issued by the Australian Communications and Media Authority**

***Radiocommunications Devices (Compliance Labelling) Amendment Notice 2007 (No.1)***

***Radiocommunications Act 1992***

### **Purpose**

The *Radiocommunications Devices (Compliance Labelling) Amendment Notice 2007 (No.1)* made by the Australian Communications and Media Authority (ACMA) under section 182 of the *Radiocommunications Act 1992* (the Act) amends the *Radiocommunications Devices (Compliance Labelling) Notice 2003* (the Labelling Notice) to incorporate two new standards into the Labelling Notice.

### **Legislative provisions**

The Australian Communications Authority (ACA) made the Labelling notice in 2003 under section 182 of the Act. That section of the Act provided for the then ACA to make a written instrument, requiring any person who is a supplier (manufacturer or importer) of a device included in a specified class of devices, to apply to the device a label to indicate whether the device meets the requirements of the standards specified in the Notice.

In accordance with the *Australian Communications and Media Authority (Consequential and Transitional Provisions) Act 2005*, ACMA is taken to have made the Labelling Notice under the Act as previously made by the ACA.

### **Background**

ACMA's radiocommunications regulatory arrangements require each supplier of a radiocommunications device falling within the scope of an applicable standard to apply a compliance label to the device prior to supply to the market and to keep prescribed records.

Compliance is determined against technical standards made under section 162 of the Act. The compliance label indicates that the supplier asserts that the device complies with all applicable standards made under section 162 of the Act that are specified in the Labelling Notice.

The Labelling Notice also specifies the compliance levels that must be followed to demonstrate compliance with the applicable standards for a device. Compliance levels are established by ACMA in consultation with industry. They balance a supplier's requirement to provide evidence of compliance with a standard, against the interference potential of a device covered by that standard

The Labelling Notice is amended from time to time to incorporate changes to the regulatory requirements for radiocommunications devices. This is the first amendment of the Labelling Notice for 2007.

### **Operation**

This amendment Notice has been made to give effect to two new radiocommunications standards made by ACMA:

- *Radiocommunications (Digital Cordless Communications Devices – DECT Devices) Standard 2007*; and
- *Radiocommunications (Digital Cordless Communications Devices – PHS Devices) Standard 2007*

by referring to these standards in Schedule 3 of the Labelling Notice as being an applicable standard for the purposes of the labelling of devices.

This amendment also applies a compliance level of 2 to these standards. This compliance level applies to radiocommunications devices whose non-compliance with an applicable standard would have a moderate interference impact on other devices.

Compliance level 2 requires suppliers to prepare a description of the device, declare conformity with the applicable standards and obtain reasonable written evidence that the device complies with the standard, before applying a compliance label.

## **Consultation**

Public consultation for the inclusion of these new standards in ACMA's regulatory regime as given effect by the amendment to the Labelling Notice was conducted by ACMA and Communications Alliance Ltd<sup>1</sup> as summarised below.

A draft version of the *Radiocommunications (Digital Cordless Communications Devices – DECT Devices) Standard 2007* was widely circulated for public comment over an 80 day period by Communications Alliance Ltd on behalf of ACMA. Only one comment was received concerning procedural issues. No other comments were received.

ACMA also widely circulated a draft version of the *Radiocommunications (Digital Cordless Communications Devices – PHS Devices) Standard 2007* for public comment over a 33 day period. Four responses were received of which two expressed the desire to offer no comment on the proposed standard and two expressed support for the proposed standard.

Persons consulted regarding these amendments to ACMA's radiocommunications regulatory arrangements include representatives from the communications industry, telecommunications carriers, user groups, test houses, manufacturers and importers. Aspects of the inclusion of the DECT standard were additionally promoted through an advertisement in a national newspaper, an electronic public mail based facility dedicated to communications and through Standards Australia.

## **Regulation Impact**

ACMA's Best Practice Regulation Coordinator has advised that a full Business Cost Calculator analysis and Regulation Impact Statement are not required (RIS Reference No. 016) as the proposed amendments are minor and machinery in nature and do not substantially alter existing arrangements.

Grandfathering provisions in both the new radiocommunications standards allow for the continued supply of device models that complied with the previous applicable standard, thus minimising the impact of the change on industry and users.

## **Detailed description of this Instrument**

Details of the Notice are in Attachment 1.

---

<sup>1</sup> Communications Alliance Ltd is an industry owned, operated and resourced company established in 2006 by the merger of the Australian Communications Industry Forum and the Service Providers Association Inc.

## Notes on the Instrument

### Section 1 – Name of the Notice

This section provides for the name of the Notice

### Section 2 – Commencement

This section provides that the Notice commences on the date after it is registered.

### Section 3 – Amendment of Radiocommunications Devices (Compliance Labelling) Notice 2003

This section provides that Schedule 1 amends the Labelling Notice.

### Schedule 1 – Amendment

Schedule 1 lists the amendments to the Labelling Notice.

Schedule 3 of the Labelling Notice contains the section 162 standards incorporated into the Labelling Notice and which must be complied with before applying a compliance label.

Item [1] Inserts the following new standards into Schedule 3:

- *Radiocommunications (Digital Cordless Communications Devices – DECT Devices) Standard 2007; and*
- *Radiocommunications (Digital Cordless Communications Devices – PHS Devices) Standard 2007*

This item also applies a compliance level of 2 to the new standards.