



# **Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2008**

*Radiocommunications Act 1992*

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The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Notice under section 182 of the *Radiocommunications Act 1992*.

Dated 25<sup>th</sup> January 2008

CHRIS CHAPMAN  
Member

LYN MADDOCK  
Member

Australian Communications and Media Authority

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**Section 1.1**

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## **Part 1                      Preliminary**

### **1.1            Name of Notice**

This Notice is the *Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2008*.

*Note* The predecessor to this Notice was the *Radiocommunications (Compliance Labelling — Incidental Emissions) Notice 2001*, which is revoked by section 1.3 of this Notice.

### **1.2            Commencement**

This Notice commences on the day after it is registered.

### **1.3            Revocation**

The *Radiocommunications (Compliance Labelling — Incidental Emissions) Notice 2001*, made on 2 November 2001, is revoked.

### **1.4            Definitions**

In this Notice:

***accredited***, in relation to a test report, means a report that was produced by the following process:

- (a) the test was conducted by an accredited testing body;
- (b) the test was conducted against an applicable standard;
- (c) at the time the test was conducted, the applicable standard was within the terms of the accredited testing body's accreditation, designation, notification or recognition.

***accredited testing body*** means a laboratory:

- (a) that is a testing body; and
- (b) that is:
  - (i) accredited by NATA to conduct testing against an applicable standard; or
  - (ii) accredited, by a body that has entered into a mutual recognition agreement with NATA, to conduct testing against an applicable standard; or
  - (iii) designated, notified or recognised, under an agreement about mutual recognition on conformity assessment to which Australia is a party, to conduct testing against an applicable standard.

***Act*** means the *Radiocommunications Act 1992*.

***agent***, of a manufacturer or importer, means a person who is authorised in writing by the manufacturer or importer to act in Australia as an agent of the manufacturer or importer for Division 7 of Part 4.1 of the Act.

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**applicable standard**, in relation to a device, means any of the following standards insofar as those standards relate to interference to radiocommunications or to any uses or functions of devices:

- (a) a standard referenced for the device in the *Radiocommunications (Electromagnetic Compatibility) Standard 2008*;
- (b) a standard mentioned in the table in Schedule 1.

*Note* The list of applicable standards may be found at the website address <http://www.acma.gov.au/standards/emc>.

**AS/NZS**, in relation to the prefix of a document, has the meaning given by subsection 1.8 (1).

**authorised officer** means:

- (a) an inspector under subsection 267 (1) of the Act; or
- (b) a person authorised in writing by ACMA for this Notice.

**CISPR**, in relation to the prefix of a document, has the meaning given by subsection 1.8 (3).

**competent body** means a body accredited by NATA under subsection 183 (3) of the Act.

**compliance information** has the meaning given by subsection 3.1 (2).

**compliance label** means a label that complies with the requirements mentioned in Part 3.

*Note* Section 2.4 extends some references to ‘compliance label’ in this Notice to include a compliance label under the *Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001*.

**compliance mark** means any of the marks mentioned in Schedule 3.

**compliance records** has the meaning given by section 1.5.

**C-Tick mark** means the mark set out in Part 1 of Schedule 3.

**declaration of conformity** means a declaration that:

- (a) is in the form set out in Schedule 5; or
- (b) contains the information required in the form set out in Schedule 5, whether or not the declaration is accompanied by other material.

*Note* Suppliers are not required to copy the declaration set out in Schedule 5. They may create their own forms, which contain as a minimum the information mentioned in Schedule 5.

**description of the device** has the meaning given by section 1.6.

**device** has the meaning given by subsection 9 (1) of the Act.

**device that complies with New Zealand labelling legislation** has the meaning given by section 1.7.

**EN**, in relation to the prefix of a document, has the meaning given by subsection 1.8 (4).

**fixed installation** means a particular combination of 1 or more devices that is assembled, installed and intended to be used permanently at a predetermined location.

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**high risk device** means a device described as ‘Group 2 ISM equipment’ in AS/NZS CISPR 11:2004 (2<sup>nd</sup> Edition).

**IEC**, in relation to the prefix of a document, has the meaning given by subsection 1.8 (2).

**low risk device** means a device:

- (a) the operation of which has a low interference impact on other devices using the radiofrequency spectrum; and
- (b) that is made from only the following components:
  - (i) manually operated switches;
  - (ii) simple relays;
  - (iii) brushless squirrel cage induction motors;
  - (iv) conventional AC/AC transformers;
  - (v) resistive elements (for instance, heating elements).

*Examples of devices that are not low risk devices*

- 1 A switched mode power supply.
- 2 An electronic transformer.
- 3 A lighting ballast or an electronic lighting ballast.
- 4 A microprocessor or other clocked digital device.
- 5 A commutator or slip ring motor.
- 6 A motor speed controller.

**medium risk device** means a device that is not:

- (a) a high risk device; or
- (b) a low risk device.

**NATA** means the National Association of Testing Authorities, Australia.

**New Zealand labelling legislation** means:

- (a) the *Radiocommunications (EMC Standards) Notice 2004 (No. 2)* of New Zealand; and
- (b) the *Radiocommunications (Radio Standards) Notice 2007* of New Zealand ;

as in force from time to time.

**RCM** means the Regulatory Compliance Mark set out in Part 2 of Schedule 3.

*Note* The RCM is reproduced from the Appendix to AS/NZS 4417.1.

**supplier**, in relation to a device, means a person in Australia who is:

- (a) the manufacturer or the importer of the device; or
- (b) an agent of the manufacturer or importer of the device.

**supplier code number** means a code number issued to a person:

- (a) in accordance with a notice made by ACMA under section 407 of the *Telecommunications Act 1997*; or
- (b) in accordance with a notice made by ACMA under section 182 of the Act; or

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- (c) by Standards Australia International Limited, in accordance with AS/NZS 4417.1.

**technical construction file** means documentary material in English that includes a report produced by a competent body assessing a device against the requirements of an applicable standard, in which the report:

- (a) identifies the device assessed; and  
 (b) identifies the applicable standard against which the device was assessed; and  
 (c) includes a statement by the competent body stating that, in the opinion of the competent body, the device complies with the applicable standard.

**test report** means a report in English produced by a testing body or an accredited testing body assessing a device against the requirements of an applicable standard, that:

- (a) identifies the device tested; and  
 (b) identifies the applicable standard against which the assessment was made; and  
 (c) includes a statement by the testing body or accredited testing body stating that the device complies with each relevant requirement of the applicable standard.

**testing body** means a laboratory that has the equipment, resources and technical capability to conduct testing to an applicable standard.

**variant** means a version of a device that is not identical to the original device but is not sufficiently different from the original device to affect the application to that version of a standard that applies to the original device.

**working day**, in relation to a request, means a day other than:

- (a) a Saturday or a Sunday; or  
 (b) a day that is a public holiday or an Australian Public Service holiday in the place where the request is made.

## 1.5 Meaning of *compliance records*

In this Notice, the *compliance records* for a kind of device are mentioned in the table.

Item	For this device ...	compliance records means all of these ...
1	a device other than a low risk device or a variant	(a) a description of the device; and (b) a declaration of conformity; and (c) a test report or a technical construction file; and (d) a copy of any explanatory documentation required by section 3.7
2	a low risk device	(a) a description of the device; and (b) a declaration of conformity

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Item	For this device ...	compliance records means all of these ...
3	a variant	(a) a description of the variant; and (b) a declaration of conformity that relates to the variant; and (c) a test report or a technical construction file for the original device; and (d) a statement by the supplier about the variant that is mentioned in subsection 4.7 (2)

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**1.6 Meaning of *description of the device***

In this Notice, a *description of the device* must contain sufficient information for a person to determine whether the device is the same as a device for which a declaration of conformity, test report or statement by a competent body was prepared, and:

- (a) must include the model number for the device and, if relevant, any related model numbers for the device; and
- (b) must include the version of any software or firmware incorporated into or supplied with the device where changes in that software or firmware may affect compliance with the applicable standard; and
- (c) may include a photograph, or photographs, of the device showing the device's internal and external aspects (including the printed circuit boards).

**1.7 Meaning of *device that complies with New Zealand labelling legislation***

In this Notice, a *device that complies with New Zealand labelling legislation* is a device that bears a New Zealand compliance mark in accordance with the New Zealand labelling legislation.

*Note* In accordance with this provision, the compliance mark is essential in order to be exempt in Australia. Therefore, the following are examples of devices that are not exempt in Australia:

- (a) a device that is a battery operated device that is exempt from labelling under the New Zealand labelling legislation;
- (b) a device that is exempted from the New Zealand labelling legislation because it is supplied in quantities of less than 10 per annum.

**1.8 Other interpretation**

- (1) A reference in this Notice to a document with the prefix 'AS/NZS' is a reference to a document that is a joint Australian and New Zealand Standard approved for publication on behalf of the Standards organisations of those countries.
- (2) A reference in this Notice to a document with the prefix 'IEC' is a reference to a document that is an International Electrotechnical Commission Standard approved for publication.



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- (3) A reference in this Notice to a document with the prefix 'CISPR' is a reference to a document that is an International Special Committee on Radio Interference Standard approved for publication.
- (4) A reference in this Notice to a document with the prefix 'EN' is a reference to a document that is a European Committee for Electrotechnical Standardization Standard approved for publication.
- (5) Reference may be made in this Notice to a standard mentioned in this section by number alone without inclusion of the edition or year of publication of the standard.

*Examples*

- 1 AS/NZS 4417.1:1996 may be referred to as AS/NZS 4417.1.
- 2 CISPR 22:2005 may be referred to as CISPR 22.

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**Section 2.1**

## **Part 2                      Application of Notice**

### **2.1            Devices to which this Notice applies**

This Notice applies to a device:

- (a) that is:
  - (i) manufactured in Australia; or
  - (ii) imported into Australia;for supply in Australia; and
- (b) to which an applicable standard applies.

*Note* Section 5 of the Act contains the following definition:

*supply* includes supply (including re-supply) by way of sale, exchange, lease, hire or hire-purchase.

### **2.2            Devices to which this Notice does not apply — general**

This Notice does not apply to a device that is mentioned in Schedule 2.

### **2.3            Devices to which this Notice does not apply — New Zealand devices**

Parts 3, 4 and 5 of this Notice do not apply to a device that:

- (a) is imported into Australia from New Zealand for supply; and
- (b) is a device that complies with New Zealand labelling legislation.

*Note 1* The effect of this section is to exempt the devices from the labelling requirements of this Notice.

*Note 2* Section 1.7 explains when a device is a device that complies with New Zealand labelling legislation.

### **2.4            Relationship between this Notice and the *Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001***

If a device to which this Notice applies is also customer equipment or customer cabling to which the *Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001*, as in force from time to time, applies:

- (a) the requirements in this Notice are additional to the requirements under that Notice; and
- (b) Part 3 of this Notice does not apply in relation to the device; and
- (c) a reference in this Notice (except section 1.4) to a compliance label includes a reference to a compliance label under that Notice.

*Note* An effect of paragraph (b) is that the supplier of a device that is to be labelled with an A-Tick under the *Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001* is not required to label the device with a C-Tick as well.

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## Part 3 Form and placement of labels, marks and information

### 3.1 Compliance labels, compliance information and compliance marks

- (1) If an applicable standard applies to a device that is not a low risk device, and the device complies with the standard, the device must bear a **compliance label**, consisting of:
- (a) compliance information; and
  - (b) a compliance mark.

*Note 1* The effect of section 2.3 is to exempt a device that:

- (a) is imported into Australia from New Zealand for supply; and
- (b) bears a New Zealand compliance mark that complies with New Zealand labelling legislation;

from the requirement for the device to bear a compliance label.

*Note 2* Section 3.2 deals with the relationship between low risk devices and the labelling obligations. Suppliers must meet the same compliance level and record-keeping obligations in relation to low risk devices even if the device has not been labelled with compliance information.

*Note 3* A device that does not comply with an applicable standard is defined by subsection 9 (2) of the Act to be a non-standard device, and is regulated under Division 2 of Part 4.1 of the Act.

- (2) For subsection (1), compliance information for a device consists of 1 or more of the following pieces of information in relation to the supplier of the device:
- (a) a business name and business address in Australia;
  - (b) a business name registered on the national business names register within the meaning of section 147 of the *Corporations Act 2001*;
  - (c) a personal name, and address of place of business in Australia;
  - (d) an Australian Company Number or ACN under the *Corporations Act 2001*;
  - (e) an Australian Registered Body Number or ARBN under the *Corporations Act 2001*;
  - (f) an Australian Business Number or ABN under the *A New Tax System (Australian Business Number) Act 1999*;
  - (g) a registered trade mark under the *Trade Marks Act 1995*;
  - (h) a supplier code number.
- (3) Nothing in subsection (1) prevents a supplier applying compliance information or a compliance mark to a low risk device, if the supplier chooses to do so.

**Section 3.2**

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*Location of compliance information and compliance mark*

- (4) Subject to section 3.6, compliance information and a compliance mark:
  - (a) must be placed on the device on a place that is accessible by the user; and
  - (b) need not be placed adjacent to each other; and
  - (c) must not be placed so that one wholly or partially obscures the other.
- (5) For paragraph (4) (a), compliance information or a compliance mark is not accessible if it is reasonably necessary to use a tool to gain access to it.

**3.2 Compliance labels for low risk devices**

- (1) The supplier of a low risk device may choose whether or not to apply a compliance label to the device.
- (2) A low risk device must comply with an applicable standard that is applicable to it, whether or not it has a compliance label applied to it.
- (3) If a supplier chooses not to apply a compliance label to a low risk device then, for the application of the following provisions of this Notice, the low risk device is taken to have a compliance label applied to it:
  - (a) section 3.7;
  - (b) section 4.3;
  - (c) Part 4;
  - (d) Part 5.

*Note for subsection (3)* The effect of applying these provisions to a low risk device is to require the supplier to comply with record-keeping obligations, whether or not the low risk device has a compliance label applied to it.

**3.3 Who must apply a compliance label to a device?**

- (1) If a device that is required to have a compliance label attached is manufactured in Australia, the compliance label must be applied to the device by:
  - (a) the manufacturer; or
  - (b) an agent of the manufacturer; or
  - (c) a person who is authorised by the manufacturer or agent to apply the label or mark on behalf of the manufacturer or agent.
- (2) If a device that is required to have a compliance label attached is manufactured outside Australia, the compliance label must be applied to the device by:
  - (a) the importer; or
  - (b) an agent of the importer; or
  - (c) a person who is authorised by the importer or agent to apply the label or mark on behalf of the importer or agent.

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**3.4 Durability of compliance information and compliance mark**

- (1) Compliance information and compliance marks must be made of durable material.
- (2) Compliance information and compliance marks must be applied to a device:
  - (a) permanently; or
  - (b) in a way that makes removal or obliteration difficult.

**3.5 Symbols and characters on compliance label**

- (1) Compliance information must be legible, with alphanumeric characters of at least 1 mm high.
- (2) A compliance mark must be at least 3 mm high.

**3.6 Placement of compliance label**

- (1) If it is not practicable to apply the compliance label to the surface of the device because of the size or physical nature of the device, the compliance label must be applied to:
  - (a) the external surface of the packaging used for the device; and
  - (b) the documentation (including any warranty or guarantee certificates) that accompanies the device when it is supplied to the user.
- (2) If a compliance label must be applied to the external surface of packaging used for a device, the label must:
  - (a) occupy an area that is greater than 1% of that external surface; and
  - (b) be clearly visible.

**3.7 Explanatory documentation to be supplied with a device**

If it is possible for a device to be installed or operated incorrectly, to the extent that the device will be used in a way that the device does not comply with an applicable standard for the device, the supplier of the device must supply documentation with the device that sets out specifications for correct installation and operation to minimise that possibility.

*Example*

If a variable speed drive was fitted with a 1.2 m cable from the controller to the motor when it was tested and shown compliant, the instructions must specify that the same type and length of cable must be used when installed, unless testing was performed with different cables.

**Section 4.1**

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**Part 4 Compliance levels****4.1 Application of Part 4**

- (1) This Part applies in relation to a device (an *original device*) to which an applicable standard applies.
- (2) Sections 4.2, 4.3, 4.4, 4.5 and 4.6 do not apply in relation to a variant of an original device if:
  - (a) the relevant requirements of this Part have been met in relation to the original device; and
  - (b) the radiofrequency emission characteristics of the variant are not likely to exceed those of the original device.

**4.2 Permission to use compliance marks and issue of supplier code number**

- (1) Subject to subsection (6), a supplier must not apply a C-Tick mark to a device unless the supplier has:
  - (a) permission to use the C-Tick mark; and
  - (b) been issued a supplier code number.
- (2) On written application by a supplier, ACMA may issue a permission to use a C-Tick mark and a supplier code number.
- (3) An application to ACMA for permission to use the C-Tick mark and the issue of a supplier code number must be:
  - (a) in the form set out in Schedule 4; or
  - (b) in writing setting out the information required in the form set out in Schedule 4, whether or not the application is accompanied by other material.

*Note* A supplier is not required to copy the form in Schedule 4. The supplier may create and submit its own forms, which must contain as a minimum the information mentioned in Schedule 4.

- (4) A supplier must not apply the RCM to a device unless the supplier has registered the supplier's use of the RCM in accordance with the requirements in AS/NZS 4417.1, as in force from time to time.
- (5) Subsection (1) does not apply if ACMA has previously issued the supplier with a supplier code number and:
  - (a) an approval to use a compliance mark under the *Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001*, as in force from time to time; or

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- (b) an approval to use a compliance mark under the *Radiocommunications Devices (Compliance Labelling) Notice 2003*, as in force from time to time; or
  - (c) an approval to use a compliance mark under the *Radiocommunications (Compliance Labelling — Electromagnetic Radiation) Notice 2003*, as in force from time to time.
- (6) A compliance mark mentioned in paragraph 5 (a) includes a mark mentioned in Schedule 3 to the *Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001*.

**4.3 Meeting compliance levels**

- (1) If an applicable standard applies to a device, the supplier must, before a compliance label is applied (or taken to be applied by section 3.2):
- (a) prepare a description of the device; and
  - (b) meet the relevant compliance level for the device; and
  - (c) complete and sign a declaration of conformity in relation to the device.
- (2) In this section:
- relevant compliance level* means the requirements set out in sections 4.4, 4.5 and 4.6.

**4.4 Compliance level 1 — low risk device**

There are no additional requirements for a low risk device that complies with an applicable standard.

**4.5 Compliance level 2 — medium risk device**

For a medium risk device, the supplier must establish that the device complies with an applicable standard by:

- (a) obtaining a test report from a testing body; or
- (b) obtaining a technical construction file.

**4.6 Compliance level 3 — high risk device**

For a high risk device, the supplier must establish that the device complies with an applicable standard by:

- (a) obtaining an accredited test report from an accredited testing body; or
- (b) obtaining a technical construction file.

**4.7 Additional requirements for variants**

- (1) This section applies to a variant of a device.

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- (2) The supplier must prepare a written statement for inclusion in the compliance record that:
  - (a) identifies the device and its variant; and
  - (b) describes the differences between the original device and its variant; and
  - (c) provides a technical rationale for the conformity of the variant; and
  - (d) includes a declaration of conformity for the variant.
- (3) A variant is not required to be assessed at a compliance level if the original device already complies with section 4.3 at that compliance level.



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## Part 5 Compliance records

### 5.1 Compliance records — general requirements

- (1) A compliance record:
  - (a) must be in English; and
  - (b) may be a copy of an original record; and
  - (c) may be kept in electronic form.
- (2) The description of a device must be updated when necessary to ensure that the description complies with section 1.6.
- (3) If an agent of a manufacturer or importer keeps compliance records for the manufacturer or importer under this Part, the agent must also keep a copy of its agency agreement with the manufacturer or importer for the same period as the compliance records are kept.

### 5.2 Keeping records

- (1) The supplier of a device to which a compliance label is applied must keep all compliance records for the device for 5 years after the kind of device ceases to be supplied in Australia.
- (2) The supplier of a low risk device who decides not to apply a compliance label to the device must keep all compliance records for the device for 5 years after the kind of device ceases to be supplied in Australia.

### 5.3 Availability of compliance records for inspection

The supplier of a device must ensure that the compliance records for the device are available for inspection within 10 working days of receiving a notice of intent to inspect the records from an authorised officer.

### 5.4 Provision of information to authorised officer

- (1) An authorised officer may, in writing, request the supplier of a device who keeps compliance records in accordance with section 5.2 to give to the officer specified compliance records for the device.
- (2) If the request is for a specified record, the supplier must produce the record within 10 working days after the date of the request.
- (3) If the request is for a specified circuit diagram or manual for the device, the supplier must produce the document within 30 working days after the date of the request.
- (4) After receiving the information from the supplier, the authorised officer must give the supplier a receipt for the information supplied.

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- (5) The authorised officer must return any original document given to the authorised officer under subsection (1) to the supplier as soon as practicable and, in any case, not more than 60 days after receiving the document.

**5.5 Request for test reports from accredited testing body**

If an authorised officer believes that the records kept by a supplier do not provide sufficient evidence that the device complies with an applicable standard, the officer may, by written notice, request the supplier to:

- (a) obtain 3 or more samples of the device and have the samples tested, in Australia, by an accredited testing body to the applicable standard or a specified part of the applicable standard at the supplier's expense; and
- (b) provide to an authorised officer, within the period specified in the notice, certified true copies of the accredited test report for each sample from the accredited testing body showing that the device complies with the applicable standard or the specified part of the applicable standard.

**5.6 Evidence of compliance with applicable standard under section 5.5**

In order for an authorised officer to consider that the device as supplied complies with the applicable standard, the following criteria for demonstrating compliance must be met:

- (a) if 3 or 4 samples were tested — all samples must be compliant according to the test reports supplied under section 5.5;
- (b) if more than 4 samples were tested — at least 80% of the samples tested must be compliant according to the test reports supplied under section 5.5.

## Part 6                      **Special requirements for supply of devices after changes to applicable standard or this Notice**

### 6.1            **Devices labelled with a compliance label before this Notice**

- (1) This section applies to a device if:
  - (a) a device complied with an applicable standard prior to the commencement of this Notice; and
  - (b) the label that was applied to the device shows that the device complied with the applicable standard when it was first manufactured or imported.
- (2) For a device to which this section applies, the supplier:
  - (a) is not required to demonstrate whether the device complies with the applicable standard; and
  - (b) is taken to have complied with Part 3 in relation to the device, and may continue to label the device; and
  - (c) is taken to have complied with Part 4 in relation to the applicable standard.

### 6.2            **Changes to an applicable standard**

- (1) This section applies to a device if:
  - (a) the device complied with an applicable standard immediately before the applicable standard was amended or replaced; and
  - (b) the label that was applied to the device shows that the device complied with the applicable standard when it was first manufactured or imported.
- (2) If the applicable standard is amended on or after the day on which the device was first manufactured or imported, the supplier:
  - (a) is not required to demonstrate whether the device complies with the applicable standard as amended; and
  - (b) is taken to have complied with Part 3 in relation to the device, and may continue to label the device; and
  - (c) is taken to have complied with Part 4 in relation to the applicable standard as amended.
- (3) If a standard (the *new standard*) becomes an applicable standard on or after the day on which the device was first manufactured or imported, the supplier:
  - (a) is not required to demonstrate whether the device complies with the new standard; and

### Section 6.3

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- (b) is taken to have complied with Part 3 in relation to the device, and may continue to label the device; and
- (c) is taken to have complied with Part 4 in relation to the new standard.

### 6.3 Transitional — devices to which IEC, CISPR or AS/NZS standards apply

- (1) This section applies to a device if:
  - (a) any of the IEC, CISPR or AS/NZS standards (the *old standard*) is the applicable standard for the device; and
  - (b) the applicable old standard is amended or replaced by a new standard before the day on which a device was first manufactured or imported.
- (2) For a device to which this section applies, the supplier of a device mentioned in subsection (1) may, for a device supplied within a period of 2 years after the old standard is amended or replaced, choose that the applicable standard for this Notice is:
  - (a) the old standard; or
  - (b) the new or amended standard.

### 6.4 Transitional — devices to which EN standard applies

- (1) This section applies to a device if:
  - (a) an EN standard (the *old EN standard*) is the applicable standard for the device; and
  - (b) the old EN standard is amended or replaced by a new EN standard before the day on which a device was first manufactured or imported.
- (2) For a device to which this section applies, the supplier of a device mentioned in subsection (1) may, for a device supplied within the Official Journal period after the old EN standard is amended or replaced, choose that the applicable standard for this Notice is:
  - (a) the old EN standard; or
  - (b) the new or amended EN standard.
- (3) In this section:
  - Official Journal period* means the period:
    - (a) commencing on the day the old EN standard is amended or replaced; and
    - (b) ending on the date of cessation of presumption of conformity mentioned from time to time in the Official Journal of the European Union for the old EN standard.

## **Part 7**                      **Requirements to be met after labels applied — devices imported from New Zealand**

### **7.1 Purpose of Part 7**

This Part provides ways for ACMA to investigate devices labelled under New Zealand labelling legislation and imported into Australia.

*Note* Section 1.7 explains when a device complies with New Zealand labelling legislation.

### **7.2 Provision of information to authorised officer**

- (1) An authorised officer may, by notice in writing, require the importer of a device imported from New Zealand, to give to the officer, within 10 working days after the notice is given, specified records that show that the device complies with New Zealand labelling legislation.
- (2) If an authorised officer believes that the records provided by the importer do not provide sufficient evidence that the device complies with New Zealand labelling legislation, the officer may request in writing that the Radio Spectrum Management (RSM) of the Ministry of Economic Development, New Zealand investigate whether the device complies with New Zealand labelling legislation.
- (3) Section 2.3 does not apply to the device if RSM:
  - (a) states that the device does not comply with New Zealand labelling legislation; or
  - (b) does not respond within 60 days of the request mentioned in subsection (2).

## **Schedule 1      Technical standards**

(section 1.4, definition of *applicable standard*)

### **EMC Standards**

<b>Item</b>	<b>EMC Standard</b>
1	<i>Radiocommunications (Electromagnetic Compatibility) Standard 2008</i>

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## Schedule 2      **Devices to which this Notice does not apply**

(section 2.2)

- 1    A radiocommunications transmitter  
*Note* Subsection 7(2) of the Act contains the definition of *radiocommunications transmitter*.
- 2    A device that complies with a radio emission standard that applies to the device under a law of the Commonwealth (except for this Notice) or of a State or Territory  
*Note* This includes a device that is compliant with the EMC requirements specified by the Therapeutic Goods Administration under the *Therapeutic Goods Act 1989*.
- 3    A device that is a prototype
- 4    A device used in military equipment or weapons systems of the Defence Force or by the defence force of another country operating in cooperation with the Defence Force
- 5    A device with a power consumption not exceeding 6 nanowatts
- 6    A device that is designed or adapted for conducting a test, measurement or study of electromagnetic phenomena in an educational, training or research establishment
- 7    A spare part that has:
  - (a) identical specifications to the device it is to replace; or
  - (b) the same radiofrequency emission characteristics as that device
- 8    A component, except a component that is an assembly of components that forms part of a finished device
- 9    A device that is for incorporation into another device and is not to be supplied to an end-user
- 10    A device that is used for exhibition or demonstration, if it is the sole example of the device used for that purpose
- 11    A fixed installation  
*Note* Despite item 11, section 197 of the Act prohibits a person from knowingly or recklessly causing substantial interference to radiocommunications.
- 12    A device that is designed for and operates from an electrical supply of greater than 600 volts AC or 1000 volts DC
- 13    A vehicle that is:
  - (a) supplied by an organisation that is a member of:
    - (i) the Federal Chamber of Automotive Industries (FCAI); or

- (ii) the Truck Industry Council (TIC); and
  - (b) compliant with all broadband and narrowband emission standards and requirements as specified in:
    - (i) the FCAI code, 'Voluntary Code of Practice for Electromagnetic Compatibility (EMC) of Motor Vehicles'; or
    - (ii) the TIC code, 'Voluntary Code of Practice for Electromagnetic Compatibility (EMC)'
- 14 This Notice does not apply to a device that is used solely for law enforcement activities by any of the following agencies:
- (a) the Australian Federal Police;
  - (b) a police force or service of a State or Territory;
  - (c) the National Crime Authority;
  - (d) the New South Wales Crime Commission;
  - (e) the Independent Commission Against Corruption of New South Wales;
  - (f) the Criminal Justice Commission of Queensland;
  - (g) a criminal law enforcement authority established by or under a law of the Commonwealth, a State or Territory;
  - (h) a body or organisation responsible to the Australasian Police Ministers' Council for the facilitation of national law enforcement support

*Note 1* Subsection 24 (1) and section 25 of the Act provide for exemptions for specified Defence Force activities from the operation of the Act. Section 26 of the Act and regulation 6 of the *Radiocommunications Regulations 1993* provide for exemptions for specified Defence Force activities from the operation of Parts 3.1, 4.1 and 4.2 of the Act.

*Note 2* Subsection 24 (2) of the Act provides for exemptions for the Australian Secret Intelligence Service and the Australian Security Intelligence Organisation from the operation of the Act.

- 15 A personal computer that is assembled in Australia and is assembled from components that are individually compliant with the requirements specified in:
- (a) this Notice; and
  - (b) if the component is intended for connection to a telecommunications network, the *Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001* as in force from time to time.

*Note* This exemption allows a person who assembles personal computers in Australia from compliant and labelled parts to supply such personal computers without the necessity to comply with this Notice.



## Schedule 3 Compliance marks

(section 1.4, definition of *compliance mark*)

### Part 1 The C-Tick mark



*Note* The C-Tick mark is a protected symbol for section 188A of the *Radiocommunications Act 1992*.

### Part 2 The RCM



*Note* The RCM is a trademark owned by Australian and New Zealand regulators. Manufacturers or importers who intend to use the RCM must register with Standards Australia International Limited in accordance with AS/NZS 4417.1.

## Schedule 4 Application for permission to use the compliance mark and issue of a supplier code number

(subsection 4.2 (3))

### Application for permission to use compliance marks and for issue of supplier code number



Australian Government  
Australian Communications  
and Media Authority

#### Instructions for completion

*Return your completed forms to your nearest ACMA regional office:*

- Print clearly. Illegible, unclear or incomplete application forms may delay processing.

- Suppliers must obtain permission to apply a compliance mark only once, before the first time they apply the label to an item.

- This form may also be used to change supplier details.

#### New South Wales Region

PO Box Q500  
Queen Victoria Building NSW 1230  
Tel: 1300 850 115  
Fax: (02) 9245 4099  
Email: [nswro@acma.gov.au](mailto:nswro@acma.gov.au)

#### Southern Australia Region

PO Box 13120 Law Courts  
Melbourne VIC 8010  
Tel: 1300 850 115  
Fax: (03) 9963 6989  
Email: [saro@acma.gov.au](mailto:saro@acma.gov.au)

#### Northern Australia Region

PO Box 288  
Red Hill QLD 4059  
Tel: 1300 850 115  
Fax: (07) 3247 7100  
Email: [naro@acma.gov.au](mailto:naro@acma.gov.au)

#### Western Australia Region

PO Box 3061  
Perth Adelaide Terrace WA 6832  
Tel: 1300 850 115  
Fax: (08) 9461 2100  
Email: [waro@acma.gov.au](mailto:waro@acma.gov.au)

#### Registration

- New registration       Change of existing supplier details - if you are changing your existing supplier details, please include your supplier code number:

#### Supplier details (manufacturer, importer or an authorised agent)

Organisation name (OR PARTNERSHIP, TRADING TRUST OR INDIVIDUAL)

Organisation number (FOR EXAMPLE: ABN, ACN OR ARBN)

Which regulatory arrangement(s) do you intend to supply under?

- Telecommunications (A-Tick)
- Radiocommunications (C-Tick)
- EMC (C-Tick)
- EMR (C-Tick)

Postal address

POSTCODE

Street address where compliance records are to be kept

(IF SAME AS POSTAL ADDRESS, WRITE 'AS ABOVE')

POSTCODE

Contact details

WORK ( )
MOBILE
FACSIMILE ( )
EMAIL

**Declaration**

I declare that the contents of this application are true and correct.

I understand that the compliance mark can only be used in accordance with the requirements specified in a Notice made under:

- Section 182 of the *Radiocommunications Act 1992*; or
- Section 407 of the *Telecommunications Act 1997*.

I agree to inform ACMA of any change of circumstances relevant to the use of our supplier code number.

I agree to inform ACMA of any changes to the applicant's details above.

**For your information**

Under Division 136 of the *Criminal Code Act 1995*, it is an offence in Australia to make a statement that is false or misleading in a material particular in an application.

Penalty: Imprisonment for 12 months.

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SIGNATURE OF SUPPLIER/AGENT

--

DATE

--

PRINT NAME

--

POSITION IN ORGANISATION

## Schedule 5 Declaration of conformity

(section 1.4, definition of *declaration of conformity*)

### Supplier's declaration of conformity



Australian Government  
Australian Communications  
and Media Authority

For compliance levels 1, 2 and 3 in Australia

As required by notices under:

- section 182 of the Australian *Radiocommunications Act 1992*.

#### Instructions for completion

- This completed form remains with the supplier as part of the documentation required for the compliance records. Do not return this form to ACMA.

#### Supplier's details

Name (name of manufacturer, importer or agent)

SURNAME
GIVEN NAMES

Address (address of manufacturer, importer or agent)

POSTCODE

ACMA supplier code number

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OR

ABN, ACN or ARBN

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#### Product details

Product description – brand name, type, model, lot, batch or serial number (if available)


**Compliance with *Radiocommunications (Electromagnetic Compatibility) Standard 2008***

The abovementioned product complies with the requirements of the *Radiocommunications (Electromagnetic Compatibility) Standard 2008*. Evidence of compliance is demonstrated by test reports to the following Applicable Standards.

**Applicable standards**

Standard title, standard number and, if applicable, number of the test report


**Declaration**

I hereby declare that the product mentioned above complies with the requirements of the *Radiocommunications (Electromagnetic Compatibility) Standard 2008*. All products supplied under this declaration will be identical to the product identified above.

SIGNATURE OF SUPPLIER OR AGENT	POSITION IN ORGANISATION
PRINT NAME	DATE