

EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Radiocommunications Devices (Compliance Labelling) Amendment Notice No. 1 of 2008

Purpose

The *Radiocommunications Devices (Compliance Labelling) Amendment Notice No. 1 of 2008* 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 replace two standards in the Labelling Notice with new versions. The replaced versions are outdated.

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 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 2008.

Operation

This amendment Notice has been made to apply labelling requirements in relation to two new radiocommunications standards made by ACMA:

- *Radiocommunications (HF CB and Handphone Equipment) Standard 2008*; and
- *Radiocommunications (Devices Used in the Inshore Boating Radio Services Band) Standard 2008*

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. The amendment also removes reference to the 1996 versions of these standards.

This amendment also applies a compliance level of 3 to these standards which is consistent with that applied to the replaced standards. This compliance level applies to radiocommunications devices whose non-compliance with an applicable standard would have a high interference impact on other devices.

Compliance level 3 requires suppliers to prepare a description of the device, declare conformity with applicable standards and obtain a test report from an accredited test house showing that the device complies with the standard, before applying a compliance label. An accredited test house is one accredited by the National Association of Testing Authorities (NATA) or by a test house accreditation body that holds a mutual recognition agreement with NATA.

Consultation

Consultation for the inclusion of these new standards in ACMA's compliance labelling regime as given effect by this amendment to the Labelling Notice was conducted by ACMA as summarised below.

A draft version of each of the *Radiocommunications (HF CB and Handphone Equipment) Standard 2008* and the *Radiocommunications (Devices Used in the Inshore Boating Radio Services Band) Standard 2008* were widely circulated for public comment over a 29 day period. Two comments were received in support of the proposal. No other comments were received.

Persons consulted regarding these amendments to ACMA's radiocommunications regulatory arrangements included the New Zealand Ministry of Economic Development, the National Association of Testing Authorities, design & engineering consultants, regulatory compliance consultants, manufacturers & importers, peak associations of manufacturers & importers, Standards Australia Limited and test houses.

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. 023) 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 the Attachment.

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 day 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.

Items [1] and [2] replace the following outdated standards in Schedule 3:

- *Radiocommunications Standard (Radiocommunications Devices Used in the Inshore Boating Radio Services Band) No. 1 of 1996*
- *Radiocommunications Standard (HF CB and Handphone Radio Transmitters) No. 1 of 1996*

with the following new standards:

- *Radiocommunications (Devices Used in the Inshore Boating Radio Services Band) Standard 2008*
- *Radiocommunications (HF CB and Handphone Equipment) Standard 2008*