



# Radiocommunications Labelling (Electromagnetic Compatibility) Amendment Notice 2009 (No. 1)<sup>1</sup>

*Radiocommunications Act 1992*

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

Dated 12<sup>th</sup> November 2009

*Chris Chapman*  
[signed]  
Member

*Brendan Byrne*  
[signed]  
General Manager

Australian Communications and Media Authority

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## **1 Name of Amendment Notice**

This Amendment Notice is the *Radiocommunications Labelling (Electromagnetic Compatibility) Amendment Notice 2009 (No. 1)*.

## **2 Commencement**

This Amendment Notice commences on the day after it is registered.

## **3 Amendment of *Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2008***

Schedule 1 amends the *Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2008*.

## Schedule 1 Amendments

(section 3)

**[1] Section 1.4, after definition of *authorised officer***

*insert*

*battery-powered device* means a device that is not capable of being connected, directly or indirectly, to an external power supply.

**[2] Section 1.4, definitions of *low risk device* and *medium risk device***

*substitute*

*low risk device* means a device that is neither:

- (a) a medium risk device; nor
- (b) a high risk device.

*medium risk device* has the meaning given by section 1.6A.

**[3] Section 1.5, table**

*substitute*

Item	For this device ...	these are the compliance records ...
1	a device other than a low risk device or a variant	<ul style="list-style-type: none"> <li>(a) a description of the device; and</li> <li>(b) a declaration of conformity; and</li> <li>(c) a test report or a technical construction file; and</li> <li>(d) a copy of any explanatory documentation required by section 3.7</li> </ul>
2	a low risk device that has not been labelled	a description of the device
3	a low risk device that has been labelled	<ul style="list-style-type: none"> <li>(a) a description of the device; and</li> <li>(b) a declaration of conformity</li> </ul>

Item	For this device ...	these are the compliance records ...
4	a variant of a device other than a low risk device	<ul style="list-style-type: none"> <li>(a) a description of the variant; and</li> <li>(b) a declaration of conformity that relates to the variant; and</li> <li>(c) a test report or a technical construction file for the original device; and</li> <li>(d) a statement by the supplier about the variant that is mentioned in subsection 4.7 (2)</li> </ul>
5	a variant of a low risk device that has not been labelled	a description of the variant
6	a variant of a low risk device that has been labelled	<ul style="list-style-type: none"> <li>(a) a description of the variant; and</li> <li>(b) a declaration of conformity that relates to the variant</li> </ul>

**[4] After section 1.6**

*insert*

**1.6A Meaning of *medium risk device***

- (1) In this Notice, subject to subsection (2), a device is a ***medium risk device*** if it is not a high risk device and contains 1 or more of the following:
- (a) a switch mode power supply;
  - (b) a transistor switching circuit;
  - (c) a microprocessor;
  - (d) a commutator;
  - (e) a slip-ring motor;
  - (f) an electronic device operating in a switching mode or a non-linear mode.

- (2) A battery-powered device is not a medium risk device unless the ACMA has declared the device to be a medium risk device under subsection (3).
- (3) The ACMA may declare, in writing, that a particular battery-powered device specified in the declaration is a medium risk device if:
  - (a) the common operation of the device causes radio emissions; and
  - (b) those radio emissions have caused, or are likely to cause, interference, disruption or disturbance to other devices or to radiocommunications services; and
  - (c) the device is not a high risk device.
- (4) A declaration under subsection (3) is not a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

**[5] Section 1.7, note**

*omit*

**[6] After section 2.4**

*insert*

**2.5 Relationship between this Notice and the  
Radiocommunications Devices (Compliance Labelling) Notice  
2003**

If a device to which this Notice applies contains a device, or incorporates a device to which the *Radiocommunications Devices (Compliance Labelling) Notice 2003*, as in force from time to time, applies, the requirements in this Notice are additional to the requirements in that Notice.

*Note* An effect of this section is that a C-Tick mark can be applied to a device only if it complies with the requirements of this Notice and the *Radiocommunications Devices (Compliance Labelling) Notice 2003*.

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**2.6 Devices incorporating a radiocommunications transmitter**

- (1) If a device (a *parent device*) contains or incorporates a radiocommunications transmitter, the transmitter must be switched off, or placed in an idle state, before the parent device is assessed for compliance against this Notice.

*Note* Subsection 7(2) of the Act contains the definition of *radiocommunications transmitter*.

- (2) For the avoidance of doubt, if a parent device contains or incorporates a radiocommunications transmitter, the transmitter need not comply with this Notice.

**[7] Subsection 3.2 (1), at the foot**

*insert*

*Note* Section 4.2 applies to a supplier that chooses to apply a compliance label to a low risk device.

**[8] Subsection 3.2 (3)**

*substitute*

- (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) Part 4 (other than section 4.3A);
  - (c) Part 5.

*Note* 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.

**[9] Section 4.3**

*substitute*

**4.3 Meeting compliance levels**

If an applicable standard applies to a device, the supplier must, before a compliance label is applied (or is 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 (being the requirements set out in section 4.4, 4.5 or 4.6).

**4.3A Declaration of conformity**

- (1) Despite section 3.2, if a supplier applies a compliance label to a device, the supplier must complete and sign a declaration of conformity in relation to the device.
- (2) If the device:
  - (a) is a low risk device or a medium risk device; and
  - (b) is manufactured outside Australia;the supplier is taken to have complied with subsection (1) if the declaration of conformity is completed and signed by the manufacturer of the device.
- (3) Subsection (2) does not affect:
  - (a) the other obligations of the supplier under this Notice; or
  - (b) the liability of the supplier under Part 4.1 of the Act.

**[10] Schedule 2, item 1**

*substitute*

*Note* There is no item 1.

**[11] Schedule 2, item 5**

*substitute*

- 5 A device with a power consumption not exceeding 1 milliwatt

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**[12] Schedule 2, item 13**

*substitute*

- 13 A vehicle or machine that:
- (a) is supplied by an organisation that is a member of:
    - (i) the Construction and Mining Equipment Industry Group (CMEIG); or
    - (ii) the Federal Chamber of Automotive Industries (FCAI); or
    - (iii) the Tractor and Machinery Association (TMA); or
    - (iv) the Truck Industry Council (TIC); and
  - (b) is compliant with all broadband and narrowband emission standards and requirements as specified in:
    - (i) the CMEIG/TMA code, 'Voluntary Code of Practice for Electromagnetic Compatibility (EMC) of Machinery'; or
    - (ii) the FCAI code, 'Voluntary Code of Practice for Electromagnetic Compatibility (EMC) of Motor Vehicles'; or
    - (iii) the TIC code, 'Voluntary Code of Practice for Electromagnetic Compatibility (EMC)'.

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**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.