



Radiocommunications Devices (Compliance Labelling) Amendment Notice 2010 (No. 1)¹

Radiocommunications Act 1992

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

Dated 25th March 2010

Chris Chapman
[signed]
Member

Jennifer McNeill
[signed]
~~General Manager~~ / Member

Australian Communications and Media Authority

1 Name of Notice

This Notice is the *Radiocommunications Devices (Compliance Labelling) Amendment Notice 2010 (No. 1)*.

2 Commencement

This Notice commences on the later of:

- (a) 31 March 2010; and
- (b) the day after this Notice is registered.

3 Amendment of *Radiocommunications Devices (Compliance Labelling) Notice 2003*

Schedule 1 amends the *Radiocommunications Devices (Compliance Labelling) Notice 2003*.

Schedule 1 Amendments

(section 3)

[1] Subsection 4 (1), after definition of *applicable standard*

insert

AS/NZS 4417.1 means the Australian/New Zealand Standard *Marking of electrical and electronic products to indicate compliance with regulations — Part 1: General rules for use of the mark* published by Standards Australia.

[2] Subsection 4 (1), after definition of *authorised officer*

insert

built-in display, for a device, means an electronic display or screen integral to the device, and does not include a display or screen that can be used independently of the device.

[3] Subsection 4 (1), definition of *declaration of conformity*, including the note

substitute

declaration of conformity means a declaration that:

- (a) is in a form approved by the ACMA; or

-
- (b) contains the information required in that approved form, whether or not the declaration is accompanied by other material.

Note The ACMA makes approved forms available on its website at www.acma.gov.au/complianceforms.

[4] Subsection 4 (1), definition of *medium-risk device*, example

omit

A spread spectrum device

insert

A DECT or PHS device

[5] Subsection 9 (1)

omit

this section

insert

this section and sections 9A to 9D

[6] Subsections 9 (5) to (8)

substitute

Location of compliance label

- (5) Subject to sections 9C and 9D, the label must be placed on the device on a place that is accessible by the user.

Note Section 9C deals with situations where applying a label to the surface of a device is not possible or practical. Section 9D gives a supplier the option of labelling some types of device electronically.

- (6) A label is not accessible if it is necessary to use a specialised tool to gain access to it.
- (7) The information required by subsection (3) and the compliance mark:
- (a) must be as close as practicable to each other; and
 - (b) must not be placed so that one wholly or partially obscures the other.

[7] After section 9

insert

9A Durability of compliance label

- (1) A compliance label must be durable.

- (2) A compliance label must be applied to a device:
 - (a) permanently; or
 - (b) in a way that makes removal or obliteration difficult.

9B Symbols and characters on compliance label

- (1) The information on a compliance label must be legible, with alphanumeric characters (if any) at least 1 mm high.
- (2) A compliance mark must be at least 3 mm high.

9C Placement of compliance label

- (1) If it is not possible to apply a compliance label to the surface of a device because of the size or physical nature of the device, or it is not practical to apply a compliance label to the surface of a 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) The compliance label applied to the external surface of the packaging used for the device must:
 - (a) occupy an area that is greater than 1% of that external surface; and
 - (b) be clearly visible.
- (3) The supplier must make and keep a record of:
 - (a) the reasons why subsection (1) applies to the device; and
 - (b) where each compliance label is applied.

9D Electronic labelling

- (1) A supplier may apply a compliance label to a device using the built-in display of the device.
- (2) The supplier must ensure that the documentation that accompanies the device when it is supplied to the user sets out a method for displaying the compliance label.
- (3) The compliance label must be applied to the device in a way that would make it difficult to prevent the display of the label when the method set out in the documentation is used.
- (4) Subsection 9 (5) and sections 9A and 9C do not apply to a label applied under this section.

[8] Subsection 11 (2), including the note

substitute

- (2) An application to the ACMA for permission to use the C-tick mark and the issue of a supplier code number must be:
- (a) in a form approved by the ACMA; or
 - (b) in writing setting out the information required in that approved form, whether or not the application is accompanied by other material.

Note The ACMA makes approved forms available on its website at www.acma.gov.au/complianceforms.

[9] Subsection 11 (3)

omit

clause 4.6 of AS/NZS 4417.1, as if references in that Standard to the Spectrum Management Agency and SMA were references to ACMA.

insert

AS/NZS 4417.1.

[10] Paragraph 20 (1) (e)

substitute

- (e) for a device to which a compliance label is not applied because of section 9C — the records mentioned in subsection 9C (3).

[11] Schedule 3, item 9

omit

[12] Schedules 4 and 5

omit

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>.