



Radiocommunications Labelling (Electromagnetic Compatibility) 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 Labelling (Electromagnetic Compatibility) 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 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 *AS/NZS*

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] Section 1.4, after definition of *battery-powered device*

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] Section 1.4, 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] Section 1.5, table, item 1, column 3

omit

- (d) a copy of any explanatory documentation required by section 3.7

insert

- (d) for a device to which a compliance label is not applied because of section 3.6 — the records mentioned in subsection 3.6 (3); and
- (e) a copy of any explanatory documentation required by section 3.7

[5] Section 1.5, table, item 4, column 3

omit

- (d) a statement by the supplier about the variant that is mentioned in subsection 4.7 (2)

insert

- (d) for a device to which a compliance label is not applied because of section 3.6 — the records mentioned in subsection 3.6 (3); and
- (e) a statement by the supplier about the variant that is mentioned in subsection 4.7 (2)

[6] Subsection 3.1 (1)

omit

compliance label

insert

compliance label

[7] Subsections 3.1 (4) and (5), including the subheading

substitute

Location of compliance label

- (4) Subject to sections 3.6 and 3.6A, the compliance label must be placed on the device on a place that is accessible by the user.

Note Section 3.6 deals with situations where applying a label to the surface of a device is not possible or practical. Section 3.6A gives a supplier the option of labelling some types of device electronically.

- (5) A label is not accessible if it is necessary to use a specialised tool to gain access to it.
- (6) Compliance information and a 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.

[8] Section 3.4

substitute

3.4 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.

[9] Subsection 3.5 (1)

omit

of

insert

(if any)

[10] Section 3.6

substitute

3.6 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

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- (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.

3.6A 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 3.1 (4) and sections 3.4 and 3.6 do not apply to a label applied under this section.

[11] Subsection 4.2 (3), including the note

substitute

- (3) 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.

[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>.