



Radiocommunications (Compliance Labelling) Amendment Notice 2017 (No. 1)

The Australian Communications and Media Authority makes the following Notice under subsection 182(1) of the *Radiocommunications Act 1992*.

Dated: 25 October 2017

James Cameron

[signed]

Member

Brendan Byrne

[signed]

~~Member~~/General Manager

Australian Communications and Media Authority

Section 1

1 Name

This is the *Radiocommunications (Compliance Labelling) Amendment Notice 2017 (No.1)*.

2 Commencement

This instrument commences at the start of the day after it is registered on the Federal Register of Legislation.

Note: The Federal Register of Legislation may be accessed at www.legislation.gov.au.

3 Authority

This instrument is made under subsection 182(1) of the *Radiocommunications Act 1992*.

4 Amendments

The instruments that are specified in Schedules 1 and 2 are amended as set out in the applicable items in those Schedules.

Schedule 1—Amendments to the *Radiocommunications (Compliance Labelling – Devices) Notice 2014*

Radiocommunications (Compliance Labelling – Devices) Notice 2014 (F2014L01236)

1 Section 2 (Note 1)

Repeal the note, substitute:

Note 1: The Federal Register of Legislation may be accessed at www.legislation.gov.au.

2 Subsection 4(1) (definition of *Class Licence*, including the note)

Repeal the definition, including the note, substitute:

Class Licence means the *Radiocommunications (Low Interference Potential Devices) Class Licence 2015* as in force from time to time.

Note 1: The *Radiocommunications (Low Interference Potential Devices) Class Licence 2015* is registered on the Federal Register of Legislation kept under the *Legislation Act 2003*. See www.legislation.gov.au.

Note 2: For incorporation of an instrument as in force from time to time, see subsection 314A(2) of the Act.

3 Subsection 4(1) (definition of *Federal Chamber of Automotive Industries*)

Repeal the definition, substitute:

FCAI means the Federal Chamber of Automotive Industries (ACN 008 550 347).

4 Subsection 4(1) (definition of *low interference potential device*)

Repeal the definition, substitute:

low interference potential device means a radiocommunications device the operation of which is authorised by the Class Licence.

5 Subsection 4(1) (definition of *wireless audio transmitter*)

Omit “at Item 22A”, substitute “in column 1 at Item 28”.

6 Subsection 4(1)

Insert:

CMEIG means Construction & Mining Equipment Industry Group Inc, an incorporated association registered under the *Associations Incorporation Act 2009* (NSW), with incorporation number INC9879927.

motor vehicle means a motor-powered road vehicle (including a 4 wheel drive vehicle).

TMA means Tractor and Machinery Association of Australia (ACN 004 237 209).

vehicle means equipment that is:

- (a) self-propelled; and
- (b) capable of being used only on land.

7 Section 7 (Note)

Repeal the note and substitute:

Note: An effect of section 7 is that a compliance mark can only be applied to a device if it complies with the requirements of this Notice and any other notice made under section 182 of the Act.

8 Subsection 8(3)

Omit “Federal Chamber of Automotive Industries”, wherever the words appear, substitute “FCAI”.

9 Subsection 8(3) (note)

Repeal the note.

10 At the end of section 8

Add:

- (4) If a device:
- (a) is manufactured or imported by a member of the FCAI; and
 - (b) can only be operated if it is installed in a motor vehicle; and
 - (c) complies with each applicable standard;
- subsections (1) and (2) do not apply in relation to the device.
- (5) If a device:
- (a) is either:
 - (i) manufactured as part of a vehicle, or installed in a vehicle, by either:
 - (A) a member of CMEIG; or
 - (B) a member of TMA; or
 - (ii) imported as part of an imported vehicle by either:
 - (A) a member of CMEIG; or
 - (B) a member of TMA; and
 - (b) complies with each applicable standard;
- subsections (1) and (2) do not apply in relation to the device.
- (6) If a device:
- (a) is manufactured or imported by either:
 - (i) a member of CMEIG; or
 - (ii) a member of TMA; and
 - (b) can only be operated if it is installed in a vehicle; and
 - (c) complies with each applicable standard;
- subsections (1) and (2) do not apply in relation to the device.
- (7) Subsection (3), (4), (5) or (6) only applies in relation to a high-risk or medium-risk device manufactured or imported by a supplier if the supplier complies with both:
- (a) subsection 12(2); and
 - (b) Part 4;
- in relation to the device.

Note: See sections 12 and 18 in relation to a high-risk device or a medium-risk device to which subsection 8(3), (4), (5) or (6) applies.

11 Subsection 12(2)

Repeal the subsection, substitute:

- (2) For the purposes of subsections 8(3), (4), (5) and (6), the supplier of a high-risk device or a medium-risk device must ensure that the device complies with each applicable standard at the compliance level mentioned in column 3 of Schedule 2 for the standard.

12 Paragraph 18(b)

Repeal the paragraph, substitute:

- (b) a high-risk device or a medium-risk device for the purposes of subsections 8(3), (4), (5) and (6).

Schedule 2—Amendments to the *Radiocommunications (Compliance Labelling – Electromagnetic Radiation) Notice 2014*

Radiocommunications (Compliance Labelling—Electromagnetic Radiation) Notice 2014 (F2014L00965)

1 Section 2 (Note 1)

Repeal the note, substitute:

Note 1 The Federal Register of Legislation may be accessed at www.legislation.gov.au.

2 Subsection 4(1)

Insert:

CMEIG means Construction & Mining Equipment Industry Group Inc, an incorporated association registered under the *Associations Incorporation Act 2009* (NSW), with incorporation number INC9879927.

FCAI means the Federal Chamber of Automotive Industries (ACN 008 550 347).

motor vehicle means a motor-powered road vehicle (including a 4 wheel drive vehicle).

TMA means Tractor and Machinery Association of Australia (ACN 004 237 209).

vehicle means equipment that is:

- (a) self-propelled; and
- (b) capable of being used only on land.

3 After subsection 11(1)

Insert:

- (1A) For the purposes of subsections 18(3), (4), (5) and (6), the supplier of a device must make a declaration of conformity for the device.

4 After subsection 11(2)

Insert:

- (2A) Subsection (1A) is taken to be satisfied by an importer of a device, or an agent of the importer, if:
- (a) the device complies with the applicable standard; and
 - (b) the device was manufactured outside Australia; and
 - (c) the manufacturer of the device made a declaration of conformity for the device.

5 Subsection 11(3)

After “paragraph (2)(c)”, insert “or (2A)(c)”.

6 Subsection 11(4)

After “paragraph (2)(c)”, insert “or (2A)(c)”.

7 After subsection 12(1)

Insert:

- (1A) For the purposes of subsections 18(3), (4), (5) and (6), the supplier of a device must ensure that the device complies with the compliance level for the device.

8 At the end of section 18

Add:

- (3) If a device:
- (a) is either:
 - (i) manufactured as part of a motor vehicle, or installed in a motor vehicle, by a member of the FCAI ; or
 - (ii) imported as part of an imported motor vehicle by a member of the FCAI; and
 - (b) is an integral part of the motor vehicle; and
 - (c) complies with each applicable standard;
- subsections (1) and (2) do not apply in relation to the device.
- (4) If a device:
- (a) is manufactured or imported by a member of the FCAI; and
 - (b) can only be operated if it is installed in a motor vehicle; and
 - (c) complies with each applicable standard;
- subsections (1) and (2) do not apply in relation to the device.
- (5) If a device:
- (a) is either:
 - (i) manufactured as part of a vehicle, or installed in a vehicle, by either:
 - (A) a member of CMEIG; or
 - (B) a member of TMA; or
 - (ii) imported as part of an imported vehicle by either:
 - (A) a member of CMEIG; or
 - (B) a member of TMA; and
 - (b) complies with each applicable standard;
- subsections (1) and (2) do not apply in relation to the device.
- (6) If a device:
- (a) is manufactured or imported by either:
 - (i) a member of CMEIG; or
 - (ii) a member of TMA; and
 - (b) can only be operated if it is installed in a vehicle; and
 - (c) complies with each applicable standard;
- subsections (1) and (2) do not apply in relation to the device.

(7) Subsection (3), (4), (5) or (6) only applies to a device manufactured or imported by a supplier if the supplier complies with:

- (a) subsection 11(1A);
- (b) subsection 12(1A); and
- (c) Part 4;

in relation to the device.

Note See sections 11 and 12, and Part 4, in relation to a device to which subsection 18(3), (4), (5) or (6) applies.

9 Division 4.1 (heading)

Repeal the heading, substitute:

Division 4.1 – Application

10 Before section 20

Insert:

19E Application of Part 4

This Part applies to:

- (a) a device, if a supplier of the device applies a label to the device as a compliance label; and
- (b) a device for the purposes of subsection 18(3), (4), (5) or (6).

Division 4.1A – Keeping of records

11 Subsection 21(1)

Omit “If a supplier of a device applies a label to the device as a compliance label, the supplier”, substitute “The supplier of a device”.

12 Section 23

Omit “If a supplier of a device applies a label to the device as a compliance label, the supplier”, substitute “The supplier of a device”.

13 Subsection 24(1)

Repeal the subsection, substitute:

- (1) An authorised officer may, in writing, require the supplier of a device to give the officer specified compliance records.

14 Subsection 25(1)

Omit “If a supplier of a device applies a label to the device as a compliance label, an”, substitute “An”.