



Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2025

The Australian Communications and Media Authority makes the following instrument under subsection 407(1) of the *Telecommunications Act 1997*.

Dated: 20 March 2025

Adam Suckling
[signed]
Member

Michael Brealey
[signed]
General Manager

Australian Communications and Media Authority

Part 1—Preliminary

1 Name

This is the *Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2025*.

2 Commencement

This instrument commences on 31 March 2025.

Note: This instrument is registered on the Federal Register of Legislation which may be accessed free of charge at www.legislation.gov.au.

3 Authority

This instrument is made under subsection 407(1) of the *Telecommunications Act 1997*.

4 Repeal of the *Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2015*

The *Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2015* (F2015L00190) is repealed.

5 Application

- (1) This instrument applies to an item, other than an item mentioned in Schedule 2.
- (2) Schedule 4 has effect.

Note 1: Schedule 4 only applies to customer cabling and cabling-related customer equipment.

Note 2: If an item, or a class of items, to which this instrument applies is also an item, or a class of items, to which equipment rules made under subsection 156(1) of the *Radiocommunications Act 1992* apply, the requirements of this instrument are additional to the requirements of those equipment rules. A manufacturer or importer may have to comply with requirements of both this instrument and those equipment rules.

Part 2—Interpretation

6 Interpretation

(1) In this instrument:

ABN has the meaning given by section 41 of the *A New Tax System (Australian Business Number) Act 1999*.

accreditation body means a person or association that is an accreditation body for the purposes of section 409 of the Act.

ACN has the meaning given by section 9 of the *Corporations Act 2001*.

Act means the *Telecommunications Act 1997*.

addressable device has the meaning given by:

- (a) the *Telecommunications (Mobile Equipment Air Interface) Technical Standard 2022*; or
- (b) if a later instrument replaces that standard and defines the term – the later instrument.

Note: The *Telecommunications (Mobile Equipment Air Interface) Technical Standard 2022* is available, free of charge, from the Federal Register of Legislation at www.legislation.gov.au.

analogue interface, in relation to a telecommunications network, means an interface that uses or carries analogue signals.

applicable technical standard:

- (a) in relation to customer equipment (other than cabling-related customer equipment): see section 9; or
- (b) in relation to customer cabling and cabling-related customer equipment: see clause 1 of Schedule 4.

ARBN has the meaning given by section 9 of the *Corporations Act 2001*.

AS/CA S042.1 means:

- (a) for an item to which Part 4 of the *Telecommunications (Mobile Equipment Air Interface) Technical Standard 2022* applies – the Australian Standard AS/CA S042.1:2020 – *Requirements for connection to an air interface of a Telecommunications Network – Part 1: General* published by Communications Alliance Ltd on 15 October 2020; or
- (b) otherwise:
 - (i) the Australian Standard AS/CA S042.1:2022 – *Requirements for connection to an air interface of a Telecommunications Network – Part 1: General* published by Communications Alliance Ltd on 8 March 2022; or
 - (ii) if a later standard prepared by Communications Alliance Ltd replaces that standard – the later standard.

Note: The AS/CA S042.1:2020 and AS/CA S042.1:2022 Australian Standards are both available, free of charge, on Communications Alliance Ltd's website: www.communicationsalliance.com.au.

AS/NZS 62368.1:2022 Standard means the Australian/New Zealand Standard *AS/NZS 62368.1:2022 Audio/video, information and communication technology equipment, Part 1: Safety requirements (IEC 62368-1:2018 (ED.3.0), MOD)* published by Standards Australia on 24 June 2022.

Note: The AS/NZS 62368.1:2022 Standard can be obtained for a fee from the Standards Australia Store website at <https://store.standards.org.au> or may be viewed at an office of the ACMA on request and subject to licensing conditions.

built-in display, in relation to an item that is customer equipment (other than cabling-related customer equipment), means an electronic display or screen integral to the item, and does not include a display or screen that can be used independently of the item.

cabling-related customer equipment means customer equipment that is a passive device, including any connecting hardware used or to be used in connection with customer cabling, but does not include:

- (a) a product intended primarily for the distribution of AC mains supply; or
- (b) a product intended to be used for telecommunications earthing systems or telecommunications power distribution.

Examples: Cabling-related customer equipment includes:

- (a) cable enclosures;
- (b) patch panels;
- (c) insulation displacement connectors and other similar termination modules (such as those used at a main distribution frame);
- (d) conduit for the protection of customer cabling; and
- (e) telecommunications wall sockets.

CB Testing Laboratory has the meaning given by the IECCE Definitions.

compliance label means a label required to be applied to an item by:

- (a) section 11; or
- (b) clause 3 of Schedule 4.

compliance records: see section 26.

corporation has the meaning given by section 57A of the *Corporations Act 2001*.

criminal law-enforcement agency has the meaning given by section 5 of the *Telecommunications (Interception and Access) Act 1979*.

declarant, in relation to a declaration of conformity, means the person who makes the declaration.

declaration of conformity: see section 22.

endorsed test report means a test report for an item that shows the endorsement or mark of:

- (a) an accreditation body;
- (b) a body with which an accreditation body has an agreement for the mutual recognition of test reports; or
- (c) if there is an agreement to which Australia is a party that:
 - (i) deals with mutual recognition in relation to conformity assessment; and
 - (ii) specifies, or provides for the specification of, a body that, for the purposes of the agreement, is able to conduct testing against, or in accordance with, an applicable technical standard in relation to the item;

then – the body that has been so specified in, or under, the agreement.

Example of an endorsement or mark: The trademark of “NATA”, which stands for the National Association of Testing Authorities, Australia.

ES2 (short for Electrical Energy Source Class 2) has the same meaning as in the AS/NZS 62368.1:2022 Standard.

ES3 (short for Electrical Energy Source Class 3) has the same meaning as in the AS/NZS 62368.1:2022 Standard.

high risk applicable technical standard, in relation to an item, means an applicable technical standard, or a part of an applicable technical standard, in relation to the item that is specified to be a high risk standard in column 4 of the table in Schedule 1.

Note 1: If only a part of an applicable technical standard in relation to an item is specified to be a high risk standard, that part is a high risk applicable technical standard, and the remainder is not such a standard, in relation to the item.

Example: Each part of the *Telecommunications (Mobile Equipment Air Interface) Technical Standard 2022* that relates to AS/CA S042.1 is a high risk applicable technical standard, and the remainder is not such a standard, in relation to an item to which that part applies.

Note 2: There is no high risk applicable technical standard for customer cabling or cabling-related customer equipment.

IECEE CB Rules of Procedure means the Rules of Procedure of the IECEE Certification Body (CB) Scheme contained in the publication ‘IECEE 02 – IEC System of Conformity Assessment Schemes for Electrotechnical Equipment and Components (IECEE System) – Rules of Procedure – CB Scheme of the IECEE for Mutual Recognition of Test Certificates for Electrotechnical Equipment and Components (CB Scheme) and its related services’ published by the International Electrotechnical Commission.

Note: The IECEE CB Rules of Procedure are available, free of charge, from the website of the International Electrotechnical Commission System for Conformity Assessment Schemes for Electrotechnical Equipment and Components, at <https://www.iecee.org/resource/rules-operational-documents-guides>.

IECEE CB Test Certificate means a certificate issued by an Issuing and Recognizing NCB in accordance with the IECEE CB Rules of Procedure, as existing at the time the certificate is issued.

IECEE CB Test Report means a test report:

- (a) issued by a CB Testing Laboratory in accordance with the IECEE CB Rules of Procedure, as existing at the time the test report is issued; and
- (b) which is accompanied by an IECEE CB Test Certificate.

IECEE Definitions means the document titled ‘IECEE Publication – IEC System of Conformity Assessment Schemes for Electrotechnical Equipment and Components (IECEE System) – Definitions’ published by the International Electrotechnical Commission.

Note: The IECEE Definitions are available, free of charge, from the website of the International Electrotechnical Commission System for Conformity Assessment Schemes for Electrotechnical Equipment and Components, at <https://www.iecee.org/resource/rules-operational-documents-guides>.

IEC standard means a standard published by the International Electrotechnical Commission.

included in a class of items: see section 8.

industry standard means a standard approved by:

- (a) Standards Australia; or
- (b) Communications Alliance Ltd; or
- (c) any other body or association.

Note: In this instrument, an **industry standard** is not a standard referred to in section 108 of the Act.

Issuing and Recognizing NCB has the meaning given by the IECEE Definitions.

Note: In the IECEE CB Rules of Procedure, NCB stands for National Certification Body.

item means:

- (a) in Part 3 and Schedule 1 – a thing that is customer equipment (other than cabling-related customer equipment), and includes a modified item;
- (b) in Schedule 4 – a thing that is customer cabling or cabling-related customer equipment, and includes a modified item; or
- (c) in any other case – a thing that is customer equipment or customer cabling, and includes a modified item.

Note: Subsection 5(1) provides that this instrument does not apply to certain items.

modified item means an item that has been modified, by or on behalf of the manufacturer or importer of the item, after the item was manufactured or imported and, for the avoidance of doubt, is the item as modified.

national database has the meaning given by:

- (a) section 57 of the *Radiocommunications Equipment (General) Rules 2021*; or
- (b) if another instrument replaces those rules and defines the term – the other instrument.

Note: The *Radiocommunications Equipment (General) Rules 2021* are available, free of charge, from the Federal Register of Legislation at www.legislation.gov.au.

non-compliance label means a label required to be applied to an item by section 15, or clause 6 of Schedule 4.

original item: see subsection 8(1).

original modified item: see subsection 8(2).

RCM (short for regulatory compliance mark) means the mark set out in Schedule 3.

representative of a manufacturer or importer means:

- (a) an employee of the manufacturer or importer;
- (b) if the manufacturer or importer is a corporation – an officer of the corporation, within the meaning of section 9 of the *Corporations Act 2001*;
- (c) if the manufacturer or importer is an entity that is neither an individual nor a corporation – an officer of the entity, within the meaning of section 9 of the *Corporations Act 2001*; or
- (d) another person authorised in writing for the purposes of this instrument by:
 - (i) the manufacturer or importer;
 - (ii) an employee of the manufacturer or importer; or
 - (iii) an officer of the manufacturer or importer.

significant event means an event declared by the ACMA under:

- (a) subsection 54A(2) of the *Radiocommunications Equipment (General) Rules 2021*; or
- (b) if another instrument replaces those rules and makes provision for the ACMA to declare an event to be a significant event – the other instrument.

Note: The *Radiocommunications Equipment (General) Rules 2021* are available, free of charge, from the Federal Register of Legislation at www.legislation.gov.au.

supply includes supply (including re-supply) by way of sale, exchange, lease, hire or hire-purchase.

technical standard means a technical standard made by the ACMA under subsection 376(1) of the Act.

Note: A technical standard is a legislative instrument that may incorporate all or one or more parts of an industry standard as in force at the times mentioned in that technical standard.

test report, for an item, means a report in English that shows the results of a test of the item against, or in accordance with, an applicable technical standard in relation to the item.

Note: A number of other expressions used in this instrument are defined in the Act, including the following:

- (a) ACMA;
- (b) Australia;
- (c) boundary of a telecommunications network;
- (d) certification body;
- (e) customer cabling;
- (f) customer equipment;
- (g) facility;
- (h) import;
- (i) label, and when it is taken to be applied;
- (j) manager (of a telecommunications network or a facility);
- (k) manufacturer or importer of customer equipment or customer cabling;
- (l) person;
- (m) public mobile telecommunications service;
- (n) satellite-based facility;
- (o) standard telephone service;
- (p) telecommunications network;
- (q) use.

- (2) If, apart from this subsection, a provision of this instrument would impose an obligation on a manufacturer or importer of an item and the item was imported:
 - (a) if the item has subsequently been modified – the obligation is imposed on the manufacturer who modified the item, or who caused the item to be modified; or
 - (b) otherwise – the obligation is imposed on the importer.
- (3) For the avoidance of doubt, this instrument does not apply to a manufacturer of an item unless:
 - (a) the item was manufactured in Australia; or
 - (b) the item was modified by, or on behalf of, the manufacturer, in Australia (irrespective of whether the item was manufactured in Australia).
- (4) In this instrument, a reference to **the date a modified item was made** is a reference to the date of making of the modification which resulted in that item.

7 References to other instruments

In this instrument, unless the contrary intention appears:

- (a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and
- (b) a reference to any other kind of instrument or writing is a reference to that other instrument or writing as in force or existing from time to time.

Note 1: For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation. The Federal Register of Legislation may be accessed free of charge at www.legislation.gov.au.

Note 3: For paragraph (b), see section 589 of the Act.

8 Class of items, and obligations relating to certain compliance records

(1) In this instrument:

- (a) an item (other than a modified item) is ***included in a class of items*** if the item:
 - (i) is identical to each other item of the class (irrespective of when the items were manufactured or imported); and
 - (ii) has the same manufacturer or importer as each other item; and
- (b) the ***original item***, in relation to the class of items, is the item of the class that was the first to be manufactured in Australia or imported.

(2) In this instrument:

- (a) a modified item is ***included in a class of items*** if:
 - (i) the modification which resulted in that item is identical to the modification which resulted in each other item of the class (irrespective of when the items were so modified); and
 - (ii) the modified item is, in all other respects, identical to each other item (irrespective of when the items were manufactured or imported); and
 - (iii) the modified item has the same manufacturer or importer as each other item; and
- (b) the ***original modified item***, in relation to the class of items, is the item of the class that was the first to be so modified in Australia.

(3) If:

- (a) a provision of this instrument requires a manufacturer or importer of an item to do any of the following things:
 - (i) complete a declaration of conformity for the item in accordance with subsection 22(1); or
 - (ii) prepare a description of the item in accordance with subsection 27(4); or
 - (iii) update the description in accordance with subsection 27(5); or
 - (iv) prepare a written statement in relation to the item in accordance with:
 - (A) subsection 13(4); or
 - (B) paragraph 15(2)(b); or
 - (C) subsection 23(2); or
 - (D) subclause 5(3) of Schedule 4; or
 - (E) paragraph 6(2)(b) of Schedule 4; and
- (b) the item is included in a class of items; and
- (c) the manufacturer or importer has done such a thing in relation to another item of the class; and
- (d) the declaration, description, statement, test report or other document which resulted from doing such a thing would be the same for each item of the class;

the manufacturer or importer is taken to have done such a thing in relation to the first-mentioned item, and the doing of such a thing is taken to have resulted in the declaration, description, statement, test report or other document referred to in paragraph (d).

Example: If a manufacturer or importer has prepared a declaration of conformity for the original item in the class that is included in a class of items, the manufacturer or importer is not required to prepare such a declaration in the same terms for any other item included in the class.

Part 3—Applying a label

Division 1 – Interpretation and application

9 Applicable technical standards

A technical standard is an *applicable technical standard* in relation to an item if:

- (a) the item is of a kind mentioned in column 1 of the table in Schedule 1; and
- (b) the technical standard is mentioned in column 2 of that table; and
- (c) the technical standard consists of or includes requirements that apply to the item.

Note: This section deals with applicable technical standards for customer equipment (other than cabling-related customer equipment). Clause 1 of Schedule 4 deals with applicable technical standards for customer cabling and cabling-related customer equipment.

10 Who may apply a label – importer

- (1) This section applies if an importer is required to:
 - (a) apply a compliance label to an item under section 11; or
 - (b) apply a non-compliance label to an item under section 15.
- (2) An importer is taken to have complied with the requirement in section 11 or section 15 if:
 - (a) before the item was imported, a person other than the importer applied the label to the item; and
 - (b) each of the label, and the application of the label, otherwise complies with the requirements in this instrument.

Note: Section 406A of the Act provides that a reference to a manufacturer or importer includes a person who is authorised in writing by such a manufacturer or importer to act in Australia as an agent of the manufacturer or importer for the purposes of Division 7 of Part 21 of the Act.

Division 2 – Applying a compliance label

11 Requirement to apply a compliance label

- (1) If:
 - (a) there is at least one applicable technical standard in relation to an item; and
 - (b) the item complies with each such standard;this section applies to the item.
- (2) The manufacturer or importer of the item must, before supplying the item, apply a compliance label to the item in accordance with Division 3.

Note: The requirement to apply a compliance label to an item involves:

- (a) affixing the label to the surface of the item (subsection 13(2)); or
- (b) if it is impossible or impracticable to affix the label to the surface of the item because of the size or physical nature of the item – affixing the label to the external surface of the packaging used for the item and incorporating the label in the documentation that accompanies the item when supplied (subsection 13(3)); or
- (c) if the item has a built-in display – using the built-in display (section 14).

Division 3 – Form and application of a compliance label

12 Form of a compliance label

- (1) A compliance label must be:
 - (a) in the form of the RCM; or
 - (b) a QR code, or similar thing, if the relevant link is to information on a website that displays the RCM prominently.
- (2) The compliance label must be:
 - (a) durable; and
 - (b) at least 3 mm high.

13 Application of a compliance label

- (1) Subject to section 14, a compliance label must be applied:
 - (a) in accordance with subsection (2) or (3); and
 - (b) permanently, or in a way that makes removal or obliteration difficult.
- (2) Subject to subsection (3), a compliance label must be affixed to the surface of an item in a place that is readily accessible to a person.

Note: In this Division, a reference to an item is a reference to an item to which section 11 applies.

- (3) If, because of the size or physical nature of an item, it is impossible or impractical to affix a compliance label to the surface of the item, the compliance label must:
 - (a) be affixed to the external surface of the packaging used for the item; and
 - (b) occupy an area that is greater than 1% of that external surface; and
 - (c) be clearly visible on that external surface; and
 - (d) be incorporated in the documentation, including any warranty or guarantee certificate, that accompanies the item when supplied.

Note: The requirement in paragraph (d) may be met after the label was applied and, as such, is a requirement of the kind mentioned in section 415 of the Act.

- (4) The manufacturer or importer of an item to which subsection (3) applies must, before supplying the item, prepare a written statement in relation to the item specifying:
 - (a) the reasons why subsection (3) applies to the item; and
 - (b) where, on the external surface of the packaging used for the item and in the documentation referred to in subsection (3), each compliance label has been applied.

Note: The requirement in subsection (4) may be met after the label was applied and, as such, is a requirement of the kind mentioned in section 415 of the Act.

- (5) The importer of an item is taken to have complied with subsection (4) in relation to an item if:
 - (a) before the item was imported, a person other than the importer prepared a written statement that specifies the matters mentioned in paragraphs (4)(a) and (b); and
 - (b) before supplying the item, the importer obtained a copy of the statement.

14 Electronic labelling of customer equipment

- (1) A manufacturer or importer of an item that has a built-in display may apply a compliance label to the item using the built-in display if the manufacturer or importer meets the requirements of this section.
- (2) The manufacturer or importer must ensure that information setting out a method for displaying the label is either or both:
 - (a) included in documentation that accompanies the item when supplied; or
 - (b) clearly and prominently published on the website of the manufacturer or importer at the time the item is supplied.

Note: The requirement in subsection (2) may be met after the label was applied and, as such, is a requirement of the kind mentioned in section 415 of the Act.

- (3) The method for displaying the label must, when the item is being used by a person, make it difficult for the person to prevent the display of the label.
- (4) Paragraph 12(2)(a) and subsection 13(1) do not apply to a compliance label applied in accordance with this section.

Division 4 – Applying a non-compliance label and preparing a written statement

15 Requirement to apply a non-compliance label and prepare a written statement

- (1) If:
 - (a) there is at least one applicable technical standard in relation to an item; and
 - (b) the item does not comply with one or more of those standards;this section applies to the item.
 - (2) The manufacturer or importer of the item must, before supplying the item:
 - (a) apply a non-compliance label to the item; and
 - (b) prepare a written statement in relation to the item;in accordance with Division 5.
- Note: The requirement to apply a non-compliance label to an item involves affixing the label to the external surface of the packaging used for the item and incorporating the label in the documentation that accompanies the item when supplied.
- (3) The importer of the item is taken to have complied with the requirement in paragraph (2)(b) if:
 - (a) before the item was imported, a person other than the importer prepared a written statement in accordance with section 18; and
 - (b) before supplying the item, the importer obtained a copy of the statement.

Note: See section 10 for who may apply a label.

Division 5 – Form and application of a non-compliance label and preparation of a written statement

16 Form of a non-compliance label

- (1) A non-compliance label applied to an item must contain a statement to the effect that the item does not comply with one or more of the applicable technical standards in relation to the item.

Note: In this Division, a reference to an *item* is a reference to an item to which section 15 applies.

- (2) The statement must:
 - (a) be in English; and
 - (b) be printed in a font of not less than 12 points; and
 - (c) list each applicable technical standard that the item does not comply with.
- (3) A non-compliance label must be durable.

17 Application of a non-compliance label

- (1) A non-compliance label must be applied:
 - (a) in accordance with subsection (2); and
 - (b) permanently, or in a way that makes removal or obliteration difficult.
- (2) A non-compliance label must be:
 - (a) affixed to the external surface of the packaging used for an item; and
 - (b) clearly visible on that external surface; and
 - (c) incorporated in the documentation, including any warranty or guarantee certificate, that accompanies the item when supplied.

Note: The requirement in paragraph (c) may be met after the label was applied and, as such, is a requirement of the kind mentioned in section 415 of the Act.

18 Preparation of a written statement and obligation to keep the statement

- (1) A written statement prepared under paragraph 15(2)(b), or obtained under subsection 15(3), in relation to an item must:
 - (a) identify the item; and
 - (b) specify:
 - (i) where, on the external surface of the packaging used for the item and in the documentation referred to in paragraph 17(2)(c), each non-compliance label has been applied; and
 - (ii) the wording of the statement contained in each non-compliance label.
- (2) A written statement prepared under paragraph 15(2)(b), or obtained under subsection 15(3), in relation to an item must be kept for the period:
 - (a) commencing:
 - (i) if the item is included in a class of items – when the original item, or (in the case of a modified item) the original modified item, of the class is supplied in Australia; or
 - (ii) otherwise – when the item is supplied in Australia; and
 - (b) ending two years after the item or all items of the class cease to be supplied in Australia, whichever is the later.

Note: The requirement in subsection (2) will be met after the label was applied and, as such, is a requirement of the kind mentioned in section 415 of the Act.

Part 4—Requirements to be met before supplying an item

Division 1 – Application

19 Application

This Part sets out the requirements that must be met before a manufacturer or importer supplies an item to which section 11, or clause 3 of Schedule 4, applies.

Note: Subsection 408(6) of the Act provides that an instrument made under section 407 may specify requirements that must be met after a manufacturer or importer applies a label. Section 415 of the Act provides that a person who is subject to such requirements must not engage in conduct that contravenes those requirements. A label must be applied to an item to which this Part applies before it is supplied. The requirements in this Part must be met before the item is supplied, and therefore may be met after a label is applied to an item. As such, they are requirements of the kind mentioned in section 415 of the Act.

Division 2 – Requirements relating to registration on national database

20 Requirement – registration on national database before item is supplied

A manufacturer or importer of an item must be registered on the national database before supplying the item.

21 Registration on national database

- (1) To be registered on the national database, a manufacturer or importer of an item (the *person*) must provide to the database:
 - (a) the person's ABN; and
 - (b) one of the following:
 - (i) if the person is a body corporate – the name and ACN of the body corporate; or
 - (ii) if the person is an individual – the name of the individual; or
 - (iii) in any case – a business name that is used by the person in connection with its business in relation to the supply of items and that is registered as a business name under the *Business Names Registration Act 2011*; and
 - (c) the person's address in Australia; and
 - (d) if the person is not an individual – the name and contact details of a representative of the manufacturer or importer.
- (2) If information included on the national database about the person changes, the person must provide the changed information to the database within 30 days after the change occurs.
- (3) The person must provide the information in subsections (1) and (2) using a method indicated by the database for including information on the database.

Note 1: If a manufacturer or importer contravenes a specific requirement that must be met after a compliance label has been applied to an item, the manufacturer or importer may be guilty of an offence under section 415 of the Act.

Note 2: Information provided by a manufacturer or importer in accordance with this section for inclusion on the national database may be made publicly available.

Division 3 – Requirements relating to declarations of conformity

22 Requirement – making a declaration of conformity

- (1) A manufacturer or importer of an item must, before supplying the item, ensure that a declaration of conformity for the item has been completed in accordance with subsection (2).

Note 1: These documents are to be kept in accordance with Part 5.

Note 2: If the item is a modified item, Division 4 also applies.

- (2) A **declaration of conformity** must:

- (a) be made by:

- (i) if the manufacturer or importer of the item is a corporation – one of the following:
- (A) a director of the corporation; or
 - (B) a secretary of the corporation; or
 - (C) an individual authorised by the corporation to make the declaration; or
- (ii) if the manufacturer or importer of the item is an individual – the individual; or
- (iii) if the manufacturer or importer of the item is, or is part of, an entity that is neither a corporation nor an individual – any of the following:
- (A) an officer of the entity within the meaning of the *Corporations Act 2001*;
 - (B) an individual authorised by the entity to make the declaration; and

- (b) contain the following information:

- (i) the current model number of the item and, if relevant, any related model numbers; and
- (ii) the name of the manufacturer or importer of the item and, if the manufacturer or importer is a body corporate, the ACN or ARBN of the manufacturer or importer; and
- (iii) an address in Australia and contact details for the manufacturer or importer, or a representative of the manufacturer or importer; and
- (iv) the title of each applicable technical standard in relation to the item; and
- (v) the following date:
- (A) if the item is included in a class of items – the date the original item of the class was manufactured in Australia or imported, or (in the case of a modified item) the date the original modified item of the class was made in Australia; or
 - (B) otherwise – the date the item was manufactured in Australia or imported, or (in the case of a modified item) the date the modified item was made in Australia; and
- (vi) a statement that the declarant is reasonably satisfied, having had regard to particular documents, that the item complies with each applicable technical standard in relation to the item; and
- (vii) details of the documents to which the declarant has had regard for the purposes of subparagraph (vi); and
- (viii) a statement that the declarant:
- (A) is satisfied that the information contained in the declaration is true and correct; and

- (B) understands that giving false or misleading information is a serious offence; and
 - (c) bear the signature of the declarant, and the date the declaration was made.
- (3) For the purposes of paragraph (2)(c), a declaration of conformity may be signed electronically.

Note 1: For subparagraphs (b)(vi) and (vii), see subsection (4) for the kinds of documents to which a person may have regard in order to be reasonably satisfied that an item complies with an applicable technical standard.

Example: For subparagraph (b)(vii), if, in accordance with paragraph (4)(b), the declarant has had regard to a test report prepared by an entity stating that the item complies with each applicable technical standard, the subparagraph would be satisfied if the declaration contained details identifying the document as a test report, the entity which prepared the test report and the date the test report was prepared.

Note 2: The ACMA may make a sample declaration of conformity, or a template form of a declaration of conformity available on its website: www.acma.gov.au.

- (4) For the purposes of subparagraphs (2)(b)(vi) and (vii):
- (a) a person can only be reasonably satisfied that an item complies with a high risk applicable technical standard if:
 - (i) there is:
 - (A) an endorsed test report; or
 - (B) a statement prepared by a certification body; or
 - (C) an IECCEB CB Test Report that is accompanied by an IECCEB CB Test Certificate, in relation to the requirements of an IEC standard for the item as well as any different requirements of the high risk applicable technical standard; or
 - (D) a certificate issued under a law of a State or Territory that deals with the safety of electrical equipment;
containing information that indicates that the item or (if the item is included in a class of items) an item of the class complies with the high risk applicable technical standard; and
 - (ii) the person has had regard to the document or documents; and
 - (b) a person may be reasonably satisfied that an item complies with an applicable technical standard (other than a high risk applicable technical standard) if:
 - (i) there is a statement prepared by a certification body or a test report containing information that indicates that the item or (if the item is included in a class of items) an item of the class complies with the applicable technical standard; and
 - (ii) the person has had regard to the document.

Note 1: The kinds of documents mentioned in sub-subparagraphs (a)(i)(C) and (D) are only prepared or issued for items in relation to which the *Telecommunications (Customer Equipment Safety) Technical Standard 2018* is an applicable technical standard.

Note 2: For sub-subparagraph (a)(i)(D), a certificate issued under a law of a State or Territory that deals with the safety of electrical equipment may be called a “Certificate of Approval”, a “Certificate of Conformity” or a “Certificate of Suitability”.

Note 3: Unlike paragraph (a), paragraph (b) does not limit the kinds of documents to which a person may have regard in order to be reasonably satisfied that an item complies with an applicable technical standard.

Division 4 – Additional requirements for modified items

23 Modified items

- (1) This section applies to a modified item.
- (2) The manufacturer of the modified item, or the importer of the **unmodified item**, must, before supplying that item, prepare a written statement that:
 - (a) identifies the modified item; and
 - (b) identifies the modification which resulted in that item, being the difference between the unmodified item and the modified item; and
 - (c) indicates whether the modification is or is not material, and specifies the reason why the modification is or is not material; and
 - (d) if the modification is not material – contains the current model number of the modified item and the current model number of the unmodified item; and
 - (e) is signed by:
 - (i) if the manufacturer or importer is a corporation – any of the following:
 - (A) a director of the corporation; or
 - (B) a secretary of the corporation; or
 - (C) an individual authorised by the manufacturer or importer to make the statement; or
 - (ii) if the manufacturer or importer is an individual – the individual; or
 - (iii) if the manufacturer or importer of the item is, or is part of, an entity that is neither a corporation nor an individual – any of the following:
 - (A) an officer of the entity within the meaning of the *Corporations Act 2001*; or
 - (B) an individual authorised by the entity to make the statement.
- (3) If:
 - (a) the modification is not material; and
 - (b) the manufacturer of the modified item, or the importer of the unmodified item has:
 - (i) completed a declaration of conformity for the unmodified item in accordance with subsection 22(1); and
 - (ii) prepared a written statement for the modified item in accordance with subsection (2);the manufacturer or importer is taken to have completed a declaration of conformity for the modified item consisting of the declaration and the statement referred to in paragraph (b).

Note: If the modification is material, the manufacturer of the modified item or the importer of the unmodified item must complete a declaration of conformity for the modified item in accordance with subsection 22(1).
- (4) For the purposes of subsections (2) and (3), the modification is material if the modification would or could reasonably be expected to affect whether the modified item complies with any applicable technical standard in relation to the modified item.

Note: This section imposes additional requirements on an item that has been modified, by or on behalf of the manufacturer or importer of the item, after the item was manufactured or imported. The item as modified must comply with each applicable technical standard in relation to the modified item before a compliance label is applied to that item.
- (5) For the purposes of paragraph (2)(e), a statement may be signed electronically.
- (6) In this section, **unmodified item**, in relation to a modified item, means the item that was manufactured in Australia or imported, before it was modified to become the modified item.

Note: The term 'unmodified item' is only used in this section, and has a different meaning to the term 'original item', which is defined in section 8.

Division 5 – Documentation when item is supplied

24 Documentation about installation and operation

If:

- (a) a manufacturer or importer of an item is required, under section 11, to apply a compliance label to the item; and
- (b) there is a reasonable likelihood that the item could be installed or operated in a manner which is inconsistent with an applicable technical standard in relation to the item; and
- (c) the installation or operation of the item in such a manner could constitute a risk to public safety;

the manufacturer or importer must ensure that the item, when supplied, is accompanied by documentation that specifies how to install and operate the item in a manner which is consistent with the standard.

Part 5—Compliance records

25 Application

This Part sets out the requirements that must be met after a manufacturer or importer applies a compliance label to an item to which section 11, or clause 3 of Schedule 4, applies.

Note: Subsection 408(6) of the Act provides that an instrument made under section 407 may specify requirements that must be met after a manufacturer or importer applies a label, including requirements that a manufacturer or importer must retain certain records. Section 415 of the Act provides that a person who is subject to such requirements must not engage in conduct that contravenes those requirements. The requirements in this Part must be met after a label is applied to an item and, as such, they are requirements of the kind mentioned in section 415 of the Act.

26 Compliance records – general requirement

- (1) In this instrument, *compliance records*, in relation to an item, means:
 - (a) a written statement:
 - (i) prepared for the item under subsection 13(4) or obtained for the item under subsection 13(5); or
 - (ii) prepared for the item under subsection 23(2); or
 - (iii) prepared for the item under subclause 5(3), or obtained for the item under subclause 5(4), of Schedule 4; and
 - (b) a declaration of conformity completed for the item under subsection 22(1); and
 - (c) if section 24 applies to the item – a copy of the documentation that must accompany the item when supplied; and
 - (d) a description of the item prepared under subsection 27(4); and
 - (e) each updated description of the item prepared under subsection 27(5); and
 - (f) if an agent of the manufacturer or importer of the item keeps compliance records in relation to the item pursuant to an agreement with the manufacturer or importer – the agreement.
- (2) For the purposes of this instrument, a compliance record may form part of another compliance record.

Example: A declaration of conformity for an item may contain a written statement prepared under subsection 13(4). In that case, a manufacturer or importer would only need to keep the declaration of conformity to comply with the obligation to keep both compliance records.

27 Compliance records – specific requirements

- (1) A manufacturer or importer of an item must keep compliance records in relation to the item in accordance with this Part.
- (2) A compliance record in relation to an item:
 - (a) must be in English; and
 - (b) may be a certified copy of an original record.
- (3) For the avoidance of doubt, a compliance record (including a copy of an original record) may be kept in an electronic form.
- (4) The manufacturer or importer must ensure that a description of the item is prepared that contains the following information:
 - (a) the current model number of the item and, if relevant, any related model numbers; and

- (b) one or more photographs of the item, showing the item's internal and external aspects (including the printed circuit boards); and
- (c) if the item incorporates software – details of the version of the software installed when the item was manufactured or imported; and
- (d) sufficient information for a person to determine whether the item is:
 - (i) an item; or
 - (ii) if the item is included in a class of items – identical to another item of the class;
in relation to which there is:
 - (iii) a declaration of conformity; and
 - (iv) a document or documents to which the declarant has had regard for the purposes of subparagraph 22(2)(b)(vi); and
- (e) sufficient information for a person to distinguish the item from:
 - (i) any other item; or
 - (ii) if the item is included in a class of items – another item that is not included in the class.

Note: An example in relation to paragraph (d) or (e) is information that includes a block diagram of the item.

- (5) If any of the information included in the description in accordance with subsection (4) subsequently changes or becomes incorrect, the manufacturer or importer must update or correct the description within 30 days after the information changes or becomes incorrect.

28 Compliance records – obligation to keep records

A compliance record in relation to an item must be kept for the period:

- (a) commencing:
 - (i) if the item is included in a class of items – when the original item, or (in the case of a modified item) the original modified item, of the class is supplied in Australia; or
 - (ii) otherwise – when the item is supplied in Australia; and
- (b) ending two years after the item is supplied, or all items of the class cease to be supplied in Australia, whichever is the later.

Part 6—Savings and transitional arrangements

Division 1 – Interpretation

29 Definitions

In this Part:

Previous Notice means the *Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2015*, as in force immediately before the commencement of this instrument.

transition period means:

- (a) for an item mentioned in subsection 30(1) – the two-year period starting at the commencement of this instrument; or
- (b) for an item mentioned in subsection 31(1) – the one-year period starting at the commencement of this instrument.

Division 2 – Transitional arrangements in relation to the Previous Notice

30 Item labelled in accordance with Previous Notice during transition period

- (1) This section applies to an item if the manufacturer or importer of the item:
 - (a) applies:
 - (i) a compliance label (as defined in section 4 of the Previous Notice); or
 - (ii) a non-compliance label (as defined in section 4 of the Previous Notice);to the item during the transition period; and
 - (b) has met all of the requirements of the Previous Notice that the manufacturer or importer was required to meet before applying the compliance label or the non-compliance label.

Note: The transition period is two years starting at the commencement of this instrument (see section 29).

- (2) The manufacturer or importer is taken to have met all the requirements of this instrument in relation to the application of a compliance label, or a non-compliance label, to the item.

Note If an item has been labelled in accordance with the Previous Notice not later than two years after the commencement of this instrument, the manufacturer or importer of the item is not required to label the item in accordance with this instrument.

- (3) The manufacturer or importer must comply with either:
 - (a) any other requirements of this instrument that apply in relation to the item; or
 - (b) any other requirements of the Previous Notice that would have applied in relation to the item, had the Previous Notice not been repealed.
- (4) If the manufacturer or importer complies with paragraph (3)(b):
 - (a) this instrument (apart from this section) does not apply in relation to the item; and
 - (b) the Previous Notice continues to apply in relation to the item as if the Previous Notice had not been repealed.

31 Items exempt from labelling under clauses 7 or 8 of Schedule 4 to the Previous Notice immediately prior to commencement

- (1) This section applies to an item (including an item in a class of items), if:
- (a) immediately before the commencement of this instrument, a manufacturer or importer was, in accordance with clauses 7 or 8 of Schedule 4 to the Previous Notice, exempt from compliance with the requirement in subclause 4(2) of Schedule 4 to the Previous Notice to apply a compliance label to the item; and
 - (b) but for this section, the manufacturer or importer would be required, under subclause 3(2) of Schedule 4 to this instrument, to apply a compliance label to the item.
- (2) If:
- (a) the item is manufactured, imported or modified during the transition period; and
 - (b) the manufacturer or importer complies with:
 - (i) if the manufacturer or importer was exempt from applying a compliance label under clause 7 of Schedule 4 to the Previous Notice in relation to the item – the requirements in clause 7 of Schedule 4 to the Previous Notice; or
 - (ii) if the manufacturer or importer was exempt from applying a compliance label under clause 8 of Schedule 4 to the Previous Notice in relation to the item – the requirements in clauses 9 and 10 of Schedule 4 to the Previous Notice;

the manufacturer or importer is not required to apply a compliance label to the item.

Note: The transition period is one year starting at the commencement of this instrument (see section 29).

- (3) If the manufacturer or importer complies with paragraph (2)(b):
- (a) this instrument (apart from this section) does not apply in relation to the item; and
 - (b) the Previous Notice continues to apply in relation to the item as if the Previous Notice had not been repealed.

Division 3 – Transitional arrangements following changes in relation to applicable technical standards

32 Changes in relation to applicable technical standards

Scope

- (1) This section applies to an item if:
- (a) a technical standard (the *old technical standard*) has been repealed and replaced by another technical standard (the *new technical standard*); and
 - (b) on a particular date (the *effective date*) the old technical standard ceased to be an applicable technical standard, and the new technical standard became an applicable technical standard, in relation to the item; and
 - (c) the manufacturer or importer of the item did not supply the item before the effective date.

Manufacturer or importer of item taken to have done certain things

- (2) If, before the effective date, the manufacturer or importer of an item did any of the following things in relation to the old technical standard, in accordance with this instrument as in force immediately before the effective date:

- (a) prepared a compliance record or any other documentation for the item; or
- (b) applied a label to the item,

then on and after the effective date:

- (c) the thing done has effect as if it had been done in relation to the new technical standard; and
- (d) for the avoidance of doubt, the manufacturer or importer is taken to have met any requirement of this instrument to do such a thing in relation to the new technical standard.

Example: If, before the effective date, the manufacturer or importer had properly completed a declaration of conformity for the item in relation to the old technical standard, then on and after the effective date the manufacturer or importer does not need to complete a declaration of conformity for the item in relation to the new technical standard.

Compliance with old technical standard

- (3) For the avoidance of doubt, if:

- (a) a declaration of conformity for the item was not completed before the effective date; and
- (b) the new technical standard contains a provision to the effect that the item is taken to comply with that standard if the item complies with the old technical standard as in force immediately before the commencement of the new technical standard; and
- (c) the manufacturer or importer seeks to rely on that provision;

the manufacturer or importer must, before supplying the item, ensure that a person who makes a declaration of conformity for the item is reasonably satisfied that the item complies with that old technical standard.

- (4) For the purposes of determining whether a person is reasonably satisfied that the item complies with the old technical standard mentioned in paragraph (3)(b), subsection 22(2) applies as if:

- (a) references to an applicable technical standard were references to that old technical standard; and
- (b) references to a high risk applicable technical standard were references to that old technical standard (or the part of it) that was, immediately before the commencement of the new technical standard, a high risk applicable technical standard in relation to the item (if at all).

Example: If, before the effective date, the old technical standard was a high risk applicable technical standard in relation to the item, a person can only be reasonably satisfied that the item complies with the old technical standard if there is a document of a kind mentioned in sub-subparagraph 22(4)(a)(i)(A), (B), (C) or (D) containing information that indicates that the item (or if the item is included in a class of items, an item of the class) complies with the old technical standard.

Schedule 1—Applicable technical standards for customer equipment (other than cabling-related customer equipment)

(section 9)

1 Applicable technical standards and high risk applicable technical standards

In the table, a reference to a part of an applicable technical standard mentioned in column 4 of the table that relates to an industry standard is taken to be a reference to the provisions of the applicable technical standard that have the effect of requiring an item to comply with:

- (a) if only a part of the industry standard is mentioned in the provisions – that part of the industry standard (or any corresponding part of a standard that replaces the industry standard) as existing at any time specified, for the item, in the applicable technical standard; or
- (b) otherwise – the industry standard (or any standard that replaces the industry standard) as existing at any time specified, for the item, in the applicable technical standard.

Item	Column 1	Column 2	Column 3	Column 4
	Customer equipment (other than cabling related-customer equipment)	Technical standard	Long title of technical standard	Whether the standard is a high risk standard
1	Customer equipment that is used, or is to be used, for connection to a telecommunications network, other than customer equipment that is used or to be used solely for connection: <ol style="list-style-type: none"> (a) with a public mobile telecommunications service; or (b) to a satellite-based facility; or (c) both. 	AS/CA S002-2025	<i>Telecommunications (Analogue Interworking and Non-interference Requirements for Customer Equipment for Connection to a Switched Telephone Network – AS/CA S002) Technical Standard 2025</i>	All of AS/CA S002-2025 is a high risk standard
		AS/CA S003-2025	<i>Telecommunications (Requirements for Customer Access Equipment for Connection to a Telecommunications Network – AS/CA S003) Technical Standard 2025</i>	All of AS/CA S003-2025 is a high risk standard
		AS/CA S004-2025	<i>Telecommunications (Voice Performance Requirements for Customer Equipment – AS/CA S004) Technical Standard 2025</i>	All of AS/CA S004-2025 is a high risk standard
		AS/ACIF S016-2025	<i>Telecommunications (Requirements for</i>	

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		<i>Customer Equipment with Hierarchical Digital Interfaces – AS/ACIF S016) Technical Standard 2025</i>		
		AS/CA S041-2025	<i>Telecommunications (Requirements for DSL Customer Equipment for Connection to a Switched Telephone Network – AS/CA S041) Technical Standard 2025</i>	All of AS/CA S041-2025 is a high risk standard
		AS/CA S043-2025	<i>Telecommunications (Requirements for Customer Equipment for Connection to a Metallic Local Loop Interface of a Telecommunications Network – AS/CA S043) Technical Standard 2025</i>	All of AS/CA S043-2025 is a high risk standard
2	Customer equipment that is: (a) used, or is to be used, for connection with a public mobile telecommunications service; and (b) used to supply a standard telephone service; and (c) an addressable device.	<i>Mobile Equipment Standard 2022</i>	<i>Telecommunications (Mobile Equipment Air Interface) Technical Standard 2022</i>	Each of the parts of the <i>Mobile Equipment Standard 2022</i> that relate to AS/CA S042.1 is a high risk standard, but only for an item to which the part applies. Note: The <i>Mobile Equipment Standard 2022</i> contains provisions specifying the versions of AS/CA S042.1 (defined in section 6) that an item must comply with, depending on the relevant date (within the meaning of that technical standard) for the item.
3	Customer equipment that is: (a) used or is to be used for connection with a public mobile telecommunications service; and (b) not used to supply a standard telephone service; and (c) an addressable device.	<i>Mobile Equipment Standard 2022</i>	<i>Telecommunications (Mobile Equipment Air Interface) Technical Standard 2022</i>	-

4	Customer equipment that is: (a) used or is to be used for connection to a satellite-based facility; and (b) an addressable device.	<i>Mobile Equipment Standard 2022</i>	<i>Telecommunications (Mobile Equipment Air Interface) Technical Standard 2022</i>	-
5	Customer equipment that is covered by another item in this table.	<i>Customer Equipment Safety Standard 2018</i>	<i>Telecommunications (Customer Equipment Safety) Technical Standard 2018</i>	All of the <i>Customer Equipment Safety Standard 2018</i> is a high risk standard

Note 1: Customer equipment may be covered by multiple table items. For example, a Low Earth Orbit (LEO) satellite direct-to-device handset may be covered by table items 2, 4 and 5.

Note 2: Table item 1 may cover multi-technology customer equipment that includes cellular and/or satellite connectivity. For example, customer equipment that is used or is to be used for connection to a switched telephone network and with a public mobile telecommunications service, such as a modem router with cellular mobile backup would be covered under table items 1, 2 and 5.

Note 3: Table item 5 provides that the *Telecommunications (Customer Equipment Safety) Technical Standard 2018* will be an applicable technical standard in all cases if the customer equipment is required to comply with one or more of the applicable technical standards specified in table items 1 to 4.

Note 4: In this instrument, a reference to a telecommunications network is a reference to a telecommunications network in Australia that is operated by a carrier or carriage service provider (see section 7 and subsection 374(1) of the Act).

Example 1: Customer equipment that is covered by table item 1 includes:

- (a) PBX;
- (b) analogue telephones;
- (c) ADSL or DSL modems;
- (d) dial-up modems;
- (e) cordless telephone handsets and base units;
- (f) headsets used with customer equipment connected to a telecommunications network analogue interface that operate at ES2 or ES3 (a headset that uses a RJ11 jack or a RJ45 jack is an example of a headset that operates at ES2);
- (g) answering machines; and
- (h) fax machines.

Example 2: Customer equipment that is covered by table item 2 includes:

- (a) mobile telephones; and
- (b) cellular modems.

Example 3: Customer equipment that is covered by table item 3 includes:

- (a) machine-to-machine communication devices;
- (b) automatic teller machines; and
- (c) vending machines.

Example 4: Customer equipment that is covered by table item 4 includes:

- (a) satellite telephones; and
- (b) mobile telephones with satellite connectivity.

Schedule 2—Items to which this instrument does not apply

(subsection 5(1))

- (1) An item that is manufactured or imported solely for use by:
 - (a) a criminal law-enforcement agency; or
 - (b) the Department of Defence or the Defence Force as a temporary facility; or
 - (c) the Australian Secret Intelligence Service or the Australian Security Intelligence Organisation; or
 - (d) a body that is:
 - (i) not a criminal law-enforcement agency; and
 - (ii) responsible for criminal law enforcement; and
 - (iii) established by or under a law of the Commonwealth, or a law of a State or Territory.

Note: *Criminal law-enforcement agency* is defined in section 6.

- (2) Test equipment for a telecommunications network.
- (3) A headset, except a headset:
 - (a) used with customer equipment connected by an analogue interface to a telecommunications network; and
 - (b) that operates at ES2 or ES3.

Example: A headset that uses an audio jack, which is an analogue audio connector that is 2.55mm, 3.5mm, 4.4mm or 6.5mm in diameter.

- (4) An item that is manufactured or imported solely to be exported.
- (5) An item that is imported for connection to a telecommunications network or to a facility of such a network in relation to a significant event, in circumstances where the manager of the network or facility has given written consent to the connection for the duration of the event.

Note: The *manager*, of a telecommunications network or a facility of a telecommunications network, is defined in section 375 of the Act.

- (6) An item that is manufactured or imported solely for incorporation into another item and that, before such incorporation, cannot be used to connect to a telecommunications network or to a facility of such a network.

Schedule 3—RCM
(subsection 6(1))



Note: The RCM is a protected symbol for the purposes of section 417 of the Act.

Schedule 4—Customer cabling and cabling-related customer equipment

(subsections 5(2) and 6(1))

Part 1 – Interpretation

1 Applicable technical standard

AS/CA S008-2025 is an *applicable technical standard* in relation to an item of customer cabling, or an item of cabling-related customer equipment, if AS/CA S008-2025 includes a requirement that applies to the item.

Note 1: This clause deals with applicable technical standards for customer cabling and cabling-related customer equipment. Section 9 deals with applicable technical standards for customer equipment (other than cabling-related customer equipment).

Note 2: The long title of AS/CA S008-2025 is the *Telecommunications (Requirements for Customer Cabling Products – AS/CA S008) Technical Standard 2025*. AS/CA S008-2025 is available, free of charge, from the Federal Register of Legislation at www.legislation.gov.au.

Example: Cabling-related customer equipment includes:

- (a) cable enclosures;
- (b) patch panels;
- (c) insulation displacement connectors and other similar termination modules (such as those used at a main distribution frame);
- (d) conduit for the protection of customer cabling; and
- (e) telecommunications wall sockets.

2 Who may apply a label – importer

- (1) This clause applies if an importer is required to:
 - (a) apply a compliance label to an item under clause 3; or
 - (b) apply a non-compliance label to an item under clause 6.
- (2) An importer is taken to have complied with the requirement in clause 3 or clause 6 if:
 - (a) before the item was imported, a person other than the importer applied the label to the item; and
 - (b) each of the label, and the application of the label, otherwise complies with the requirements in this instrument.

Note: Section 406A of the Act provides that a reference to a manufacturer or importer includes a person who is authorised in writing by such a manufacturer or importer to act in Australia as an agent of the manufacturer or importer for the purposes of Division 7 of Part 21 of the Act.

Part 2 – Applying a compliance label

3 Requirement to apply a compliance label

- (1) If:
 - (a) there is an applicable technical standard in relation to an item; and
 - (b) the item complies with the standard;this clause applies to the item.
- (2) The manufacturer or importer of the item must, before supplying the item, apply a compliance label to the item in accordance with Part 3 of this Schedule.

Note: The requirement to apply a compliance label to an item involves:

- (a) affixing the label to the surface of the item (subparagraph 5(2)(a)(i)); or

- (b) affixing the label to the external surface of the packaging used for the item (even if it is possible or practicable to affix the label to the surface of the item) and incorporating the label in the documentation that accompanies the item when supplied (subparagraph 5(2)(a)(ii)); or
- (c) in the case of a label in the form of a statement – affixing the label to the sheath of the item (paragraph 5(2)(b)).

Part 3 – Form and application of a compliance label

4 Form of a compliance label

- (1) A compliance label must be:
 - (a) in the form of the RCM; or
 - (b) a QR code, or similar thing, if the relevant link is to information on a website that displays the RCM prominently; or
 - (c) a statement containing the following information:
 - (i) a company name, business name or trade mark of:
 - (A) the manufacturer or importer; or
 - (B) a person who is supplied the item by the manufacturer or importer, and subsequently supplies the item in Australia; and
 - (ii) a part name or number, identification number, or product name of the item.
- (2) The compliance label must be:
 - (a) durable; and
 - (b) at least 3 mm high.

5 Application of a compliance label

- (1) A compliance label must be applied:
 - (a) in accordance with subclause (2); and
 - (b) permanently, or in a way that makes removal or obliteration difficult.
 - (2) A compliance label must be:
 - (a) in the case of a label in a form mentioned in paragraph 4(1)(a) or (b), either:
 - (i) affixed to the surface of an item in a place that is readily accessible to a person; or
 - (ii) both:
 - (A) affixed to the external surface of the packaging used for the item in a place that is clearly visible; and
 - (B) incorporated in the documentation, including any warranty or guarantee certificate, that accompanies the item when supplied; or
 - (b) in the case of a label mentioned in paragraph 4(1)(c) – affixed to the sheath (if any) of the item at regular intervals of not more than 2 metres.
- Note: The requirement in sub-subparagraph (a)(ii)(B) may be met after the label was applied and, as such, is a requirement of the kind mentioned in section 415 of the Act.
- (3) The manufacturer or importer of an item to which subparagraph (2)(a)(ii) applies must, before supplying the item, prepare a written statement in relation to the item specifying where, on the external surface of the packaging used for the item and in the documentation referred to in subparagraph (2)(a)(ii), each compliance label has been applied.

Note: The requirement in subclause (3) may be met after the label was applied and, as such, is a requirement of the kind mentioned in section 415 of the Act.

- (4) The importer of an item is taken to have complied with subclause (3) in relation to an item if:
- (a) before the item was imported, a person other than the importer prepared a written statement specifying where, on the external surface of the packaging used for the item and in the documentation referred to in subparagraph (2)(a)(ii), each compliance label has been applied; and
 - (b) before supplying the item, the importer obtained a copy of the statement.

Part 4 – Applying a non-compliance label and preparing a written statement

6 Requirement to apply a non-compliance label and prepare a written statement

- (1) If:
- (a) there is at least one applicable technical standard in relation to an item; and
 - (b) the item does not comply with one or more of those standards;
- this clause applies to the item.

- (2) The manufacturer or importer of the item must, before supplying the item:
- (a) apply a non-compliance label to the item; and
 - (b) prepare a written statement in relation to the item;
- in accordance with Part 5 of this Schedule.

Note: The requirement to apply a non-compliance label to an item involves affixing the label to the external surface of the packaging used for the item and incorporating the label in the documentation that accompanies the item when supplied.

- (3) The importer of the item is taken to have complied with the requirement in paragraph (2)(b) if:
- (a) before the item was imported, a person other than the importer prepared a written statement in accordance with clause 9; and
 - (b) before supplying the item, the importer obtained a copy of the statement.

Note: See clause 2 for who may apply a label.

Part 5 – Form and application of a non-compliance label and preparation of a written statement

7 Form of a non-compliance label

- (1) A non-compliance label applied to an item must contain a statement to the effect that the item does not comply with one or more applicable technical standards in relation to the item.

Note: In this Part, a reference to an *item* is a reference to an item to which clause 6 applies.

- (2) The statement must:
- (a) be in English; and
 - (b) be printed in a font of not less than 12 points; and
 - (c) list each applicable technical standard that the item does not comply with.
- (3) A non-compliance label must be durable.

8 Application of a non-compliance label

- (1) A non-compliance label must be applied:
 - (a) in accordance with subclause (2); and
 - (b) permanently, or in a way that makes removal or obliteration difficult.
- (2) A non-compliance label must be:
 - (a) affixed to the external surface of the packaging used for the item; and
 - (b) clearly visible on that external surface; and
 - (c) incorporated in the documentation, including any warranty or guarantee certificate, that accompanies the item when supplied.

Note: The requirement in paragraph (2)(c) may be met after the label was applied and, as such, is a requirement of the kind mentioned in section 415 of the Act.

9 Preparation of a written statement and obligation to keep the statement

- (1) A written statement prepared under paragraph 6(2)(b) or obtained under subclause 6(3) in relation to an item must:
 - (a) identify the item; and
 - (b) specify:
 - (i) where, on the external surface of the packaging used for the item and in the documentation referred to in paragraph 8(2)(c), each non-compliance label has been applied; and
 - (ii) the wording of the statement contained in each non-compliance label.
- (2) A written statement prepared under paragraph 6(2)(b) or obtained under subclause 6(3) in relation to an item must be kept for the period:
 - (a) commencing:
 - (i) if the item is included in a class of items – when the original item, or (in the case of a modified item) the original modified item, of the class is supplied in Australia; or
 - (ii) otherwise – when the item is supplied in Australia; and
 - (b) ending two years after:
 - (i) if the item is included in a class of items – all items of the class cease to be supplied in Australia; or
 - (ii) otherwise – the item is supplied in Australia.

Note: The requirement in subclause (2) may be met after the label was applied and, as such, is a requirement of the kind mentioned in section 415 of the Act.