



# Radiocommunications Devices (Compliance Labelling) Amendment Notice 2013 (No. 1)

*Radiocommunications Act 1992*

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

Dated 18<sup>th</sup> January 2013

*Chris Chapman*  
[signed]  
Member

*Richard Bean*  
[signed]  
~~General Manager~~ / Member

Australian Communications and Media Authority

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**1 Name of Notice**

This Notice is the *Radiocommunications Devices (Compliance Labelling) Amendment Notice 2013 (No. 1)*.

**2 Commencement**

This Notice commences on:

- (a) 1 March 2013; or
  - (b) the day on which it is published in the *Gazette*;
- whichever occurs last.

*Note* 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>.

**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), definition of *applicable standard***

*omit*

Schedule 3

*insert*

Schedule 2

**[2] Subsection 4 (1)**

*insert*

***national database*** means a database designated in writing by the ACMA for the purposes of Division 3.2.

*Note* A database may be designated by the ACMA for the purposes of Division 3.2 even if it forms part of another database or also serves purposes other than purposes provided for in this Notice.

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[3] **Subsection 4 (1), note after the definition of RCM**

*omit*

[4] **Section 6, note**

*omit*

[5] **Section 7, note**

*omit*

C-Tick

*insert*

compliance

[6] **Section 9**

*substitute*

**9 What is a compliance label**

- (1) A ***compliance label*** for a device is a label that meets the requirements of this section and sections 9A to 9D.
- (2) The label must consist of either:
  - (a) the RCM; or
  - (b) if the label is applied before 1 March 2016 – either of the compliance marks.

*Location of compliance label*

- (3) 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.

- (4) A label is not accessible if it is necessary to use a specialised tool to gain access to it.

**[7] Section 9B**

*substitute*

**9B Format of compliance label**

A compliance mark must be at least 3 mm high.

*Note* This Notice does not prevent a supplier from applying its own additional supplier identification details onto a device.

**[8] Subsection 9D (4)**

*omit*

Subsection 9 (5)

*insert*

Subsection 9 (3)

**[9] Part 3, Division 3.2, heading**

*substitute*

**Division 3.2 Registration on national database and issue of  
supplier code numbers**

**[10] Section 11**

*substitute*

**11 Use of RCM subject to registration on national database or  
issue of supplier code number**

Before a supplier applies a compliance label consisting of the RCM to a device, the supplier must:

- (a) be registered on the national database; or
- (b) if the ACMA has not designated in writing a national database for the purposes of this Division – have been issued a supplier code number.

*Note* Under section 187 of the Act, a supplier that fails to comply with requirements that must be met before a label has been applied to a device may be subject to a pecuniary penalty.

**11A Registration on national database**

- (1) To be registered on the national database a supplier must, using a method which the database indicates is a method for including information on the database, provide:

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- (a) information identifying the supplier;
  - (b) the supplier's address in Australia; and
  - (c) the name and contact details of a representative of the supplier.
- (2) For paragraph (1) (a), information identifying a supplier consists of the supplier's ABN and 1 of the following pieces of information in relation to the supplier:
- (a) if the supplier is a body corporate, the name of the body corporate;
  - (b) if the supplier is an individual, the name of the individual;
  - (c) a business name used by the supplier in connection with its business as a supplier and registered as a business name under the *Business Names Registration Act 2011*.
- (3) If the information provided by a supplier for inclusion in the national database subsequently changes, the supplier must, within 30 days after the change occurs, update the national database with the changed information using a method which the database indicates is a method for updating information on the database.
- (4) In this section:

**ABN** has the same meaning as in the *A New Tax System (Australian Business Number) Act 1999*.

**representative of the supplier** means:

- (a) an employee of the supplier;
- (b) an officer of the supplier; or
- (c) a person authorised in writing for the purposes of this section by the supplier or an employee or officer of the supplier.

**officer of the supplier** means:

- (a) if the supplier is a corporation for the purposes of the *Corporations Act 2001*, an officer of a corporation as that term is defined in section 9 of the *Corporations Act 2001*; or
- (b) if the supplier is an entity that is neither an individual nor a corporation for the purposes of the *Corporations Act 2001*, an officer of that entity as defined in section 9 of the *Corporations Act 2001*.

*Note 1* The requirement for a supplier to update the information provided by it for inclusion in the national database imposed under subsection 11A (3) is an ongoing requirement. Under section 187A of the Act, a supplier that fails to comply with a specific requirement that must be met after a label has been applied to a device may be subject to a pecuniary penalty.

*Note 2* Information provided by a supplier for inclusion on the national database for the purposes of this Notice will be made publicly available.

**11B Use of C-Tick mark**

Before a supplier applies a compliance label consisting of the C-Tick mark to a device, the supplier must have been issued a supplier code number by the ACMA.

**11C Issue of supplier code number**

- (1) This section applies unless the ACMA has designated in writing a national database for the purposes of this Division.
- (2) A supplier may apply in writing to the ACMA for a supplier code number.
- (3) The application must be in a form approved by the ACMA.  
*Note* The ACMA makes approved forms available on its website.
- (4) Upon such application being made, the ACMA may issue to the supplier a supplier code number.

**[11] Subsection 12 (1)**

*omit*

Schedule 3

*insert*

Schedule 2

**[12] Subsection 12 (2)**

*omit*

Schedule 3

*insert*

Schedule 2

**[13] Schedule 1, Part 1, note after C-Tick mark design**

*substitute*

*Note* The C-Tick mark is a protected symbol for section 188A of the Act.

**[14] Schedule 1, Part 2, note after RCM design**

*substitute*

*Note* The RCM is a protected symbol for section 188A of the Act.

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**[15] Schedule 2**

*omit*

**[16] Schedule 3, heading**

*omit*

Schedule 3

*insert*

Schedule 2