



Radiocommunications (Compliance Labelling – Devices) Notice 2014

made under subsection 182(1) of the Radiocommunications Act 1992

Compilation No. 5

Compilation date: 5 December 2018

Includes amendments up to: F2018L01659

Prepared by the Australian Communications and Media Authority, Melbourne

About this compilation

This compilation

This is a compilation of the *Radiocommunications (Compliance Labelling – Devices) Notice 2014* that shows the text of the law as amended and in force on 5 December 2018 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Federal Register of Legislation (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Federal Register of Legislation for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Federal Register of Legislation for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

| | |
|--|-----------|
| Part 1 Preliminary | 1 |
| 1 Name of Notice | 1 |
| 4 Definitions | 1 |
| 5 Application | 5 |
| 6 Relationship between this Notice and instruments made under section 407 of the <i>Telecommunications Act 1997</i> | 5 |
| 7 Relationship between this Notice and instruments made under section 182 of the Act | 5 |
| Part 2 Form and placement of compliance labels | 6 |
| 8 Who must apply a compliance label to a device | 6 |
| 9 What is a compliance label | 7 |
| 9A Durability of compliance label | 7 |
| 9B Format of compliance label | 8 |
| 9C Placement of compliance label | 8 |
| 9D Electronic labelling | 8 |
| Part 2A Additional labelling requirement for wireless audio transmitters | 9 |
| 9E Additional labelling requirement for suppliers of wireless audio transmitters | 9 |
| Part 3 Requirements to be met before a compliance label is applied | 10 |
| Division 3.1—Application of Part 3 | 10 |
| 10 No application to variants of a device | 10 |
| Division 3.2—Registration on national database and issue of supplier code numbers | 10 |
| 11 Use of RCM subject to registration on national database or issue of supplier code number .. | 10 |
| 11A Registration on national database | 10 |
| 11B Use of C-Tick mark | 11 |
| 11C Issue of supplier code number | 11 |
| Division 3.3—Compliance levels | 12 |
| 12 Compliance levels | 12 |
| 13 Compliance level 1 | 12 |
| 14 Compliance level 2 | 12 |
| 15 Compliance level 3 | 12 |
| Division 3.4—Testing of devices | 13 |
| 16 Testing | 13 |
| 17 Test results | 13 |
| Part 4 Requirements to be met after compliance label applied—devices to which Part 5 does not apply | 15 |
| Division 4.1—Application | 15 |
| 18 Application of Part 4 | 15 |
| Division 4.2—Record keeping | 15 |
| 19 Compliance records—general requirements | 15 |
| 20 Keeping of records | 15 |
| 21 Records of compliance with applicable standard | 15 |
| 22 Records of compliance for medium-risk devices | 16 |
| Division 4.3—Availability of compliance records for inspection | 16 |
| 23 Where compliance records are to be available | 16 |
| 24 Provision of information to authorised officer | 16 |
| 25 Testing of items by testing body | 16 |

| | |
|---|-----------|
| Part 5 Requirements to be met after compliance label applied—devices imported from New Zealand | 18 |
| 26 Purpose of Part 5..... | 18 |
| 27 Application of Part 5..... | 18 |
| 28 Importer taken to have labelled device | 18 |
| 29 Provision of information to authorised officer | 18 |
| 30 Testing of items by testing body | 19 |
| Schedule 1 Compliance marks | 20 |
| Part 1—C-Tick mark | 20 |
| Part 2—RCM | 20 |
| Schedule 2 Applicable standards and compliance levels | 21 |
| Endnotes | 22 |
| Endnote 1—About the endnotes | 21 |
| Endnote 2—Abbreviation key | 21 |
| Endnote 3—Legislation history | 22 |
| Endnote 4—Amendment history | 23 |

Part 1 Preliminary

1 Name of Notice

This Notice is the *Radiocommunications (Compliance Labelling – Devices) Notice 2014*.

4 Definitions

(1) In this Notice:

accredited testing body means a laboratory that is accredited, for this Notice, by:

- (a) NATA; or
- (b) a body that:
 - (i) has entered into a mutual recognition agreement with NATA; or
 - (ii) has entered into a mutual recognition agreement under the “*Agreement on Mutual Recognition in relation to conformity assessment, certificates and markings between the European Community and Australia – Final Act – Joint Declarations*” signed on 24 June 1998, as in force from time to time; or
 - (iii) has entered into a mutual recognition agreement under an agreement about mutual recognition on conformity assessment certification and marking made between Australia and a foreign country or the European Union.

Act means the *Radiocommunications Act 1992*.

agent, of a manufacturer or importer, means a person who is authorised in writing by the manufacturer or importer to act in Australia as an agent of the manufacturer or importer for Division 7 of Part 4.1 of the Act.

applicable standard, for a device, means a standard mentioned in Schedule 2 that applies to the device.

Note: Standards are made under section 162 of the Act.

AS/NZS 4417.1 means *AS/NZS 4417.1 Marking of electrical and electric products to indicate compliance with regulations Part 1: General rules for use of the mark* published by Standards Australia, as in force or existing from time to time.

authorised officer means:

- (a) an inspector under subsection 267(1) of the Act; or
- (b) a person authorised in writing by the ACMA for sections 24, 25, 29 and 30.

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.

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.

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

compliance label has the meaning given by subsection 9(1).

Note: Section 6 extends some references to ‘compliance label’ in this Notice to include a compliance label under an instrument made under subsection 407(1) of the *Telecommunications Act 1997*.

compliance mark means the C-Tick mark or the RCM.

compliance record has the meaning given by subsection 19(1).

C-Tick mark means the mark set out in Part 1 of Schedule 1.

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/Industry/Suppliers/Supplier-resources/Supplier-overview/equipment-compliance-forms www.acma.gov.au/complianceforms.

description of the device means sufficient information for a person to determine whether the device is the same as a device for which a declaration of conformity was prepared.

Note: The description of a device may include a photograph or sketch or other pictorial representation of the device illustrating its internal and external aspects (including printed circuit boards).

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

Federal Communications Commission means the United States government body of that name.

high-risk device means a device which, if operated in contravention of an applicable standard, may have a high interference impact on other devices using the radiofrequency spectrum.

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

low-risk device means a device which, if operated in contravention of an applicable standard, may have a low interference impact on other devices using the radiofrequency spectrum.

Examples of devices that are low-risk devices

- 1 A remote controlled model.

- 2 A garage door control.
- 3 A radio microphone.
- 4 A personal alarm transmitter.

medium-risk device means a device:

- (a) which if operated in contravention of an applicable standard may have an interference impact on other devices using the radiofrequency spectrum; and
- (b) that is not:
 - (i) a high-risk device; or
 - (ii) a low-risk device.

Example of a device that is a medium-risk device:

A Digital Enhanced Cordless Telecommunications (DECT) device.

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

NATA means the National Association of Testing Authorities Australia ACN 004 379 748.

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.

New Zealand Compliance Notice means the *Radiocommunications (Compliance) Notice 2013 No. 2*, as in force from time to time, made under regulations 32(1)(d), (e), (f), (g) and (h) of the *Radiocommunications Regulations 2001* of New Zealand.

Note: The *Radiocommunications (Compliance) Notice 2013 No. 2* is available on the [Radio Spectrum Management website www.rsm.govt.nz](http://www.rsm.govt.nz). The New Zealand *Radiocommunications Regulations 2001* are made under the New Zealand *Radiocommunications Act 1989*. The Act and Regulations are available on the internet at <http://www.legislation.govt.nz/>.

New Zealand Radio Standards Notice means the *Radiocommunications (Radio Standards) Notice 2010*, as in force from time to time, made under regulations 32(1)(a), (b), (c), (d) and (j) of the *Radiocommunications Regulations 2001* of New Zealand.

Note: The *Radiocommunications (Radio Standard) Notice 2010* is available on the [Radio Spectrum Management website www.rsm.govt.nz](http://www.rsm.govt.nz). The New Zealand *Radiocommunications Regulations 2001* are made under the New Zealand *Radiocommunications Act 1989*. The Act and Regulations are available on the internet at <http://www.legislation.govt.nz/>.

product identification code, for a device, means the written information used by the supplier of the device to identify the device.

RCM means the Regulatory Compliance Mark set out in Part 2 of Schedule 1.

supplier means:

- (a) in relation to an imported device—the importer or an agent of the importer; and
- (b) in relation to a device manufactured in Australia—the manufacturer or an agent of the manufacturer.

supplier code number means a code number issued to a person:

- (a) in accordance with a notice made by the ACMA under section 407 of the *Telecommunications Act 1997*; or
- (b) in accordance with this notice or the *Radiocommunications Devices (Compliance Labelling) Notice 2003*; or
- (c) by SAI Global Limited ACN 050 611 642 under AS/NZS 4417.1.

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

variant, of a device, means a version of the device that is not identical to the device but is not sufficiently different from the device to affect the application to that version of an applicable standard for the device.

vehicle means equipment that is:

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

wireless audio transmitter means a low interference potential device that is of a type mentioned at in column 1 at Item 28 of Schedule 1 to the Class Licence that is capable of being operated in the 694 – 820 MHz frequency range.

working day, in relation to a request, means a day other than:

- (a) a Saturday or a Sunday; or
- (b) a day that is a public holiday or an Australian Public Service holiday in the place where the request is made.

Note: The following words and expressions used in this Notice have the meaning given by the Act:

- ACMA (section 5)
- device (subsection 9(1)).

- (2) A reference in this Notice to a standard is a reference to the standard as in force or existing from time to time.
- (3) A reference in this Notice to a document with the prefix ‘AS/NZS’ is a reference to a document that is a joint Australian and New Zealand Standard approved for publication on behalf of Standards Australia and Standards New Zealand, as in force or existing from time to time.
- (4) A reference in this Notice to a device that complies with New Zealand labelling legislation is a reference to a device for which the following criteria are satisfied:
 - (a) the device complies, within the meaning of the New Zealand Radio Standards Notice, with an applicable standard mentioned in Table 1 of that Notice, which has a level of conformity of 1, 2 or 3;
 - (b) the supplier of the device, within the meaning of the New Zealand Compliance Notice, has the documents mentioned in section 4 of the New Zealand Compliance Notice for level of conformity 1, 2 or 3;

Radiocommunications (Compliance Labelling – Devices) Notice 2014

- (c) the device is labelled with a compliance mark within the meaning of the New Zealand Compliance Notice.

5 Application

- (1) Subject to subsections (2) and (3), this Notice applies to a device that:
 - (a) is manufactured in or imported into Australia for supply; and
 - (b) is a device to which an applicable standard applies.
- (2) This Notice does not apply to a device that is imported or manufactured otherwise than for supply in Australia.
- (3) Parts 2, 3 and 4 of this Notice do not apply to a device that:
 - (a) is imported into Australia from New Zealand for supply; and
 - (b) complies with New Zealand labelling legislation.

Note: Subsection 4(4) explains when a device complies with New Zealand labelling legislation.

6 Relationship between this Notice and instruments made under section 407 of the *Telecommunications Act 1997*

If a device to which this Notice applies is also an item of customer equipment or customer cabling to which an instrument made under section 407 of the *Telecommunications Act 1997* applies:

- (a) the requirements in this Notice (other than Part 2) are additional to the requirements under that instrument; and
- (b) Part 2 of this Notice does not apply in relation to the device; and
- (c) a reference in this Notice (except in subsection 4(1)) to a compliance label includes a reference to a compliance label under that instrument.

7 Relationship between this Notice and instruments made under section 182 of the Act

If a device to which this Notice applies is also a device to which another notice made under section 182 of the Act applies, the requirements in this Notice are additional to the requirements under that notice.

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.

Part 2 Form and placement of compliance labels

8 Who must apply a compliance label to a device

- (1) If a device is manufactured in Australia, a label must be applied to the device as a compliance label by 1 of the following persons:
- (a) the manufacturer;
 - (b) an agent of the manufacturer;
 - (c) a person who is authorised by the manufacturer, or an agent of the manufacturer, to apply labels on behalf of the manufacturer or agent.

Note: A compliance label is described in subsection 9(1).

- (2) If a device is manufactured outside Australia, a label must be applied to the device as a compliance label by 1 of the following persons:
- (a) the importer;
 - (b) an agent of the importer;
 - (c) a person who is authorised in writing by the importer or agent to act outside Australia as an agent of the importer for Division 7 of Part 4.1 of the Act.

- (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 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.

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.

Note: Section 9E imposes a requirement on a supplier who supplies a wireless audio transmitter to ensure that a separate label, in addition to a compliance label, is applied to the device at the time the device is supplied.

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.

9A Durability of compliance label

(1) A compliance label must be durable.

(2) A compliance label must be applied to a device:

- (a) permanently; or
- (b) in a way that makes removal or obliteration difficult.

9B 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.

9C Placement of compliance label

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

9D Electronic labelling

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

Part 2A Additional labelling requirement for wireless audio transmitters

9E Additional labelling requirement for suppliers of wireless audio transmitters

- (1) A supplier who supplies a wireless audio transmitter must also ensure that a label that complies with subsection (2) is applied to the device at the time the device is supplied.
- (2) The label must include the following statement in bold type no less than 5mm high: “This device operates under an ACMA class licence and must comply with all the conditions of that licence including operating frequencies. Before 31 December 2014, this device will comply if it is operated in the 520-820 MHz frequency band. **WARNING:** After 31 December 2014, in order to comply, this device must not be operated in the 694-820 MHz band.”
- (3) For the purposes of this section, the label is taken to be applied to the device if it is affixed in a prominent position to a container, covering, package, case, box or other thing in or with which the device is supplied.

Note 1: Examples of wireless audio transmitters to which the requirements of section 9E apply include, but are not limited to, wireless microphones, in-ear monitoring devices, wireless musical instrument pickups and other short range devices that are capable of operating in the 694 – 820 MHz frequency range.

Note 2: A label applied under this section is not required to contain a compliance mark.

Part 3 Requirements to be met before a compliance label is applied

Division 3.1—Application of Part 3

10 No application to variants of a device

This Part does not apply in relation to a variant of a device if the relevant requirements of this Part have been met in relation to the device.

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

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

- (1) 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.

- (2) If the ACMA has designated in writing a national database for the purposes of Division 3.2 of the *Radiocommunications Devices (Compliance Labelling) Notice 2003*, that database is taken to have been designated in writing by the ACMA for the purposes of this Division.

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:
 - (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.

Division 3.3—Compliance levels

12 Compliance levels

- (1) Before a supplier applies a compliance label to a device, the supplier must ensure that the device complies with each applicable standard at the compliance level mentioned in column 3 of Schedule 2 for the standard.
- (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.

13 Compliance level 1

To comply with compliance level 1 for an applicable standard, the supplier of a device must:

- (a) prepare a description of the device; and
- (b) complete and sign a declaration of conformity for the device.

14 Compliance level 2

- (1) To comply with compliance level 2 for an applicable standard, the supplier of a device must:
 - (a) comply with compliance level 1; and
 - (b) obtain and retain reasonable written evidence that the device complies with the standard.
- (2) For paragraph (1)(b), the reasonable written evidence must include at least one of the following:
 - (a) written authority by the Federal Communications Commission for a device to operate in the United States of America (*USA*), along with documented information showing how the device has been altered to meet Australian requirements where these diverge from USA requirements;
 - (b) a test report prepared by an accredited testing body endorsed in accordance with the body's accreditation criteria;
 - (c) a test report from a person that is not an accredited testing body;
 - (d) a manufacturer's performance specifications for the device.

15 Compliance level 3

To comply with compliance level 3 for an applicable standard, the supplier of a device must:

- (a) comply with compliance level 1; and
- (b) obtain and retain evidence that the device conforms with the standard in the form of a test report produced under section 16.

Division 3.4—Testing of devices

16 Testing

- (1) This section applies if a device is to be tested for conformity with an applicable standard for compliance level 3.
- (2) A test under this section must be carried out by an accredited testing body.
- (3) The accredited testing body that tests a device must give a test report to the supplier of the device setting out:
 - (a) the tests it has used; and
 - (b) the results of those tests, including test data; and
 - (c) whether the results of the tests show that the device conforms with the standard, within the meaning of section 17.

17 Test results

- (1) This section applies to a device tested for conformity with an applicable standard under section 16.
- (2) A device conforms with the standard if:
 - (a) the test measurement is within the relevant test limit; and
 - (b) the uncertainty range is within the relevant test limit.
- (3) A device does not conform with the standard if:
 - (a) the test measurement is not within the relevant test limit; or
 - (b) the uncertainty range, or a part of the uncertainty range, is not within the relevant test limit.
- (4) For measurements of radiated emissions, a device is to be assessed for conformity or non-conformity with the standard according to paragraphs (2)(a) and (3)(a) only.
- (4A) If:
 - (a) a standard specified as the standard for performance (the *first-mentioned standard*) in an applicable standard permits test measurements to be taken in accordance with the requirements of a specified ETSI standard as an alternative to the requirements for test measurements in the first-mentioned standard; and
 - (b) test measurements are taken in accordance with the requirements of the specified ETSI standard;a device is to be assessed for conformity or non conformity with the requirements of the ETSI standard in accordance with the provisions governing the interpretation of measurement results within that standard, and subsections (2) and (3) do not apply.
- (5) In this section:

ETSI standard means a standard published by the European Telecommunications Standards Institute (ETSI).

test limit means a maximum or minimum value set by an applicable standard for a particular quantity subject to measurement.

test measurement means a value attributed to a particular quantity subject to measurement according to an applicable standard.

uncertainty range means a range of values relating to a test measurement, within which the dispersion of test measurements for the quantity subject to measurement could reasonably be expected to fall.

Part 4 Requirements to be met after compliance label applied—devices to which Part 5 does not apply

Division 4.1—Application

18 Application of Part 4

This Part applies to:

- (a) a device, other than a device to which Part 5 applies, if a supplier of the device applies a label to the device as a compliance label; and
- (b) a high-risk device or a medium-risk device for the purposes of subsections 8(3), (4), (5) and (6).

Division 4.2—Record keeping

19 Compliance records—general requirements

- (1) A *compliance record* is a record that must be kept under section 20.
- (2) A compliance record:
 - (a) must be in English; and
 - (b) may be a copy of an original record; and
 - (c) may be kept in electronic form.

20 Keeping of records

- (1) The supplier of the device must keep, for 5 years after the device has ceased to be supplied in Australia:
 - (a) the declaration of conformity relating to the device; and
 - (b) the description of the device; and
 - (c) for a high-risk device that is shown, under section 16, to comply with an applicable standard—the records mentioned in section 21; and
 - (d) for a medium-risk device—the records mentioned in section 22; and
 - (e) for a device to which a compliance label is not applied because of section 9C—the records mentioned in subsection 9C(3).
- (2) If an agent of a manufacturer or importer keeps records for the manufacturer or importer that must be kept under subsection (1), the agent must also keep a copy of its agency agreement with the manufacturer or importer for the same period as those records are kept.

21 Records of compliance with applicable standard

For paragraph 20(1)(c), the records are:

- (a) the test report showing that the device conforms with the applicable standard; and

- (b) for a variant of the device—a statement by the supplier that:
 - (i) identifies the device and the variant; and
 - (ii) describes the differences between the device and the variant; and
 - (iii) includes an explanation of how the differences mentioned in subparagraph (ii) do not affect the variant's conformity with the applicable standard.

22 Records of compliance for medium-risk devices

For paragraph 20(1)(d), the records are records of the reasonable written evidence mentioned in paragraph 14(1)(b).

Division 4.3—Availability of compliance records for inspection

23 Where compliance records are to be available

The supplier must ensure that the compliance records for the device are available at the principal business address in Australia of the supplier.

24 Provision of information to authorised officer

- (1) An authorised officer may, in writing, require the supplier to give to the officer specified compliance records for the device.
- (2) If the request is for a specified record, the supplier must produce the record within 10 working days after the day specified in the request.
- (3) If the request is for a specified circuit diagram or manual for the device, the supplier must produce the document within 30 working days after the day specified in the request.
- (4) After receiving the information from the supplier, the authorised officer must give the supplier a receipt for the information supplied.
- (5) The authorised officer must return the records to the supplier as soon as practicable and, in any case, within 60 days after receiving the document.
- (6) If an authorised officer believes that the records kept by the supplier do not provide sufficient evidence that the device complies with each applicable standard, the officer may, in writing, require the supplier to give to the officer a test report from an accredited testing body showing that the device either complies or does not comply with each applicable standard.

25 Testing of items by testing body

- (1) An authorised officer may, in writing, require the supplier of a device to give up to 3 samples of the device to an accredited testing body specified by the officer, for testing to determine whether the device complies with an applicable standard.
- (2) The supplier must comply with the request within 10 working days after the day specified in the request.

Section 25

- (3) The supplier must attempt to obtain from the body a receipt for the samples, specifying that the samples have been received by the body and the date when the samples were received by the body.
- (4) On receiving a request from the ACMA, the supplier must:
 - (a) give the receipt to the ACMA; or
 - (b) if the supplier has been unable to obtain a receipt, satisfy the ACMA that the supplier made reasonable attempts to obtain a receipt.
- (5) In this section, *device* includes a variant of a device.

Part 5 Requirements to be met after compliance label applied—devices imported from New Zealand

26 Purpose of Part 5

This Part provides ways for the ACMA to work out whether a device imported into Australia from New Zealand complies with New Zealand labelling legislation.

Note 1: Subsection 4(4) explains when a device complies with New Zealand labelling legislation.

Note 2: A device that is imported into Australia and complies with the New Zealand labelling legislation must also comply with the *Radiocommunications (Compliance Labelling—Electromagnetic Radiation) Notice 2014*.

27 Application of Part 5

This Part applies to a device that is imported into Australia from New Zealand.

28 Importer taken to have labelled device

For this Part, the importer of a device is taken to have labelled the device under Part 2.

29 Provision of information to authorised officer

- (1) An authorised officer may, in writing, require the importer of a device to give to the officer specified New Zealand compliance records for the device.
- (2) If the request is for a specified record, the importer must produce the record within 10 working days after the day specified in the request.
- (3) If the request is for a specified circuit diagram or manual for the device, the importer must produce the document within 30 working days after the day specified in the request.
- (4) After receiving the information from the importer, the authorised officer must give the importer a receipt for the information supplied.
- (5) The authorised officer must return the records to the importer as soon as practicable and, in any case, within 60 days after receiving the document.
- (6) If an authorised officer believes that records provided under this section by the importer do not provide sufficient evidence that the device complies with New Zealand labelling legislation, the officer may, in writing, require the importer to give to the officer a test report from an accredited testing body showing that the device either complies or does not comply with an applicable standard.

(7) In this section:

New Zealand compliance records means the documents mentioned in section 4 of the New Zealand Compliance Notice for level of conformity 1, 2 or 3.

30 Testing of items by testing body

- (1) An authorised officer may, in writing, require the importer of a device to give up to 3 samples of the device to an accredited testing body specified by the officer, for testing whether the device complies with an applicable standard.
- (2) The importer must comply with the request within 10 working days after the day specified in the request.
- (3) The importer must attempt to obtain from the body a receipt for the samples, specifying that the samples have been received and the date when the samples were received.
- (4) On receiving a request from the ACMA, the importer must:
 - (a) give the receipt to the ACMA; or
 - (b) if the importer has been unable to obtain a receipt, satisfy the ACMA that the supplier made reasonable attempts to obtain a receipt.
- (5) In this section, *device* includes a variant of the device.

Schedule 1 Compliance marks

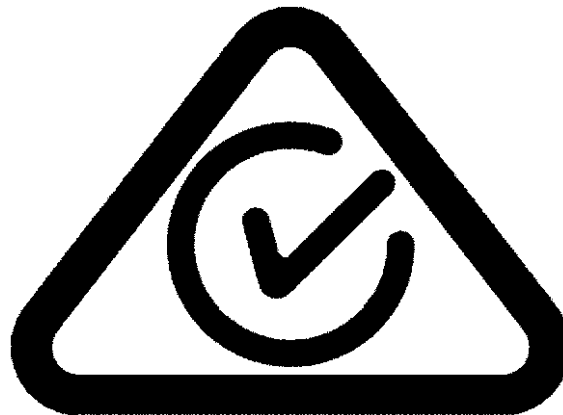
(subsection 4(1), definitions of *C-Tick mark* and *RCM*)

Part 1—C-Tick mark



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

Part 2—RCM



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

Schedule 2 Applicable standards and compliance levels

(subsection 4(1), definition of *applicable standard*; subsection 12(1))

| Item | Applicable standard | Compliance Level |
|------|--|------------------|
| 1 | <i>Radiocommunications (Devices Used in the Inshore Boating Radio Services Band) Standard 2017</i> | 2 |
| 2 | <i>Radiocommunications (HF CB and Handphone Equipment) Standard 2017</i> | 2 |
| 4 | <i>Radiocommunications (118MHz to 137MHz Amplitude Modulated Equipment—Aeronautical Radio Service) Standard 2012</i> | 2 |
| 5 | <i>Radiocommunications (MF and HF Radiotelephone Equipment—International Maritime Mobile Service) Standard 2014</i> | 2 |
| 6 | <i>Radiocommunications (Paging Service Equipment) Standard 2014</i> | 2 |
| 7 | <i>Radiocommunications (121.5 MHz and 243.0 MHz Emergency Position Indicating Radio Beacons) Standard 2014</i> | 2 |
| 8 | <i>Radiocommunications (MF and HF Equipment—Land Mobile Service) Standard 2014</i> | 2 |
| 10 | <i>Radiocommunications (Short Range Devices) Standard 2014</i> | 1 |
| 11 | <i>Radiocommunications (UHF CB Radio Equipment) Standard 2011 (No. 1)</i> | 2 |
| 12 | <i>Radiocommunications (VHF Radiotelephone Equipment—Maritime Mobile Service) Standard 2018</i> | 2 |
| 13 | <i>Radiocommunications (Analogue Speech (Angle Modulated) Equipment) Standard 2014</i> | 2 |
| 14 | <i>Radiocommunications (406 MHz Satellite Distress Beacons) Standard 2014</i> | 2 |
| 15 | <i>Radiocommunications (Digital Cordless Communications Devices—DECT Devices) Standard 2017</i> | 2 |
| 16 | <i>Radiocommunications (Intelligent Transport Systems) Standard 2018</i> | 1 |

Radiocommunications (Compliance Labelling – Devices) Notice 2014

Endnotes

Endnote 1 – About the endnotes

The endnotes provide information about this compilation and the compiled law.

Endnote 2 (Abbreviation key) sets out abbreviations that may be used in the endnotes.

Endnote 3 (Legislation history) provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

Endnote 4 (Amendment history) provides information about the amendments at the provision (generally section or equivalent) level and includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

It also includes information about any misdescribed amendment (that is, an amendment that does not accurately describe the amendment to be made). If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history. If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

exp = expires/expired or ceases/ceased to have effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

par = paragraph(s)/subparagraph(s)
/sub-subparagraph(s)

Pt = Part(s)

r = regulation(s)/rule(s)

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

underlining = whole or part not commenced or to be commenced

Endnote 3—Legislation history

| Name | Registration | Commencement | Application, saving and transitional provisions |
|---|------------------------------------|-------------------|---|
| <i>Radiocommunications (Compliance Labelling – Devices) Notice 2014</i> | 17 September 2014 (F2014L01236) | 18 September 2014 | |
| <i>Radiocommunications (Consequential Amendments) Instrument 2017 (No. 1)</i> | 23 August 2017 (F2017L01075) | 24 August 2017 | |
| <i>Radiocommunications (Miscellaneous Provisions) Instrument 2017 (No.1)</i> | 18 October 2017 (F2017L01368) | 19 October 2017 | |
| <i>Radiocommunications (Compliance Labelling Amendment Notice 2017 (No. 1)</i> | 26 October 2017 (F2017L01395) | 27 October 2017 | |
| <i>Radiocommunications Legislation (Consequential Amendments) Instruments 2018 (No.1)</i> | 27 November 2018 (F2018L01619) | 28 November 2018 | |
| <i>Radiocommunications Legislation (2018 Measures No. 1) Instrument 2018</i> | 4 December 2018 (F2018L01659) | 5 December 2018 | |

Endnote 4—Amendment history

| Provision affected | How affected |
|--------------------|---|
| s. 2..... | am F2017L01395, rep. LA s.48D |
| s.3..... | rep. LA s.48C |
| s. 4..... | am F2017L01368. am F2017L01395 |
| s. 7..... | am F2017L01395 |
| s. 8..... | am F2017L01395 |
| s. 12..... | am F2017L01395 |
| s. 18..... | am F2017L01395 |
| Sch 2 | am F2017L01075, am. F2017L01368, am. F2018L01619, am.F20128L01659 |