

Radiocommunications compliance and labelling

Information for suppliers of
radiocommunications devices
in Australia

AUGUST 2011



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Executive summary

The Australian Communications and Media Authority (the ACMA) is responsible for regulating telecommunications, broadcasting, radiocommunications and the internet. Under the *Radiocommunications Act 1992*, the ACMA has responsibility for the regulation of radiocommunications devices.

The regulatory arrangements for radiocommunications devices comprise compliance with applicable standards, record-keeping obligations and labelling requirements. The main legal instrument through which the ACMA manages these arrangements is the Radiocommunications Devices (Compliance Labelling) Notice 2003 as amended (the Radiocommunications Labelling Notice).

The Radiocommunications Labelling Notice identifies applicable standards and the required compliance level for specific devices. The compliance level relates to document-keeping requirements based on the interference potential of a device that does not comply with an applicable standard. The regulatory arrangements aim to ensure that specific radiocommunications devices are appropriately labelled before supply to the Australian market.

Australian manufacturers and importers of radiocommunications devices, or their authorised Australian agents acting on behalf of manufacturers and importers (collectively referred to as '**suppliers**' throughout this booklet), are required to label specified devices with a compliance label.

Under the *Radiocommunications Act 1992*, regulatory arrangements apply to the supply and operation of radiocommunications devices (transmitters), electromagnetic compatibility (EMC) and electromagnetic radiation/energy (EMR/EME). These arrangements may also be applicable to radiocommunications devices. More information on those arrangements can be found on the [ACMA website](#).

Under the *Telecommunications Act 1997*, regulatory arrangements apply to the supply and operation of telecommunications customer equipment and customer cabling that may be or may include radiocommunications devices. More information on the telecommunications regulatory arrangements can be found on the [ACMA website](#).

The information contained in this booklet is correct at the time of publication. The ACMA has foreshadowed the implementation of a consolidated compliance mark (the RCM) in July 2012 to replace the A-Tick and C-Tick. This booklet will be revised as part of the implementation of the RCM as the consolidated mark.

Disclaimer

This booklet provides general information on requirements for suppliers of radiocommunications devices. It should be read in conjunction with the Radiocommunications Labelling Notice.

This information is intended as a guide only and should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases.

Radiocommunications regulatory arrangements

What are the radiocommunications regulatory arrangements?

The Radiocommunications Labelling Notice is the main legislative instrument that specifies the Australian radiocommunications regulatory arrangements for radiocommunications devices. It specifies, among other things, the form and placement of compliance labels, marks and information that must be applied to a device. It also identifies the compliance level required for the device.

These regulatory arrangements aim to ensure that devices meet applicable standards, devices are appropriately labelled and the supplier holds certain documentation prior to supply to the Australian market.

The instrument and its associated explanatory statement can be found on the [ACMA website](#).

What does the radiocommunications regulatory arrangements require me to do?

The radiocommunications regulatory arrangements apply to all radiocommunications devices that are scoped by a standard listed in Schedule 3 of the Radiocommunications Labelling Notice.

In broad terms, the radiocommunications regulatory arrangements require suppliers to:

- > **apply to the ACMA** for permission to use the C-Tick compliance mark. The application form C01 is available on the [ACMA website](#)
- > **ensure the device complies** with radiocommunications standards
- > **collect supporting documentation** as required by the applicable compliance level, which then becomes the compliance records for the device
- > **complete and sign a Declaration of Conformity** (a sample declaration, Form C02, is available on the [ACMA website](#))
- > **apply a label** to the device
- > **maintain these compliance records**, including details of changes and supporting documentation if the device is modified.

Suppliers in Australia need to first refer to the Radiocommunications Labelling Notice to identify the applicable standard for the device and the compliance level required.

Note: The ACMA intends to amend the communications regulatory arrangements in 2012 to introduce a consolidated mark (the Regulatory Compliance Mark—'RCM') for devices and equipment subject to the ACMA's telecommunications, radiocommunications, EMC and EMR/EME compliance and labelling requirements. This booklet, and information published on the ACMA website, will be updated at that time.

Do the radiocommunications regulatory arrangements apply to me?

The radiocommunications regulatory arrangements apply to any person, business or company that is the initial point of supply of radiocommunications devices to the Australian market. This includes:

- > manufacturers in Australia of radiocommunications devices
- > importers in Australia of radiocommunications devices

- > authorised agents in Australia acting on behalf of Australian manufacturers or importers of radiocommunications devices.

The *Radiocommunications Act 1992* contains penalty provisions for incorrect labelling and compliance record-keeping for devices subject to the Radiocommunications Labelling Notice. If you are unsure whether a device requires labelling in Australia you should seek your own legal advice.

Why control radiocommunications devices?

Radiocommunications devices have the potential to cause radiofrequency interference. Performance controls on radiocommunications devices allow for the more efficient use of the radiofrequency spectrum for all users. These performance parameters are specified in the various standards.

Which devices are subject to the radiocommunications regulatory arrangements?

The radiocommunications regulatory arrangements apply to all radiocommunications devices that are covered by an applicable standard specified in Schedule 3 of the Radiocommunications Labelling Notice.

What about goods supplied to New Zealand?

Radiocommunications devices supplied in New Zealand must meet applicable New Zealand standards and be labelled in accordance with New Zealand requirements. The Radio Spectrum Management (RSM) website at www.rsm.govt.nz provides advice for suppliers to the New Zealand market, particularly on [how to meet the New Zealand standards and labelling regime](#).

Some ACMA radiocommunications standards are acceptable to the RSM as suitable for New Zealand regulatory purposes.

Compliance requirements

What are the compliance requirements for radiocommunications devices?

The compliance requirements for devices scoped under the radiocommunications regulatory arrangements ensure that devices meet applicable standards specified in the Radiocommunications Labelling Notice. Suppliers of devices covered by the arrangements must hold certain documentation corresponding to the compliance level for the device.

What standards apply in Australia?

All radiocommunications devices that fall within the scope of a standard listed in Schedule 3 of the Radiocommunications Labelling Notice must comply with the radiocommunications regulatory arrangements. The types of devices covered by standards include the following.

Harmonised Australia/New Zealand standards

- > VHF and UHF analog speech land mobile equipment
- > UHF citizen band radio service equipment
- > VHF maritime mobile equipment
- > 121.5 MHz and 243.0 MHz emergency position indicating radio beacons (EPIRBs)
- > 406 MHz satellite distress beacons
- > AM aeronautical radio service equipment
- > Paging service equipment
- > MF and HF international maritime mobile service radiotelephone equipment
- > MF and HF land mobile service equipment.

Australia-only standards (under C-Tick labelling arrangements)

- > Short-range devices, also known as low-interference potential devices
- > 27 MHz citizen band radio service equipment
- > 27 MHz inshore boating radio service equipment
- > Cordless telephones.

Updated information on the making of new standards will be available on the ACMA website. Wherever possible, harmonised standards will be used.

The standards can be downloaded using links provided on the [ACMA website](#).

It is important to note that an applicable standard is an ACMA standard, not an industry standard; however, the ACMA standard may refer to the industry standard. AS/NZS standards can be purchased from Standards Australia or Standards New Zealand. Refer to '[Contact details](#)' section in this booklet for more information.

What are compliance levels?

The Radiocommunications Labelling Notice specifies the requirements for three compliance levels. Each level corresponds to the extent of evidence required to give confidence in the compliance of devices to the applicable standard. The compliance level, in a given instance, relates to the risk associated with non-compliance with an applicable standard(s). In simple terms, the higher the compliance level, the greater the risk presented by a non-compliant device.

There are three compliance levels:

1. **Compliance level one** ('low-risk' devices)
2. **Compliance level two** ('medium-risk' devices)
3. **Compliance level three** ('high-risk' devices)

What are the requirements of each compliance level?

Compliance level one

A compliance level one device (low risk) is a device that is neither a medium- nor high-risk device. For this level, a supplier is not required to hold a test report; however, they must still hold a Declaration of Conformity.

Compliance level two

A compliance level two device (medium risk) is a device that is not a high-risk device. For this level, the supplier must hold a test report but it does not need to come from an accredited test laboratory.

Where non-accredited testing is used, the test report must show as a minimum:

- > the tests conducted
- > the results of the tests, including any test data
- > whether the results of the test show that the device meets the standard.

The supplier accepts total responsibility for device conformity and needs to make a commercial decision on the level of testing required. When making the decision, the supplier should keep in mind the interference potential of the device.

Where a supplier chooses to use non-accredited testing, including in-house or self-testing, to support their Declaration of Conformity, the ACMA and RSM reserve the right to ask for additional evidence of conformity, if considered necessary.

Compliance level three

A compliance level three device must be tested by an accredited testing body for conformity with the applicable standard. The testing body must give a test report to the supplier of the device that sets out the tests it has used, the results (including test data) and whether the results show that the device conforms to the standard.

For more information on interpretation of test results, refer to section 17 of the Radiocommunications Labelling Notice.

Where can I have my device tested?

Compliance level one and two devices may be assessed by an accredited or non-accredited laboratory, in-house testing or other suitable means.

Compliance level three requires applicable radiocommunications devices to be tested by a laboratory that is appropriately accredited for this purpose.

The ACMA operates an accredited laboratory for radiocommunications testing in Melbourne. Refer to ['Contact details'](#) section in this booklet for more information.

Information on accredited test laboratories in Australia and New Zealand may be obtained from NATA or IANZ. Information on overseas accrediting bodies that have a mutual recognition agreement with NATA or IANZ who may have accredited laboratories suitable for radiocommunications testing can also be obtained from NATA or IANZ. Refer to ['Contact details'](#) section in this booklet for more information.

Record-keeping obligations

What are the record-keeping obligations for radiocommunications devices?

The record-keeping obligations for devices scoped under the radiocommunications regulatory arrangements comprise obtaining and holding specified compliance records for the device.

What are compliance records?

A compliance record consists of information collected by a supplier that supports the declaration that a device complies with the applicable standard. The range and extent of the information will depend on the compliance level (that is, compliance level one, two or three) that applies to the device.

What information is required to describe the device?

In broad terms, a description of a device must include sufficient information for a person to determine whether the particular device is the same as the device for which a declaration of conformity or test report was prepared.

The description of the device:

- > must include the current model number for the device and, if relevant, any related model numbers
- > must include the version of any software or firmware incorporated into or supplied with the device where changes in these may affect the compliance of the device with the standard
- > may include a photograph(s) of the device showing its internal and external aspects (including printed circuit boards).

What is a Declaration of Conformity?

A Declaration of Conformity is a document signed on behalf of the supplier that asserts that the device meets the applicable standard. The person signing the declaration must sight the evidence that supports the declaration and be satisfied that the evidence contained within the compliance records is sufficient to demonstrate compliance with these technical standards.

An applicable standard is a standard listed in Schedule 3 of the Radiocommunications Labelling Notice, not an industry standard referenced by an applicable standard.

A sample Declaration of Conformity, Form C02, is on the [ACMA website](#). The Declaration of Conformity may be in the form set out on the ACMA website, or suppliers may create their own forms; however these must contain, as a minimum, all of the information listed in Form C02.

The Declaration of Conformity must be kept with the compliance records and may be in electronic form.

Does each new device or modification to a device require a new set of compliance records?

Each new device requires a new set of compliance records. If the device is a modified version, or part of a 'family', of the original device, the gathered information can be held together as the compliance records for that family of devices.

Where changes to a compliant device are made, the supplier must make a new Declaration of Conformity, as well as a written statement that:

- > identifies the modified device
- > identifies the modification
- > describes the differences between the modified device and the unmodified device.

This statement must be signed by the supplier.

The supplier must ensure that the modified device is tested against the requirements of each applicable standard relevant to the modification at the appropriate compliance level, as well as keep a record of the results of each test carried out.

The supplier must not apply the C-Tick compliance label to the modified device unless the device meets the requirements of each applicable standard at the required compliance level.

Do I need the original test report?

It is not necessary to hold the original test report with the compliance records. However, a copy must include a signed statement that the photocopy of the test report is a true and complete copy of the original; that is, the copy should be endorsed by the holder of the original report. An endorsed, clear faxed copy of the original report is also acceptable.

A reproduction of the original report that has been scanned and stored electronically may also be held, but must be available on request in hard copy at the time of audit.

Can I use an overseas test report?

A test report from an overseas test laboratory is acceptable where the device has been tested to the relevant standard listed in the Radiocommunications Labelling Notice. For compliance level 3 devices, the report may be issued by an overseas laboratory that is accredited by a NATA MRA partner.

Test reports from overseas laboratories must be written in English.

Where do I keep the compliance records?

The ACMA does not specify a location for the storage of the compliance records. Compliance records must be available in English and stored at a location, or locations, that will allow retrieval within the notification period prior to an audit being carried out. The compliance records must be made available to the ACMA, for audit or investigation purposes, on written advice from the ACMA. Currently the notification period is 10 working days.

Can I store my compliance records electronically?

The ACMA auditor can view the information in electronic form, provided these records meet all the requirements for compliance records, including appropriate signatures on test reports. If, as a result of the initial audit, a more in-depth audit is required, the compliance records must be provided to the ACMA auditor in the format specified by the ACMA.

How long should I keep the compliance records?

Compliance records for a device must be retained for five years after the supplier ceases to supply the device in Australia.

Labelling requirements

What are the compliance marks?

There are two compliance marks that can be used to indicate compliance with the radiocommunications regulatory arrangements:

- > C-Tick mark
- > Regulatory Compliance Mark (RCM).

What is the C-Tick compliance label?

The C-Tick compliance label consists of the C-Tick compliance mark and the supplier identification.

For example:



In the example, the supplier identification depicted is the Supplier Code Number (SCN) issued by the ACMA. Other options for supplier identification include business name and address, ACN, ARBN or registered trademark.

Suppliers of devices scoped by a standard listed in the Radiocommunications Labelling Notice must affix a compliance label to their device before supplying it in Australia.

For devices that are also required to comply with the Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001, the supplier may use only the A-Tick to indicate compliance with radiocommunications, provided the device complies with all applicable radiocommunications and telecommunications requirements.

The C-Tick compliance label indicates that the supplier of the device asserts that it complies with all applicable standards.

Note: The ACMA intends to amend the communications regulatory arrangements in 2012 to introduce a consolidated mark (the Regulatory Compliance Mark—'RCM') for devices and equipment subject to the ACMA's telecommunications, radiocommunications, EMC and EMR/EME compliance and labelling requirements. This booklet, and information published on the ACMA website, will be updated at that time.

What is the C-Tick?



The C-Tick mark is a regulatory compliance trademark registered to the ACMA under the *Trade Marks Act 1995* and is a protected symbol under the Radiocommunications Act. It is an offence under the Radiocommunications Act to use the C-Tick for any purpose without permission from the ACMA.

The C-Tick compliance mark is the symbol specified in Schedule 1 of the Radiocommunications Labelling Notice. No variation to the specified form is permitted.

Permission to use the C-Tick mark cannot be transferred to another party without the prior approval of the ACMA.

Who can use the C-Tick compliance mark?

An Australian company or person wishing to use the C-Tick compliance mark for the first time must make a written application to the ACMA using Form C01 on the [ACMA website](#). The application may be in the form set out on the ACMA website, or suppliers may create and submit their own forms; however these must contain, as a minimum, all of the information listed in Form C01. The completed application must be returned to the ACMA by mail, facsimile or email (contact details are on the form). No fee is required.

The ACMA will only grant permission to use the C-Tick compliance mark to manufacturers or importers in Australia, or their Australian agent. On receipt of a satisfactory application, the ACMA will issue the applicant with permission to use the nominated compliance marks and a Supplier Code Number (SCN) as identification. The SCN issued by the ACMA is prefixed by the letter 'N'.

The application for permission to use the C-Tick compliance mark also registers the supplier to use the A-Tick compliance mark. Suppliers only need to register once with the ACMA. Registration will allow you to use both the A-Tick and C-Tick compliance marks, where appropriate, together with your supplier identification.

An electronic version of the C-Tick compliance mark is available for download, free of charge, from the [ACMA website](#).

What is the Regulatory Compliance Mark (RCM) compliance label?

The RCM compliance label consists of the RCM and the supplier identification.

For example:



In the example, the supplier identification depicted is the Supplier Code Number (SCN) issued by the ACMA. (Supplier code numbers issued by Standards Australia do not use an N prefix and will therefore be just numbers.)

The RCM is an alternative mark to the C-Tick. Suppliers in Australia who intend to use the RCM should register in accordance with AS/NZS 4417.1 and complete the application form in AS/NZS 4417.4 to notify the ACMA.

Note: The ACMA intends to amend the communications regulatory arrangements in 2012 to introduce a consolidated mark (the Regulatory Compliance Mark—'RCM') for devices and equipment subject to the ACMA's telecommunications, radiocommunications, EMC and EMR/EME compliance and labelling requirements. This booklet, and information published on the ACMA website, will be updated at that time.

What is the RCM?



The Regulatory Compliance Mark (RCM) is a trademark owned by Australian and New Zealand regulators. The design and use of the RCM is legally protected by registration in Australia and New Zealand. The RCM is used to indicate compliance with all sections of AS/NZS 4417 that are applicable to the device. These are:

- > AS/NZS 4417.1—general rules for use of the mark
- > AS/NZS 4417.2—specific requirements for electrical safety regulatory applications
- > AS/NZS 4417.3—specific requirements for electromagnetic compatibility regulatory applications
- > AS/NZS 4417.4—specific requirements for radio apparatus regulatory applications.

A new version of AS/NZS 4417 is currently being prepared. In the case of radiocommunications, EMC and EME, the draft revised version of AS/NZS 4417 will only refer to the ACMA's regulatory arrangements and will not purport to describe the rules for the use of the mark for the purposes of complying with ACMA requirements.

The RCM is not an alternative mark to the A-Tick telecommunications compliance mark.

Can I use the RCM?

The RCM may be used to indicate radiocommunications compliance. If the RCM is used as a replacement for the C-Tick compliance mark, the device must comply with the other applicable regulations—such as electrical safety—that are covered by the RCM standard AS/NZS 4417. The various parts of this standard specify the conditions for using the RCM for the different regulatory regimes. The RCM standard is available from the [SAI Global website](#).

More information about the conditions of use of the RCM is in the RCM standard AS/NZS 4417. Suppliers who intend to use the RCM must register with the RCM Registrar. Where the RCM is used to indicate compliance with radiocommunications regulations, the supplier must advise the ACMA of its intention to use the RCM and the supplier identification information to be used.

What are the acceptable methods of supplier identification in Australia?

The acceptable methods of supplier identification in Australia are:

- > the Supplier Code Number (SCN) provided by the ACMA following receipt of application
- > the supplier's business name and business address in Australia
- > the supplier's business name registered on the national business register
- > the supplier's personal name and the address of their place of business in Australia
- > the supplier's Australian Company Number (ACN)
- > the supplier's Australian Registered Body Number (ARBN)
- > the supplier's Australian Business Number (ABN)
- > any Australian registered trademark.

If the trademark option is to be used, the supplier must hold a copy of the Australian trademark registration certificate, including a true representation of the trademark with their compliance records.

What are the labelling requirements for compliant devices?

Scale and visibility of compliance label

The compliance mark shall be legible and visible to the unaided eye and no smaller than three millimetres (3 mm) in height. The supplier identification characters must be no less than one millimetre (1 mm) in height.

The label may be reproduced in any colour, provided that visibility is assured through either contrast with the background colour or marking in relief (for example, moulding or engraving).

Placement of compliance label

Suppliers have the choice of either applying a compliance label to the surface of the device or electronically if the device has a built-in electronic display.

In addition, the label may be placed on promotional material associated with the device.

Surface labelling

The compliance mark and supplier identification should be a permanent feature placed on the device, ideally as close as possible to the model identification. The label must be applied to a surface of the device that is readily accessible to the user. If the supplier identification information is displayed on the external surface of the device, the label must be applied to the device in a way that does not obscure that information.

The label should be durably applied by any suitable means including printing, painting, moulding, etching or engraving.

If it is not practical to apply a label to the external surface of the device, it must be applied to the following items associated with the device:

- > the external surface of the packaging used for the device
- > the documentation (operating instructions, warranty or guarantee certificates) that accompanies the device when it is used by the consumer.

If a label has to be applied to the external surface of the packaging used for a device, it must:

- > be clearly visible
- > occupy an area that is greater than one per cent of that external surface.

Suppliers that do not apply a label to the surface of the device are required to maintain records detailing the reasons why and where the label was subsequently applied. This requirement does not apply to suppliers that label electronically.

Electronic labelling

The supplier of a device that has a built-in display has the option of displaying the compliance label electronically on the built-in display rather than on the surface of the device.

Electronic labelling is only an option if the device has a built-in display. Displays that connect to the device, but are external to the device, are not built-in.

Suppliers that choose to use electronic labelling are required to explain in the documentation that accompanies the device how the electronic label can be viewed.

Who is responsible for applying labels to a device?

Devices manufactured in Australia

The Australian manufacturer, or their authorised agent in Australia, must label devices manufactured in Australia in accordance with the Radiocommunications Labelling Notice. Any person who applies a label must be authorised to do so either by the ACMA or a registered supplier. Persons who apply labels without such authorisation may be subject to prosecution for the misuse of a protected symbol.

Copies of this authorisation should be kept by the person applying labels and with the compliance records.

Devices manufactured overseas

The Australian importer, or the importer's authorised Australian agent, must ensure that devices manufactured overseas are labelled in accordance with the Radiocommunications Labelling Notice. This can be achieved by labelling the device on its arrival in Australia or the supplier may authorise the overseas manufacturer to apply the label. Copies of this authorisation must be kept with the compliance records. Suppliers should take adequate precautions to ensure that their compliance label is not misused by the overseas manufacturer.

Can imported devices be labelled by the overseas manufacturer?

Devices may be labelled at any stage before being supplied to the Australian market, providing the registered supplier has authorised this action. The ACMA recognises that it may be more cost-effective for many imported devices to be labelled at the time of manufacture rather than at the time of importation. Registered suppliers must provide a written authorisation to the original manufacturer of the device to apply a label. Suppliers must take adequate precautions to ensure that their compliance label is not misused by the overseas manufacturer. Copies of this authorisation must be kept with the compliance records.

What is an agency agreement?

Suppliers can meet their labelling obligation by either labelling the device themselves or entering into an agency agreement with another person who labels the device. For the purposes of the radiocommunications regulatory arrangements, an agency agreement is any agreement between a person with an obligation to label and a separate entity, under which the latter agrees to take responsibility for labelling. An agent taking responsibility for labelling a device also must retain and maintain the compliance records for the device.

The agency agreement must address all aspects of the responsibility to label and be written in clear and unambiguous language. The ACMA recommends that both parties to an agency agreement seek independent legal advice on the content of that agreement.

An agreement between an overseas manufacturer and a local agent under which the latter agrees to assume the regulatory compliance obligations for all importers of a specified device is not an agency agreement for the purposes of the radiocommunications regulatory arrangement. The agreement must be between the Australian importer and the local agent. In the case of an agreement between the overseas manufacturer and a local agent (which is not accompanied by an agreement between the importer and the agent), each importer remains responsible for complying with the radiocommunications regulatory arrangements.

There is no defined form for an agency agreement. An agency agreement can be either a stand-alone document of a form agreed to by the parties involved or incorporated into another agreement between those parties. A copy of the agency

agreement must be kept with the compliance records of the device. A further copy should be held by each party mentioned in the agreement.

Information about issues that must be considered in making an agency agreement between people importing or manufacturing goods for supply to the Australian market, subject to the ACMA compliance arrangements, is on the [ACMA website](#).

What happens if a device has already been labelled with the C-Tick compliance label by someone else?

If an importer or authorised agent in Australia wishes to supply a device identical to that already on the Australian market, the importer or authorised agent in Australia must obtain the appropriate documentation to establish and keep their own compliance records, and subsequently apply compliance labels to each device they supply. Each importer or authorised agent in Australia is responsible for ensuring that the imported device complies with the applicable standard.

It is possible for an importer or other person to act as an agent for multiple importers of the same device. In this case, depending on the agency agreement, the agent may establish and maintain the compliance records relevant to the device. Information on agency agreements is available from the [ACMA website](#).

If a person purports to act as the agent for a device imported by multiple importers, the person must have written agreements with each separate importer.

What should I do if I transfer responsibility for a device?

Where a supplier transfers responsibility for a device to another supplier, the new supplier, if not already registered with the ACMA to use the C-Tick compliance mark, must apply to the ACMA to use the C-Tick. The ACMA will issue a new supplier code number to the new supplier.

The new supplier must ensure that the device is compliant before labelling the device with their own C-Tick compliance label indicating its involvement, including their own supplier identification. Refer to the '[Labelling requirements](#)' section in this booklet for more information about the acceptable methods of supplier identification. The new supplier must also ensure the availability of the compliance records applicable to the device and sign and hold a Declaration of Conformity for the device.

The new supplier is responsible for the compliance of all devices supplied from the date that they take control. The old supplier may be responsible for the maintenance of all previously supplied devices and compliance records for the device, unless the responsibility for these issues is specifically dealt with in the legal arrangement between the old and new suppliers. The ACMA recommends that both parties seek legal advice about their responsibilities.

Other regulatory arrangements

What other regulatory arrangements may apply?

The ACMA also has compliance and labelling arrangements for:

- > telecommunications—applies to telecommunications customer equipment and customer cabling
- > EMC—applies to a wide range of electrical and electronic goods
- > EMR/EME —applies only to portable or mobile radiocommunications transmitters with integral antennae.

More information on these regulatory arrangements is available on the [ACMA website](#).

The ACMA has also published general information booklets on the above regulatory arrangements which are available on the [ACMA website](#).

What if my device requires the A-Tick compliance label?

In Australia, the A-Tick label is used to show compliance with the regulatory arrangements for telecommunications customer equipment and customer cabling. The C-Tick label is used to show compliance with the radiocommunications, EMC and EMR/EME regulatory arrangements.

Devices may be required to comply with one or more of the above regulatory arrangements. Where a device is subject to both the radiocommunications and telecommunications regulatory arrangements, there is no requirement to label the device with both the C-Tick and the A-Tick compliance marks. The A-Tick mark is adequate for indicating compliance with all applicable regulatory arrangements.

Enforcement

Will the ACMA inspect the compliance records?

Although the radiocommunications regulatory arrangements are based on industry self-regulation, the ACMA complements this with a supplier audit program for all suppliers. An enforcement program is a critical way of managing risk and is a commitment of the ACMA to support responsible suppliers.

How does the ACMA decide who is to be audited?

Suppliers are selected for audit in several ways. These include any of the following:

- > a random selection from registered supplier database
- > receipt of a written complaint
- > devices identified at retail outlets
- > devices identified through advertising material
- > interference to communications.

When a supplier is selected for audit, the ACMA will provide written notice to that supplier at least 10 working days before the proposed date of the audit. The auditor will examine the documents that form the compliance records. When the auditor is satisfied that all the documentation and reports are correct, the supplier will be given an audit completion statement. This statement does not indicate compliance of the device(s). It only means that the compliance records are complete.

Where an auditor requires further evidence of compliance for the device, additional information will be requested. This may include producing additional documentation or submitting three randomly selected samples of the device for testing by an accredited laboratory in Australia. The testing will be at the supplier's expense.

In the event of device conformity being questioned, the ACMA will use NATA-accredited testing as the benchmark for all compliance levels. The ACMA will accept that test data as final in any determination of whether the device complies.

What offences exist?

Offences outlined in the Radiocommunications Act include but are not limited to:

- > using the C-Tick compliance mark without permission
- > supplying unlabelled devices for sale or use (where the device is required to be labelled)
- > supplying non-compliant devices for sale or use
- > making a false Declaration of Conformity
- > failing to meet the record-keeping obligations (establish and maintain compliance records).

If a supplier is unsure whether an act constitutes an offence, they should seek legal advice.

What penalties apply?

The Radiocommunications Act specifies the penalties, including fines, that apply to the supply of a device that does not comply with the Radiocommunications Labelling Notice.

It is very important that suppliers make every effort to ensure a device is compliant at the time it is manufactured or first imported, and that all subsequent devices manufactured or imported are also compliant.

Contact details

Regulators

Australian Communications and Media Authority (ACMA)

Any questions about the Radiocommunications Labelling Notice or the radiocommunications regulatory arrangements in Australia should be directed to the ACMA:

Telephone: 1300 850 115

Facsimile: 02 6219 5275

Website: www.acma.gov.au

Email: comply.label@acma.gov.au

If you would like to update your contact details on the ACMA registered supplier database, please advise the Compliance Operations Section of the ACMA:

Email: SCN@acma.gov.au

Radio Spectrum Management Group, New Zealand

Any questions about the arrangements in New Zealand should be directed to RSM.

Telephone: Freephone (in NZ) 0508 RSM INFO (0508 776 463),

or for international callers:

Telephone: +64 3 962 2603

Facsimile: +64 4 978 3162

Website: www.rsm.govt.nz

Email: info@rsm.govt.nz

Standards development organisations

All the applicable standards for the radiocommunications regulatory arrangements can be obtained by following the links at the list of standards on the [ACMA website](#).

Referenced industry standards are available from their publishers.

Standards Australia and Standards New Zealand contact details are listed below.

Standards Australia

Australian standards, handbooks and other documents developed by Standards Australia are printed and distributed under license by SAI Global Limited.

For information on the development of standards:

Standards Australia Limited

Telephone: (02) 9237 6000

Facsimile: (02) 9237 6020

Website: www.standards.org.au

Email: mail@standards.org.au

For information on the sale and distribution of standards:

SAI Global InfoStore

Telephone: 131 242

Facsimile: 1300 65 49 49

Website: <http://infostore.saiglobal.com/store/>

Email: sales@saiglobal.com

Standards New Zealand

New Zealand (NZS) and Joint Australian/New Zealand (AS/NZS) standards may be purchased from Standards New Zealand.

For information on the sale and distribution in either printed or electronic form:

Standards New Zealand
Telephone: +64 4 498 5990
Facsimile: +64 4 498 5994
Website: www.standards.co.nz
Email: enquiries@standards.co.nz

European Telecommunications Standards Institute

ETSI standards are available from:

Website: www.etsi.org/WEBstore
Email: webstore@etsi.org

Accreditation bodies

National Association of Testing Authorities, Australia, and International Accreditation New Zealand

The ACMA has appointed the National Association of Testing Authorities, Australia (NATA), and International Accreditation New Zealand (IANZ) has been appointed in New Zealand as accreditation bodies to accredit test laboratories for radiocommunications standards. Accredited test reports or assessments by competent bodies must carry the NATA or IANZ logo. Test reports produced by an overseas laboratory that has been accredited for the relevant standards by an overseas accreditation body with a mutual recognition agreement (MRA) with NATA or IANZ are also accepted. The report should be endorsed with the respective logo of the accreditation body.

More information is available from:

NATA

Telephone: 1800 621 666
Facsimile: (02) 9743 5311|
Website: www.nata.asn.au

IANZ

Telephone: +64 9 525 6655
Facsimile: +64 9 525 2266
Website: www.ianz.govt.nz
Email: info@ianz.govt.nz

Accredited laboratories

NATA/IANZ accredited laboratories for radiocommunications testing

Updated information on accredited laboratories can be obtained from NATA or IANZ. Refer to '[Accreditation bodies](#)' section of this booklet for contact details.

ACMA's Radiocommunications Compliance Laboratory

The ACMA's Melbourne Radiocommunications Compliance Laboratory is accredited by NATA. The laboratory conducts radio equipment testing traceable to national references. All certified test reports produced are of an international standard and include the uncertainties for each test.

Melbourne Radiocommunications Compliance Laboratory

Telephone: (03) 9963 6800

International: +613 9963 6800

Facsimile: (03) 9963 6989

International: +613 9963 6989

Website: www.acma.gov.au

Email: melrcl@acma.gov.au

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acma industry

