

# Human exposure to radiofrequency electromagnetic energy

Information for suppliers of mobile  
and portable radiocommunications  
transmitters with integral antennas  
in Australia

SEPTEMBER 2011



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# Contents

<b>Executive summary</b>	<b>1</b>
<b>EME regulatory arrangements</b>	<b>3</b>
What are the EME regulatory arrangements?	3
What does the EME regulatory arrangements require me to do?	3
Do the EME regulatory arrangements apply to me?	4
What devices are subject to the EME regulatory arrangements?	4
What devices are exempt from the EME regulatory arrangements?	4
<b>Compliance requirements</b>	<b>5</b>
What standard applies in Australia?	5
When does the Human Exposure Standard apply?	5
What are the basic requirements of the Human Exposure Standard?	5
What is the test method and does the ACMA accept other methods as evidence of compliance?	6
What are compliance levels?	8
What are the requirements for each compliance level?	8
<b>Record-keeping obligations</b>	<b>10</b>
What are compliance records?	10
What information is required to describe the device?	10
What is a Declaration of Conformity?	10
Do I need the original test report?	10
Where do I keep the compliance records?	10
Can I store my compliance records electronically?	10
How long should I keep the compliance records?	11
<b>Labelling requirements</b>	<b>12</b>
Which compliance mark should I label my transmitter with to indicate compliance with the Human Exposure Standard?	12
What are the compliance marks?	12
What is the C-Tick compliance label?	12
What is the C-Tick?	13
Who can use the C-Tick compliance mark?	13
What is the Regulatory Compliance Mark (RCM) compliance label?	13
What is the RCM?	14
Can I use the RCM?	14
What are the acceptable methods of supplier identification in Australia?	14
What are the labelling requirements for compliant devices?	15
Who is responsible for applying labels to a device?	16
Can imported devices be labelled by the overseas manufacturer?	16
What is an agency agreement?	16

# Contents (Continued)

<b>Other regulatory arrangements</b>	<b>18</b>
What other regulatory arrangements apply to the supply of devices in Australia?	18
What if my device also needs the A-Tick label?	18
My device is already labelled with an ACMA-specified compliance mark—must I label it again to show compliance with EME limits?	18
<b>Enforcement</b>	<b>19</b>
Will the ACMA inspect the compliance records?	19
How does the ACMA decide who is to be audited?	19
What offences exist?	19
What penalties apply?	19
<b>Contact details</b>	<b>20</b>
Regulator	20
Australian Communications and Media Authority (ACMA)	20
Standards development organisation	20
Standards Australia	20
Health organisations	20
Australian Radiation Protection and Nuclear Safety Agency	20
World Health Organization	20



# 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 human exposure to radiofrequency electromagnetic energy (EME).

Under Part 4 of the Radiocommunications Act, the ACMA has powers to make standards to protect the health and safety of people who operate, work on, use or are reasonably likely to be affected by the operation of radiocommunications transmitters and receivers. Under these powers, the ACMA has introduced regulatory arrangements to limit exposure to EME from certain radiocommunications transmitters.

The regulatory arrangements address the possible adverse health effects arising from exposure to EME without unnecessarily compromising the benefits that radiocommunications technologies bring to modern living. For manufacturers or importers of certain radiocommunications transmitters, the arrangements include EME human exposure limits, a mandatory test method and labelling requirements.

The term '**supplier**' is used throughout this booklet to describe manufacturers and importers of devices in Australia or the manufacturer's Australian authorised agent. Under the ACMA's EME regulatory arrangements, suppliers of mobile and portable radiocommunications transmitters with integral antennas to the Australian market must ensure that the devices meet applicable mandatory standards, are labelled appropriately and that applicable record-keeping obligations have been met.

The mandatory Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003 as amended (Human Exposure Standard) applies to most mobile and portable radiocommunications transmitters with integral antennas operating in the 100 kHz to 300 GHz frequency range.

Suppliers of such transmitters must ensure the transmitter complies with the Human Exposure Standard and label their devices in accordance with the Radiocommunications (Compliance Labelling – Electromagnetic Radiation) Labelling Notice 2003 as amended (EME Labelling Notice).

It is important to note that a device that is subject to the EME regulatory arrangements may also be subject to other ACMA regulatory arrangements, including electromagnetic compatibility (EMC), radiocommunications and telecommunications requirements. More information on the other ACMA 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 in July 2012 to replace the A-Tick and C-Tick. This booklet will be revised as part of the implementation of the consolidated mark.

## **Disclaimer**

This booklet provides general information on requirements for suppliers of mobile and portable radiocommunications transmitters with integral antennas. It should be read in conjunction with the EME 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.

**Note: A separate publication, *Human exposure to radiofrequency electromagnetic radiation—Information for licensees of radiocommunications transmitters*, provides information for licensees and operators.**

# EME regulatory arrangements

## What are the EME regulatory arrangements?

The EME regulatory arrangements consist of two legislative instruments:

- > The EME Labelling Notice is the principal legislative instrument that specifies the Australian EME regulatory arrangements. It specifies, among other things, the form and placement of labels, marks and information that must be applied to an item. It also identifies the extent of evidence required (the compliance level) for a transmitter.
- > The Human Exposure Standard is based on the exposure limits developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and set out in the Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3 kHz to 300 GHz (2002) (the ARPANSA Standard). The Human Exposure Standard applies to most mobile and portable radiocommunications transmitters with integral antennas operating in the 3 kHz to 300 GHz frequency range. Suppliers of such transmitters must ensure the transmitter complies with the Human Exposure Standard and label their devices in accordance with the EME Labelling Notice.

The instruments and associated explanatory statements can be found on the [ACMA website](#).

## What does the EME regulatory arrangements require me to do?

In broad terms, the EME regulatory arrangements require suppliers of devices covered by the arrangements 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 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 EME 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 EME compliance and labelling requirements. This booklet, and information published on the ACMA website, will be updated at that time.**

### **Do the EME regulatory arrangements apply to me?**

The EME regulatory arrangements apply to any person, business or company that is the initial point of supply of mobile and portable radiocommunications transmitters with integral antennas to the Australian market. This includes:

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

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

It is an offence for any person to supply a non-standard device in Australia. Supply includes sale, exchange, lease hire or re-purchase.

### **What devices are subject to the EME regulatory arrangements?**

The EME regulatory arrangements cover a wide range of mobile and portable devices, including hand-held radio transmitters such as those used in marine, citizen band (CB) and land/mobile applications; cellular (mobile) and cordless phones; and satellite phones.

The EME regulatory arrangements also cover transmitters with integral antennas that are used in a stationary position in unspecified locations on land, on water or in the air. This includes smart meters with integral antennas.

### **What devices are exempt from the EME regulatory arrangements?**

Some mobile and portable devices are exempt from the regulatory arrangements. For example, transmitters that are intended to be used only to alert rescue authorities to the location of people in distress are not subject to the EME requirements. The life-saving potential of these devices overrides the substantially lesser risk of harm due to EME exposure.

# Compliance requirements

## What standard applies in Australia?

The applicable mandatory standard is the Human Exposure Standard. The Human Exposure Standard adopts the exposure limits in the ARPANSA Standard.

**Note:** If you are a supplier of certain mobile and portable radiocommunications transmitters, you should not rely solely on the summary information provided in this booklet. For detailed information on the EME arrangements you should refer to the following documents:

- > [EME Labelling Notice](#)
- > [Human Exposure Standard](#)
- > [ARPANSA Standard](#).

## When does the Human Exposure Standard apply?

In general, the Human Exposure Standard applies to mobile and portable transmitting devices that satisfy all of the following criteria:

- > is manufactured, imported or altered in a material respect on or after 1 April 2007
- > is capable of operating in the frequency band 100 kHz to 300 GHz (inclusive)
- > has an integral antenna
- > is not an emergency position-indicating radio beacon or other distress beacon.

**Note:** Mobile and portable transmitters include transmitters that are used in a stationary position at unspecified locations on land, on water or in the air.

## What are the basic requirements of the Human Exposure Standard?

For the most part, the Human Exposure Standard mandates EME human exposure limits measured as the specific absorption rate (SAR) for the general public.

The SAR is the rate at which radiofrequency energy is absorbed by a specified mass of biological tissue. This measurement is expressed in watts per kilogram (W/kg). SAR values are averaged over any six-minute period during the 24-hour day.

The exposure limits vary depending on whether or not the device is an 'aware-user' device.

An aware user device is a hand-held or body-worn transmitter intended for use as one of the following:

- > a land mobile system station
- > an ambulatory station
- > a CB radio station
- > an amateur station
- > a maritime ship station.

For non-aware user devices, the exposure limits are:

- > for uniform exposure—0.08 W/kg whole body average SAR
- > for non-uniform exposure—up to 0.08 W/kg whole body average SAR, but with a spatial peak SAR not exceeding 2.0 W/kg as averaged over any 10 grams of tissue except for the limbs, hands, wrists, feet and ankles, where the spatial peak SAR

must not exceed 4 W/kg averaged over 10 grams of tissue. (Generally, only compliance with the 2.0 W/kg spatial peak limit need be demonstrated.)

For aware-user devices, the exposure limits are:

- > for uniform exposure—0.4 W/kg whole body average SAR
- > for non-uniform exposure—up to 0.4 W/kg whole body average SAR, but with a spatial peak SAR not exceeding 10.0 W/kg as averaged over any 10 grams of tissue except for the limbs, hands, wrists, feet and ankles, where the spatial peak SAR must not exceed 20 W/kg averaged over 10 grams of tissue. (Generally, only compliance with the 10.0 W/kg spatial peak limit need be demonstrated.)

If the device's normal position of use is more than 20 centimetres from the body, the device may be assessed against the reference field strength levels of the ARPANSA Standard.

### **What is the test method and does the ACMA accept other methods as evidence of compliance?**

The following test methods apply where the ACMA arrangements require devices to be tested against the Human Exposure Standard.

#### ***Devices used next to the human head***

##### *Before 1 March 2009*

*For devices manufactured, imported or first offered for supply, as altered or modified in a material respect, before 1 March 2009*

The test method for transmitter devices used in close proximity to the human head, such as mobile phones, is one of the following:

- > Schedule 2 to the Human Exposure Standard. Note that the ACMA has made minor modifications to the US Federal Communications Commission SAR test method to reflect regulatory requirements in Australia. Schedule 2 to the Human Exposure Standard contains the amended test method.
- > EN 50361—Basic standard for the measurement of specific absorption rate related to human exposure to electromagnetic fields from mobile phones (300 MHz to 2 GHz).
- > EN 62209-1—Human exposure to radio frequency fields from hand-held and body-mounted wireless communication devices – Human models, instrumentation, and procedures – Part 1: Procedure to determine the specific absorption rate (SAR) for hand-held devices used in close proximity to the ear (frequency range of 300 MHz to 3 GHz).

##### *On and after 1 March 2009 but before 1 February 2011*

*For devices manufactured, imported or first offered for supply, as altered or modified in a material respect, on and after 1 March 2009 and ending 31 January 2011*

The test method is:

- > EN 62209-1—Human exposure to radio frequency fields from hand-held and body-mounted wireless communication devices – Human models, instrumentation, and procedures – Part 1: Procedure to determine the specific absorption rate (SAR) for hand-held devices used in close proximity to the ear (frequency range of 300 MHz to 3 GHz).

On and after 1 February 2011

*For devices manufactured, imported or first offered for supply, as altered or modified in a material respect, on and after 1 February 2011*

The test method is one of the following:

- > EN 62209-1—Human exposure to radio frequency fields from hand-held and body-mounted wireless communication devices – Human models, instrumentation, and procedures – Part 1: Procedure to determine the specific absorption rate (SAR) for hand-held devices used in close proximity to the ear (frequency range of 300 MHz to 3 GHz).
- > IEC 62209-1—Human exposure to radio frequency fields from hand-held and body-mounted wireless communication devices – Human models, instrumentation, and procedures – Part 1: Procedure to determine the specific absorption rate (SAR) for hand-held devices used in close proximity to the ear (frequency range of 300 MHz to 3 GHz).

***Devices used 20 centimetres or less from the human body***

Before 1 February 2011

*For devices manufactured, imported or first offered for supply, as altered or modified in a material respect, before 1 February 2011*

For devices used 20 centimetres or less from the human body, the SAR test method is:

- > Schedule 2 to the Human Exposure Standard. Note that the ACMA has made minor modifications to the FCC SAR test method to reflect regulatory requirements in Australia. Schedule 2 to the Human Exposure Standard contains the amended test method.

On and after 1 February 2011 but before 1 February 2013

*For devices manufactured, imported or first offered for supply, as altered or modified in a material respect, on or after 1 February 2011 and ending on 31 January 2013*

The test method is one of the following:

- > Schedule 2 to the Human Exposure Standard. Note that the ACMA has made minor modifications to the FCC SAR test method to reflect regulatory requirements in Australia. Schedule 2 to the Human Exposure Standard contains the amended test method.
- > EN 62209-2—Human exposure to radio frequency fields from hand-held and body-mounted wireless communication devices – Human models, instrumentation, and procedures – Part 2: Procedure to determine the specific absorption rate (SAR) for wireless communication devices used in close proximity to the human body (frequency range of 30 MHz to 6 GHz).
- > IEC 62209-2—Human exposure to radio frequency fields from hand-held and body-mounted wireless communication devices – Human models, instrumentation, and procedures – Part 2: Procedure to determine the specific absorption rate (SAR) for wireless communication devices used in close proximity to the human body (frequency range of 30 MHz to 6 GHz).

On and after 1 February 2013

*For devices manufactured, imported or first offered for supply, as altered or modified in a material respect, on and after 1 February 2013*

The test method is one of the following:

- > EN 62209-2—Human exposure to radiofrequency fields from hand-held and body-mounted wireless communication devices – Human models, instrumentation, and procedures – Part 2: Procedure to determine the specific absorption rate (SAR) for

wireless communication devices used in close proximity to the human body (frequency range of 30 MHz to 6 GHz).

- > IEC 62209-2—Human exposure to radiofrequency fields from hand-held and body-mounted wireless communication devices – Human models, instrumentation, and procedures – Part 2: Procedure to determine the specific absorption rate (SAR) for wireless communication devices used in close proximity to the human body (frequency range of 30 MHz to 6 GHz).

### ***Devices used more than 20 centimetres from the human body***

For devices used more than 20 centimetres from the human body, assessment can be against the reference field strength levels of the ARPANSA Standard. Such assessments must be in accordance with Australian Standard AS 2772.2. Either measured or calculated results are acceptable for ACMA compliance purposes.

The Australian Standard AS 2772.2 is available from Standards Australia—refer to [‘Contact details’](#) section in this booklet for more information.

### **What are compliance levels?**

The EME 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 the devices identified in the EME Labelling Notice.

Before a supplier applies a compliance label to a device, it must ensure the device complies with the requirements specified for the applicable compliance level.

There are three compliance levels:

1. **Compliance level one**—for category A devices
2. **Compliance level two**—for category B devices for which the normal position of use is more than 20 centimetres from the human body
3. **Compliance level three**—for category B devices for which the normal position of use is not more than 20 centimetres from the human body.

Category A and B devices are explained below.

### **What are the requirements for each compliance level?**

#### ***Compliance level one***

Compliance level one applies to category A devices—those devices that meet the test exemption criteria in Schedule 5 to the ARPANSA Standard. Examples of devices that fall under category A include but are not limited to:

- > handheld CB radios used for recreational or domestic purposes
- > remote garage door openers.

To comply with compliance level one, the supplier of a device must:

- > prepare a description of the device
- > make a Declaration of Conformity for the device.

#### ***Compliance level two***

Compliance level two applies to category B devices that may be assessed against the reference field strength levels in the ARPANSA Standard. A category B device is any device that is not a category A device.

To comply with compliance level two, the supplier of a device must:

- > comply with compliance level one record-keeping requirements

- > show conformity with the applicable standard in a report of the results of tests conducted by the person that assessed the device. The report must include:
  - > the measurements or evaluation methods that were used
  - > the results of the measurements or evaluations, including any measurement or evaluation data
  - > whether the results of the measurements or evaluations show that the device meets the applicable standard.

### **Compliance level three**

Compliance level three applies to category B devices that must be assessed against the SAR limit. A category B device is any device that is not a category A device.

To comply with compliance level three, the supplier of a device must:

- > comply with compliance level one record-keeping requirements
- > show conformity with the applicable standard in a report of the results of tests conducted by an accredited testing body. The report must include:
  - > the measurements or evaluation methods that were used
  - > the results of the measurements or evaluations, including any measurement or evaluation data
  - > whether the results of the measurements or evaluations show that the device meets the applicable standard.

The EME Labelling Notice defines an accredited testing body that is accredited either by:

- > the National Association of Testing Authorities, Australia (NATA)
- > an accreditation body of a foreign country, being a body with which NATA has a mutual recognition arrangement or agreement to conduct SAR testing.

Details of the laboratory accreditation process, a list of laboratories that are presently accredited by NATA and a list of bodies with which NATA has mutual recognition arrangements are available from [NATA's website](#).

Examples of devices that fall under category B include but are not limited to:

- > mobile phones
- > cordless phones.

# Record-keeping obligations

## **What are compliance records?**

A compliance record consists of information compiled by a supplier that supports the declaration that a device complies with the Human Exposure 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. The required documentation for category A and B devices is specified in the EME Labelling Notice.

## **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, test report or assessment against the applicable standard was prepared.

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

## **What is a Declaration of Conformity?**

A Declaration of Conformity is a document signed by the supplier that asserts that the supplier fulfils the obligations in the EME Labelling Notice and the device complies with the Human Exposure 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.

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.

## **Do I need the original test report?**

It is not necessary to hold the original test report with the compliance records.

However, if the test report is a copy, it (including photographs) must be of sufficient quality to allow the device covered by the test report to be identified.

## **Where do I keep the compliance records?**

The ACMA does not specify a location for the storage of the compliance records. Documentation, forming part of a set of 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 an item must be retained for five years after the supplier ceases to supply the item in Australia.

# Labelling requirements

## **Which compliance mark should I label my transmitter with to indicate compliance with the Human Exposure Standard?**

Radiocommunications transmitters must be labelled with either the C-Tick or RCM compliance marks.

The EME Labelling Notice specifies the type of label that must be applied to those mobile or portable radiocommunications transmitters subject to the Human Exposure Standard.

The compliance label comprises two parts—a compliance mark and information to identify the supplier of the device. Suitable options for supplier identification are detailed under [‘What are the acceptable methods of supplier identification in Australia?’](#) in this section.

Suppliers of devices subject to the Human Exposure Standard must affix a compliance label to their device before it can be supplied in Australia.

## **What are the compliance marks?**

There are two compliance marks that can be used to indicate compliance with the EME 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.

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

For certain mobile and portable radiocommunications transmitters that are also required to comply with the Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001, the supplier may (at the time of production of this booklet) use only the A-Tick to indicate compliance, provided the device complies with all applicable EME and telecommunications requirements.

The C-Tick compliance label indicates that the supplier of the device asserts that it complies with all applicable standards. The SCN establishes a traceable link between a device and the supplier responsible for placing it on the Australian market.

**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 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 EME 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 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 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.

### Can I use the RCM?

The RCM may be used to indicate radiocommunications, EMC and EME 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 EME 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 on 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 or is not displayed using the built-in electronic display, 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 EME Labelling Notice. Any person who applies labels 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 agent in Australia, must ensure that devices manufactured overseas are labelled in accordance with the EME 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 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. 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 EME 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 EME 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 EME regulatory arrangements.

There is no defined form for an agency agreement. An agency agreement can be either a stand-alone document or 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](#).

# Other regulatory arrangements

## **What other regulatory arrangements apply to the supply of devices in Australia?**

The ACMA also has compliance and labelling arrangements for:

- > telecommunications—applies to telecommunications customer equipment and customer cabling
- > radiocommunications—applies to certain radiocommunications devices (transmitters)
- > EMC—applies to a wide range of electrical and electronic goods.

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 also needs the A-Tick 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 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 EME 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.

## **My device is already labelled with an ACMA-specified compliance mark—must I label it again to show compliance with EME limits?**

In applying the A-Tick, C-Tick or RSM to a device that is subject to EME regulatory requirements, the supplier (or agent) is asserting that the device complies with EME requirements. Therefore, if a device has been correctly labelled with a specified ACMA compliance mark, it is not necessary for the device to be labelled again for EME requirements.

# Enforcement

## **Will the ACMA inspect the compliance records?**

The ACMA complements the EME regulatory requirements with an 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 a 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 EME 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

## Regulator

### Australian Communications and Media Authority (ACMA)

Any questions about the EME Labelling Notice or the EME regulatory arrangements should be directed to the ACMA:

Telephone: 1300 850 115

Facsimile: 02 6219 5275

Website: [www.acma.gov.au](http://www.acma.gov.au)

Email: [comply.label@acma.gov.au](mailto: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](mailto:SCN@acma.gov.au)

## Standards development organisation

### Standards Australia

Australian standards and other products may be obtained from SAI Global Limited. Australian standards, handbooks and other documents developed by Standards Australia are printed and distributed under licence by SAI Global Limited.

For information on the development of standards:

Standards Australia

Telephone: (02) 9237 6000

Facsimile: (02) 9237 6020

Website: [www.standards.org.au](http://www.standards.org.au)

Email: [mail@standards.org.au](mailto: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](mailto:sales@saiglobal.com)

## Health organisations

### Australian Radiation Protection and Nuclear Safety Agency

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is a federal government agency with responsibility for protecting the health and safety of people, and the environment, from the harmful effects of radiation (ionising and non-ionising). The ARPANSA Standard is available on the ARPANSA website.

Website: [www.arpansa.gov.au/publications/codes/index.cfm](http://www.arpansa.gov.au/publications/codes/index.cfm)

### World Health Organization

The World Health Organisation (WHO) is the directing and coordinating authority for health within the United Nations system. It is responsible for providing leadership on global health matters, shaping the health research agenda, setting norms and standards, articulating evidence-based policy options, providing technical support to countries, and monitoring and assessing health trends.

Website: [www.who.int](http://www.who.int)



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