

Public Warning Notice concerning the supply of LED lighting annunciator devices

Issued under subsection 284N(1) of the *Radiocommunications Act 1992*

The Australian Communications and Media Authority (**ACMA**) is issuing this Public Warning Notice to inform consumers and educate businesses which purchase, operate and supply LED lighting annunciator devices for the medical and aged care industry.

Following a complaint made to the ACMA alleging that Clift Solutions Pty Ltd (formerly known as Clift Innovations Pty Ltd), an Australian based manufacturer and supplier of nurse call and aged care systems, was supplying devices without the required Regulatory Compliance Mark (**RCM**), the ACMA commenced an investigation into these allegations.

As a result of the investigation, the ACMA determined that the company had sold 85 units of its medical LED lighting annunciator devices without the devices undergoing the required testing to ensure that the devices met applicable electromagnetic compatibility (EMC) standards for supply of the devices in Australia.

The devices also did not have the required RCM applied when the devices were supplied. Subsection 25(3) of the *Radiocommunications Equipment (General) Rules 2021* (the **Equipment Rules**) requires that a manufacturer of a device in Australia must not supply the device unless a label has been applied to the device in accordance with the *Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2017* (**EMC labelling notice**).

The supply of the devices without the relevant testing and labelling being applied to the device is likely to be a contravention of subsection 25(3) of the Equipment Rules and, consequently, subsection 160(5) of the *Radiocommunications Act 1992* (the **Act**).

Subsection 160(5) of the Act provides that if, a person is subject to a prohibition imposed by the equipment rules, and the prohibition does not consist of contravening a condition of a permit, then the person must not contravene the prohibition.

The ACMA notes that upon being made aware of these requirements, Clift Solutions has been cooperative and has ensured that all its affected devices have been tested and have been shown to meet the applicable EMC standard. The devices have now been affixed with the RCM.

The ACMA reminds consumers that it is important to check to ensure that devices purchased have an RCM which indicates that it has been tested and meets applicable standards for supply and operation in Australia. The risk of purchasing a device which does not meet applicable standards and therefore may not be supplied or operated in Australia increases when purchased online from an overseas supplier.

Devices which do not have an RCM may not meet applicable standards and may cause harmful interference.

The ACMA reminds manufacturers and importers that if you supply a device in Australia, it is your responsibility to check whether the Equipment Rules apply to the device and, if so, to ensure that the device has been tested, meets applicable Australian standards and has an RCM affixed to the device.

Failure to take these actions may result in a breach of the Equipment Rules and a contravention of section 160 of the Act, which carries substantial penalties.

The ACMA's website contains information on how to ensure that the correct steps are taken before supplying these devices to Australian consumers. [Know what you must do as a supplier | ACMA](#)

The ACMA is warning the public about the alleged conduct by Clift Solutions Pty Ltd by issuing this notice under section 284N of the *Radiocommunications Act 1992* because the ACMA:

- a) suspects on reasonable grounds that the conduct outlined above may have constituted a breach of subsection 25(3) of the Equipment Rules;
- b) is satisfied that one or more persons have suffered detriment as a result of the conduct; and
- c) is satisfied that it is in the public interest to issue this Public Warning Notice.