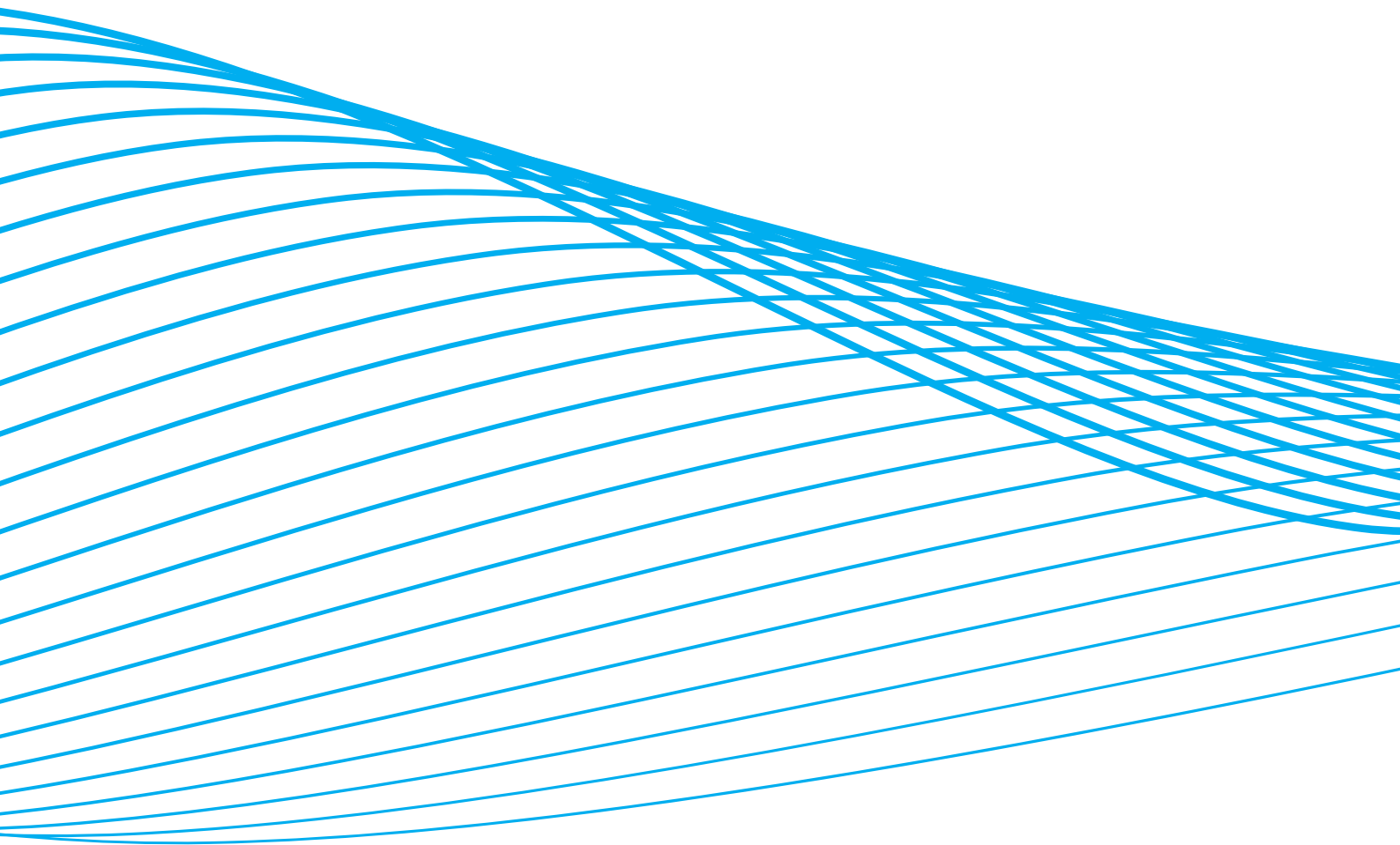


# Telecommunications compliance and labelling

Information for suppliers of  
telecommunications customer  
equipment and cabling products in  
Australia

JULY 2012



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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 Part 21 of the *Telecommunications Act 1997*, the ACMA has responsibility for the technical regulation of telecommunications **customer equipment** and **customer cabling products** (collectively referred to as '**items**' throughout this booklet).

The regulatory arrangements for telecommunications items comprise compliance with the applicable ACMA technical standards, record-keeping obligations and labelling requirements. The main legal instrument through which the ACMA manages these arrangements is the Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001 as amended (the Telecommunications Labelling Notice).

The Telecommunications Labelling Notice identifies applicable ACMA technical standards and the required compliance level for specified items. The compliance level relates to the risk associated with an item being non-compliant with applicable ACMA technical standards. The regulatory arrangements aim to ensure that telecommunications items are appropriately labelled before supply to the Australian market.

Australian manufacturers and importers of telecommunications items, 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 items with either a compliance label or non-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 telecommunications items. More information on those 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 telecommunications items. It should be read in conjunction with the Telecommunications 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.

# Telecommunications regulatory arrangements

## What are the telecommunications regulatory arrangements for customer equipment and cabling products?

The Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001 (the Telecommunications Labelling Notice) is the main legislative instrument that specifies the Australian telecommunications regulatory arrangements for telecommunications items. It specifies, among other things, the form and placement of labels (compliance and non-compliance label), marks and information that must be applied to an item.

Schedule 1 of the Telecommunications Labelling Notice specifies the types of items scoped by the arrangements and generally groups items according to the type of carrier service to which the item is designed to connect or a particular function of the item. It also identifies applicable ACMA technical standard(s) and the compliance level(s) required for the item.

These regulatory arrangements aim to ensure that items meet minimum mandatory ACMA technical standards, items are appropriately labelled and the supplier holds certain documentation prior to supply or connection to a telecommunications network. The ACMA technical standards address issues relating to personal health and safety of users of items and operators of telecommunications networks, the integrity of telecommunications networks, interoperability with telecommunications networks for the supply of a standard telephone service and access to emergency call services.

The instrument and its associated explanatory statement, as well as summaries of all the changes incorporated in amendments to the Telecommunications Labelling Notice, can be found on the [ACMA website](#).

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

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

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

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

**Note: The ACMA is amending the communications regulatory arrangements 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. The new arrangements will commence on 1 March 2013 with a three-year transition period. This booklet, and information published on the ACMA website, will be updated at that time. Further information about the RCM and transitional arrangements is available on the [ACMA website](#).**

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

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

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

The Telecommunications Act contains penalty provisions for not, or incorrectly, labelling items and failing to meet any mandatory compliance and record-keeping obligations. If you are unsure whether an item requires labelling in Australia you should seek your own legal advice.

### **Why control telecommunications items?**

The telecommunications regulatory arrangements aim to:

- > protect the health and safety of users of items and operators of telecommunications networks to which items are connected
- > protect the integrity of telecommunications networks to which items are connected
- > interoperability of the item with a telecommunications network for the purpose of the supply of a standard telephone service
- > ensure access to emergency call services.

### **What items are identified in the Telecommunications Labelling Notice?**

The Telecommunications Labelling Notice identifies items based on either the type of carriage service to which the item is designed to connect or the functionality of the item. Items identified in the Telecommunications Labelling Notice include, but are not limited to:

- > telephone handsets (including system integral telephones, cordless phones and handsets designed for VoIP services)
- > modems and filters (including dial-up and DSL)
- > answering machines
- > mobile and satellite phones, and wireless dongles
- > ISDN equipment
- > Customer Access Equipment (including PABXs and Voice Gateways)
- > headsets and their associated amplifiers
- > cabling products (including cable).

Generally, telecommunications items that can connect to a telecommunications network are scoped by the Telecommunications Labelling Notice.

**Do all suppliers of telecommunications items need to comply with the Telecommunications Labelling Notice?**

Only suppliers of items specified in Schedule 1 of the Telecommunications Labelling Notice are required to comply. Suppliers of items not specified in Schedule 1 are not subject to the telecommunications regulatory arrangements. These suppliers may still be subject to the radiocommunications devices (transmitters), EMC and EMR/EME regulatory arrangements, depending on the type of item being supplied.



# Compliance requirements

## **What are the compliance requirements for telecommunications items?**

The compliance requirements for items scoped under the telecommunications regulatory arrangements ensure that items meet applicable standards and compliance levels as specified in the Telecommunications Labelling Notice.

## **What standards apply to my telecommunications items?**

Suppliers should refer to Schedule 1, Part 2 of the Telecommunications Labelling Notice to identify:

- > the item category according to either the carrier service to which the item is designed to connect or the function of the item
- > the applicable ACMA technical standard(s) for the item
- > the compliance level(s) required.

If the item is scoped by more than one category, that item must comply with all the applicable ACMA technical standards that are identified for each category.

Items must meet the requirements of the applicable ACMA technical standard(s) detailed in Schedule 1, Part 1 of the Telecommunications Labelling Notice that corresponds to the relevant category in the schedule. There are different ACMA technical standards for different types of items and, in many cases, more than one technical standard will apply to a particular item. In most instances, items will also need to comply with the EMC standard. Items may also have to meet radiocommunications standards and EMR/EME standards.

The telecommunications standards list is available on the [ACMA website](#).

If an item labelled as compliant is modified, it must continue to meet the requirements of the applicable ACMA technical standard(s) and may require additional testing if it is to continue being labelled with the A-Tick compliance label and supplied to the market.

## **What happens if standards are amended or replaced?**

Items must meet the requirements of the applicable ACMA technical standard(s) detailed in Schedule 1, Part 1 of the Telecommunications Labelling Notice. A technical standard is applicable until the expiry date listed for that standard in Schedule 1, Part 1.

Where an ACMA technical standard is amended, a replacement standard is created or a new standard is introduced. Schedule 1 will usually provide for an overlap period during which both the old and the replacement standard apply. The overlap period will vary depending on the nature of the changes made. Suppliers of new items may select either standard during the overlap period. The item must comply with either the old or the replacement standard and must not be tested against a combination of the two. After the old standard expires, all new items first supplied after the expiry date must comply with the replacement standard.

## **Can an item continue to be labelled as being compliant to an expired standard?**

Provided that a standard was in effect at the time of signing the Declaration of Conformity, a supplier may continue to apply the A-Tick compliance label to an item, even though the standard has been amended, or it has expired and has been replaced. This means that the supplier is not required to re-test an item to the amended or replacement standard where an item is labelled as compliant with a

technical standard that applied when it was first manufactured or imported. This is commonly known as 'grandfathering'.

However, these arrangements do not apply if one of the following occurs:

- > the item is subsequently modified
- > continued supply of items that complied with the requirements of a previous standard would have significant adverse effects on safety or on the integrity of a telecommunications network or facility
- > another importer commences importing that item after the old standard has expired
- > the item is also subject to a radiocommunications standard and that standard is not grandfathered.

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

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

There are three compliance levels:

1. **Compliance level one**—applies where non-compliance has low consequences for the safety of people or the integrity of a telecommunications network or facility.
2. **Compliance level two**—additional requirements are applied at this level, above that required for compliance level one, because non-compliance may have adverse consequences for personal safety or the integrity of a telecommunications network or facility.
3. **Compliance level three**—incorporates the most stringent requirements for compliance with the applicable technical standard(s) because non-compliance may have serious adverse consequences for personal safety or the integrity of a telecommunications network or facility.

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

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

To comply with compliance level one, the supplier must:

- > prepare a description of the item
- > complete and sign a Declaration of Conformity for the item
- > meet the specific requirements for the compliance of the item.

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

To comply with compliance level two, the supplier must:

- > comply with the requirements for compliance level one
- > hold enough information, as appropriate, to show the item meets the requirements of each of the applicable technical standards for that item.

A list of the types of information that can be used to meet compliance level two is specified in the Telecommunications Labelling Notice. For example, any of the following documents may be used to demonstrate compliance:

- > a compliant test report about one or more requirements of an applicable technical standard(s)

- > a written statement by a certification body or competent body about one or more requirements of an applicable technical standard(s)
- > supplementary compliance documentation mentioned in Schedule 7 of the Telecommunications Labelling Notice, including specified overseas type approvals and endorsed test reports, an attestation of conformity, or a certificate of approval or certificate of suitability supported by a compliant test report, written statement from a certification body or written statement from a competent body. These should state that the item meets any requirements in the applicable standard that differ from the requirements in the standard under which the supplementary compliance documentation was given.

A compliant test report may be obtained from any test house/authority, including an in-house test facility.

### **Compliance level three**

To comply with compliance level three, the supplier must:

- > comply with the requirements for compliance level one
- > hold enough information, as appropriate, as for compliance level two, to show the item meets the requirements of each applicable technical standard(s) for that item, with the exception that all compliant test reports must be endorsed by, and obtained from, a Recognised Testing Authority (RTA).

The difference between compliance levels two and three is that all compliant test reports for level three must be endorsed by and obtained from an RTA.

### **What is a Recognised Testing Authority (RTA)?**

An RTA is determined by an accreditation body under the Telecommunications Act. National Association of Testing Authorities (NATA) has been determined as an accreditation body for the purposes of the Telecommunications Act.

NATA has determined a number of test houses, including overseas laboratories, to be RTAs. An RTA is a laboratory that has the technical knowledge, skills and testing expertise to test to the Australian standards for telecommunications items.

A list of RTAs and the standards they are accredited to are available from the [NATA website](#). NATA can provide further details of the scope of the accreditation for each RTA. (Refer to the 'Contact Details' section in this booklet for more information about NATA).

### **What is a certification body?**

A certification body is determined by an approving body under the Telecommunications Act. Currently, the ACMA has determined the person holding or performing the duties of the position of Executive Manager, Infrastructure Regulation Branch to be an approving body for the purposes of the Telecommunications Act.

The ACMA has approved a number of persons to be certification bodies. A certification body is a person or association that has the technical knowledge, skills and experience to make statements on the compliance of certain telecommunications items against Australian standards.

A certification body issues a statement certifying that an item complies with the applicable technical standard(s). A certification body can issue a statement of compliance where there is no RTA to test to a standard. Although certification bodies are generally asked to issue statements on compliance of items to the applicable technical standard(s) at compliance level three, they may also issue statements on compliance at any level. Suppliers should discuss this further with a certification body.

In issuing statements, the certification body must follow the guidelines issued by the approving body.

The certification body guidelines and the details of the determined certification bodies can be found on the [ACMA website](#).

### **What is a competent body?**

A competent body is determined by an accreditation body under the Telecommunications Act. NATA has been determined as an accreditation body for the purposes of the Telecommunications Act.

To date there are no competent bodies determined for the purposes of the telecommunications regulatory arrangements. Competent bodies have been determined under the Radiocommunications Act for the purposes of the EMC regulatory arrangements, but these should not be confused with competent bodies or certification bodies appointed under the Telecommunications Act.

### **Who should test my item?**

There is no requirement to hold a test report for compliance level one requirements. Compliance level two requirements can be tested by any test house or even tested in-house. Testing organisations for compliance level two do not need to be accredited by NATA. However, for compliance level three, test reports must be endorsed by NATA or a body with which NATA has an agreement for the mutual recognition of test reports (NATA MRA Partner), and be obtained from an RTA.

### **What other compliance documentation is acceptable?**

In addition to the above arrangements, for compliance levels two and three, the ACMA also recognises supplementary compliance documentation for particular items including:

- > approvals issued by specified foreign administrations relating to Global System for Mobile (GSM) Communications handsets, Digital Enhanced Cordless Telecommunications (DECT) terminal equipment, cordless telephone terminal equipment and ISDN terminal equipment
- > test reports for European Telecommunications Standards Institute (ETSI) ISDN telecommunications terminal equipment and GSM devices
- > attestations of conformity issued by designated conformity assessment bodies under the Mutual Recognition Agreement between Australia and the European Union
- > electrical safety certificates of approval or certificates of suitability, given by an Australian state or territory electrical safety authority.

(Note: the ACMA is currently considering an amendment to the Telecommunications Labelling Notice to recognise reports issued under the IECEEB Scheme.)

An item, having any of the above examples of supplementary compliance documentation, is only required to be tested to the requirements in the applicable technical standard(s) that differ from the requirements under which the supplementary compliance document was given.

Details of acceptable overseas approvals, test reports, attestations of conformity or electrical safety certificates are specified in Schedule 7 of the Telecommunications Labelling Notice.

### **Are there any items to which the Telecommunications Labelling Notice does not apply?**

The Telecommunications Labelling Notice does not apply to the items listed in Schedule 2 of the Telecommunications Labelling Notice. Currently the following items are specified:

- > a cellular mobile phone imported for personal use that meets the applicable technical standard(s)
- > an item manufactured or imported solely for use by criminal law enforcement agencies, defence force agencies or Australian security agencies that meets the applicable technical standard(s)
- > test equipment for a telecommunications network
- > handsets or headsets manufactured or imported solely for use with internet or voice modem connections to a telecommunications network
- > televisions, video cassette recorders or FM stereo amplifiers that do not have a network termination unit as part of their design
- > set-top boxes used solely to provide subscription broadcasting or narrowcasting services
- > an item that is manufactured or imported solely to be exported
- > an item imported for connection to a network or facility in relation to a significant event as notified on the [ACMA website](#).

### **What are the compliance requirements for disability customer equipment?**

There are separate compliance requirements that aim to minimise compliance costs for suppliers of specific equipment with one or more features designed to assist persons with disabilities to access services supplied over the analog public switched telephone network (PSTN). This arrangement only applies to equipment supplied in low quantities (not more than 50 items from each supplier per calendar year). Under this compliance scheme, the equipment supplied must be endorsed by a disability representative body. The equipment must have a feature or features that, in the opinion of the disability representative body, is specifically designed to assist a person with a disability access a service supplied over the analog PSTN.

Suppliers should consider early in the process whether the equipment they are manufacturing, importing or modifying will be recognised as disability customer equipment by a disability representative body. Equipment that is not endorsed by a disability representative body and is not for connection to the analog PSTN is not eligible for the reduced compliance requirements and must meet all applicable technical standard(s) specified in the appropriate categories of Schedule 1 of the Telecommunications Labelling Notice. Items listed in Schedule 1, other than Category A1 or A2, cannot be disability customer equipment.

More information about the requirements for suppliers of disability equipment is available on the [ACMA website](#).

The Declaration of Conformity form for disability customer equipment, Form T003, 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 T003. The completed declaration for disability customer equipment must remain with the supplier as part of the documentation required for the compliance records. However, a copy of the declaration must also be sent to the ACMA by mail, facsimile or email (contact details are on the form).

# Record-keeping obligations

## **What are the record-keeping obligations for telecommunications items?**

The record-keeping obligations for items scoped under the telecommunications regulatory arrangements comprise obtaining and holding specified compliance records for the item as specified in the Telecommunications Labelling Notice.

## **What are compliance records?**

Compliance records comprise information collected by a supplier about an item, including the required documentation that supports the declaration that an item complies with the Telecommunications Labelling Notice and the applicable technical standard(s). The range and extent of the specified documents will depend on the compliance levels (that is, compliance level one, two or three) that apply to the item.

Typical compliance records include:

- > description of the item
- > signed Declaration of Conformity
- > test reports, including endorsed test reports
- > statements by a certification body or a competent body
- > other recognised supplementary documentation listed in Schedule 7 of the Telecommunications Labelling Notice.

## **What information is required to describe the item?**

In broad terms, a description of an item 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, endorsed test report or statement by a competent body or certification body was prepared, or AUSTEL permit or Telecom Australia Authorisation was granted before 1 July 1997.

The description of the item must include the following information:

- > the current model number for the item and, if relevant, any related model numbers for the item
- > photograph(s) of the item showing its internal and external aspects (including printed circuit boards)
- > the version of any software or firmware incorporated into or supplied with the item where changes in these may affect the compliance of the item with the telecommunications standard
- > sufficient information to determine whether the item is the same as described in the compliance records, such as a block diagram
- > if the item is disability customer equipment, a description of the relevant features of the item.

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

A Declaration of Conformity is a document signed by the supplier that asserts that the item meets the applicable ACMA technical standard(s). 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.

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 item or modification to an item require a new set of compliance records?**

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

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

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

This statement must be signed by the supplier.

The supplier must ensure that the modified item is tested against the requirements of each applicable ACMA technical 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 A-Tick compliance label to the modified item unless the item meets the requirements of each applicable ACMA technical 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.

Certified copies of the original test report may be included as part of the compliance records. These must be endorsed as a true and complete copy by either the:

- > holder of the original test report
- > test house that conducted the original test.

### **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

## What is the A-Tick compliance label?

The A-Tick compliance label consists of:

- > the A-Tick compliance mark
- > the supplier identification.

For example:

**A-Tick mark**                      **Supplier identification**



In the example, the supplier identification depicted is the Supplier Code Number (SCN) issued by the ACMA.

Suppliers of items scoped by the Telecommunications Labelling Notice must apply a compliance label to their device before it can be supplied in Australia.

The A-Tick compliance label indicates that the item complies with the applicable standard(s) and establishes a traceable link between the item and the supplier responsible for compliance and for placing it on the Australian market. It is also an indication to the user that the item can legally be connected to a telecommunications network or facility.

**Note: The ACMA is amending the communications regulatory arrangements 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. The new arrangements will commence on 1 March 2013 with a three-year transition period. This booklet, and information published on the ACMA website, will be updated at that time. Further information about the RCM and transitional arrangements is available on the [ACMA website](#).**



## What is the A-Tick?

The compliance mark that must be used to indicate compliance with the telecommunications regulatory arrangement is the A-Tick compliance mark.

The A-Tick compliance mark is an assurance that an item meets the safety and other applicable technical standard(s) set by the ACMA and is able to be connected to the telecommunications network. As a supplier, you must ensure your items are appropriately labelled.

The A-Tick compliance mark is the symbol specified in Schedule 3 of the Telecommunications Labelling Notice. It is a protected symbol and is to be used exactly as shown in the Telecommunications Labelling Notice and on the ACMA website. No variations are permitted.

### **Who can use the A-Tick mark?**

An Australian company or person wishing to use the A-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 A-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 A-Tick compliance mark also registers the supplier to use the C-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 A-Tick compliance mark is available for download, free of charge, from the [ACMA website](#).

### **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 telecommunications items?**

#### ***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 item or electronically if the item has a built-in electronic display.

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

### Surface labelling

The A-Tick compliance label (the A-Tick mark and supplier identification) should be a permanent feature placed on the item, ideally as close as possible to the model identification. In the case of cable, the A-Tick compliance label must be applied at least once on the cable sheath, as close as possible to the product identification code.

The label must be applied to a surface of the item that is readily accessible to the user of the item. If the supplier identification information is displayed on the external surface of the item, the label must be applied to the item in a way that does not obscure that information.

The label shall be durably applied by any suitable means such as printing, painting, moulding, etching or engraving.

If it is not practical to apply a label to the external surface of the item and the label is not displayed using a built-in electronic display, the label must be applied to both the following:

- > the external surface of the packaging used for the item
- > the documentation (operating instructions, warranty or guarantee certificates) that accompanies the item when it is supplied to the user.

In the case of cable, if it is not practical to apply a label to the cable sheath due to the size of physical nature of the cable, the label must be applied to the external surface of the packaging used for the cable, for example the drum, spool or box.

If the A-Tick label must be applied to the external surface of the packaging, 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 item 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.

### Additional requirements for marking cable (product identification code)

Customer cable must also be identified on the sheath, at regular intervals of not more than two metres, with a company name, trade name or trademark, as well as with a part number, identification number, name or part name.

### Electronic labelling

The supplier of an item 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 item.

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

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

### **What are the alternative labelling requirements for certain compliant telecommunications customer cabling products?**

For the labelling of a range of certain cabling products—some customer cabling and associated customer equipment—suppliers have an alternative to applying the compliance label (A-Tick compliance mark and supplier identification).

Suppliers who are eligible to use the alternative labelling arrangements, and are not required to place the compliance label on their product, are required to maintain a publicly available register on the internet, listing each of their compliant cabling products that are supplied under the alternative labelling arrangements. These products will be identified in the marketplace by their unique markings and labels applied during the manufacturing process.

Details of the requirements for suppliers using the alternative labelling arrangements are specified in Part 2A of the Telecommunications Labelling Notice. It is important that suppliers read these requirements and consult the ACMA.

Broadly speaking, for a cabling product to be eligible for the alternative labelling arrangements it must:

- > be compliant with the standard AS/CA S008-2011 or its predecessors
- > be a type of product that can only be installed by a licensed or registered cabler (under section 420 of the Telecommunications Act)
- > be marked with the manufacturer's identification.

These cabling products include cable, connectors, distributors and patch panels.

Cabling products intended for the consumer market must continue to be marked with the A-Tick compliance label irrespective of whether the products meet the criteria for the alternative labelling arrangements. Examples of such products include pre-terminated (terminated with plugs and sockets) telephone extension cords, plug-in socket adaptors and pre-terminated patch leads.

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

The application form to not apply a compliance label to certain exempt cabling products, Form T004, is on the [ACMA website](#). An application to the ACMA must be in writing. 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 T004. The completed application must be returned to the ACMA by mail, facsimile or email (contact details are on the form).

Suppliers need to obtain permission to not apply a compliance label to certain exempt cabling items only once.

### **What are the labelling requirements for non-compliant items?**

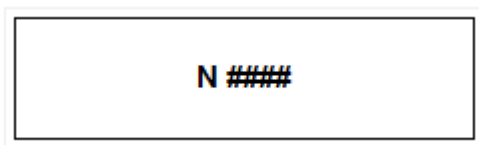
If an item scoped by the Telecommunications Labelling Notice does not comply with or has not been tested against the applicable technical standard(s) and is not a 'previously permitted item' as detailed in the Telecommunications Labelling Notice, it is regarded as a non-compliant item. Such items must be labelled with the non-compliance label.

### **What does the non-compliance label consist of?**

The non-compliance label consists of an acceptable means of the supplier identification as specified in the Telecommunications Labelling Notice. In addition, the supplier must also print the statements set out in Schedule 9 of the Telecommunications Labelling Notice on the packaging and the documentation supplied with the item.

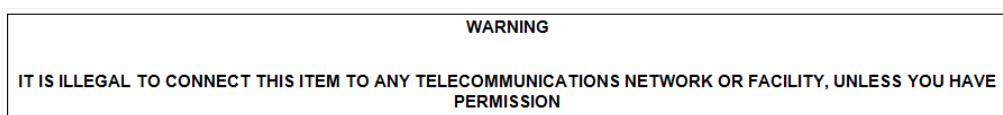
For example:

### Supplier identification

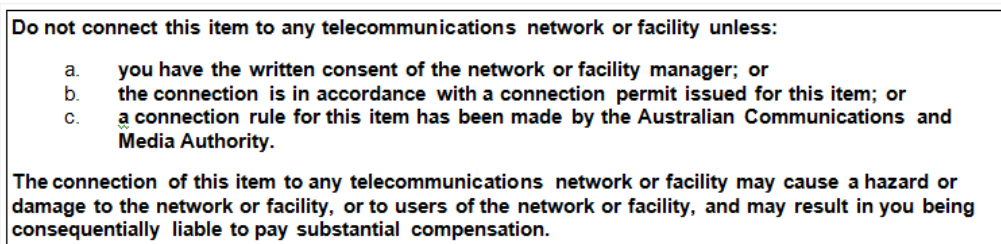


The non-compliance label consists of the supplier identification placed on the item—the identification depicted is the SCN issued by the ACMA.

In addition to the supplier identification on the item, the following statement must be printed in capital letters of no smaller than five millimetres (5mm) in height on the external surface of the packaging supplied with the item:



In addition to the above statement, the following statement must also be printed in letters of no smaller than three millimetres (3mm) in height on the external surface of the packaging and incorporated into the documentation supplied with the item:



### Who is responsible for applying labels to an item?

#### *Items manufactured in Australia*

The Australian manufacturer, or their authorised agent in Australia, must label items manufactured in Australia in accordance with the Telecommunications 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.

#### *Items manufactured overseas*

The Australian importer, or the importer's authorised Australian agent, must ensure that items manufactured overseas are labelled in accordance with the Telecommunications Labelling Notice. This can be achieved by labelling the item 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 items be labelled by the overseas manufacturer?

Items 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 items 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 item to apply the label. 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 item themselves or entering into an agency agreement with another person who labels the item. For the purposes of the telecommunications 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 an item also must retain and maintain the compliance records for the item.

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 item is not an agency agreement for the purposes of the telecommunications 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 telecommunications 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 item. 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 an item has already been labelled with the A-Tick compliance label by someone else?**

If an importer or authorised agent in Australia wishes to supply an item 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 item they supply. Each importer or authorised agent in Australia is responsible for ensuring that the imported item complies with the relevant applicable ACMA technical standard(s).

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

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

**What should I do if I transfer responsibility for a telecommunications item?**

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

The new supplier must ensure that the item is compliant before labelling the item with their own A-Tick compliance label indicating their involvement, including their own supplier identification. For more information about the acceptable methods of supplier identification, refer to 'Labelling requirements' in this booklet. The new supplier must also ensure the availability of the compliance records applicable to the item and sign and hold a Declaration of Conformity for the item.

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

**What must I do if my item was previously labelled with the 'A-Cross' non-compliance mark?**

The 'A-Cross' non-compliance mark has been removed from the Telecommunications Labelling Notice and should not be used.

Suppliers must now label non-compliant items according to the labelling requirements for non-compliant items set out in the Telecommunications Labelling Notice. Refer to [What does the non-compliance label consist of?](#) in this section of the booklet for more information.

# Other regulatory arrangements

## What other regulatory arrangements may apply?

The ACMA also has compliance and labelling arrangements for:

- > radiocommunications—applies to certain radiocommunications devices (transmitters)
- > 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 item must also have the C-Tick compliance label?

The C-Tick label is used to show compliance with the radiocommunications, EMC and EMR/EME regulatory arrangements.

Telecommunications items may also be required to comply with the one or more of the regulatory arrangements; for example, cordless and mobile telephone handsets. Where an item is subject to the telecommunications regulatory arrangements and one or more other regulatory arrangements, there is no requirement to label the item with both the A-Tick and C-Tick marks. The A-Tick along with the supplier identification is adequate for indicating compliance with all applicable regulatory arrangements.

An item that complies with radiocommunications, EMC and EMR/EME requirements but does not comply with the telecommunications regulatory arrangements cannot be connected to a telecommunications network without written authorisation from the manager of the network.





Despite this, there are some rare circumstances where non-compliant telecommunications items can be supplied. Non-compliant items can be supplied if the item:

- > is labelled with the telecommunications non-compliance label
- > complies with any relevant radiocommunications, EMC or EMR/EME standards
- > is labelled with the C-Tick compliance label, where applicable.

For example, the label placed on such an item would consist of the C-Tick mark and the supplier identification, together with statements printed on the packaging and documentation indicating non-compliance with the telecommunications regulatory arrangements. A detailed description of the labelling requirements is in the Telecommunications Labelling Notice.

The different labelling scenarios for the above situations are illustrated on page 20.



	<b>Applicable EMC and/or EMR/EME requirements</b>	<b>Applicable radiocommunications requirements</b>
	Most telecommunications customer equipment would have requirements under the ACMA's EMC scheme; specified customer equipment would have requirements under the ACMA's EMR/EME scheme.	Radiocommunications standards apply to various wireless telecommunications customer equipment including cordless and mobile phones.
<b>Compliance</b> with telecommunications requirements	 <b>+ supplier identification</b>	 <b>+ supplier identification</b>
<b>Non-compliance</b> with telecommunications requirements	 <b>+ supplier identification</b> <i>In addition, suppliers must also print non-compliance statements on the packaging and documentation.</i>	 <b>+ supplier identification</b> <i>In addition, suppliers must also print non-compliance statements on the packaging and documentation.</i>

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

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

For example:



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

Currently 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.

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

**Note: The ACMA is amending the communications regulatory arrangements 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. The new arrangements will commence on 1 March 2013 with a three-year transition period. This booklet, and information published on the ACMA website, will be updated at that time. Further information about the RCM and transitional arrangements is available on the [ACMA website](#).**



### **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 EMR/EME, the draft revised version of AS/NZS 4417 will only refer to the ACMA's regulatory arrangements; that is, AS/NZS 4417 will not purport to describe the rules for the use of the mark for the purposes of complying with the ACMA regulatory arrangements.

# Enforcement

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

Although the compliance and labelling 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 by the ACMA to support responsible suppliers.

## **How does the ACMA decide who is to be audited?**

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

- > a random selection from the registered supplier database
- > receipt of a written complaint
- > items identified at retail outlets
- > items identified through advertising material
- > complaints from carriers about interference or disruption to network or subscriber communications.

When a supplier is selected for audit, the ACMA will issue a written notice to that supplier indicating that an audit will occur. This notice will nominate an audit date, which will allow the recipient at least 10 working days to prepare for the audit or provide any requested documentation. At the time of audit, the auditor will examine any compliance records provided and may also make a detailed inspection of the item. 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 item(s). It only means that the compliance records were complete at the time of the audit.

When an auditor requires further evidence of compliance for the item, additional information will be requested. This information may range from producing further documentation to submitting three randomly selected samples of the item for evaluation by an RTA. Samples for testing will only be required where compliance of the item is in question.

## **What offences exist?**

Offences outlined in various legislation provisions include but are not limited to:

- > using the A-Tick compliance mark without permission
- > supplying unlabelled items for sale or use (where the item is required to be labelled)
- > supplying non-compliant A-Tick labelled items for sale or use
- > making a false Declaration of Conformity
- > failing to meet the record-keeping obligations (establish and maintain compliance records)
- > connecting unlabelled items to a telecommunications network (where the items are required to be labelled)
- > connecting items carrying the non-compliance label to a telecommunications network without network manager approval.

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

### **What penalties apply?**

Penalties, including fines, are specified in the Telecommunications Act, the Radiocommunications Act and other Commonwealth legislation applying to the supply or connection of an item that does not comply with the Telecommunications Labelling Notice. Suppliers should also be aware that:

- > consumers who have been supplied non-compliant or unlabelled items may take civil action against the suppliers of those items
- > in the event of non-compliant items causing damage to the network, carriers may also take action against suppliers to recover costs resulting from that damage.

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

# Contact details

## Regulator

### Australian Communications and Media Authority (ACMA)

Any questions about the Telecommunications Labelling Notice or the telecommunications regulatory arrangements in Australia 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 organisations

### Communications Alliance Ltd

Under arrangements between the ACMA and Communications Alliance Ltd, Communications Alliance manages the preparation of new Australian standards or revisions to existing standards developed by the telecommunications industry, including consultation on proposed standards or revisions.

Copies of draft standards issued for public comment or final versions of the AS/CA SXXX series of Australian standards may be obtained from Communications Alliance:

Telephone: (02) 9959 9111

Facsimile: (02) 9954 6136

Website: [www.commsalliance.com.au](http://www.commsalliance.com.au)

### Standards Australia

Australian standards and other products (including referenced standards in the telecommunications regulatory arrangements or the applicable ACMA technical standards) 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 Limited

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)

## Accreditation body

Persons can be determined as accreditation bodies, approving bodies, competent bodies or certification bodies under various provisions in both the Telecommunications Act and the Radiocommunications Act.

### **National Association of Testing Authorities, Australia**

The National Association of Testing Authorities, Australia (NATA) is recognised by the Commonwealth as the national authority for accreditation of laboratories. NATA has been determined by the ACMA as an accreditation body under the Telecommunications Act.

Mutual recognition agreements (MRAs) exist between NATA and accreditation bodies of other countries for recognition of test results from accredited laboratories covered by the MRAs. A number of test houses, including overseas laboratories, have been determined by NATA to be Recognised Testing Authorities (RTAs) for the purposes of the Telecommunications Act.

Details of RTAs and their scope of accreditation are on the NATA website:

Telephone: 1800 621 666

Facsimile: (02) 9743 5311

Website: [www.nata.asn.au](http://www.nata.asn.au)



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