

RULES

For the issue by the SPECTRUM MANAGEMENT AGENCY of compliance marks to indicate that suppliers of devices bearing the compliance C-Tick mark, device code and supplier code have declared that the device complies with all requirements of the specified class of devices as identified in the compliance folder held by the supplier, corresponding to proposed Australian Trade Mark Registration No. 614687 in class 9 and in part C in respect of communication equipment (radiocommunication devices).

DEFINITIONS

1. In these Rules and any schedule hereto and unless the contrary intention appears:

- a) "the Act" means the *Radiocommunications Act, 1992* and any regulations prescribed as part of its operation.
- * b) "Appeal" means an Appeal to the Registrar of Trade Marks as provided for by Rule... 81
- c) "Authorised User" means any person for the time being entered in the Register.
- d) "Certificate" means any Certificate issued or renewed by the Standards Team in accordance with these Rules.
- e) "C-Tick" means the compliance mark corresponding to the representation in appendix 1 of these Rules.
- f) "Device" means a radiocommunications transmitter, or any other transmitter, or a radiocommunications receiver as given meaning in section 9 of the Act.
- g) "Licence" means a licence to use the compliance C-Tick mark given by the SMA in accordance with these Rules.
- h) "Licencee" means a Person holding a Licence issued by the SMA as given meaning in s5 of the Act (or equipment effectively covered by a SMA Class Licence?).
- i) "Person" means any individual, firm or body corporate
- j) "Register" means the Register kept by the Standards Team of Authorised Users of the C-Tick mark.
- k) "Registrar" means the Registrar of Trade Marks.
- l) "SMA" means SPECTRUM MANAGEMENT AGENCY: the statutory authority of the Commonwealth of Australia for the management of the radiofrequency spectrum.
- m) "Standard" means the technical or other standards and specifications prescribed by the SMA from time to time in accordance of provisions under Part 4.1 (section 162) of the Act and as provided for in Rules 5-24.
- n) "Standards Team" means the Business Directions Group Radiocommunications Standards Team of the SMA whose responsibility will be to administer the use of the C-Tick and Supplier and Model Codes.
- o) "Supplier" means any manufacturer, importer or supplier of devices.
- p) "Supplier Declaration" means the completed declaration of compliance form corresponding to the example Supplier Declaration Form in Appendix 2 of these rules.
- q) 'TLS' means Technical Licence Specification.

PROPRIETORSHIP

2. The compliance C-Tick as represented in the mark is the absolute property of the SMA, as a statutory authority of the Commonwealth of Australia, and may not be used by any person otherwise than in accordance with these rules.
3. The power of issuing and renewing and withdrawing a C-Tick is vested in the SMA acting through the Standards Team

REGISTER

4. A Register shall be kept, and shall be made available for public inspection during normal business hours at the offices of the SMA, Purple Building, Benjamin Offices, Chan Street, Belconnen ACT 2617, containing (in addition to any other particulars that may from time to time be deemed necessary by the Standards Team) the names, addresses and trade descriptions of each Authorised User and the Device type for which s/he is authorised to use the C-Tick mark, together with the date of registration of the Authorised User.

STANDARDS

5. The SMA has the powers to make standards under section 162 (s162) of the Act and Technical Licence Specifications (TLSs) under s179 of the Act. Standards and TLSs are both statements of technical requirements for equipment, and their content is similar in form. It is only their legal effect that is different.
6. A standard applies to the supply of a product. The obligation to comply falls, first of all, on the supplier of the equipment up to the point of supply.
7. A TLS applies to equipment that is covered by a radiocommunications licence. The obligation to comply rests with the licensee (ie. the user).
8. The Standards Association of Australia (Standards Australia) has the primary responsibility for the preparation and publishing of radiocommunication standards and TLSs, and the process of public consultation. This has been enacted under an arrangement made under s163.(2), s163.(3), s180.(2) and s180.(3) of the Act. Standards are developed jointly with New Zealand.
9. The SMA adopt international standards wherever possible, or modify them only where absolutely necessary to meet unique Australian requirements. Where international standards do not exist, widely recognised regional or national standards are to be used unless there is an overwhelming reason why part of a standard would not be applicable in Australia.
10. The SMA standards arrangements accord with the requirements of the Trade Practices Act and Australia's obligation under the GATT Standards Code.
11. Multiple standards for particular classes of devices may be necessary to promote the highest level of technological neutrality possible.
12. Spectrum planning models for frequency assignment are based on minimum performance requirements for which standards should meet or exceed.

13. There are a limited number of mandatory standards covering radiocommunication devices. These have been carried over from the old Act (*Radiocommunications Act, 1982*). It is expected that the number and scope of standards will be progressively expanded to cover all radiocommunication transmitters. TLSs will be applied where a particular equipment specification or level of performance is required in circumstances which may be confined more narrowly than would be the case with mandatory standards. Compliance with TLSs is managed under the licensing regime.
14. Australian Standards produced by Standards Australia are voluntary. Australian Standards become mandatory standards when they are adopted under legislation.
15. The SMA has the power to make standards mandatory under s162 of the Act to impose performance requirements or maximum levels of radio emissions from devices within specified parts of the spectrum.
16. Standards for radiocommunication equipment will be made mandatory SMA standards by adopting them in whole or in part, by written instrument, under s162 of the Act. However, an exception to this is standards applicable to equipment connected to public telecommunications networks, which generally fall within the responsibility of AUSTEL under the *Telecommunications, Act 1991* (eg. cellular mobile telephones).
17. The SMA may, under s162.(1) of the Act, make standards for the *performance* of specified devices (this includes radiocommunications transmitters and receivers), but standards are to consist only of requirements relevant to *interference* management under s162.(3) of the Act. Hence, the SMA may only adopt those parts of standards that relate to containing interference or establishing adequate levels of immunity from electromagnetic disturbances.
18. Most Australian Standards for radiocommunication equipment will contain both operational and radio performance requirements. For most Australian Standards only those parts which relate to radio interference performance can be adopted by the SMA.

ADOPTING TECHNICAL LICENCE SPECIFICATIONS

19. Further to Rules 5, 7 and 8, TLSs impose technical conditions for operation of radiocommunication devices of specified kinds under apparatus licences or spectrum licences. TLSs will be applied where a particular equipment specification or level of performance is required in circumstances which may be confined more narrowly than relevant SMA standards. Compliance will be managed under the licensing regime.
20. An arrangement has been made with Standards Australia to prepare and publish standards. The SMA may decide to adapt a standard as a TLS rather than a mandatory standard. Such a decision will be based on an assessment whether the mandatory requirements could or should be satisfied more narrowly through licence conditions.
- * 21. It is a requirement under s107.(1)(e) of the Act that, where a TLS is in force, a licence must refer to the need for equipment to comply with that particular specification. Thus, once a TLS comes into force, a special condition (drafted and applied to each new and renewed licence of the relevant categories. These conditions, where applicable, make reference to earlier specifications, known as Equipment Compliance Requirements (ECRs), in order that equipment licensed against these specifications may continue to be legally used.

22. Although a supplier can apply an additional label to indicate that a device meets the technical requirements of a TLS, the onus of responsibility is on the operator of the equipment (not the supplier) to meet a special condition which refers to a TLS.

DISALLOWANCE OF STANDARDS OR TLS

23. Standards and TLSs are disallowable instruments under s165.(1) and s179.(2) of the Act respectively. A standard or TLS which has been disallowed by the Senate or House of Representatives no longer has any effect.
24. If this happens, the Manager, Standards Team is responsible for:
- a) arranging for the details of the standard to be removed from the standards database;
 - b) advising Standards Australia of the disallowance; and
 - c) notifying suppliers using the names and addresses in the supplier code database.

COMPLIANCE CONDITIONS FOR ISSUE OF THE C-TICK MARK

25. The primary thrust of the compliance scheme is to establish and support an industry supplier declaration regime. The onus of responsibility will be on the supplier of radiocommunication equipment to ensure that the equipment complies and will continue to comply with relevant standards up to the point of supply.
26. The SMA ensures adherence with standards by requiring a supplier to create and maintain a compliance folder and to label devices, including the C-Tick and Coding, in accordance with a notice under s182 of the Act. The SMA encourages confidence in the system by focussing on audit (both random and in response to a complaint).

PREPARING A SECTION 182 NOTICE

27. The requirements placed on the supplier to verify compliance is specified in a s182 notice published in the Gazette for each class of device. Standards Australia will make recommendations on the requirements for supplier verification of compliance once the standard(s) for a class of device are published. The SMA make the final decision on these requirements and arranges for the publishing of the s182 notice (see Rules 5-24).
28. Responsibility for coordinating the process within the SMA lies with the Manager, Standards Team who will:
- a) refer the proposed compliance requirements to the Manager, SMA Compliance and Licensing Team for comment.
 - b) Forward the coordinated comments and recommendation on which parts of the standard are to be mandated and the compliance requirements for decision by the Executive Manager, SMA Business Directions Group.
 - c) Act on the decision by the Executive Manager, SMA Business Directions Group by writing to the Manager, SMA Legal Team to arrange for:
 - i) the preparation of a written instrument under section 162 of the Act to mandate those parts of the standard (refer to Section 2.4); and

- ii) the preparation of a notice under section 182 of the Act to set the compliance and labelling requirements for the particular class of device covered in the standard. The s182 notice shall be based on the drafting instructions. If the s182 notice is a revision of an existing s182 notice for a particular class of device, the letter to the Manager, Legal Services Team shall request that the old s182 notice be revoked in the same written instrument.

These two notices are to be prepared concurrently so that they will appear in the same edition of the Gazette.

- d) After Gazette, arrange to notify suppliers of a class of a device (using the names and addresses in the supplier code database) which parts of a standard have been adopted, the compliance requirements and the date of effect of the standard.
- e) Arrange for the details on the compliance requirements to be entered in the standards database and notified in relevant newsletters and electronic bulletin boards maintained by the SMA. The standards database will be used by the SMA Customer Services Group to answer enquiries from the public.
- f) Where the compliance requirements specify type testing (Level 2 or 3 - see Rules 33 and 36), arrange to notify recognised testing authorities so that they know what tests need to be performed on a class of device and the date of effect (using the names and addresses in the recognised testing authorities database).

DETERMINING COMPLIANCE VERIFICATION LEVELS

29. As mentioned above, the s182 notice will specify requirements for a class of device for verifying compliance with relevant SMA standards. These levels of compliance are separated into three levels. A description of the three levels and their application follows and should be used by the Manager, Standards Team and the Executive Manager, SMA Business Directions Group in deciding the compliance verification requirements for a class of device based on the advice from Standards Australia.

LEVEL 1 - Supplier Declaration

30. The supplier makes a formal declaration stating that a product complies and will continue to comply with relevant SMA standards up to the point of supply. The supplier also creates and maintains a compliance folder which contains the declaration and other relevant material detailing traceability of serial numbers, etc and any tests conducted.
31. This is the lowest level. It should only be used where the interference potential from non-compliant equipment is low.
32. The onus is completely on the supplier to declare compliance. As no third party is involved in issuing formal test reports and/or quality management systems certificates there is no formal check on actual compliance other than in-service non-compliance (audit) reports. Responsibility for ensuring that the correct SMA standard is applied clearly rests with the supplier.

LEVEL 2 - Supplier Declaration Plus Type-Testing

33. The requirements of Level 2 are:
 - a) the declaration and compliance folder requirements as specified in Level 1; plus
 - b) a full type-test report and compliance certificate from a SMA recognised testing authority.

34. This level should be specified where the consequences of non-compliance has a moderate to high potential to cause interference but is not likely to be life-threatening. This level will apply to most radiocommunication equipment.
35. The requirements should give a level of assurance that the likelihood of in-service non-compliance of equipment is moderately low. Responsibility for ensuring that the correct SMA standard is applied primarily rests with the testing authority.

LEVEL 3 - Supplier Declaration, Type-Testing Plus Quality Assurance

36. The requirements of Level 3 are:
 - a) the declaration, compliance folder and type-testing requirements as in Level 2; plus
 - b) accreditation of the manufacturer of a product to AS3903 / ISO 9003 by a recognised Quality Management Systems Certification Body.
37. This level should be specified where non-compliance may result in life-threatening situations and serious harm to other equipment and processes.
38. The requirements should give a level of assurance that the likelihood of in-service non-compliance of equipment is very low. Responsibility for ensuring that the correct SMA standard is applied primarily rests with the testing laboratory although auditing conducted by the Quality Management System Body would give additional assurance (see Rules 54-55).

RECOGNISING A TESTING AUTHORITY

39. Under section 183 of the Act, the SMA may, by written instrument, determine that a person or body is to be regarded as a recognised testing authority for the purposes of issuing a compliance certificate certifying that a device complies with a standard or TLS.
40. The criteria used to determine whether a laboratory should be a recognised testing authority for the purposes of the Act is that it shall be either:
 - a) accredited by the National Association of Testing Authorities (NATA), or a body recognised by NATA; or
 - b) accredited to EN 45001 or ISO/IEC Guide 25 by a body accredited or recognised by the Joint Accreditation Scheme - Australia and New Zealand (JAS-ANZ).
41. The laboratory must submit an application to the SMA to be considered as a recognised testing authority. Applications should be directed to the Manager, Standards Team. The laboratory must provide evidence that it has relevant accreditation (the SMA cannot recognise a laboratory with, say, NATA accreditation for testing concrete, etc). This evidence must include a copy of the accreditation certificate and a statement showing the type of tests the laboratory is capable of performing with associated measurement uncertainties.
42. The Manager, Standards Team will then make a decision as to whether the body shall be recognised or not. If so, a written instrument shall be produced to recognise the laboratory. Once the notice is made, the details of the laboratory shall be entered into the recognised testing authorities database.

43. The Spectrum Management Agency may withdraw the appointment of a person or body to be a recognised testing laboratory. The person or body is to be notified in writing together with the reasons for withdrawing the appointment.

RECOGNITION OF OVERSEAS TEST REPORTS AND CERTIFICATIONS

44. Test reports from an overseas laboratory shall be deemed acceptable for verifying compliance of a device with a SMA standard or TLS provided that the laboratory is accredited with a body that has a mutual recognition agreement with NATA (see below) or a JAS-ANZ, and:
- the device is tested to a SMA standard or TLS and meets the specified limits; or
 - the device has been tested to an overseas standard which is equivalent to the SMA standard or TLS and meets the specified limits; or
 - the device is tested to an overseas standard which:
 - tests the same performance parameters;
 - has the same or equivalent test methods; and
 - meets the limits;specified in the SMA standard or TLS.

45. If acceptable, a compliance certificate can then be issued by the SMA or a recognised testing authority which may be an overseas accredited laboratory.

- ^(LS)
* 46. NATA has mutual recognition agreements in relation to laboratory testing results with the following overseas bodies (this list is not prescriptive, see Rule ~~(46)~~ 47?)

- New Zealand* - the Testing Laboratory Registration Council of New Zealand (TELARC);
- USA* - the National Institute of Standards and Technology for the operation of the National Voluntary Laboratory Accreditation Program (NVLAP);
- USA* - the American Association of Laboratory Accreditation (A2LA);
- United Kingdom* - the National Physical Laboratory of the UK which operates the National Measurement Accreditation Scheme (NAMAS);
- Hong Kong* - Hong Kong Laboratory Accreditation Scheme (HOKLAS);
- Holland* - Dutch Accreditation Board for Calibration Laboratories, Test Laboratories and Inspection Bodies (STERLAB); and
- Sweden* - Swedish Board for Technical Accreditation (SWEDAC).

- ⁽⁴⁶⁾ 47. For further information on additional international agreements and current negotiations between NATA and other foreign accreditation systems (eg. the European Union) contact the Operations Manager, NATA (02 736-8222).

48. For some classes of device, part of the compliance requirements may specify that a supplier has a quality control system in place. A supplier must hold a Quality Management System (QMS) Certificate in order to demonstrate that a QMS system is in place. Where a product is manufactured overseas, a QMS certificate from an overseas body shall be deemed acceptable provided that:

- the overseas body is accredited with an organisation which has a mutual recognition agreement (MRA) with JAS-ANZ or the overseas body has an MRA with a JAS-ANZ accredited body; and

- b) the certificate verifies that a quality control system is in place to maintain compliance of the product with a standard(s) during manufacture.

TRACING AN AUTHORISED USER AND THE COMPLIANCE FOLDER

- 49. The labelling requirements specify that the information on the label, or elsewhere on the device, must be adequate to identify the location of the compliance folder.
- 50. Where a supplier code is included on the label, the location of the compliance folder will be that address entered in the SMA's supplier code database for that supplier code. If the supplier code is not on the label then the address of the compliance folder will be indicated elsewhere on the device.
- 51. The compliance folder is to be kept at the supplier's registered business address in Australia or at a location agreed with the SMA for 10 years after supply of the product has ended.
- 52. The folder is to be made available for inspection by the SMA during business hours. The folder is to be provided to a specified office of the SMA on request within two working days unless an extension is given by the SMA.

CHECKING COMPLIANCE FOLDER CONTENTS

- 53. The purpose of the compliance folder is to provide a means for a supplier to verify that a product complies with the requirements of a s182 notice and to provide a traceable record of the steps taken to ensure that the product line it covers continues to comply. The SMA may inspect the folder to check that a supplier has taken and is continuing to take adequate measures to comply. The folder may be inspected on a random basis, due to an interference investigation, or as the result of a complaint from another source.
- 54. The compliance folder should contain all information specified in the s182 notice for the particular class of device including:
 - a) A supplier declaration form. The declaration must state that the device complies with all applicable standards as specified in the s182 notice. The declaration should be in the correct format and completed in full and signed. A sample declaration form is shown at Appendix 2.
 - b) A record of the identification of the device covered by the declaration, photographs, the date of labelling, the results of any on-going tests, and serial or batch numbers of devices supplied or some other method of identifying the output of production over time. The record should be maintained and updated regularly.
 - c) Circuit diagrams, design calculations and any other relevant technical information that supports that a product has been designed to comply with a relevant standard. Circuit diagrams are useful to determine whether a device has been intentionally modified by a user.
 - d) A compliance certificate and type-test report from a recognised testing authority, where specified in a s182 notice. The certificate and test report must verify that the device complies with the appropriate SMA standard.

- e) A copy of the Quality Management System (QMS) certificate obtained from a QMS certification body accredited by JAS-ANZ, where specified in the s182 notice. The certificate must verify that a quality control system is in place to maintain compliance of the product during manufacture.
- 55. The Quality Management Systems (QMS) Certification process examines the entire production process against the appropriate ISO and IEC guides (such as AS3900 / ISO 9000 series), as distinct from type-testing the device against a radiocommunication equipment standard.
- 56. Although the SMA has the power to require QMS certification, it is unlikely to be made mandatory in Australia unless it becomes mandatory for similar standards overseas. QMS bodies with formal accreditation from JAS-ANZ currently include Standards Australia Quality Assurance Services (SAQAS) and NATA.

THE AUDIT FUNCTION

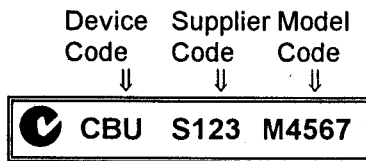
- 57. In the event that the SMA is advised or establishes the use or possession of a non-compliant device, the compliance folder may be requested by the SMA as part of its assessment of whether to proceed to prosecution for the offence. A comprehensive compliance folder may indicate the non-standard device occurred due to a variation in manufacture, whereas an inadequate compliance folder may indicate an irresponsible approach by the supplier.
- 58. The contents of a supplier's compliance folder may be inspected by either visiting the supplier's registered office, or by requiring the supplier to send copies of the contents of the folder to the SMA at a specified address.
- 59. Where there is a reason to believe that a product is non-standard, a sample of the product shall be tested to determine whether it is non-standard. Three samples of the product shall be purchased "off the shelf" and then tested either by the Melbourne Type-Test Office or by a recognised test laboratory with no commercial ties with the supplier of the device.
- 60. The SMA may also carry out, or have carried out on its behalf, tests on devices taken from the market place at random as part of the normal auditing function. Three samples of a product shall be purchased "off the shelf" and then tested either by the Melbourne Type-Test Office or by a recognised test authority with no commercial ties with the supplier or seller of the device.

PENALTIES

- 61. A person who does not comply with the C-Tick rules may have the use of the C-Tick mark suspended or cancelled by the Spectrum Management Agency.
- 62. A person who commits an offence against s160, s186, s187 or s279 of the *Radiocommunications Act 1992* may have the use of the C-Tick mark suspended or cancelled by the Spectrum Management Agency.

THE C-TICK AND LABELLING

63. An example of the elements of the label would be:



64. The components of the compliance label are as follows:



- a) the compliance 'C-Tick' logo, which is registered to the SMA by the Registrar of Trade Marks to protect it from misleading use in the market place;
- b) device identification, in which suppliers place a "device code" for the class of device next to the logo. Device codes for a particular class of device will be published in the s182 notice. For example, the device code for UHF Citizen Band radios would be specified in the notice as **CBU** (see the list of device codes in Appendix 1)
- c) supplier identification, stating the name of the supplier in Australia and the address where the compliance folder is located unless these are clearly provided elsewhere on the device. The SMA will issue a supplier code on request. This may be used by the supplier instead of providing full details on the label; (eg **S123** will enable the SMA to identify the supplier and the address where the Compliance Folder is kept). A supplier may request more than one supplier code; and
- d) product identification (brand name and model number) where this is not already displayed permanently and clearly on the product. Where a supplier prefers, a model code may be obtained on application to the SMA.

65. For example, the label for UHF citizen band equipment complying with the requirements of a hypothetical CB labelling notice may appear as shown below (where the supplier's Code is 123 and the product model code is 4567). Alternative labels are suggested below depending on the amount of information provided elsewhere on the product:

a) A device which bears no other information:



CBU S123 M4567

b) A device which already carries the full name of the supplier *and* the address of the folder:



CBU M4567

c) A device which already carries the full model number/name and the full name and address of the supplier:



CBU

d) A device which already carries full model number/name, the full name and address of the supplier, and specifies all relevant standards:



- (64) 66. Any change in the address on the label (or code) of where the compliance folder is held shall be notified to the SMA. If the supplier ceases to trade, the compliance folder becomes the property of the SMA and must be delivered to the SMA.
- (63) 67. The location, size and construction of the compliance label are specified in Appendix 1.
- (65) 68. Upon receipt of the Supplier Declaration Form the Standards Team will dispatch to the Authorised User a template copy of the C-Tick either in a hard copy (bromide) or electronic form which may be used solely for devices for which a declaration has been made and a compliance folder held.
- (66) 69. The label does not currently apply, but may in future apply to electric and electronic non-radiocommunication equipment ie. equipment covered by the Electromagnetic Compatibility (EMC) framework. Alternatively, a new compliance label may be required for devices requiring compliance with EMC standards. In either instance, a separate s182 notice would be required.
- (67) 70. Where radio equipment is also subject to an AUSTEL standard (eg. cellular telephones), only a single compliance mark is needed. This will be the AUSTEL compliance mark.

THE COMPLIANCE LABEL

- was 60
71. The purpose of the label is to indicate that the supplier of the device has declared that the device complies with all requirements of the specified class of devices, and to provide information on the device, the supplier, and the standards with which it must comply. The label will enable both consumers and inspectors to recognise products where the supplier has declared that the necessary steps to comply have been taken. Information on the label, or elsewhere on the device, must be adequate to identify the supplier and the model as described in the compliance folder and, where applicable, as the information appears in the SMA's supplier code database. A supplier who misuses the label will be subject to prosecution under the *Trade Practices Act* and/or *Radiocommunications Act*.
- new 68A
72. The label must not be affixed to devices not included in a specified class of devices under s182 of the *Radiocommunications Act 1992*.

THE DEVICE CODE

73. Device codes will be published for a class of device specified in a s182 notice. Display of a particular code(s) indicates that a device complies with relevant SMA standard(s). The device codes that will most likely be used for standards are listed in Appendix 1.

THE SUPPLIER CODE

74. Part of the label includes a supplier code. The supplier code indicates the name of a supplier in Australia and the address where the compliance folder is located unless these are clearly provided elsewhere on the device. The supplier code is to be issued by the SMA on request. It is to be used by the SMA to identify the supplier and the address where the compliance folder is kept.
75. The format of the supplier code is Sxxxx where "S" indicates that the code is a supplier code and xxxx is a number between 0 and 9999. Supplier codes shall be issued sequentially starting from S0. If a supplier requests a particular code, it may be issued provided that it has not already been allocated. A supplier may be issued with more than one supplier code.
- was 72
76. All requests for a supplier number shall be directed to the Manager, Standards Team. Upon receipt of a written request by a supplier, the supplier's details shall be entered into the supplier code database. The supplier code is then issued and a letter advising the supplier code is sent to the supplier.

THE MODEL CODE

- new 63 & 64 (d)
77. Where the brand name and model number is not displayed permanently and clearly on a product, a model code must be included in the label. The model code indicates the brand name and model of a product. The model code is to be issued by the SMA on request. It is to be used by the SMA to identify the model and number of a product.
78. The format of the model code is Mxxxxx where "M" indicates that the code is a model code and xxxxx is a number between 0 and 99999 (Note that there are more digits than the supplier code).

79. Model codes shall be issued sequentially starting from M0. If a supplier requests a particular code, it may be issued provided that it has not already been allocated. A supplier may be issued with more than one model code.

new
80. All requests for a model number shall be directed to the Manager, Standards Team. Upon receipt of a written request by a supplier, the supplier's details shall be entered into the model code database. The model code is then issued and a letter advising the model code is sent to the supplier.

APPEAL RIGHTS

use
13
81. As in s85.(2) of the *Trade Marks Act, 1955*, in the event of permission to use or renew the right to use the C-Tick being refused, or the right to use a C-Tick being cancelled by the Standards Team, the person concerned shall, during the period of thirty days immediately succeeding the date of such refusal or cancellation or such further time as the Registrar in his discretion may allow, have the right to appeal against such refusal or cancellation to the Registrar of Trade Marks, Canberra ACT. At the same time notice of such appeal shall be given to the SMA. The decision of the Registrar in such appeal (after submission to the Registrar of such written and/or verbal representations as the parties desire to make or as s/he shall require) shall be binding on the SMA and the person concerned.

POWER TO AMEND

82. Provided that the Registrar consents, the Standards Team may from time to time alter these Rules or make new Rules, but no such alteration or new Rule shall affect the use of the C-Tick by an Authorised User during the current calendar year of its use, nor until the Authorised User has received two calendar months notice in writing of such new or altered Rules.

DELEGATION OF POWERS

83. The Standards Team may from time to time delegate its powers to another section within the SMA, including such officers and inspectors of the SMA who may be appointed and selected to represent the Standards Team, subject always to such conditions as the Standards Team may impose.

NOTICES

84. Any given by the Standards Team under these Rules to an Authorised User, shall be deemed to have been duly given if:

- a) forwarded through the post by prepaid letter addressed to such Authorised User at his address on the Register; or
- b) forwarded by confirmed facsimile to such Authorised User at his given facsimile number on the Register.

81. The address of the SMA for the service of Notices is Purple Building, Benjamin Offices, Chan Street, Belconnen ACT 2617, or PO Box 78, Belconnen ACT 2616.

APPENDIX 1: THE C-TICK MARK, CODING AND EXAMPLES OF USE

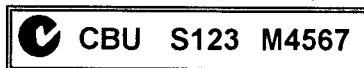


The location, size and construction of the compliance label are as follows:

- a) Location - the C-Tick and Coding label must be a permanent externally visible feature of the device (see construction) but the C-Tick may be located separately from the Coding sequence;
- b) Size - the C-Tick shall be no smaller than 3mm in diameter and, when used, the Coding text shall be no less than 3mm in height, with the Device, Supplier and Model Codes listed in that respective sequence with a distinct spacing no greater than a single character width in the same font; and
- c) Construction - the C-Tick and Coding shall be a permanent feature of the device either
 - i) as part of the moulding of the device; or
 - ii) on non-removable label(s) affixed to an area of the device counter-sunk into the moulding, thereby protecting the edges of the label from damage; or
 - iii) attached on a permanent label by means of pock rivets.

An example of the elements of the label would be:

Device Code Supplier Code Model Code
 ↓ ↓ ↓



new small code

The components of the compliance label are as follows:



- a) the compliance logo
- b) the device code. Suppliers are to place the "device code" for the class of device next to the logo. For example, the device code for UHF Citizen Band radios would be specified in the notice as CBU.
- c) the supplier code, stating the name of the supplier in Australia and the address where the compliance folder is located unless these are clearly provided elsewhere on the device. This may be used by the supplier instead of providing full details on the label; (eg S123 will enable the SMA to identify the supplier and the address where the Compliance Folder is kept). A supplier may request more than one supplier code; and
- d) the model code as product identification (brand name and model number) where this is not already displayed permanently and clearly on the product. Where a supplier prefers, a model code may be obtained on application to the SMA.

For example, the label for UHF citizen band equipment complying with the requirements of a hypothetical CB labelling notice may appear as shown below (where the supplier's Code is 123 and the product model code is 4567). Alternative labels are suggested below depending on the amount of information provided elsewhere on the product:

a) A device which bears no other information:



CBU S123 M4567

b) A device which already carries the full name of the supplier *and* the address of the folder:



CBU M4567

c) A device which already carries the full model number/name and the full name and address of the supplier:



CBU

d) A device which already carries full model number/name, the full name and address of the supplier, and specifies all relevant standards:



DEVICE CODES

Device codes published for a class of device will be specified in a s182 notice. Display of a particular code(s) indicates that a device complies with relevant SMA standard(s). The following is a guide to device codes that will most likely be used for standards currently under consideration by Standards Australia:

AIRV	VHF aeronautical radio
CBH	HF citizen band radio
CBU	UHF citizen band radio
CT	1.7/30/40 MHz cordless telephone
EPV	121.5/243 MHz emergency position indicating radio beacon
EPU	406 MHz emergency position indicating radio beacon
IBRS	27 MHz inshore boating radio service
IMMV	VHF international maritime mobile service radio
LMA	land-mobile radio intended for analogue speech
LMD	land-mobile radio intended for the transmission of data
LMS	MF/HF SSB land-mobile radio
LMAM	VHF AM land mobile radio
LPD	Low power device
OSP	On-site pager
PLBU	406 MHz personal locator beacon

SUPPLIER CODES

The supplier code indicates the name of a supplier in Australia and the address where the compliance folder is located unless these are clearly provided elsewhere on the device.

The format of the supplier code is Sxxxx where "S" indicates that the code is a supplier code and xxxx is a number between 0 and 9999.

MODEL CODES

The model code indicates the brand name and model of a product.

The format of the model code is Mxxxxx where "M" indicates that the code is a model code and xxxxx is a number between 0 and 99999 (Note that there are more digits than the supplier code).



**Spectrum
Management
Agency**

SUPPLIER DECLARATION FORM

We.....
(supplier's name)

of.....
(address)

hereby declare under our sole responsibility that the product:

.....
.....
.....
.....
(name, type or model, lot, batch or serial number, sources and number of items)

to which this declaration relates complies with the technical requirements of the following standard(s):

.....
(title) (No.) (Year)

.....
(title) (No.) (Year)

.....
(signature of authorised officer)

.....
(name of authorised officer)

.....
(title of authorised officer)

.....
(date of issue)