

26 March 2009

Manager
EMC and International Standards Section
Australian Communications and Media Authority



ENGINEERS
AUSTRALIA

Responses to the ACMA's proposed changes to the *Radio communications Labelling (Electromagnetic Compatibility) Notice 2008*.

To whom it may concern

Engineers Australia is the peak body for engineering practitioners in Australia and represents all disciplines and branches of engineering, including information technology. Engineers Australia has over 86,000 members Australia wide and is the largest and most diverse engineering association in Australia. All members are bound by a common commitment to promote engineering and facilitate its practice for the common good.

We appreciate the opportunity to provide the following comments on ACMA's proposed changes to the *Radio communications Labelling (Electromagnetic Compatibility) Notice 2008*.

The comments address the following issues identified in the ACMA discussion paper:

- Scope of EMC regulation
- Threshold of compliance levels
- Labelling
- Recording keeping Requirements

Scope of EMC Regulation

The discussion paper does not explain the reasons for the large change made to the maximum power consumption of a device from 6 nW to 1 mW for exemption of ACMA EMC Labelling Notice. It is assumed that this is solely to match other international EMC provisions.

Of the two options offered, option 1 is preferred as the statement in the second option "*to exempt devices that by their nature are not able to create radio-frequency emissions of a level **high enough** to cause interference*" is subjective and needs to be further quantified to be acceptable.

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Threshold of compliance levels

The medium risk definition described as *“those devices that are not battery powered **and** contain switch mode power supplies ... etc”*, is ambiguous. This would appear to exclude a battery powered device containing switch mode supplies from being considered a medium risk device. We recommend the *“and”* be changed to *“or”* so that such a device can come within the medium risk definition.

The definition of battery powered in the low risk device definition is also of concern, as it seems to exclude all devices with rechargeable batteries. The words *“and cannot connect to the electrical mains supply either directly or indirectly”* could be interpreted as meaning that a mains powered battery charge cannot be used to recharge internal batteries of a low risk device. This would also exclude any battery-powered devices with a socket for an external DC supply, as this would also be an indirect connection to the mains. A clearer definition is required so that rechargeable batteries cannot be altogether excluded.

Labelling

While limiting the exclusion of labelling for low and medium risk devices supplied in quantities of less than 10 items per calendar year appears to be reasonable, high risk devices supplied in this quantity should still be labelled. It is also paramount for ACMA to indicate how this supplied yearly quantity is checked and who is responsible for ascertaining these supplied quantities.

We believe that consideration should be given to whether medium risk devices, supplied in these small quantities, be appropriately marked to identify their exemption from labelling for the users benefit.

Record Keeping Requirements

Engineers Australia has no objection to the proposal to remove the requirement of supplier declaration of conformity for low risk devices.

Most of the devices captured by the current EMC Labelling Notice are medium risk devices and come from overseas. We have concerns in relation to the administration of this regulation. In particular, we are concerned that an inspector of goods would not be in a position to judge the veracity of a declaration of conformity generated by an overseas manufacturer with applicable standards when it is only based on technical evidence (a ‘technical construction file’), that does not include test reports. “Technical construction files” do not have defined minimum technical criteria and therefore cannot be considered as an adequate replacement for test records.

It is strongly recommended that, for medium risk devices, test records should be mandatory for declaration of conformity and there should be powers to verify these tests of conformity furnished by an overseas manufacturer with the requirement of having a third party (a ‘competent body’) to randomly inspect the evidence.

The removal of diligent Supplier Declaration of Conformity as recommended above will jeopardise Australian industry and could open a floodgate for dumping sub-standard devices to Australia.

I trust these comments are of use. If you require any further information or wish to discuss the matter further, please do not hesitate to contact me.

Regards

A handwritten signature in black ink that reads "Albert Koenig". The signature is written in a cursive style with a large, prominent 'A' and 'K'.

Albert Koenig
Chair Electrical College Board