

Agency Agreements and the ACMA Regulations

ACMA Regulations

The Australian Communication and Media Authority (ACMA) is the Australian body responsible for the regulatory arrangements for radiocommunications, electrical and electronic equipment and telecommunications equipment and cabling products.

The regulations outline obligations for the Australian Importer or Australian Manufacturer and cover:

- ensuring that equipment complies with specified technical standards,
- maintaining records in relation to the equipment including a Declaration of Conformity, and
- applying labels.

Under the regulations the Australian Importer or Manufacturer may use an Agent to undertake the compliance activities on their behalf.

What is an Agent?

An Agent can act on behalf of an Australian Importer or Manufacturer to discharge their obligations under the ACMA regulations.

An overseas manufacturer can enhance penetration of the Australian market by appointing an Agent to organise compliance on behalf of each and every importer/customer of the manufacturer.

When given authority, an Agent can apply appropriate compliance labels, arrange for equipment testing, compile, hold and maintain compliance records and complete the Declaration of Conformity (DoC).

If an Agent is not appointed to undertake the compliance requirements, responsibility for failure to meet these requirements ultimately rests with the Australian Importer or Manufacturer.

Agency Agreements

Australian Importers or Manufacturers who engage the services of an Agent must have a written Agency Agreement with the Agent which allows the Agent to undertake compliance matters with regards to the ACMA regulatory arrangements.

The Agency Agreement must outline the rights and responsibilities of all parties including application of the labels, testing, compliance record keeping and signing of the DoC.

Copies of Agency Agreements must be included in compliance documentation held by an Agent. Importers and Manufacturers using Agents should also maintain copies of Agency Agreements.

Overseas Manufacturers wishing to use an Australian Agent.

Any agreement between an overseas Manufacturer and a local Agent, under which the Agent agrees to assume regulatory responsibility for all devices brought into Australia by one or more Importers, must be supplemented with an Agency Agreement between the Importer and the Agent as described above under the heading Agency Agreement. The Importer has ongoing compliance obligations.

Each Australian Importer of the product must hold a copy of the Agency Agreement.

It is not necessary for every person who imports the specific product to be members of the Agency Agreement however any importer who is not party to the agreement must label the product and keep compliance records in their own right.