EXPLANATORY STATEMENT

Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2006 (No. 2)

Issued by the Authority of the Australian Communications and Media Authority

Legislative Provisions

The Australian Communications Authority (ACA) made the Labelling notice in 2001 under section 407 of the Act. That section of the Act provided for the then ACA to make a written instrument (the Labelling Notice) requiring any person who is a manufacturer or an importer (collectively referred to as “suppliers”) of customer equipment (CE) or customer cabling (CC) to apply a label to specified items of CE and/or CC. The labels must indicate whether the item meets the requirements of the standards made under section 376 of the Act specified in the Labelling Notice.

In accordance with the Australian Communications and Media Authority Act 2005, from 1 July 2005 ACMA exercises powers and functions under the Act previously exercised by the ACA.

Background
Part 21 of the Act establishes the scheme for technical regulation of telecommunications in Australia. The fundamental policy approach reflected in the scheme is to rely on industry self-regulation with the regulatory body empowered to intervene only where it is considered necessary for limited purposes relating to the maintenance of certain safeguards.

The telecommunications regulatory arrangement for CE and CC require each supplier to apply a compliance label to specified products prior to supply to the market. The label indicates that the supplier asserts that the CE or CC complies with the relevant technical standards made under section 376 specified in the Labelling Notice.

Section 376(2) provides that technical standards made under section 376 are to consist only of such requirements as are necessary or convenient for:

- protecting the integrity of a telecommunications network or facility;
- protecting the health and safety of persons who are likely to be affected by the operation of the network or facility to which the equipment or cabling is connected;
- ensuring equipment can be used to give access to an emergency call service;
- ensuring interoperability of equipment with a network facility used to provided the standard telephone service; or
• achieving an objective specified in the regulations (no regulations have been made to date).

The applicable section 376 technical standards for each item of CE or CC, the level of testing required for each standard in order to demonstrate compliance (the compliance level) and, the labelling requirements including placement, type and form of the label, amongst other things, are also specified in the Labelling Notice.

The Labelling Notice also allows for the parallel operation of ‘old’ and ‘replacement’ standards, in the event that an existing (old) standard is amended or replaced. This parallel operation, known to industry participants as the overlap period, allows suppliers of CE and CC to continue to use the ‘old’ standards for the duration of the overlap period assisting industry in the transition from one standard to the next. The overlap period is only implemented where the changes do not substantively affect integrity of the network or safety of users.

The Labelling Notice and the specified section 376 technical standards are important components of the telecommunications regulatory requirements that aim to ensure the integrity, safety and continued availability of telecommunications networks within Australia.

Purpose and Operation

The main purpose of the Amendment Instrument is to incorporate five recently made section 376 standards into the Labelling Notice.

Two of these standards, *AS/ACIF S042.1-1999* and *AS/ACIF S042.2-1999* were made by AMCA to replace the multi part standard, *AS/ACIF S042-1999*. These two new standards contain the same obligations as part 1 and part 2 of the multi-part standard. The making of these two standards to replace *AS/ACIF S042-1999* is discussed in separate Explanatory Statements.

The incorporation of new standards into the Labelling Notice is part of the ongoing process of keeping the telecommunications regulatory arrangement contemporary and adaptable.

Impact and Effect

The Amendment Instrument will:

i) incorporate five standards made by ACMA under section 376 of the Act into the Labelling Notice;

ii) implement several minor administrative amendments.

**The Amendment Instrument will incorporate the following standards made by ACMA under section 376 of the Act:**


- *Telecommunications Technical Standard (Requirements for connection to an air interface of a Telecommunications Network-Part 2 : CDMA (IS-95)) (AS/ACIF S042.2:1999)* 2006 (cited as AS/ACIF S042.2-1999);
ii) Minor administrative amendments

- reinstate several references to notes in Schedule 1, Part 2 previously deleted in error; and
- correct several grammatical and naming errors.

Consultation

ACIF undertook public consultation processes and consulted with industry and consumer groups on the incorporation of three of the technical standards in the Labelling Notice. ACMA did not undertake consultation in relation to the minor technical amendments referred to above or on the incorporation of the standards S042.1-1999 and S042.2-1999. Those amendments are of a minor and machinery nature and do not affect the rights and obligations of industry participants or consumers.

Description of the provisions of the Amendment Instrument

Section 1 provides that the name of the Amendment Notice is the Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2006 (No. 2).

Section 2 provides that the Amendment Notice commences on the day after it is registered under the Legislative Instruments Act 2003.

Section 3 provides that Schedule 1 amends the Labelling Notice.

Schedule 1—Amendments

Item [1] inserts a reference to AS/ACIF S008-2006 for the purpose of broadening the meaning of exempt item. An exempt item is not required to comply with labelling requirements in the limited circumstances set out in section 2A.2 of the Labelling notice.

Item [2] corrects a previous grammatical error and misnaming of AS/NZS 60950 (Incorporating Amendment No. 1) in subsections 4.5(2)(g) and 4.6(2)(g).

Part 1 of Schedule 1 of the Labelling Notice contains a table listing the section 376 standards incorporated into the Labelling Notice.
Item [3] inserts a note in column 3 of Part 1 of Schedule 1 to indicate that AS/ACIFS042.3-2005 is the replacement standard for ACA TS018-1997.


Part 2 of Schedule 1 contains tables that set out all relevant categories of CE and CC and the section 376 standards that apply to the items in each of those categories. The table also contains compliance levels for particular items and expiry or amendment dates of relevant section 376 standards. Compliance levels determine the type of documents suppliers must keep to demonstrate compliance with the Labelling Notice.


- in category A22 it inserts the new standard AS/ACIFS008-2006 and provides an expiry date for AS/ACIFS008-2001.

- in category A23 it reinstates a reference to note 23, previously removed in error, into column 6 for AS/NZS 60950-2000 (Incorporating Amendment No.1) and AS/NZS 60950.1-2003.

- in category A24 it inserts the new standards AS/ACIFS042.1-2006 and AS/ACIFS042.3-2005. It also provides an expiry date for each entry of ACA TS018-1997 and also reinstates references to note 23, previously removed in error, into column 6 for AS/NZS 60950-2000 (Incorporating Amendment No.1) and AS/NZS 60950.1-2003.

Item [8] inserts the new standard AS/ACIFS042.1-2006 into category A39. This item also provides an expiry date for AS/ACIFS042.1-1999 and also reinstates references to note 23, previously removed in error, into column 6 for AS/NZS 60950-2000 (Incorporating Amendment No.1) and AS/NZS 60950.1-2003.


Item [10] inserts the new standard AS/ACIFS042.1-2006 into category A53 and also reinstates references to notes 23 and 24, previously removed in error, into column 6 for AS/NZS 60950-2000 (Incorporating Amendment No.1) and AS/NZS 60950.1-2003.
Item [11] inserts an additional note to Schedule 1 to highlight the variation in compliance level for substantiating compliance with the requirement relating to maximum sound pressure level in AS/ACIF S042.1-2006.

Item [12] corrects a previous drafting error.