EXPLANATORY STATEMENT
Issued by the Australian Communications and Media Authority
Telecommunications Labelling (Customer Equipment and Customer Cabling)
Amendment Notice 2008 (No. 2)
Telecommunications Act 1997

Purpose
The purpose of the Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2008 (No. 2) (the Amendment Notice) is to amend the Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001 (the Labelling Notice) to give regulatory effect to a number of industry technical standards recently made by the Australian Communications and Media Authority (ACMA) under section 376 of the Telecommunications Act 1997 (the Act).

Legislative Provisions
Section 407 of the Act provides that the ACMA may make a written instrument (the Labelling Notice) requiring any person who is a manufacturer or an importer or authorised agent (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 application of a label indicates whether the item meets the requirements of the standards made under section 376 of the Act, as specified in the Labelling Notice.

The predecessor to ACMA, the Australian Communications Authority (ACA), made the Labelling Notice in 2001. In accordance with the Australian Communications and Media Authority (Consequential and Transitional Provisions) Act 2005, ACMA is taken to have made the Labelling Notice under the Act as previously made by the ACA.

Subsection 33(3) of the Acts Interpretation Act 1901 provides that where an Act confers a power to make an instrument, that power shall, unless the contrary intention appears, be construed as including a power exercisable in a like manner and subject to like conditions, to amend that instrument.

Background
The telecommunications regulatory arrangements for CE and CC require that each supplier apply a compliance label to specified customer equipment prior to supply to the market. The label indicates whether the CE or CC complies with the relevant technical standards made under section 376 of the Act and as specified in the Labelling Notice.

Subsection 376(2) provides that mandatory requirements in technical standards made under section 376 of the Act 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 provide the standard telephone service; or
- achieving an objective specified in the regulations (no regulations have been made to date).

The Labelling Notice also specifies 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, amongst other things, the labelling requirements including placement, type and form of the label.

The Labelling Notice also allows for the parallel operation of ‘old’ and ‘replacement’ standards, in the event that an existing (old) standard is replaced by an amended or, newly
created standard. 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, safety of users or access to emergency services.

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.

Operation

The Amendment Notice will amend the Labelling Notice to give regulatory effect to a number of technical standards recently made by ACMA under section 376 of the Act. These section 376 standards are:

In relation to the deployment of VDSL2 Technology:

- **Telecommunications Technical Standard (Requirements for Customer Equipment, operating in the voiceband, for connection to the non-switched Telecommunications Network AS/ACIF S006:2008) 2008**;
- **Telecommunications Technical Standard (Requirements for Customer Equipment for connection to a metallic local loop interface of a Telecommunications Network — Part 2: Broadband — AS/ACIF S043.2:2008) 2008**; and

In relation to the voice frequency performance requirements of CE:


In relation to Satellite CE:


In relation to Safety of Information Technology equipment:

- **Telecommunications Technical Standard (Information Technology Equipment — Safety, Part 1: General Requirements — AS/NZS 60950.1:2003 (Incorporating Amendment Nos 1, 2 and 3)) 2008.**

The Amendment Notice also incorporates some minor changes to the Labelling Notice that includes:

- Extending the expiry date of **AS/ACIF S003:2005 Customer Access Equipment for connection to a Telecommunications Network**. This is to allow for circuit switched CE that cannot fully comply with the replacement standard **AS/ACIF S003:2006** which had been revised to incorporate packet switched technology; and
- Changes to the notes to provide further clarity of the requirements in the schedule for the standards and their application to particular equipment. Specifically, the required compliance level for particular equipment is made clear.
In addition, to assist suppliers in adapting to the revised ACMA Section 376 standards, the Amendment Notice applies overlap periods during which suppliers have the option of declaring compliance to either the new or former standard.

Consultation

Draft versions of the industry technical standards were made available for public comment in accordance with the consultation requirements of section 378 of the Act by arrangement with Communications Alliance. At the time of public consultation on the technical standards, industry attention was drawn to the fact that these standards would subsequently be called up under the regulatory arrangements provided for in the Labelling Notice.

The Communications Alliance public consultation process involves copies of the draft industry standards sent to members of Communications Alliance including its Customer Equipment and Cable Reference Panel, the Consumer Council and the Disability Council.

Consultation is also conducted through The Australian newspaper and Standards Australia publications and committees. Further, copies of the draft industry standards for public comment made available free of charge from the Communications Alliance website during the consultation period. In addition, copies of the standards were also sent to interested parties.

Consultation periods for the various standards were as follows:

<table>
<thead>
<tr>
<th>Technology</th>
<th>Standard</th>
<th>Consultation Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>VDSL2 Technology</td>
<td>AS/ACIF S003:2008</td>
<td>17/12/07 – 25/02/08</td>
</tr>
<tr>
<td></td>
<td>AS/ACIF S006:2008</td>
<td></td>
</tr>
<tr>
<td></td>
<td>AS/ACIF S043.2:2008</td>
<td></td>
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<td></td>
<td>AS/ACIF S043.3:2008</td>
<td></td>
</tr>
<tr>
<td>Voice frequency performance of CE</td>
<td>AS/ACIF S004:2008</td>
<td>06/11/07 – 01/02/08</td>
</tr>
<tr>
<td>Satellite CE</td>
<td>AS/ACIF S042.1:2008</td>
<td>06/11/07 – 01/02/08</td>
</tr>
<tr>
<td>Safety of information technology equipment</td>
<td>AS/NZS 60950.1:2003</td>
<td>(Incorporating Amendment Nos. 1, 2 and 3)</td>
</tr>
</tbody>
</table>

There has been no consultation on the minor changes to the Labelling Notice as described above as these have been included for clarification purposes to ensure that it is clear which standards apply to customer equipment categories and are of a minor and machinery nature and do not substantially alter existing arrangements.

As the recommendation from Communications Alliance to extend the expiry date of the technical standard AS/ACIF S003:2005 Customer Access Equipment for connection to a Telecommunications Network does not introduce new requirements, but continues the applicability of a current standard to facilitate the continued supply of legacy equipment, it was not considered necessary to seek public comment. ACMA considers that Communications Alliance sufficiently represents its industry members on this issue to satisfy the requirement that affected persons have an opportunity to comment on legislative changes.

Regulation Impact

ACMA has appointed a Best Practice Regulation Coordinator to make representations for the Office of Best Practice Regulation. The coordinator has advised that giving regulatory effect to the technical standards as proposed in the Amendment Notice is likely to have no or low impact on business or the economy. As such, the coordinator has advised that neither a Regulation Impact Statement, nor a Business Cost Calculator Report is necessary for the regulatory proposal. To this end, ACMA RIS exemption numbers ACMA 041, 061, 062 and 063 have been granted.

Documents Incorporated in this Instrument by Reference

The Amendment Notice incorporates into the Labelling Notice the technical standards referred to above. These standards are available from the Federal Register of Legislative Instruments (www.frli.gov.au).
Description of the provisions of the Amendment Notice
Details of the Amendment Notice are in the Attachment.

Attachment

NOTES ON SECTIONS

Section 1 – Name of the Notice
This section provides that the name of the Notice is the *Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2008 (No. 2).*

Section 2 – Commencement
This section provides that the Notice commences on the day after it is registered.

Section 3 – Amendment of *Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001*
This section provides that Schedule 1 amends the *Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001.*

Schedule 1 – Amendments

Item [1] - Paragraph 4.3 (2) (b)
This item corrects an error by removing the reference to “column 6” and replacing it with “column 5”.

Item [2] – Schedule 1, Table 1.1, item beginning with ACA TS001, column 3
This item inserts “and AS/NZS 4117-1999” after “AS/NZS 60950-2000” to indicate that the requirements in ACA TS001 were split between the two standards AS/NZS 4117 and AS/NZS 60950.

Item [3] – Schedule 1, Table 1.1, item beginning with ACA TS005, column 4
This item removes the incorrect reference to Note 14.

Item [4] – Schedule 1, Table 1.1, item beginning with ACA TS008, column 4
This item removes the incorrect reference to Note 13.

Item [5] – Schedule 1, Table 1.1, item beginning with ACA TS018, column 3
This item replaces “AS/ACIF S042.3-2005” with “AS/ACIF S042.1-2006 and AS/ACIF S042.3-2005” to indicate that the requirements in ACA TS018 were split between the two standards AS/ACIF S042.1 and AS/ACIF S042.3.

Item [6] - Schedule 1, Table 1.1, item beginning with ACA TS018, column 4
This item removes the incorrect reference to Note 15.

Item [7] Schedule 1, Table 1.1, item beginning with ACA TS022, column 3
This item replaces “10/12/1997-” with “10/12/1997 – 31/12/2010” to provide an expiry date for this standard.

Item [8] Schedule 1, Table 1.1, item beginning with ACA TS022, column 4
This item removes the incorrect reference to Note 16.
Item [9] Schedule 1, Table 1.1, item beginning with AS/ACIF S002, column 3

This item inserts “AS/ACIF S041-2005” after each mention of “Replaced by AS/ACIF S002-2005” to indicate that the requirements in AS/ACIF S002 were split between the two standards AS/ACIF S002 and AS/ACIF S041.

Item [10] Schedule 1, Table 1.1, item beginning with AS/ACIF S003, AS/ACIF S004 and AS/ACIF S006

This item substitutes a new table reference at AS/ACIF S003-2005, column 3 that extends the applicability of the standard for non cell/packet switched technologies. It introduces an expiry date for AS/ACIF S003-2006 and inserts a new row that introduces the new 2008 version of the AS/ACIF S003 standard.

This item also substitutes a new table reference at AS/ACIF S004-2006, column 3 that introduces an expiry date for the standard. It also inserts a new row that introduces the new 2008 version of the AS/ACIF S004 standard.

This item also substitutes a new table reference at AS/ACIF S006-2001, column 3 that introduces an expiry date for the standard. It also inserts a new row that introduces the new 2008 version of the AS/ACIF S006 standard.

Item [11] Schedule 1, Table 1.1, item beginning with AS/ACIF S042 and S043

This item substitutes a new table reference at AS/ACIF S042.1-2006, column 3 that introduces an expiry date for the standard. It also inserts a new row that introduces the 2008 version of the AS/ACIF S042.1 standard.

This item also corrects an error by replacing “AS/ACIF S043.2-20067” with “AS/ACIF S043.2-2006”. It substitutes a new table reference at AS/ACIF S043.2-20067, column 3 that introduces an expiry date for the standard. It also inserts a new row that introduces the new 2008 version of the AS/ACIF S043.2 standard.

This item also substitutes a new table reference at AS/ACIF S043.3-2001, column 3 that introduces an expiry date for the standard. It also inserts a new row that introduces the new 2008 version of the AS/ACIF S043.3 standard.

Item [12] Schedule 1, Table 1.1, item beginning with AS/NZS 60950

This item substitutes a new table reference at AS/NZS 60950.1-2003, column 3 that introduces an expiry date for the standard. It also inserts a new row that introduces the new AS/NZS 60950.1-2003 standard that incorporates Amendment Nos. 1, 2 and 3.

Item [13] Schedule 1, Table 1.2, Column 4, heading

This item inserts reference to new Note 30 into the heading of column 4.

Item [14] Schedule 1, Table 1.2, item beginning with A13

This item amends the table to remove redundant columns from this category.

Item [15] Schedule 1, Table 1.2, item beginning with A16 and A17

This item amends the table to remove redundant columns from these categories.

Item [16] Schedule 1, Table 1.2, item beginning with A24, A25, A26, A27 and A28

This item deletes the sub row ACA TS018 in category A24 as this standard expired in July 2008. This item also inserts references to new Notes 32 and 33 in column 5 of the category A25. This item also amends the table to remove redundant columns from categories A26, A27 and A28.

Item [17] Schedule 1, Table 1.2, after item beginning with A53

This item inserts the new category A54 row that introduces new standards for all satellite CE.

Item [18] Schedule 1, Table 1.3, item beginning with B30

This item deletes sub rows ACA TS019, ACA TS 028 and ACA TS034 as these standards expired in March 2008. It also amends column 2 to indicate that Note 29 applies to these items of equipment.
**Item [19] Schedule 1, Table 1.4, item beginning with C34**

This item deletes sub rows ACA TS019, ACA TS028 and ACA TS034 as these standards have expired. It also amends column 2 to indicate that Note 29 applies to these items of equipment.

**Item [20] Schedule 1, Note 3**

This item removes references to specific versions (editions) of AS/ACIF S003. To simplify Note 3, rather than mention all individual versions of AS/ACIF S003, the standard is referenced generically with requirements applying to the specific versions of AS/ACIF S003 identified in Table 1.1

**Item [21] Schedule 1, Note 27**

This item amends Note 27 to clarify the compliance level requirements for specific clauses of AS/ACIF S042.1

**Item [22] Schedule 1, after note 29**

This item inserts new Notes 30, 31, 32 and 33.

Note 30 clarifies the compliance level requirements for multi-part standards listed with multiple compliance levels

Note 31 identifies that the requirements in standards listed against this category are not mandatory until 1/1/2011

Note 32 & Note 33 identify that items that meet the standards in the respective categories do not need to meet the standards in the other category noted.