EXPLANATORY STATEMENT

Issued by the authority of the Australian Communications and Media Authority

Telecommunications Act 1997

Telecommunications Technical Standard (Analogue Interworking and Non-interference Requirements for Customer Equipment for Connection to the Public Switched Telephone Network – AS/CA S002:2010) Amendment 2012 (No.1)

Purpose


Legislative Provisions

The ACMA amendment standard is made under subsection 376(1) of the Telecommunications Act 1997 (the Act). Subsection 376(1) allows the Australian Communications and Media Authority (the ACMA) to make a technical standard in the form of a written instrument relating to specified customer equipment (CE) or specified customer cabling (CC).

Subsection 377(1) of the Act allows the ACMA to apply, adopt or incorporate (with or without modification) any matter contained in a standard proposed or approved by Standards Australia or any other body or association. The current ACMA standard adopts the mandatory requirements of the CA Standard and provides that CE to which the ACMA standard applies must comply with those requirements.

The ACMA amendment standard is a legislative instrument under the Legislative Instruments Act 2003.

Background

The telecommunications regulatory arrangements require each supplier of an item of CE or CC that falls within the scope of an applicable standard (that is, a standard made under section 376 of the Act) to apply a compliance label to the item prior to supply to the market and to keep prescribed records. Compliance is determined against technical standards made under section 376 of the Act.

The Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001 (the TLN) made under section 407 of the Act, lists those standards and applies labelling and record keeping requirements in relation to items of CE and CC covered by a listed standard. The TLN makes it mandatory for a supplier of certain CE to comply with applicable standards before affixing a label to their product.
The current ACMA standard (made in April 2011) applies to CE that is designed, or intended, for connection to an analogue Public Switched Telephone Network (PSTN) two-wire service, and provides that CE must comply with the mandatory requirements prescribed in the CA Standard for CE for connection to an analogue PSTN two-wire service. The current ACMA standard adopts the CA Standard as in existence at a particular time, that being the CA Standard published by CA in October 2010.

In late 2011 an error with ‘Figure 8’ in the CA Standard was brought to the attention of the CA Customer Equipment and Cabling Reference Panel (CECRP). The CECRP reviewed Figure 8 and confirmed the error and agreed for an amendment to be developed to correct the error. The amended industry standard was published on 23 April 2012 on the CA website.

As a result of the amendment to the CA Standard, it is necessary to amend the current ACMA standard which does not currently adopt the amendment made to the CA Standard.

**Operation**

The current ACMA standard adopts the mandatory requirements of the CA Standard prescribing the technical requirements for CE for connection to an analogue PSTN two-wire service. CE must comply with the mandatory requirements in the CA Standard as published by CA in October 2010. The ACMA amendment standard adopts the CA Standard as published by CA in October 2010, and incorporating the amendment made to the CA Standard published on 23 April 2012.

**Consultation**

Subsection 378(1) of the Act requires that before the ACMA makes a standard under section 376, the ACMA must try to ensure, so far as is practicable, that interested parties have an opportunity to comment on a proposed standard and that due consideration be given to any comments received.

Subsection 378(2) allows for the ACMA to make an arrangement with Standards Australia, or a body or association approved in writing by Standards Australia (or a body specified in a written determination by the ACMA) under which the body or association, prepares, publishes, consults publicly and reports to the ACMA on the results of the public consultation process. CA is a body approved in writing by Standards Australia.

In late 2011 an error with Figure 8 in the CA Standard was brought to the attention of the CECRP. The CECRP reviewed Figure 8 and confirmed the error and agreed for an amendment to be developed to correct the error. The amendment to the CA Standard was published on 23 April 2012.

The CECRP identifies and reviews customer equipment and customer cabling issues likely to affect industry and recommends appropriate action for the ongoing efficient operation of the industry. This includes the review of existing standards, codes, guidelines and other related documentation. The CECRP members consist of members representing the main industry associations and participants across the telecommunications sector including the Australian Information Industry Association, Comtest Laboratories, Cisco Systems, FreeTV Australia, Primus, SingTel Optus, Standards Australia, Stanimore, Telstra, Testing and Certification Australia, Trillium Communications and VTI Services. The adoption of the amendment has been recommended by the CECRP.
In accordance with subsection 378(2), CA (on behalf of the ACMA) conducted wide public consultation for a period of at least 60 days prior to making the current ACMA standard in April 2011. Prior to making the CA Standard, CA also undertook public consultation. Due to the minor and machinery nature of the amendment, CA did not undertake public consultation on the amendment to Figure 8 prior to the amendment being made. However, the main industry stakeholders were aware of the amendment through participation in CECRP and no concerns were identified regarding the amendment. The process for amendment to the CA Standard was undertaken over a period of at least 60 days and all CECRP members were provided with an opportunity to comment.

**Regulation Impact**

The Office of Best Practice Regulation (OBPR) has considered the matter and formed an opinion that the ACMA amendment standard will have minor and machinery impact and does not impose any substantial additional regulatory burden on manufacturers or importers of CE, or the economy. Accordingly, OBPR has advised that a Regulation Impact Statement (RIS) is not required. The OBPR RIS exemption number is ID 14061.

**Documents Incorporated in this Instrument by Reference**

The CA Standard as published by CA in October 2010, and the amendment made to that standard published in April 2012, are incorporated by reference in the ACMA amendment standard. The CA Standard can be downloaded free of charge from the CA website at: [http://www.commsalliance.com.au/](http://www.commsalliance.com.au/)

**Notes on Sections**

The provisions of the ACMA amendment standard are described in Attachment 1.

**Statement of Compatibility with Human Rights**

Notes on the instrument

Section 1 Name of Technical Standard
Section 1 provides the name of the instrument is the Telecommunications Technical Standard (Analogue Interworking and Non-interference Requirements for Customer Equipment for Connection to the Public Switched Telephone Network – AS/CA S002:2010) Amendment 2012 (No.1).

Section 2 Commencement
Section 2 provides that the ACMA amendment standard commences on the day after it is registered on the Federal Register of Legislative Instruments.

Section 3 Amendment of Telecommunications Technical Standard (Analogue Interworking and Non-interference Requirements for Customer Equipment for Connection to the Public Switched Telephone Network – AS/CA S002:2010) 2011

Section 3 provides that Schedule 1 amends the Telecommunications Technical Standard (Analogue Interworking and Non-interference Requirements for Customer Equipment for Connection to the Public Switched Telephone Network – AS/CA S002:2010) 2011 (the current ACMA standard).

Schedule 1
Item [1] of Schedule 1 substitutes section 6 of the current ACMA standard. The new section 6 provides that customer equipment to which the current ACMA standard applies (see section 5 of the current ACMA standard) must comply with the mandatory requirements set out in the Australian Standard – Analogue interworking and non-interference requirements for Customer Equipment for connection to the Public Switched Telephone Network (AS/CA S002:2010), published by Communications Alliance Ltd in October 2010, and incorporating the amendment made to the standard of that name published on 23 April 2012. The note to section 6 clarifies that Amendment No.1/2012 to the Australian Standard, AS/CA S002:2010, corrects an error in Figure 8 of the standard.
Statement of Compatibility with Human Rights

_Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011_


This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

**Overview of the Legislative Instrument**

The **Telecommunications Technical Standard (Analogue Interworking and Non-interference Requirements for Customer Equipment for Connection to the Public Switched Telephone Network – AS/CA S002:2010) Amendment 2012 (No.1)** (the ACMA amendment standard) is made under subsection 376(1) of the **Telecommunications Act 1997**. The ACMA amendment standard adopts the mandatory technical requirements for customer equipment prescribed in the industry telecommunications technical standard developed by Communications Alliance, being **AS/CA S002:2010 Analogue interworking and non-interference requirements for Customer Equipment for connection to the Public Switched Telephone Network** and the amendment to that industry standard published on 23 April 2012.

**Human rights implications**

This legislative instrument does not engage any of the applicable rights or freedoms.

**Conclusion**

This legislative instrument is compatible with human rights as it does not raise any human rights issues.