EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Radiocommunications (Digital Cordless Communications Devices - DECT Devices) Standard 2007

Radiocommunications Act 1992

Purpose

The *Radiocommunications (Digital Cordless Communications Devices – DECT Devices) Standard 2007* (the Standard) sets out the applicable performance and testing requirements for Digital Enhanced Cordless Telecommunications (DECT) equipment for the purposes of the Australian radiocommunications compliance & labelling regime.

Legislative provisions

The Standard is made under subsection 162 (1) of the *Radiocommunications Act 1992* (the Act). Subsection 162 (1) allows the Australian Communications and Media Authority (ACMA) to make a standard in the form of a written instrument regulating the performance of specified devices or setting maximum permitted levels of radio emissions for devices other than radiocommunications devices. A standard can only include such requirements as are necessary or convenient for such things as:

- containing interference to radiocommunications or any of the uses or functions of devices;
- establishing adequate levels of immunity from electromagnetic disturbance for the operation of radiocommunications transmitters, receivers and other devices; and
- protecting the health or safety of persons who operate, work on, use or are likely to be affected by the services supplied by radiocommunications transmitters or receivers.

The Act authorises ACMA to make an arrangement with certain external bodies and associations for the preparation and publication of a draft standard and to undertake public consultation on the draft standard on behalf of ACMA (subsection 163 (2)).

In making a standard, ACMA is also authorised to apply, adopt or incorporate (with or without modification) a standard in force from time to time, made by another person (section 314A of the Act).

Background

ACMA's radiocommunications regulatory arrangements require each supplier of a radiocommunications device falling within the scope of a relevant standard to apply a compliance label to its product prior to supply to the market and to keep prescribed records. Compliance is determined against technical standards made under section 162 of the Act. The *Radiocommunications Devices (Compliance Labelling) Notice 2003* (the Labelling Notice), made under section 182 of the Act, specifies which of those standards apply to particular radiocommunications devices.

DECT devices were regulated under ACMA's telecommunications regulatory arrangements prior to the making of this instrument. This was an historical anomaly and in April 2007 ACMA received a submission from the Communications Alliance[1] recommending that the radio regulatory aspects for cordless telecommunications devices be transferred from the telecommunications regulatory arrangements to the radiocommunications regulatory arrangements. To make this change ACMA has made the new DECT devices standard, which will be applied to devices under the radiocommunications Labelling Notice.

[1] Communications Alliance Ltd is an industry owned, operated and resourced company established in 2006 by the merger of the Australian Communications Industry Forum and the Service Providers Association Inc.

The old DECT standard will expire from within the telecommunications regulatory arrangements by way of a separate instrument under section 407 of the *Telecommunications Act 1997*, the *Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2007 (No 1)*.

Operation

The Standard comes within the scope of section 162(3) which sets out the requirements ACMA may include in a standard.

The standard adopts the current version of the international standard for DECT equipment which is the ETSI EN 301 406 standard published by the European Telecommunications Standards Institute (ETSI) which is the internationally recognised standard for DECT equipment.

The ETSI standard is adopted by the ACMA Standard with modifications to limit a DECT device's operating frequencies to a specified subset of the frequencies in the international standard and a DECT device's radiated power, in order to maintain key performance requirements for Australian conditions regardless of developments in the ETSI standard.

Consultation

Section 163 of the Act requires ACMA to ensure, so far as practical, that interested parties have an opportunity to comment on a proposed radiocommunications standard and that due consideration be given to any comments before ACMA makes the Standard. This section is consistent with the consultation requirements arising from section 17 of the Legislative Instruments Act 2003.

ACMA prepared a draft version of the Standard together with detailed explanatory notes and these were contained within a Communications Alliance working committee report on the technical regulation of specific digital cordless equipment and the inclusion of these devices in the radiocommunications regulatory arrangements.

The working committee was convened under the auspices of the Australian Communications Industry Forum (ACIF) division[2] of Communications Alliance and included representatives from ACMA, the communications industry, telecommunications carriers, user groups, test houses, manufacturers and importers.

The report containing the draft Standard was distributed by Communications Alliance to the members of the ACIF Customer Equipment & Cabling Reference Panel, the Working Committee and additionally promoted through an advertisement in a national newspaper, an electronic public mail based facility dedicated to communications and through Standards Australia.

The draft standard and notes were also made available for public comment for an 80 day period starting on the 12th of December 2006 and a copy of was available for free download from the ACIF website during the public comment period and copies sent directly to interested parties who contacted ACIF.

One comment concerning procedural issues was submitted by the ACMA committee representative. No other comments were received.

Regulation Impact

ACMA's Best Practice Regulation Coordinator has advised that a full Business Cost Calculator analysis and Regulation Impact Statement are not required (RIS Reference No. 016) as the Standard does not substantially alter existing arrangements.

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[2] The ACIF division aims include the management of communications industry self-regulation within Australia. ACIF provides a neutral forum in which all participants and end-users in the Australian communications industry can work together to foster an efficient, competitive environment through self-regulatory processes, technical codes and standards.

The old DECT standard, ACA TS 028 – 1997, will expire within the telecommunications regulatory arrangements in early 2008. Until it expires, industry has the option of complying with either the old ACA TS 028 – 1997 standard or this Standard.

To allow industry time to adapt to changes should the international standard (ETSI EN 301 406) be amended a transitional provision has been included which provides for a one year overlap period during which industry may choose to have its products comply with either the Standard or the amended Standard.

A grandfathering provision has also been provided to allow the continued supply of device models which complied with the previous ACA TS 028 – 1997 standard. This is to minimise the impact of the change on industry.

Documents incorporated into this Instrument by Reference

This Standard incorporates the ETSI EN 301 406 standard developed by the European Telecommunications Standards Institute. This standard can be downloaded from www.etsi.org

Detailed description of the Standard

Details of the Standard are in Attachment 1.

Attachment 1

Notes on the instrument

Section 1 - Name of the Standard

This section provides the name of the Standard

Section 2- Commencement

This section provides that the Standard commences on the date after it is registered.

Section 3 – Definitions

Section 3 defines the terms “Act”, “ACA TS 028-1997”, “DECT”, “Digital cordless communications device”, “EIRP”, “ETSI EN 301 406” and “significant event”

The definitions used reflect industry standard meanings and understandings of these terms.

Section 4 – Application

This section states that the Standard applies to radiocommunications devices that use DECT technology, other than devices imported solely for use in connection with a significant event.

Section 5 – Standard of performance

This section names the ETSI EN 301 406 standard as the standard for performance for DECT equipment and limits the frequencies of operation to a sub band of that provided in the ETSI standard. This section also limits radiated power to a maximum of 36dBm EIRP.

These essential spectrum management requirements for Australian conditions are fixed by the Standard and are not varied by any change in the ETSI standard.

Section 6 – Compliance with this Standard – devices complying with ACA TS 028 – 1997

This section implements the “grandfathering provisions” for equipment that has been tested to and found to comply with the earlier standard made under the telecommunications regulatory arrangements, ACA TS 028 – 1997.

It confirms that despite the expiry of ACA TS 028 – 1997, it still has effect in so far as it relates to equipment models that met the requirements of the expired standard. This provision has been included to avoid the costs to industry of re-testing existing product models. The provision is used in a standard when continued supply of that product presents minimal interference risk.

Section 7 - Effect of amendment of standard of performance

This section enables any amendments which are made to ETSI EN 301 406, on which the standard for performance is based, to be automatically accepted within a transitional period of one year during which compliance with the amendments is optional. This allows industry time to adjust to changes and avoids the costs to industry of having to immediately modify forthcoming product designs. Existing model designs may continued to be supplied as provided by section 6 above.