EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Radiocommunications (Cordless Telephone) Standard 2008

Radiocommunications Act 1992

Purpose

The *Radiocommunications (Cordless Telephone) Standard 2008* (the Standard) sets out the applicable performance and testing requirements for Medium Frequency/High Frequency (MF/HF) Cordless Telephone equipment for the purposes of the Australian radiocommunications compliance and 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 and receivers; 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 requires ACMA to undertake public consultation on the draft standard (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 pursuant to section 314A of the Act.

Background

ACMA's radiocommunications regulatory arrangements require each supplier of radiocommunications devices 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, lists those standards and applies labelling and record keeping requirements in relation to radiocommunications devices covered by a listed standard.

ACMA routinely makes standards under section 162 of the Act adopting technical requirements contained in industry standards made by Standards Australia.

Standards Australia normally reviews its standards after ten years and has completed a review of the industry standard for MF/HF Cordless Telephone devices (AS/NZS 4281).

Operation

The revised industry standard includes an allowable tolerance for one technical parameter. This amendment recognises practical engineering design and measurement and imposes no additional burden. This amendment is consistent with other mandated radiocommunications standards.

The revised industry standard makes minor changes to several provisions. A reference to mercury batteries has been deleted as these are no longer available. A change to the equipment markings provision has no impact on mandatory requirements as this provision has not adopted by the new or old s162 standards. As mentioned above, mandatory equipment labelling requirements are applied under the Labelling Notice. A clarification and correction of field strength limits and nominal carrier frequencies particular to New Zealand has no impact on Australian requirements.

The revised industry standard also incorporates several editorial clarifications and corrections such as updating the list of Standards Australia working committee participants and the Standards Australia address.

To allow industry time to adapt to changes should the industry standard (AS/NZS 4281:2007) be amended by Standards Australia, 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.

In addition, grandfathering provisions in the Standard will allow for the continued supply of device models that complied with previous applicable standards, minimising the impact of the change on industry and users.

The Standard revokes the previous standard as the standard which must be met for the purposes of the compliance and labelling regime, through its inclusion in the Labelling Notice.

Consultation

Section 163 of the Act requires ACMA to ensure, so far as practicable, that interested parties have an opportunity to comment on a proposed 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*.

The industry standard, AS/NZS 4281:2007 on which the standard for performance is based, was developed by a committee comprising regulators, relevant sections of industry, consumer groups and interested parties. In developing the industry standard, Standards Australia consulted with both industry and the community. ACMA circulated a draft version of the Standard to a wide range of stakeholders for public comment from 3 to 17 November 2008.

These stakeholders included the New Zealand Ministry of Economic Development, the National Association of Testing Authorities, design & engineering consultants, regulatory compliance consultants, manufacturers & importers, peak associations of manufacturers & importers, Standards Australia Limited and test houses.

Seven responses were received from a range of stakeholders. All responses supported the proposals. The responding organisations were the New Zealand Ministry of Economic Development Radio Spectrum Management Group, the Australian Radio Communications Industry Association (ARCIA), the Australian Industry Group, Tait Electronics Ltd, Robert Bosch (Australia) Pty Ltd, Motorola Australia Pty Ltd and DSE (Holdings) Pty Limited (Dick Smith Electronics).

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. 030) as the Standard does not substantially alter existing arrangements.

The making of the Standard and revocation of the former Standard will have no effect on the continued supply of product compliant with the former Standard because of the effect of the grandfathering provision.

Documents incorporated into this Instrument by Reference

This Standard incorporates the Australian / New Zealand standard *AS/NZS 4281:2007 Radiocommunications requirements for cordless telephones operating in the 1.7 MHz and between 30 and 41 MHz frequency bands* developed by Standards Australia. This document can be purchased from Standards Australia.

Detailed description of the Standard

Details of the Standard are in the Attachment.

Attachment

Notes on the instrument

Section 1 - Name of Standard

This section provides the name of the Standard.

Section 2 - Commencement

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

Section 3 - Definitions

This section defines the terms “Act”, “cordless telephone”, “cordless telephone frequency band”, “model”, and “significant event”.

“AS/NZS 4281:2007” is defined as the standard of that number published by Standards Australia as in force from time to time.

The term “model” is defined in the Standard for the purposes of implementing the grandfathering provisions of section 7.

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

Section 4 - Revocation

This section revokes the existing standard *Radiocommunications Standard (Cordless Telephone) No. 1 of 1997* upon commencement of the Standard.

Section 5 - Application

This section states that the Standard applies to cordless telephones, other than cordless telephones imported solely for use in connection with a significant event.

Section 6 - Standard for performance

This section restricts the operation of cordless telephones to frequencies in the cordless telephone frequency bands or in the range of frequencies mentioned in the *Radiocommunications (Low Interference Potential Devices) Class Licence 2000.*

This section also names the industry standard AS/NZS 4281:2007 (other than clauses 1 and 5.4 of that standard) as the standard for performance for cordless telephones. Clause 1 of AS/NZS 4281:2007 defines the scope of the standard which excludes cordless telephones designed or intended to operate on frequencies not specified in the standard. This clause is inconsistent with the application of the Standard and has been omitted to avoid possible conflicts in the application of the Standard. Clause 5.4 sets out equipment marking requirements which are in part inconsistent with the requirements of the Labelling Notice and has been deleted to avoid confusion.

Section 7- Compliance with this Standard - devices complying with the former Standard

This section implements “grandfathering provisions” for equipment that has been tested to and found to comply with, the former standard before this new Standard commenced.

It confirms that despite the revocation of the *Radiocommunications Standard (Cordless Telephone) No. 1 of 1997*, that standard still has effect in so far as it relates to equipment models that met the requirements of it. 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 8 - Effect of amendment of standard for performance

This section enables any amendments which are made to AS/NZS 4281:2007, on which the standard of performance is based, to automatically be accepted within a transitional period of one year during which the amendments are 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 continue to be supplied as provided by section 7 above.