

## **EXPLANATORY STATEMENT**

Issued by the Australian Communications and Media Authority

### ***Telecommunications Technical Standard (Voice frequency performance requirements for Customer Equipment) 2013***

### ***Telecommunications Act 1997***

#### **Purpose**

The purpose of the *Telecommunications Technical Standard (Voice frequency performance requirements for Customer Equipment) 2013* (**the new ACMA Standard**) is to incorporate and give effect to the industry standard *Voice performance requirements for Customer Equipment (AS/CA S004:2013)* (**the revised industry Standard**) made by the Communications Alliance (**CA**), as a technical standard under section 376 of the *Telecommunications Act 1997* (**the Act**).

This is necessary because the revised industry Standard has superseded the *AS/ACIF S004:2008 Voice frequency performance requirements for Customer Equipment* (**the current industry Standard**) which is currently incorporated into and given effect as a technical standard by the *Telecommunications Technical Standard (Voice frequency performance requirements for Customer Equipment AS/ACIF S004:2008) 2008* (**the ACMA Standard**). The new ACMA Standard also provides for a two year overlap period between the current industry standard and the revised industry standard from the commencement of the new ACMA standard.

#### **Legislative Provisions**

The new ACMA Standard is being made under subsection 376(1) of 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 either specified customer equipment (**CE**) or specified customer cabling (**CC**).

Standards made under section 376 of the Act are to consist only of such requirements which are considered to be necessary and convenient, and which are of a kind set out in subsection 376(2) of the Act. The requirements contained in the new ACMA Standard are necessary and convenient to meet the objectives set out in paragraphs 376 (2) (a) to (d) of the Act.

Section 377 of the Act provides that in making a technical standard, the ACMA may apply, adopt or incorporate (with or without modification) any matter contained in a standard proposed or approved by Standards Australia International Limited or any other body or association. The ACMA's practice is to review, and where appropriate to adopt, the mandatory requirements of industry telecommunications technical standards developed by CA.

The new ACMA Standard is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (**the LI Act**).

## **Background**

The ACMA Standard references the current industry standard. The current industry standard prescribes the voice frequency performance requirements for customer equipment that provides voice communications via connection to the telecommunications network. The ACMA Standard provides the requirements and test methods for customer equipment that is designed or intended to transmit and receive voice frequency signals for voice communication, voice messages or tones over a telecommunications network.

The *Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001 (the TLN)* made under section 407 of the Act, lists relevant technical 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 ACMA Standard is currently listed within the TLN.

## **Operation**

The new ACMA Standard adopts the mandatory requirements and test methods from the revised industry Standard for CE designed or intended to transmit and receive voice frequency signals for voice communication, voice messages and for connection to a telecommunication network.

The new ACMA Standard provides for an overlap period of 24 months, during which time a supplier may choose to declare compliance against either the revised industry Standard or the current industry Standard. After the overlap period is concluded, the current industry standard (as incorporated in the ACMA Standard) will no longer be a standard that applies to CE for the purposes of the TLN, and a supplier will be required to declare compliance with the revised industry Standard (as incorporated in the new ACMA Standard) before affixing a compliance label to the relevant CE.

## **Consultation**

Subsection 378(1) of the Act requires that before the ACMA makes a technical standard the ACMA must, so far as is practicable, try to ensure that interested parties have had an adequate opportunity to comment on the proposed technical standard and that due consideration has been given to any comments made. This provision also applies when the ACMA is amending a technical standard made under section 376.

Subsection 378(2) of the Act allows 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.

The ACMA is satisfied that prior to submitting the revised industry standard for regulatory adoption, appropriate public consultation was undertaken by CA for the purposes of section 378 of the Act.

CA commenced a public consultation process of DR AS/CA S004:2012 (**the draft revised industry standard**) on 17 July 2012 for 63 days. Copies of the draft revised industry standard were issued to CA members and made available on the CA website during the consultation period. The draft industry standard was also available in hard copy.

Comments were received and considered from M2, National Acoustic Laboratories, Plantronics and Primus Telecommunications. All comments supported the proposed instrument, and comments relating to the content of the instrument were investigated and actioned by the CA Working Committee responsible for revising the industry standard.

### **Regulation Impact**

The Office of Best Practice Regulation (**OBPR**) has considered the matter and formed the opinion that the new ACMA Standard will have minor and machinery impact and does not impose any substantial additional regulatory burden on manufacturers or importers of CE or on the economy. Accordingly, OBPR advised that a regulatory impact statement was not required. The OBPR exemption number is ID 14900.

### **Documents Incorporated in this Instrument by Reference**

The revised industry Standard, *AS/CA S004:2013 – Voice performance requirements for Customer Equipment* is incorporated. Copies of the revised industry Standard can be obtained from Communications Alliance at [www.standards.org.au](http://www.standards.org.au).

### **Notes on the New Standard**

The provisions of the new ACMA Standard are described in **Attachment 1**.

### **Statement of Compatibility with Human Rights**

Subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* requires the rule maker in relation to a legislative instrument to which section 42 (disallowance) of the *Legislative Instruments Act 2003* applies to cause a statement of compatibility to be prepared in respect of that legislative instrument. This statement is in **Attachment 2**.

## **Attachment 1**

### **Notes on the new ACMA Standard**

#### **Section 1      Name of Standard**

Section 1 provides that the name of the technical standard is the *Telecommunications Technical Standard (Voice frequency performance requirements for Customer Equipment) 2013*.

#### **Section 2      Commencement**

Section 2 provides that the technical standard commences on 1 July 2013.

#### **Section 3      Definitions**

Section 3 outlines the definitions used in the technical standard

#### **Section 4      Objects of Technical Standard**

Section 4 explains the objects of the technical standard which are to protect the integrity of a telecommunications network or a facility; to protect the health and safety of persons operating, working on, or using services provided by a telecommunications network or a facility; to ensure customer equipment can be used to access an emergency call service; and to ensure interoperability of customer equipment with a telecommunications network to which it is connected for the purposes of supplying a standard telephone service.

#### **Section 5      Application of Technical Standard**

Section 5 details the customer equipment that the technical standard applies to.

#### **Section 6      Standard for customer equipment**

Subsection 6(1) provides that the relevant CE must comply with the revised industry Standard, subject to subsection 6(2).

Subsection 6(2) provides that, for a period of two years from the commencement of the technical standard, the customer equipment to which the technical standard applies is taken to comply with the revised industry standard if it complies with the current industry standard.

## Attachment 2

### Statement of Compatibility with Human Rights

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

#### ***Telecommunications Technical Standard (Voice frequency performance requirements for Customer Equipment) 2013***

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 legislative instrument is the *Telecommunications Technical Standard (Voice frequency performance requirements for Customer Equipment) 2013 (the new ACMA Standard)* made under subsection 376(1) of the *Telecommunications Act 1997* (the Act). The new ACMA Standard refers to the industry standard *AS/CA S004:2013 – Voice performance requirements for Customer Equipment (the revised industry Standard)*. The revised industry Standard was published by Communications Alliance on 30 January 2013. The new ACMA Standard adopts the revised Industry Standard as the new standard applicable under the Act. It also allows for a transitional period of two years during which customer equipment is taken to comply with the revised industry Standard if it complies with the current industry Standard, *AS/ACIF S004:2008 Voice frequency performance requirements for Customer Equipment*.

#### **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.

**Australian Communications and Media Authority**