



## **Telecommunications Legislation Amendment and Repeal (2022 Measures No. 1) Instrument 2022**

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The Australian Communications and Media Authority makes the following instrument under subsections 376(1) and 407(1) of the *Telecommunications Act 1997*.

Dated: 8 December 2022

Chris Jose  
[signed]  
Member

Linda Caruso  
[signed]  
~~Member~~/General Manager

Australian Communications and Media Authority

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## 1 Name

This is the *Telecommunications Legislation Amendment and Repeal (2022 Measures No. 1) Instrument 2022*.

## 2 Commencement

Each provision of this instrument specified in column 1 of the table commences in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Column 1</b>	<b>Column 2</b>
<b>Provisions</b>	<b>Commencement</b>
1. Sections 1 to 4 and Schedules 1 and 2	The start of the day after the day this instrument is registered on the Federal Register of Legislation.
2. Schedule 3	Immediately after the commencement of the <i>Telecommunications (Mobile Equipment Air Interface) Technical Standard 2022</i> .

Note 1: The Federal Register of Legislation may be accessed free of charge at [www.legislation.gov.au](http://www.legislation.gov.au).

Note 2: The *Telecommunications (Mobile Equipment Air Interface) Technical Standard 2022* commences at the start of 22 December 2022.

## 3 Authority

This instrument is made under subsections 376(1) and 407(1) of the *Telecommunications Act 1997*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Miscellaneous amendments

### *Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2015 (F2015L00190)*

#### **1 Subsection 4(1) (definition of *applicable technical standard*)**

Repeal the definition, substitute:

*applicable technical standard* has the meaning given by:

- (a) in the case of customer equipment (other than cabling-related customer equipment) – section 8; or
- (b) in the case of customer cabling and cabling-related customer equipment – clause 1 of Schedule 4.

#### **2 Subsection 4(1) (definition of *built in-display*)**

Omit “a surge protector or”.

#### **3 Subsection 4(1) (paragraphs (a) to (c) of the definition of *cabling-related customer equipment*)**

Repeal the paragraphs, substitute:

- (a) a product intended primarily for the distribution of AC mains supply; or
- (b) a product intended to be used for telecommunications earthing systems or telecommunications power distribution.

#### **4 Subsection 4(1)**

Insert:

*corporation* has the meaning given by section 57A of the *Corporations Act 2001*.

#### **5 Subsection 4(1) (paragraphs (a) and (b) of the definition of *high risk applicable technical standard*)**

Repeal the paragraphs, substitute:

- (a) if the item is customer equipment (other than cabling-related customer equipment) – column 4 of the table in Schedule 1; or
- (b) if the item is customer cabling or cabling-related customer equipment – column 4 of the table in clause 1 of Schedule 4.

#### **6 Subsection 4(1) (paragraphs (a) and (b) of the definition of *item*)**

Repeal the paragraphs, substitute:

- (a) in Part 4 and Schedule 1 – a thing that is customer equipment (other than cabling-related customer equipment), and includes a modified item;
- (b) in Schedule 4 – a thing that is customer cabling or cabling-related customer equipment, and includes a modified item; or

#### **7 Subsection 4(1) (definition of *national database*)**

Repeal the definition, substitute:

***national database*** means a database designated in writing by the ACMA for the purposes of this Instrument.

*Note* A database may be designated by the ACMA for the purposes of this Instrument even if it forms part of another database or also serves purposes other than purposes of this Instrument.

**8 Subsection 4(1) (definition of *national database manager*)**

Repeal the definition.

**9 Subsection 4(1) (definition of *officer of the manufacturer or importer*)**

Repeal the definition.

**10 Subsection 4(1) (definition of *representative of the manufacturer or importer*)**

Repeal the definition, substitute:

***representative of the manufacturer or importer*** means:

- (a) an employee of the manufacturer or importer;
- (b) if the manufacturer or importer is a corporation – an officer of the corporation, within the meaning of section 9 of the *Corporations Act 2001*;
- (c) if the manufacturer or importer is an entity that is neither an individual nor a corporation – an officer of the entity, within the meaning of section 9 of the *Corporations Act 2001*; or
- (d) another person authorised in writing for the purposes of this Instrument by:
  - (i) the manufacturer or importer;
  - (ii) an employee of the manufacturer or importer; or
  - (iii) an officer of the manufacturer or importer.

**11 Subsection 4(1) (definition of *supplier code number*)**

Repeal the definition.

**12 Subsection 4(1) (definition of *surge protector*)**

Repeal the definition.

**13 Subparagraph 5(3)(a)(iv)**

Repeal the subparagraph, substitute:

- (iv) prepare a written statement in relation to the item in accordance with:
  - (A) subsection 11(4);
  - (B) paragraph 13(2)(b);
  - (C) subsection 21(2);
  - (D) subclause 6(3) of Schedule 4; or
  - (E) paragraph 11(2)(b) of Schedule 4;

**14 Subparagraph 6(a)(i)**

Omit “for the purposes of the *Corporations Act 2001*”.

**15 Sub-subparagraph 6(a)(iii)(A)**

Omit “for the purposes”, substitute “, within the meaning”.

**16 Subsection 7(2) (notes 1 and 2)**

Repeal the notes, substitute:

*Note 1* Schedule 4 only applies to customer cabling and cabling-related customer equipment.

*Note 2* If an item, or a class of items, to which this Instrument applies is also an item, or a class of items, to which equipment rules made under subsection 156(1) of the *Radiocommunications Act 1992* applies, the requirements of this Instrument are additional to the requirements of those equipment rules. A manufacturer or importer may have to comply with requirements of both this Instrument and those equipment rules.

**17 Subsection 8(1) (note)**

Repeal the note, substitute:

*Note* This section deals with applicable technical standards for customer equipment (other than cabling-related customer equipment). Clause 1 of Schedule 4 deals with applicable technical standards for customer cabling and cabling-related customer equipment.

**18 At the end of subsection 9(2)**

Add:

*Note* The requirement to apply a compliance label to an item involves:

- (a) affixing the label to the surface of the item;
- (b) if it is impossible or impracticable to affix the label to the surface of the item because of the size or physical nature of the item – affixing the label to the external surface of the packaging used for the item and incorporating the label in the documentation that accompanies the item when supplied; or
- (c) if the item has a built-in display – using the built-in display.

**19 Section 10**

Repeal the section, substitute:

**10 Form of a compliance label**

- (1) A compliance label must be:
  - (a) in the form of the RCM; or
  - (b) a QR code, or similar thing, if the relevant link is to information on a website that displays the RCM prominently.
- (2) The compliance label must be:
  - (a) durable; and
  - (b) at least 3 mm high.

## 20 Section 11

Repeal the section, substitute:

### 11 Application of a compliance label

- (1) A compliance label must be applied, in accordance with subsection (2) or (3), permanently or in a way that makes removal or obliteration difficult.
- (2) Subject to subsection (3) and section 12, a compliance label must be affixed to the surface of an item in a place that is readily accessible to a person.

*Note* In this Division, a reference to an *item* is a reference to an item to which section 9 applies.

- (3) If, because of the size or physical nature of an item, it is impossible or impractical to affix a compliance label to the surface of the item, the compliance label must:
  - (a) be affixed to the external surface of the packaging used for the item;
  - (b) occupy an area that is greater than 1% of that external surface;
  - (c) be clearly visible on that external surface; and
  - (d) be incorporated in the documentation, including any warranty or guarantee certificate, that accompanies the item when supplied.
- (4) The manufacturer or importer of an item to which subsection (3) applies must, before supplying the item, prepare a written statement in relation to the item specifying:
  - (a) the reasons why subsection (3) applies to the item; and
  - (b) where, on the external surface of the packaging used for the item and in the documentation referred to in subsection (3), each compliance label has been applied.

*Note* See *Note 2* to section 6.

### 21 Subsection 12(4)

Omit “Subsection 10(2) does” substitute “Paragraph 10(2)(a) and subsection 11(1) do”.

### 22 At the end of subsection 13(2)

Add:

*Note* The requirement to apply a non-compliance label to an item involves affixing the label to the external surface of the packaging used for the item and incorporating the label in the documentation that accompanies the item when supplied.

### 23 Subsection 14(3)

Repeal the subsection, substitute:

- (3) A non-compliance label must be durable.

### 24 Section 15

Repeal the section, substitute:

## **15 Application of a non-compliance label**

- (1) A non-compliance label must be applied, in accordance with subsection (2), permanently or in a way that makes removal or obliteration difficult.
- (2) A non-compliance label must be:
  - (a) affixed to the external surface of the packaging used for an item;
  - (b) clearly visible on that external surface; and
  - (c) incorporated in the documentation that accompanies the item when supplied.

## **25 Subparagraph 16(1)(b)(i)**

Repeal the subparagraph, substitute:

- (i) where, on the external surface of the packaging used for the item and in the documentation referred to in paragraph 15(2)(c), each non-compliance label has been applied; and

## **26 Division 2 of Part 5 (heading)**

Omit “and issue of supplier code numbers”.

## **27 Section 18 (heading)**

Omit “or issue of supplier code number”.

## **28 Section 19**

Repeal the section, substitute:

## **19 Registration on national database**

- (1) To be registered on the national database, a manufacturer or importer of an item (the *person*) must provide to the database:
  - (a) the person’s ABN;
  - (b) one of the following:
    - (i) if the person is a body corporate – the name and ACN of the body corporate;
    - (ii) if the person is an individual – the name of the individual;
    - (iii) in any case – a business name that is used by the person in connection with its business in relation to the supply of items and that is registered as a business name under the *Business Names Registration Act 2011*;
  - (c) the person’s address in Australia; and
  - (d) if the person is not an individual – the name and contact details of a representative of the manufacturer or importer.
- (2) If information included on the national database about the person changes, the person must provide the changed information to the database within 30 days after the change occurs.



*Note 1* If a manufacturer or importer contravenes a specific requirement that must be met after a compliance label has been applied to an item, the manufacturer or importer may be guilty of an offence under section 415 of the Act.

*Note 2* Information provided by a manufacturer or importer in accordance with this section for inclusion on the national database may be made publicly available.

**29 Subparagraph 21(2)(e)(i)**

Omit “for the purposes of the *Corporations Act 2001*”.

**30 Sub-subparagraph 21(2)(e)(iii)(A)**

Omit “for the purposes”, substitute “, within the meaning”.

**31 Paragraph 22(1)(a)**

Repeal the paragraph, substitute:

- (a) a written statement prepared for the item under:
  - (i) subsection 11(4);
  - (ii) subsection 21(2); or
  - (iii) subclause 6(3) of Schedule 4;

**32 Schedule 1 (heading)**

Omit “surge protectors or”.

**33 Schedule 1 (table, heading to column 1)**

Omit “surge protectors or” (wherever occurring).

**34 Schedule 1 (cell at table item 1, column 2 referring to “AS/ACIF S031-2015”)**

Repeal the cell.

**35 Schedule 1 (cell at table item 1, column 3 referring to “Telecommunications Technical Standard (Requirements for ISDN Basic Access Interface – AS/ACIF S031) 2015”)**

Repeal the cell.

**36 Schedule 1 (cell at table item 1, column 2 referring to “AS/ACIF S038-2015”)**

Repeal the cell.

**37 Schedule 1 (cell at table item 1, column 3 referring to “Telecommunications Technical Standard (Requirements for ISDN Primary Rate Access Interface – AS/ACIF S038) 2015”)**

Repeal the cell.

**38 Schedule 4 (heading)**

Omit “, surge protectors”.

**39 Subclause 1(1) of Schedule 4 (note)**

Repeal the note, substitute:

*Note* This clause deals with applicable technical standards for customer cabling and cabling-related customer equipment. Section 8 deals with applicable technical standards for customer equipment (other than cabling-related customer equipment).

**40 Clause 1 of Schedule 4 (table, heading to column 1)**

Omit “, surge protectors”.

**41 Clause 1 of Schedule 4 (table item 2)**

Repeal the table item.

**42 Clause 3 of Schedule 4**

Repeal the clause, substitute:

**3 Particular cabling item**

In this Schedule, *particular cabling item* means an item that is customer cabling or cabling-related customer equipment where:

- (a) the item complies with the technical standard AS/CA S008-2015; and
- (b) the installation of the item for connection to, or the connection of the item to, a telecommunications network or to a facility would be a type of cabling work for the purposes of Division 9 of Part 21 of the Act.

**43 Part 2 of Schedule 4 (heading)**

Omit “and preparing a written statement”.

**44 Clause 4 of Schedule 4 (heading)**

Omit “and prepare a written statement”.

**45 Subclause 4(2) of Schedule 4**

Repeal the subclause, substitute:

- (2) The manufacturer or importer of the item must, before supplying the item, apply a compliance label to the item in accordance with Part 3, unless the manufacturer or importer is exempt from compliance with this subclause under clause 7 or 8.

*Note* The requirement to apply a compliance label to an item involves:

- (a) affixing the label to the surface of the item; or
- (b) affixing the label to the external surface of the packaging used for the item (even if it is possible or practicable to affix the label to the surface of the item) and incorporating the label in the documentation that accompanies the item when supplied.

**46 Part 3 of Schedule 4 (heading)**

Omit “and preparation of a written statement”.

**47 Clause 5 of Schedule 4**

Repeal the clause, substitute:

**5 Form of a compliance label**

- (1) A compliance label must be:
  - (a) in the form of the RCM; or
  - (b) a QR code, or similar thing, if the relevant link is to information on a website that displays the RCM prominently.

(2) The compliance label must be:

- (a) durable; and
- (b) at least 3 mm high.

*Note 1* In this Part, a reference to an *item* is a reference to an item to which clause 4 applies.

*Note 2* Clause 5 does not apply to a manufacturer or importer if, under clause 7 or 8, the manufacturer or importer is exempt from compliance with subclause 4(2).

#### 48 Clause 6 of Schedule 4

Repeal the clause, substitute:

### 6 Application of a compliance label

(1) A compliance label must be applied, in accordance with subclause (2), permanently or in a way that makes removal or obliteration difficult.

(2) A compliance label must be:

- (a) affixed to the surface of an item in a place that is readily accessible to a person; or
- (b) both:
  - (i) affixed to the external surface of the packaging used for the item in a place that is clearly visible on that external surface; and
  - (ii) incorporated in the documentation, including any warranty or guarantee certificate, that accompanies the item when supplied.

(3) The manufacturer or importer of an item to which paragraph (2)(b) applies must, before supplying the item, prepare a written statement in relation to the item specifying where, on the external surface of the packaging used for the item and in the documentation referred to in paragraph (2)(b), each compliance label has been applied.

*Note 1* See *Note 2* to section 6.

*Note 2* Clause 6 does not apply to a manufacturer or importer if, under clause 7 or 8, the manufacturer or importer is exempt from compliance with subclause 4(2).

(4) If, before the commencement of Schedule 1 to the *Telecommunications Legislation Amendment and Repeal (2022 Measures No. 1) Instrument 2022 (commencement)*, a manufacturer or an importer of an item was required to prepare a written statement in relation to the item in accordance with paragraph 4(2)(b) of this Schedule as in force immediately before commencement, then after commencement:

- (a) that requirement is taken to be a requirement to prepare a written statement in relation to the item in accordance with subclause 6(3); and
- (b) any written statement prepared in relation to the item in accordance with paragraph 4(2)(b) as in force immediately before commencement is taken to be a written statement prepared in relation to the item in accordance with subclause 6(3).

**49 At the end of subclause 11(2) of Schedule 4**

Add:

*Note* The requirement to apply a non-compliance label to an item involves affixing the label to the external surface of the packaging used for the item and incorporating the label in the documentation that accompanies the item when supplied.

**50 Subclause 12(3) of Schedule 4**

Repeal the subclause, substitute:

- (3) A non-compliance label must be durable.

**51 Clause 13 of Schedule 4**

Repeal the clause, substitute:

**13 Application of a non-compliance label**

- (1) A non-compliance label must be applied, in accordance with subclause (2), permanently or in a way that makes removal or obliteration difficult.
- (2) A non-compliance label must be:
- (a) affixed to the external surface of the packaging used for the item;
  - (b) clearly visible on that external surface; and
  - (c) incorporated in the documentation that accompanies the item when supplied.

**52 Subparagraph 14(1)(b)(i) of Schedule 4**

Repeal the subparagraph, substitute:

- (i) where, on the external surface of the packaging used for the item and in the documentation referred to in paragraph 13(2)(c), each non-compliance label has been applied; and

## **Schedule 2—Repeals**

### **1 Repeal of technical standards**

Repeal the following technical standards:

- (a) *Telecommunications Technical Standard (Requirements for ISDN Basic Access Interface – AS/ACIF S031) 2015* (F2015L00180 AS/ACIF S031 2015);
- (b) *Telecommunications Technical Standard (Requirements for ISDN Primary Rate Access Interface – AS/ACIF S038) 2015* (F2015L00185 AS/ACIF S038 2015);
- (c) *Telecommunications Technical Standard (Surge Protective Devices for Telecommunication Applications – AS/NZS 4117) 2015* (F2015L00189 AS/NZS 4117 2015).

## **Schedule 3—Amendments relating to the *Telecommunications (Mobile Equipment Air Interface) Technical Standard 2022***

### ***Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2015 (F2015L00190)***

#### **1 Subsection 4(1) (note to the definition of *high risk applicable technical standard*)**

Omit the second sentence, substitute:

For example, the part of the *Telecommunications (Mobile Equipment Air Interface) Technical Standard 2022* that relates to AS/CA S042.1:2022 (within the meaning of that technical standard) is a high risk applicable standard, and the remainder is not such a standard, in relation to an item to which that part applies.

#### **2 Schedule 1 (table item 2, column 2)**

Omit “*Mobile Equipment Standard 2018*”, substitute “*Mobile Equipment Standard 2022*”.

#### **3 Schedule 1 (table item 2, column 3)**

Omit “*Telecommunications (Mobile Equipment Air Interface) Technical Standard 2018*”, substitute “*Telecommunications (Mobile Equipment Air Interface) Technical Standard 2022*”.

#### **4 Schedule 1 (table item 2, column 4)**

Omit:

The part of the *Mobile Equipment Standard 2018* that relates to AS/CA S042.1:2018 (within the meaning of that technical standard) is a high risk standard but only for an item to which that part applies

The part of the *Mobile Equipment Standard 2018* that relates to AS/CA S042.1:2015 (within the meaning of that technical standard) is a high risk standard but only for an item to which that part applies

substitute:

The part of the *Mobile Equipment Standard 2022* that relates to AS/CA S042.1:2022 (within the meaning of that technical standard) is a high risk standard but only for an item to which that part applies

The part of the *Mobile Equipment Standard 2022* that relates to AS/CA S042.1:2020 (within the meaning of that technical standard) is a high risk standard but only for an item to which that part applies

**5 Schedule 1 (table item 3, column 2)**

Omit “*Mobile Equipment Standard 2018*”, substitute “*Mobile Equipment Standard 2022*”.

**6 Schedule 1 (table item 3, column 3)**

Omit “*Telecommunications (Mobile Equipment Air Interface) Technical Standard 2018*”, substitute “*Telecommunications (Mobile Equipment Air Interface) Technical Standard 2022*”.

**7 Schedule 1 (table item 4, column 2)**

Omit “*Mobile Equipment Standard 2018*”, substitute “*Mobile Equipment Standard 2022*”.

**8 Schedule 1 (table item 4, column 3)**

Omit “*Telecommunications (Mobile Equipment Air Interface) Technical Standard 2018*”, substitute “*Telecommunications (Mobile Equipment Air Interface) Technical Standard 2022*”.