

The AMTA submission to:
The ACMA, on
Proposed changes to radiocommunications equipment
regulation - consultation 37/2022

15 December 2022



About AMTA

The Australian Mobile Telecommunications Association (AMTA) is the peak national body representing Australia’s mobile telecommunications industry. It aims to promote an environmentally, socially and economically responsible, successful and sustainable mobile telecommunications industry in Australia. Please see www.amta.org.au

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Introduction

AMTA welcomes the opportunity to provide this submission to the ACMA on the proposed changes to radiocommunications equipment regulation.

AMTA generally supports the ACMA's approach to simplifying the radiocommunications equipment supply regulation by incorporating the content of the 13 radiocommunications technical standards and the RLN into the Radiocommunications Equipment (General) Rules 2021.

AMTA and our members have some specific feedback on two areas that the ACMA should consider, specifically:

1. Regarding 'Significant Events', we recommend the ACMA continues its current practice of publishing details of forthcoming significant events on its website, even though the declaration must be made via notifiable instrument.
2. AMTA recommend changing the language used to describe device categories. Rather than describing device types as low-risk, medium-risk and high-risk devices; we propose the ACMA could amend the terminology to simply use categories, such as "Category 1", "Category 2" and "Category 3" (or perhaps "A", "B" and "C").

AMTA welcomes the adoption of the recently published electromagnetic energy (EME) test method.

Significant Events

The ACMA proposes to make changes in relation to the declaration of a significant event. The changes will allow the power to be delegated to an ACMA member of staff, and we have no objection to this change.

As it stands, the legislated ability for the Chair of the ACMA to declare a significant event resides in the definitions section (clause 4(1)) of the Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2015,¹ which reads:

significant event means an event at a location or locations specified in a notice approved by the Chair of the ACMA and published on the ACMA's website at <http://www.acma.gov.au>.

We note that details of significant events are published on the ACMA's website at <https://www.acma.gov.au/step-1-check-rules-follow#current-and-future-events>, and slightly above that on the same webpage, the ACMA provides guidance on "**What counts as a significant event**" at <https://www.acma.gov.au/step-1-check-rules-follow#significant-events>

We observe the proposed new clause 54A of the General Equipment Rules no longer specifies that the ACMA to publish details of significant events. Rather, clause 54A(2) of the General Equipment Rules requires the ACMA to make a notifiable instrument pertaining to the significant event. While we appreciate notifiable instruments must be published on the federal register of legislation (i.e., details of the significant event are "published"), due to the large volume of notifiable instruments published on the federal register (approx. 300 per year), we consider there is a risk that the publication of the notifiable instrument could be missed by interested stakeholders. We recommend that in addition to the declaration being a notifiable instrument, the ACMA commits to continuing its current practice of publishing details of forthcoming significant events on its website.

A commitment to continuing the practice of publication of significant events on the ACMA's website will enable stakeholders to develop an understanding over time of the types of events likely to be accorded this status, through an easily accessible and comprehensive list. This is far preferable to requiring stakeholders to trawl through notifiable instruments to access the same information. Maintenance of a current and historical record on the ACMA's website will enhance transparency and predictability for stakeholders. It is particularly important that there be an easily accessible source of this information given that some stakeholders may be offshore and would not necessarily be familiar with Australian regulation.

We also recommend capability is developed in the ACMA's website for interested stakeholders to subscribe to updates to that website, so they can receive notification by email when new notifiable instruments declaring significant events are created.

Finally, we note that the description of what counts as a significant event on the ACMA's website (second link above) currently explains that "*The chair of the ACMA considers whether your event:*". We recommend this should be amended to "*The chair of the ACMA or a delegate considers ...*" in line with the changes proposed in this consultation.

¹ Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2015 (F2015L00190). Available at <https://www.legislation.gov.au/Details/F2018C00904>

Language to describe device categories

The General Equipment Rules as they exist today use three terms to describe device categories: "low-risk device"; "medium-risk device"; and "high-risk device". The terms are used to differentiate devices into different categories for the purpose of differing compliance levels. For example, under Item 4(b) in the table in Schedule 3, Clause 10(1), the test report required for a so-called "high-risk" device must be "... prepared by an accredited testing body, in accordance with the criteria that apply to the body's accreditation ...", whereas for a "medium-risk" device at Item 2(b) in the same table, the device manufacturer/importer need only obtain a test report.

We appreciate these terms have existed in the equipment rules for some time, but propose the language could be amended to avoid describing the devices as "risky". The definitions of the three terms² differentiate "medium-risk" devices from "high-risk" devices on whether the device is intended to be used within 20cm from the human body ("medium-risk" devices are not intended to be used with 20cm, whereas "high-risk" devices are). Describing everyday devices such as mobile phones and tablets as "high-risk", especially when ARPANSA have declared "*There is no established scientific evidence that the use of mobile phones causes any health effects*",³ could be misleading to members of the public.

AMTA propose the ACMA could amend the terminology to simply use categories, such as "Category 1", "Category 2" and "Category 3" (or perhaps "A", "B" and "C"). Categories would need to be defined in the Interpretation clause (Clause 2) of Schedule 3, and we recommend "Category 3" could be used for devices that require the highest level of compliance testing, as required in the table in Schedule 3, Clause 10(1).

² Proposed revision to the General Equipment Rules, Schedule 3, Part 1, Clause 2.

³ ARPANSA website, "Mobile Phones and Health". <https://www.arpansa.gov.au/understanding-radiation/radiation-sources/more-radiation-sources/mobile-phones#:~:text=There%20is%20no%20established%20scientific,phone%20use%20and%20brain%20cancer.>

Introduction of new EME test standard

AMTA supports the replacement of the interim EME Technical Report IEC TR 63170 in the General Equipment Rules with IEC/IEEE 63195-1 and IEC/IEEE 63195-2, for measurement and calculation respectively. We also agree with and support the ACMA's approach to allow testers to choose between the two options (measurement or calculation).

Appendix 1: Answers to consultation questions

This appendix contains our answers to the specific questions asked by the ACMA in the consultation.

1. Do you have comments on the proposal to incorporate the content of the ACMA's 13 radiocommunications mandatory technical standards and the RLN into the General Equipment Rules?

We support the ACMA's approach to incorporate the thirteen radiocommunications mandatory technical standards and the RLN into the General Equipment Rules.

2. Do you have thoughts on the proposal to repeal the *Radiocommunications (121.5 MHz and 243.0 MHz Emergency Position Indicating Radio Beacons) Standard 2014*?

No comment.

3. Do you have any issues with the proposed adoption of the European Telecommunications Standards Institute standards specified in Appendix A?

We have no concerns with the ETSI standards specified in Appendix A.

4. Do you have comments on the proposed remaking of the *Protected Symbols Determination 2013*, including the removal of reference to the C-Tick and A-Tick?

We support the ACMA's proposed approach for remaking the *Protected Symbols Determination 2013*.

5. Do you have thoughts on the proposed replacement of the interim EME Technical Report IEC TR 63170 in the General Equipment Rules with IEC/IEEE 63195-1 and IEC/IEEE 63195-2?

We support the replacement of the interim EME Technical Report IEC TR 63170 in the General Equipment Rules with IEC/IEEE 63195-1 and IEC/IEEE 63195-2, and support the ACMA's approach to allow testers to choose between the two options (measurement or calculation).

6. Do you have any issues with the proposed amendments to the significant event provisions to allow delegated ACMA staff to declare a significant event?

We support the ACMA's proposal to allow the declaration of significant events to be delegated to ACMA staff. We recommend the ACMA continue its current practice of publishing details of forthcoming significant events on its website. See section 02 of this submission for further detail.