



Submission in response to  
ACMA Consultation Paper

**Proposed changes to the  
Radiocommunications  
Equipment Regulation**

PUBLIC VERSION

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## OPTUS RESPONSE TO ACMA PROPOSALS

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1. Optus welcomes the opportunity to provide feedback to the Australian Communication and Media Authority's (ACMA) consultation paper on "Proposed changes to the radiocommunications equipment regulation – consultation 37/2022".
2. In summary, Optus understands that the ACMA is seeking feedback on its proposal to simplify and streamline the radiocommunications equipment supply regulation as part of its program to review relevant equipment regulations following the passage of the *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020*.
3. Optus understands that the proposals are largely of an administrative character and include changes to:
  - (a) consolidate 13 relevant technical standards and labelling notices into the *Radiocommunications Equipment (General) Rules 2021* (the general equipment rules) before they sunset
  - (b) update references to the latest industry standards including to incorporate/adopt certain international standards (ETSI Standards)
  - (c) repeal the 121.5 MHz and 243 MHz Emergency Position Indicating Radio Beacons Standard as it is redundant
  - (d) remake the protected symbols determination (i.e C-Tick and A-ticks marks preserved for devices prior to 2016 and continued use of the RCM)
  - (e) amend the EME test method in the General Equipment Rules to replace the interim test method IEC TR 63170 with IEC/IEEE 63195-1:2022 and IEC/IEEE 63195-2:202
  - (f) amend the "significant event" provisions in the mandatory standards, the LIPD, the Labelling Notice for CE and Customer Cabling instrument and the Types of Cabling Work Declaration 2013 – to delegate the power to declare such an event to an ACMA staff member
4. Optus has carefully reviewed the proposals and does not have any significant concerns. Optus considers that the consolidation of the Equipment Rules will promote some administrative efficiency, in particular by reducing search time for interested stakeholders.
5. However, the different approaches to drafting taken in the individual legacy documents mean that there is some inconsistency in certain phrasing and terminology. In particular, the language used to identify the instrument or standard applicable at a particular point in time differs across the Equipment Rules. This may lead to misinterpretation of what the applicable standard may be at a particular time, leading to a degree of uncertainty as to compliance obligations.
6. Further to this point, Optus considers that the compliance requirements under new Part 2 of Schedule 5 of the Rules "Prescribed standards and how equipment complies with standards" are not entirely clear from the existing text. Optus suggest that comprehension might benefit from some graphical/tabular representation of the text

possibly expanding on the proposed table under new subsection 3 of that Part by including additional columns to explain compliance with an industry document.<sup>1</sup>

7. The Rules are of course technical in nature and accordingly Optus submit that they should be drafted as clearly and concisely as possible to limit any potential for misinterpretation. In this context, Optus queries whether the proposed “adoption of five equivalent international standards to provide suppliers with greater flexibility in achieving compliance with relevant technical requirements” will in fact serve to promote regulatory certainty. Optus also suggest that the ACMA reconsider the language used to describe the device categories for the purposes of the EME Standard.<sup>2</sup>
8. Optus does not object to the ACMA’s proposal to delegate the power to declare “significant events” to an ACMA member or ACMA staff where such power is currently conferred on the ACMA Chair under the instruments identified in the consultation paper. However, Optus considers that transparency over such declarations is required and may be best promoted where interested parties are notified of a declaration. This may be most efficiently facilitated by establishing a mechanism for stakeholders to subscribe to specific updates via the ACMA website, in order that they may receive notification by email when new notifiable instruments declaring significant events are created.
9. Optus refers the ACMA to the submissions from the Australian Mobile Telecommunications Association (AMTA) and Communications Alliance provided in response to this consultation. Optus supports the position set out in both of those submissions.

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<sup>1</sup> under subclauses 4(5) and 4(6) for example

<sup>2</sup> See definitions under “Interpretation” of Schedule 3 Labelling Requirements