



TELSTRA CORPORATION LIMITED

Proposed changes to radiocommunications equipment regulation

Public Version

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01 Introduction

We welcome the opportunity to provide our views on the ACMA's proposal for **Proposed changes to radiocommunications equipment regulation**, as outlined in ACMA consultation IFC 37/2022. In this consultation, the ACMA proposes numerous amendments to the Radiocommunications Equipment (General) Rules 2021 ("**General Equipment Rules**").

In most cases, we agree with and support the ACMA's proposed amendments to the General Equipment Rules. However, there are two items where we recommend changes to the ACMA's proposed approach:

- We support the delegation of power to allow ACMA staff to declare a significant event. We propose the ACMA continues its practice of publishing details of forthcoming significant events on its website, even though the declaration must be made via notifiable instrument.
- We recommend changes could be made to the language used to describe the different thresholds used to categorise devices for compliance purposes.

Finally, we support the ACMA's proposal to replace 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 test methods.

Outside these points, we have no specific comments on the detail of any of the specific changes in this proposal, other than to observe that a reduction in the number of legislative instruments by consolidating the individual equipment rule standards into the General Equipment Rules is a good approach and will be beneficial to users.

We commend the ACMA for including in the consultation materials a marked-up version clearly showing the proposed amendments to the *Radiocommunications Equipment (General) Rules 2021*, and we would be grateful if this practice could be adopted more broadly in all ACMA consultation on revisions to existing instruments.

02 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.

A "significant event" is defined in the currently applicable instruments as, "*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>.*"¹ This means that at present all significant events are published on the ACMA's website.

¹ *Radiocommunications (Low Interference Potential Devices) Class Licence 2015, s3A(1); Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2015, s4(1); and Telecommunications (Types of Cabling Work) Declaration 2013, s4, where the definition is slightly different – "significant event means an event at a specified location or locations, notified on the website www.acma.gov.au with the approval of the Chair."*



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 will publish details of significant events on its website. 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 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.

03 Language used 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.

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”). 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).

04 Introduction of the new EME test standard

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, 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).

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.>



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.