



Proposal to remake the sunseting Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2015 and eight telecommunications standards

Public submission

20 December 2024

1 Introduction

Telstra welcomes the opportunity to comment on the ACMA's *Proposal to remake the sunseting Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2015 and 8 telecommunications standards* (the **consultation**).

Labelling of telecommunications equipment, and radiocommunications equipment, is an important mechanism used to assure consumers, carriers and carriage service providers, field technicians, regulators and other affected parties, that the device, cabling or equipment conforms to industry standards. Labelling covers aspects such as electrical safety, electro-magnetic emissions (EME) safety, and the ability to make Emergency Calls to Triple Zero. It is therefore vital that:

- devices, cables and other equipment comply with appropriate standards;
- there are appropriate Declarations of Conformity (DoCs);
- there is a public register of DoCs and who can make them; and
- that devices, cables and other equipment are all appropriately labelled.

We support the ACMA in remaking the Telecommunications Labelling Notice (TLN), and for six of the seven technical instruments that describe equipment that is still being manufactured or imported, we also support remaking those instruments. We also support remaking the Disability Standard.

While we support the remaking of these instruments, we are also requesting the ACMA to commit to undertaking a more fundamental review of the TLN after it is remade on 1 April 2025, to align the TLN framework with the Bean Review work on improving assurance about the ability of mobile devices to make emergency calls. In particular, we consider this future review needs to revise the record keeping requirements in Part 5 of the TLN so that the records are exposed in a public compliance register which end users, carriers and carriage service providers, and installers can use to easily identify (without having to physically find and sight a compliance label) which items are safe to use in Australia. We consider that the ACMA, as the responsible authority for the compliance of telecommunications equipment, should establish this register.

Our submission also recommends a change that would help ensure the TLN keeps pace with changes to the underlying technical specifications more efficiently and effectively. Instead of stipulating a specific version of S042.1 in Schedule 1 of the TLN, the ACMA could instead specify the version of S042 that “was in force at the date of manufacture/supply of the device”. This approach would require manufacturers and/or importers to comply with the current version of the technical standard at the time a device is manufactured and/or imported.

Finally, we note the TLN framework alone is not sufficient to assure the safety of end users and other stakeholders. ACMA enforcement of compliance with the TLN (e.g. ensuring the register of entities who can make a DoC is up to date) is also critical for the TLN to be a reliable and effective mechanism.

Our submission is structured as follows:

- **Section 2** provides our view on the ACMA's proposal to remake seven sunseting technical instruments. We recommend all seven technical instruments are remade.
- **Section 3** contains our view on the ACMA's proposals to remake the TLN. As well as the aforementioned matters, we comment on the ACMA plans to align, or not align, the TLN with the General Equipment Rules (GER).
- **Section 4** contains our view on the ACMA's proposal to remake the Disability Standard. We support remaking this standard.
- **Appendix 1** contains our answers to each of the ACMA's specific consultation questions.

2 Remake all seven sunseting technical standards

We support remaking of all seven sunseting *technical* instruments.

2.1 Copper voice services and ADSL services still exist

The ACCC's Customer Access Network (CAN) Record Keeping Rule (RKR) for September 2024¹ shows there are still over 283,000 copper voice-only services, plus a further almost 84,000 voice+DSL services still in operation. Telstra is required to continue to offer many of these copper voice services through the Copper Continuity Obligation. Importantly, links with G.703 interfaces are used as backhaul for these Public Switch Telephone Network (PSTN) services. See our answer to question 1b in Appendix 1 for further detail.

As such, all seven technical standards should be remade.

Our answer to Question 2 (Appendix 1 of our submission) also contains our thoughts on removing ambiguity regarding devices that might be designed for operation on a private network but can also be used on a public network.

3 Remaking the TLN

We consider that equipment and cabling standards, coupled with supplier compliance, are essential for protecting the health or safety of persons who operate, work with, or otherwise use equipment and cabling for telecommunications purposes. It is therefore important that standards are clear and unambiguous, both in the technical measures they prescribe and their applicability (when and where they apply). This helps to ensure manufacturers and importers are clear on their responsibilities, and supports the ACMA to monitor and enforce compliance

3.1 More fundamental reform of the TLN framework is required

The Bean review² has highlighted the need to improve the compliance of the supply chain for mobile phone devices so that end users can have confidence in their ability to make emergency calls across a wide range of scenarios. This includes ensuring they can successfully emergency camp-on to other networks during network outages. In our view, to deliver this outcome, the following package of measures needs to be adopted:

1. The Australian technical standards framework for mobile devices needs to be reviewed and updated (as required) to ensure that it adequately addresses the emergency calling requirements. This includes incorporating the emergency call service testing procedures being developed in response to Recommendation 3 of the Bean review currently being developed by Communications Alliance in conjunction with the University of Technology Sydney. Communications Alliance is currently undertaking this review for S042.1.
2. Suppliers must undertake testing to ensure that their devices comply with this framework. .
3. The ACMA needs to implement a program to audit and enforce supplier compliance with these requirements. We suggest the ACMA conduct a 6 monthly audit which tests a random sample of devices for compliance.
4. An online register of compliant mobile devices and supporting information needs to be published so that the public, carriers and carriage service providers, and installers can easily identify (without having to physically find and sight a compliance label) which devices are safe to use in

¹ ACCC CAN RKR, Sept 2024. Available at: <https://www.accc.gov.au/system/files/snapshot-of-telstras-customer-access-network-sep2024.pdf>

² Australian Government Review into the Optus outage of 8 November 2023 – Final Report. March 2024 and the Australian Government Response to the Bean Review Final Report Review into the Optus outage of 8 November 2023. April 2024

Australia. We believe the ACMA, as the responsible authority for the compliance of telecommunications equipment, should establish this register. We suggest it might be possible for one of the existing registers maintained by the ACMA (e.g. the Register of Radiocommunications Licences) to be leveraged for this purpose. Registered suppliers would be obliged to keep the register updated, including uploading the compliance records that are required to be kept under Part 5 of the TLN.

Note: this register would effectively become a 'whitelist' of compliant devices that carriers and carriage service providers could reference in the future for the purpose of notifying and/or blocking devices that are not on this list and attempt to attach to their networks.

We believe the TLN framework requires fundamental reform to deliver this outcome. In particular the record keeping rules in Part 5 of the TLN need to be updated so that suppliers are required to provide and maintain the information for the public register in the 4th measure above.

While the immediate need for this reform is driven by the focus of the Bean review on the emergency calling capability of mobile phone devices, we consider it needs to be applied more generally to all telecommunications consumer equipment and cabling. Such reform will help ensure there is transparency about the safety of consumer equipment and cabling and this will also assist in making suppliers accountable.

We recognise that it will not be realistic for the ACMA to undertake a reform of this scale prior to the 1 April 2025 sunset date. Further, it will not be possible to firm up on the changes until related aspects of the Bean review are also resolved in 2025.

For these reasons we request that the ACMA commit to undertaking another review of the TLN after it is remade on 1 April 2025, with the objective of considering more fundamental reforms that align with the timeline for the Bean review work.

3.2 Aligning TLN provisions with the General Equipment Rules

Labelling is a mechanism used to show users, installers and regulators, that the device, cabling or customer equipment conforms to the standard. In the TLN section of the consultation,³ the ACMA notes it is reviewing the alignment of labelling requirements between the long-standing TLN, and the more recently introduced General Equipment Rules (GER).⁴

Our comments below concern the ACMA's proposed measures to align the TLN with the GER, as outlined in Table 2 of the consultation.

We support the ACMA's proposal to align TLN provisions with the GER. Misalignment or gaps between different legislation creates loopholes, which are likely to be exploited by equipment manufacturers or importers.

The ACMA proposes to align the TLN with the GER for the following three areas:

- 1) registration [of persons allowed to apply a label] on a national database;
- 3) [clarification of] who may apply a label; and
- 4) compliance records in electronic form.

We support aligning the TLN with the GER for these matters.

3.2.1 Item 2: Who can make a Declaration of Conformity (DoC) – align the GER to the TLN

The ACMA proposes not to align the TLN with the GER on the matter of who can make a DoC. Under the TLN, only an Australian manufacturer, or an Australian importer can make a DoC, whereas under the

³ Consultation paper, p.10.

⁴ Radiocommunications Equipment (General) Rules 2021. Available at <https://www.legislation.gov.au/F2021L00661/latest/versions>

GER, overseas manufacturers could issue a DoC on the proviso that an Australian importer obtains, and retains for auditing, a copy of the (overseas) DoC.

The ACMA explains the rationale for not aligning the TLN with the GER as being that the GER applies to radiocommunications devices, where it is already common practice for importers to import devices manufactured overseas, on the proviso that those devices comply with international radiocommunications standards. In the case of fixed-line equipment (under the TLN), the ACMA observes that Australian “... *telecommunications standards provide Australian specific requirements* ...”, and therefore, it is not appropriate to use overseas standards, but rather, to use the Australian standards, and hence, the DoC must be issued by the Australian manufacturer, or Australian importer against the relevant standards in Schedule 1 of the TLN.

Following this logic (namely, there are Australian standards that should be used for DoCs), we propose instead that the GER should be amended to bring it into alignment with the TLN. As with fixed-line equipment, there are standards for some radiocommunications devices (for example, S042.1) that contain requirements specific to the Australian context, such as emergency calling capability. In this regard, it is appropriate that a DoC is made using the appropriate Australian standard, rather than an overseas manufacturer using local standards in their jurisdiction or generic international standards when making a DoC.

We appreciate amendments to the GER are outside the scope of this consultation, and that a separate work item will be required to amend the GER.

3.2.2 Item 5: Compliance records - Duration

The ACMA proposes partial alignment of the TLN with the GER. On the matter of keeping compliance records electronically, the ACMA proposes to align the TLN with the GER, and we support this.

However, the ACMA proposes not to align the TLN with the GER on the duration for which compliance records must be kept. Telstra recommends that both the TLN and the GER are aligned on the duration for which compliance records must be maintained, and that both instruments should align with the requirements from other jurisdictions, especially in light of the outcomes from the recent Bean review and the challenges faced during 3G exit.

Telstra considers a two-year retention period as being too short as safety incidents can occur at any time over the lifecycle of a product, which in most cases is longer than two years and can be expected to increase over time as greater focus is given to device sustainability. Records are now maintained in electronic form, so there is minimal incremental cost to maintain records for a longer period of time.

Telstra recommends that the ACMA extend the record retention period to seven years after the date that the last product has been supplied in Australia. This would align with EU Regulation 2023/1670⁵ where all smartphones, mobile phones, and cordless tablets sold within the EU must be designed to allow for easy disassembly and repair, with manufacturers required to provide critical spare parts for at least seven years after the product is no longer sold, alongside operating system updates for a minimum of five years after the end of sales.

3.3 Improving compliance for Mobile Devices

Schedule 1 of the TLN contains a list of the applicable standards, including S042.1:2022, the *Telecommunications (Mobile Equipment Air Interface) Technical Standard 2022*,⁶ also known as the

⁵ COMMISSION REGULATION (EU) 2023/1670 of 16 June 2023 laying down ecodesign requirements for smartphones, mobile phones other than smartphones, cordless phones and slate tablets pursuant to Directive 2009/125/EC of the European Parliament and of the Council and amending Commission Regulation (EU) 2023/826. <https://eur-lex.europa.eu/EN/legal-content/summary/ecodesign-requirements-smartphones-mobile-phones-other-than-smartphones-cordless-phones-and-slate-tablets.html>

⁶ Telecommunications (Mobile Equipment Air Interface) Technical Standard 2022. Available at <https://www.legislation.gov.au/F2022L01624/asmade/text>

“Mobile Equipment Standard, 2022”. We agree with and support the inclusion of the Mobile Equipment Standard in the TLN.

As was observed by industry during the closure of 3G networks in 2024, mobile devices, especially handsets, evolve amorphously in relation to different mobile network generations (3G, 4G, 5G, etc), voice calling capabilities (circuit switched in 3G, VoLTE, VoNR, etc) and in terms of supporting emergency calling (circuit switched, IMS emergency calling, etc). This “amorphous” evolution is an artefact of different manufacturers targeting different global markets, and the sporadic way in which 3GPP standards are implemented by different network operators over time in each market. The industry observed that so-called “grey-import” devices were particularly problematic regarding their ability to make emergency Triple-Zero calls once 3G networks were closed.

To reduce the possibility of history repeating itself during the closure of future network technologies, work needs to be undertaken to explore how S042.1 could be used to better specify applicable 3GPP standards for emergency calling.

Schedule 1 of the TLN specifies both the technical standard (in this case, S042.1) and the version (in this case, :2022). Specifying the version in the TLN would require the TLN to be constantly updated, in the event a technical standard is also regularly updated.

We propose that instead of stipulating a specific version of S042.1 (e.g., S042.1:2022) in the TLN, the ACMA could instead specify the version of S042 that “was in force at the date of manufacture/importation of the device”. Under this proposal, manufacturers and/or importers would be required to ensure they are complying with the current version of the technical standard at the time the device is manufactured and/or imported.

4 Remaking the Disability Standard

We support the remaking of *Telecommunications Disability Standard (Requirements for Customer Equipment for use with the Standard Telephone Service – Features for special needs of persons with disabilities – AS/ACIF S040) 2015* (the Disability Standard). There is an ongoing need for people with auditory difficulties to use the National Relay Service (NRS) using Teletypewriter (TTY) equipment.

Telstra still retails TTY devices – see <https://www.telstra.com.au/accessibility-and-disability/accessibility-equipment>, and click on “**Teletypewriter (TTY)**” for details.

Appendix 1: Answers to the ACMA's consultation questions

Appendix 1 contains our answers to the eight questions contained in the consultation paper.

1a. Is it necessary and appropriate for the ACMA to remake the seven technical standards due to sunset?

It is necessary and appropriate for the ACMA to remake all seven technical standards.

1b. Should the ACMA allow AS/ACIF S016-2015 to sunset? If no, please provide your reasons why the standard should be remade.

AS/ACIF S016-2015 refers to Plesiochronous Digital Hierarchy (PDH) and Synchronous Digital Hierarchy (SDH) as defined in ITU-T Recommendation G.703, Physical/electrical characteristics of hierarchical digital interfaces.⁷ Services using this interface are still used in Telstra's PSTN network for backhaul and control of PSTN switching equipment, and are required until such time as Telstra's Copper Continuity Obligation (CCO) is removed (because there are no other copper technologies that can be used to supply voice service).⁸ The ACMA should remake AS/ACIF S016:2015; it must not be allowed to sunset.

2. Do you have any comments on our proposal to change terminology to clarify the items to which the technical standards apply and to align with the definitions of customer cabling and customer equipment in subsections 20(4) and 21(4) of the Act?

The ACMA observes there is ambiguity as to whether these technical standards apply to an item that is used for connection to a telecommunications network but is *primarily designed* or intended for use on another type of network such as a *private* network.

The ACMA proposes to amend these 7 technical standards to apply to an item if it is "*used, installed ready for use, or intended for use for connection to a telecommunications network*".

Our view is this change is insufficient to address the issue the ACMA describes, as it does not specifically identify equipment in use on a public network that was not designed for that purpose. We propose the language should be more along the lines of "*used, installed ready for use, or intended for use for connection to a telecommunications network, regardless of whether or not it was designed for use on a public telecommunications network*" [underlined text is the clarification].

3. Do you have any comments on our proposal to align particular pre-labelling and record-keeping requirements in the proposed TLN with the General Equipment Rules (where possible)?

See section 3.2 of our submission.

4. Do you have any comments on our proposal to remove the provisions in Part 6 of the TLN?

We have no comment on this matter.

⁷ ITU-T Recommendation G.703, Nov 2001. Available at: <https://www.trx.com.pl/dl/itu-t/T-REC-G.703.pdf>

⁸ Telstra's copper continuity obligation (CCO) is a requirement to maintain services on its legacy copper network for customers outside the NBN fixed line footprint. This obligation is part of the Telecommunications Universal Service Obligation Performance Agreement (TUSOPA).

5. Do you have any comments on our proposed amendments to Schedule 1 to the TLN?

See section 3.3 of our submission. We propose that rather than stipulating a specific version of S042.1 (e.g., S042.1:2022) in the TLN, the ACMA could instead specify the version of S042 that “was in force at the date of manufacture/importation of the device”.

6. Do you have any comments on our proposed amendments to the exemption in item 3 of Schedule 2 to the TLN? If so, please specify your reasons and provide evidence to support your position.

We have no comment on this matter.

7. Do you have any comments on our proposed amendments in relation to labelling cabling items?

We agree with the ACMA that information on the sheath of the cabling item is more appropriately characterised as an *alternative form* of label (like a QR code is an alternate form of labelling) rather than an *exemption* from labelling. We therefore agree with the ACMA's proposed changes to characterise information on a cable sheath as an alternate form of labelling.

8. Do you have any comments on our proposal to remake the Disability Standard?

See section 4 of our submission.