



TELSTRA GROUP LIMITED

Remaking the RNSS Class Licence

Telstra public submission

9 May 2025

1 Introduction

Telstra welcomes the opportunity to make this submission to the ACMA's consultation on *Remaking the sunseting Radionavigation Satellite Service (RNSS) Class Licence*. We support the ACMA's proposal to remake this licence, as we consider the RNSS class licence is operating effectively and efficiently. It continues to play a necessary role in the radiocommunications regulatory framework.

However, we observe the ACMA proposes to remove Clause 5 from the remade RNSS Class Licence. We are concerned that removing this clause has the effect that mobile phones and other devices manufactured prior to 17 June 2021 will now have to comply with the General Equipment Rules, rather than the appropriate Standard at the time (i.e., grandfathering for previously compliant devices is being removed).

Given the majority of (if not, all) smartphones manufactured in the last decade or so included RNSS (i.e., GPS) receivers, our submission outlines our concern about the removal of grandfathering of compliant RNSS devices.

2 Removing clause 5 removes grandfathering

For convenience, clause 5 from the RNSS Class Licence 2015 (updated 17 June 2021) is reproduced below [*emphasis, (yellow highlight) added*]:

5 Standards and Equipment Rules

- (1) A person must not operate an RNSS receiver under this class licence unless the RNSS receiver complies with:
- (a) if the device compliance day for the RNSS receiver occurs before the commencement of Part 1 of Schedule 4 to the *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020* – any **standard** applicable to it, as in force on the device compliance day;
 - (b) if the device compliance day for the RNSS receiver occurs on or after the day Part 1 of Schedule 4 to the *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020* commenced – any **equipment rules** applicable to it, as in force on the device compliance day.
- (2) In paragraph (1)(a), **standard** has the meaning given by section 5 of the Act, as in force immediately before the commencement of Part 1 of Schedule 4 to the *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020*.

Note: Part 1 of Schedule 4 to the *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020* replaces standards with equipment rules. See also item 42 of that Schedule.

Clause 5(1) is linked to the *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020*,¹ and permits devices manufactured prior to the commencement of the modernisation of the Radiocommunications Act to comply with any **standard** that existed at the time (see clause 5(1)(a)). However, after 17 June 2021 (i.e., the day after Part 1 of Schedule 4 came into effect²), clause 5(1)(b) requires equipment to comply with the **General Equipment Rules**.

¹ Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020, available at: <https://www.legislation.gov.au/C2020A00151/latest/text>

² Ibid, table in section 2, using the reference for Schedule 4, Part 1.

Given the majority of (if not, all) smartphones manufactured in the last decade or so included RNSS (i.e., GPS) receivers, Telstra has millions of customers with mobile devices with RNSS receivers. A reasonable proportion of devices in use today will have been manufactured prior to 17 June 2021.

We are concerned that removal of clause 5 from the RNSS Class Licence **retrospectively** requires devices manufactured prior to 17 June 2021 to now comply with the General Equipment Rules, rather than retaining the ability in the Class Licence for devices to comply with the Standard(s) that were appropriate at the time.

The ACMA's website explains the removal of clause 5 thus:

... some minor changes to:

- remove section 5 concerning standards and equipment rules, as these provisions are covered by other legislative instruments made by the ACMA ...

It is unclear to us what these "... *other legislative instruments* ..." are, and we consider the ACMA has not provided adequate explanation as to how "... *these provisions* ..." (grandfathering existing Standards) are covered.

We recognise that it is entirely possible that devices manufactured prior to 17 June 2021 do comply with the General Equipment Rules. This would be possible, for example, if the Standard(s) that applied prior to 17 June 2021 are equal to, or more onerous than the General Equipment Rules. We also recognise that we are talking about receivers (RNSS receivers), not transmitters, and as such, there is no direct risk of harmful interference.

Nevertheless, we are concerned at the possibility of millions of user devices suddenly becoming non-compliant, should the General Equipment Rules turn out to be more onerous than the Standard(s) that applied prior to 17 June 2021.

We request that before removing Clause 5 from the new RNSS Class Licence, the ACMA confirm removal does not cause a more onerous obligation retrospectively on any devices containing RNSS receivers, including, but not limited to, mobile devices.

We consider it would be satisfactory for the ACMA to make this outcome known on the consultation website, as part of the publication of the outcomes of the consultation. If, there are no devices that become non-compliant as a result of the removal of Clause 5, we have no objection to its removal.