



AUSTRALIAN COMMUNICATIONS INDUSTRY FORUM

EXPRESSION OF INTENT PROCEDURE
Procedure for the handling of queries
on ACIF Standards and publishing
Expressions of Intent

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**EXPRESSION OF
INTENT PROCEDURE**

1 OVERVIEW

The Expression of Intent Procedure defines the process by which an ACIF Reference Panel addresses queries on the intent of existing wording of publications for which the Reference Panel has responsibility.

This procedure primarily focuses on the AS/ACIF Standards and ACA Technical Standards that are the responsibility of the Customer Equipment and Cable Reference Panel.

In addition, there may be queries concerning associated publications (e.g. Guidelines, Supporting Arrangements) where this procedure may assist in identifying future work that may be required for the Reference Panel’s consideration.

2 REFERENCE DOCUMENTS AND ASSOCIATED FORMS

- *Expression of Intent* form
- CECRP *Publication Query Register (PQR)*
- CECRP *Publication Technical Advisor Register (PTAR)*
- query submitter response form(s)
- query submission form
- library of stock query responses
- *ACIF Operating Manual for the development of Codes, Standards, Specifications, Guidelines and other Supporting Arrangements (the ACIF Operating Manual)*
- *ACIF Document Maintenance Policy and Process* Guideline
- *Telecommunications Act 1997* (the Act)

3 ACRONYMS

ACA	Australian Communications Authority
ACIF	Australian Communications Industry Forum
AS	Australian Standard
CECRP	Customer Equipment and Cable Reference Panel
CTRAC	Communications Technical Regulation Advisory Committee
EoI	Expression of Intent
NATA	National Association of Testing Authorities
PAG	Publication Advisory Group
PQR	Publication Query Register
PTA	Publication Technical Advisor
PTAR	Publication Technical Advisor Register
WC	Working Committee

4 BACKGROUND

Up until 2004 ACIF did not have a process to address technical queries concerning its published Standards. Not having an avenue for the industry to seek clarification of requirements in published ACIF Standards was seen as a shortcoming in the telecommunications regulatory environment and was in need of a solution.

The industry saw that with the decrease in government regulation, and increased reliance of industry self-regulation since 1997 with the introduction of the *Telecommunications Act 1997*, Standards development bodies on behalf of industry should not only take on the role of developing Standards, but also the associated and inevitable need for providing a service to address queries once the Standards were in use. It was noted that with these Standards being called up under legislation or under contract, the demand for such a query service rises as the level of usage of these Standards increases.

The Australian Communications Authority's Communication *Technical Regulation Advisory Committee* (ACA CTRAC) saw the roles of the regulator and the Standards developer as being complementary, in that:

- the rationale and meaning of the technical requirements is the province of the committees within the Standards development body; and
- the application of the Standard is the province of the regulator.

It was also noted that the Recognised Testing Authorities (RTAs) and the accreditation bodies (such as NATA) were not the appropriate bodies to provide such a service as it was seen that it was not in their area of expertise, that it would place unreasonable demands on their time, that it may potentially affect their liability and finally could place them in a conflict of interest situation.

When a Standard is *made* by the ACA under the *Telecommunications Act 1997*, the Standard in effect becomes delegated legislation by that Act. The Standard and its requirements, once *made*, cannot be changed in any manner. The Standard can only be replaced by another Standard, for example a revised edition of the *made* Standard, only if it has met the requirements of the *Act*. In the case of technical standards, section 378 of the *Act* requires due representation, a recognised standards development organisation, public consultation and the appropriate notification in the government Gazette.

Subsequently, neither the ACA nor the Standards development organisation can make an interpretation of a requirement in a *made* Standard if that interpretation would propose any variation to the technical intent of that requirement.

Although the ACA, as the telecommunications regulator, has the legal responsibility for the application and enforcement of these Standards under the *Act*, it was recognised that the ACA does not necessarily have the technical expertise to address queries concerning the technical requirements of Standards that were developed externally to their organisation.

As the developer and publisher of AS/ACIF Standards, ACIF has taken on the role of providing a service to address such queries. In addition, as ACIF has assumed the responsibility for the ongoing maintenance and revision of the suite of ACA Technical Standards, these Technical Standards have also been included under this role. It should be highlighted that the ACA Technical Standards were developed prior to the formation of ACIF, by a regulatory authority and under a different regulatory environment. Many of the ACA Technical Standards have their origins in *Telecom Specifications* that were developed in the 1980s.

Although it is recognised that it is normal practice for Standards development organisations to have processes in place to deal with queries concerning their publications, it has to be noted that there are a number of difficulties that prevent the implementation of an ideal query service.

The ACIF *Expression of Intent* procedure to handle queries on its publications follows similar principles to those adopted in other organisations. In providing advice on its publications, ACIF has taken into account the following:

- (a) ACIF Working Committees are established on a project by project basis and are disbanded on completion of the project. Typically a Working Committee is set up for the development or review of a single publication. The standing Reference Panel has the overall responsibility of the identification of projects and the running of the projects once the ACIF Board has approved the work. The ACIF *Operating Manual* defines the processes that Reference Panels and Working Committees operate under. The ACIF *Document Maintenance Policy and Process* document defines ACIF's role in dealing with general inquiries and providing guidance on ACIF publications.
- (b) AS/ACIF Standards that are *made* by the ACA under s376 of the *Telecommunications Act 1997* become delegated legislation.
- (c) the expectations of the users of Standards who are familiar with the processes of other standards developers.
- (d) the availability of technical expertise with the Australian telecommunications industry. Factors include the economic climate and its impact on the availability (*and loss*) of technical expertise here in Australia.
- (e) the migration of AS/ACIF Standards to align with international/overseas Standards. Expertise that has developed those international Standards is often not available within Australia.
- (f) the legacy Standards that have been developed prior to ACIF. Many of the Standards that form the suite of Customer Equipment Standards are ACA Technical Standards. These Technical Standards were developed by Austel Working Groups prior to the formation of ACIF. Many of the AS/ACIF Standards also have the same hereditary. The rationale behind some of the requirements in the Standards has been lost in the transition and this is an ongoing issue with Working Committees as these Standards are revised.

5 OVERALL STRUCTURE

To address the issue of providing advice on ACIF publications, a standing Working Group, the *Panel Advisory Group* (PAG), has been given the responsibility to handle queries on publications developed under a particular Reference Panel. See the accompanying figure on Page 8.

A pool of 'on-demand technical advisors' is maintained by the PAG to tap into to assist in the preparation of a response to a particular query. If appropriate, the PAG will develop an *Expression of Intent* (EoI) that will be published by ACIF. The EoI has no regulatory or legal status and represents only the Panel Advisor Groups view of the intent or likely intent underlying the relevant publication. The EoI is not legal advice or an interpretation of the requirements of the publication, and ACIF does not guarantee that compliance with any EoI will constitute compliance with the relevant publication.

The EoIs are added to a publicly available pool of information for the user of ACIF publications. This resource provides a consistent body of information that is centralised and readily accessible, reducing confusion in the meaning behind the requirements of ACIF publications.

6 THE PANEL ADVISORY GROUP

The *Panel Advisory Group* (PAG) is a standing Working Group that operates under the auspices of the Reference Panel. It comprises of a small group (typically 5 to 8 people) of technical advisors that represent a cross section of expertise and have notable experience within the scope of work of the Reference Panel.

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The PAG comprises of a Chairman, secretary, a regulator and current members of the Reference Panel. The members of the PAG are elected by the Reference Panel and typically, in the case of the CECRP, come from the suppliers, associations and test laboratories. It may also have elected advisors at the discretion of the Reference Panel. The secretary is typically the Project Manager of the Reference Panel.

The PAG is charged with the responsibility of reviewing and producing responses to queries on all the Reference Panel's publications (i.e. publications that have been developed by the Reference Panel or publications that have been designated as being the responsibility of the Reference Panel such as the ACA Technical Standards under the CECRP). The response to a query may be in the form of an *Expression of Intent* (EoI) or an item logged for future work. The Reference Panel, who has the responsibility for the development and ongoing maintenance of its publications, retains the overall responsibility of the activities of the PAG and all responses from the PAG are endorsed by the CECRP before making them publicly available.

7 PROCESS FOR THE REVIEW OF QUERIES

Queries are handled in four stages listed below. Refer to the accompanying descriptions of each stage and the figure on Page 8 which presents the query review as a flow diagram.

Stage 1: Receipt of query

Stage 2: PAG Query Review

Stage 3: Reference Panel Endorsement

Stage 4: Notification and publishing

7.1 Stage 1: Receipt of query

Queries received by ACIF on ACIF publications and, in the case of the CECRP on ACA Technical Standards, are initially handled by the Secretary of the PAG. The Secretary has the responsibility to progress the query through every stage of the review.

Queries can be received from the public, from the industry or via the regulator. In all cases, the queries are processed in the same manner.

The Secretary of the PAG reviews the query in accordance with the ACIF *document maintenance policy and process* guideline to determine whether the queries can be handled directly by the secretary or if the query needs to be escalated for *PAG Query Review (Stage 2)*. Clarification of the query may be sought from the submitter at this stage, and if the query is identified for *PAG Query Review*, then the query must be submitted in writing to ensure that the exact nature of the query can be determined and an appropriate course of action be taken. If the query can be handled directly by the secretary, then a response is forwarded to the query submitter as soon as practicable, but typically within 2 working days of receipt of the original query.

Before a *PAG Query Review* is initiated, the Secretary of the PAG is to establish the non-confidentiality and copyright status of the content of the query. In the unlikely case that the query is confidential in its nature (related to trade secrets, market intelligence or intellectual property disclosure), ACIF needs to establish its rights to reproduce and publicly disclose any and all material submitted to it by the query submitter free of charge. If the query submitter does not agree then the query is refused and all paperwork is to be returned to the query submitter. A query submission form may be used to facilitate this status.

In reviewing the query, the secretary takes into account previously published *Expressions of Intent* (EoIs) or other Reference Panel responses on previously submitted queries. A previous EoI or response may satisfy some queries. Some queries may need previous EoIs or responses to be revisited by the PAG. Published EoIs will be publicly available on the ACIF website. All Reference Panel responses will be available to Reference Panel members on the website.

Once the query has been identified for *PAG Query Review*, there are two routes in which the query can be addressed:

- (a) if a Working Committee is currently active, and the query fits within the Terms of Reference of that Working Committee, then the secretary is to forward the query to that Working Committee for action. The query is also to be copied to the PAG for their awareness.
- (b) if there is no active Working Committee, then the secretary forwards the query to the PAG for action.

In both cases, the query is logged in the *Reference Panel Publication Query Register (PQR)* by the secretary.

7.2 Stage 2: PAG Query Review

On receipt of the query, the PAG instigates their review process to determine whether an *Expression of Intent (EoI)* can or needs to be developed, or whether another course of action may need to be taken. At this point, if the PAG determines that the query does not require Reference Panel endorsement (e.g. the query has been addressed previously or is of a trivial nature) then the PAG can respond directly to the query submitter.

If the query was initially forwarded to an active Working Committee, that Working Committee should either:

- (a) provide to the PAG the Working Committee proposed EoI or response within 10 working days; or
- (b) advise the PAG that they are unable to provide a proposed EoI or response to the query within 5 working days.

The PAG will take into account previously published EoIs and Reference Panel responses in their review as appropriate.

The PAG can draw on the following sources to review the query:

- (a) if the knowledge to address the query resides within the PAG, then the PAG can develop the EoI internally.
- (b) if the query was forwarded initially to an active Working Committee, then the PAG will wait until that Working Committee submits its response. On receipt of the Working Committee's response, the PAG can elicit further clarification from the Working Committee on their response if needed.
- (c) if a *Publication Technical Advisor (PTA)* or Advisors are registered in the *Publication Technical Advisor Register (PTAR)*, then the PAG can forward the query to the PTA(s) for consideration and response to help the PAG in formulating an EoI.
- (d) a member or members of the Reference Panel can also be invited to consider the query and provide a response to the PAG at this stage.

The PAG review process should take at a maximum 10 working days unless the query was initially handled by an active Working Committee or the PAG drew on external resources. In the case where the process involved not only the PAG, the PAG query review process (Stage 2) should take no more than 20 working days.

The Chairman of the PAG is to be the moderator for the discussions within the PAG and for any external group that is called upon to assist in the query. In this capacity, the Chairman will provide the initial input to focus the discussions in order to facilitate a timely response. The input by the Chairman may be a response from a *library* of stock responses resulting from earlier queries or the Chairman may provide initial advice in the form of a proposed answer to the query. The Chairman may call upon the Secretary of the PAG to provide

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earlier documentation developed under the *Expression of Intent* procedure but the Secretary will generally not be involved in the content of the query itself. The Chairman may also nominate a representative to be the moderator for a specific query.

A register of *Publication Technical Advisors* (PTAs) is to be maintained by the Secretary of the PAG. This register is available to the PAG to provide them with the available resources to assist them in their consideration of queries. This list in part represents industry's commitment behind the *Expression of Intent* Procedure. In turn the viability of the *Expression of Intent* Procedure is wholly dependent on maintaining a sufficient level of accessible expertise to carry out the query service.

The *Publication Technical Advisors* are associated with a specific publication or a number of related publications. For example advisors across AS/ACIF S002 and ACA TS002 will be classified in the PTA002 group (see the PTAR for the full list of advisor groupings). These groups may be quite dynamic in their constituency as advisors change employment, move out the industry or retire. It is because of this that the Chairman of the PAG (or a nominated representative) will facilitate the process by moderating the groups' discussions.

It should be recognised that there will be instances where the expertise that can provide a primary account of the intention behind a particular requirement in a Standard is no longer available. In such cases the response to the query submitter must indicate this and, if appropriate, the response should contain *generic* text outlining how requirements in Standards are to be read, including some practical guidance on regulatory and compliance processes.

At the completion of the PAG review period, a response to the query is formulated, together with other appropriate documentation, and forwarded for *Reference Panel Endorsement* (Stage 3) by the secretary. The documentation will include one or more of the following elements, as appropriate:

- (a) a response to the query submitter.
- (b) an EoI for Reference Panel endorsement.
- (c) a list of any dissenting comments arising from the query review.
- (d) a statement that the development of an EoI was not achievable with the resources available to the PAG at the time of the review.
- (e) a recommendation for a review of the ACIF publication(s) that are the subject of the query.
- (f) a recommendation for another course of action, as proposed by the PAG.

The outcome of the PAG review period may be a multi-stage approach, including by way of example, an initial response to the query submitter (short term activity), further consideration by the PAG and other groups and eventually an EoI and with a follow-up response to the query submitter (longer term activity).

7.3 Stage 3: Reference Panel Endorsement

On receipt of the response to the query from the PAG, the Reference Panel takes responsibility for the response and any further actions as required. The Reference Panel is typically given 5 working days to endorse that the requirements of the EoI procedure have been met.

It should be highlighted that the Reference Panel has the responsibility to ensure that the process is being correctly followed but not the responsibility for the content. This mirrors in principle the same relationship between the Reference Panel and Working Committee as defined in the *ACIF Operating Manual*.

The criteria for Reference Panel endorsement would follow the voting procedures in the *ACIF Operating Manual Clause 4.13.2* in that a minimum of two-thirds of the Reference

Panel members eligible to vote have voted, a minimum of 80% of votes received are affirmative and no major interest maintains a negative vote. Major interests are organizations/persons affected by the content of the Standard to a greater extent than the majority of organizations/persons. If the voting is not successful by the nominated closing date for replies, then the EoI will not be endorsed and the appropriate notifications will be issued.

As with the ACIF Working Committee voting process, the aim is to achieve consensus wherever possible. If any negative responses are received, a further 5 days will be allocated for the PAG to attempt to resolve the issues raised. At the end of that period, the 80% consensus rule will be applied to determine whether the EoI is to be published.

On occasion it may become apparent within the Reference Panel that a specific issue may have been overlooked by the PAG process. The Reference Panel has the opportunity to elicit further information from the PAG to clarify any issues prior to giving endorsement. As the constituency of the PAG comprises members of the Reference Panel, it is believed that there will be sufficient checks and balances in the procedure to result in a practical outcome from the query review. The Chairman of the Reference Panel is also in a position to encourage further consideration as a result of a specific query which may lead to a future activity by the Reference Panel.

If the PAG has recommended a review of an ACIF Publication(s), the recommendation is added to the Reference Panel Work Programme for consideration.

Otherwise the Reference Panel acknowledges the response from the PAG, allowing for the appropriate notifications and publishing (Stage 4) to proceed.

The Project Manager of the Reference Panel updates the *Publication Query Register* (PQR) as appropriate. If the review has resulted in identifying possible future work for the Reference Panel, the Project Manager records the future work item for the next Reference Panel meeting.

The Reference Panel reviews the *Publication Query Register* at each Reference Panel meeting to identify systemic issues and to monitor the frequency and type of queries, the rate in which queries are being addressed and the effectiveness of the EoI Procedure as a whole. In this respect, the *Publication Query Register* can be used as a tool which provides a convenient snapshot for the CECRP to monitor the effectiveness of the Standards in use by the industry.

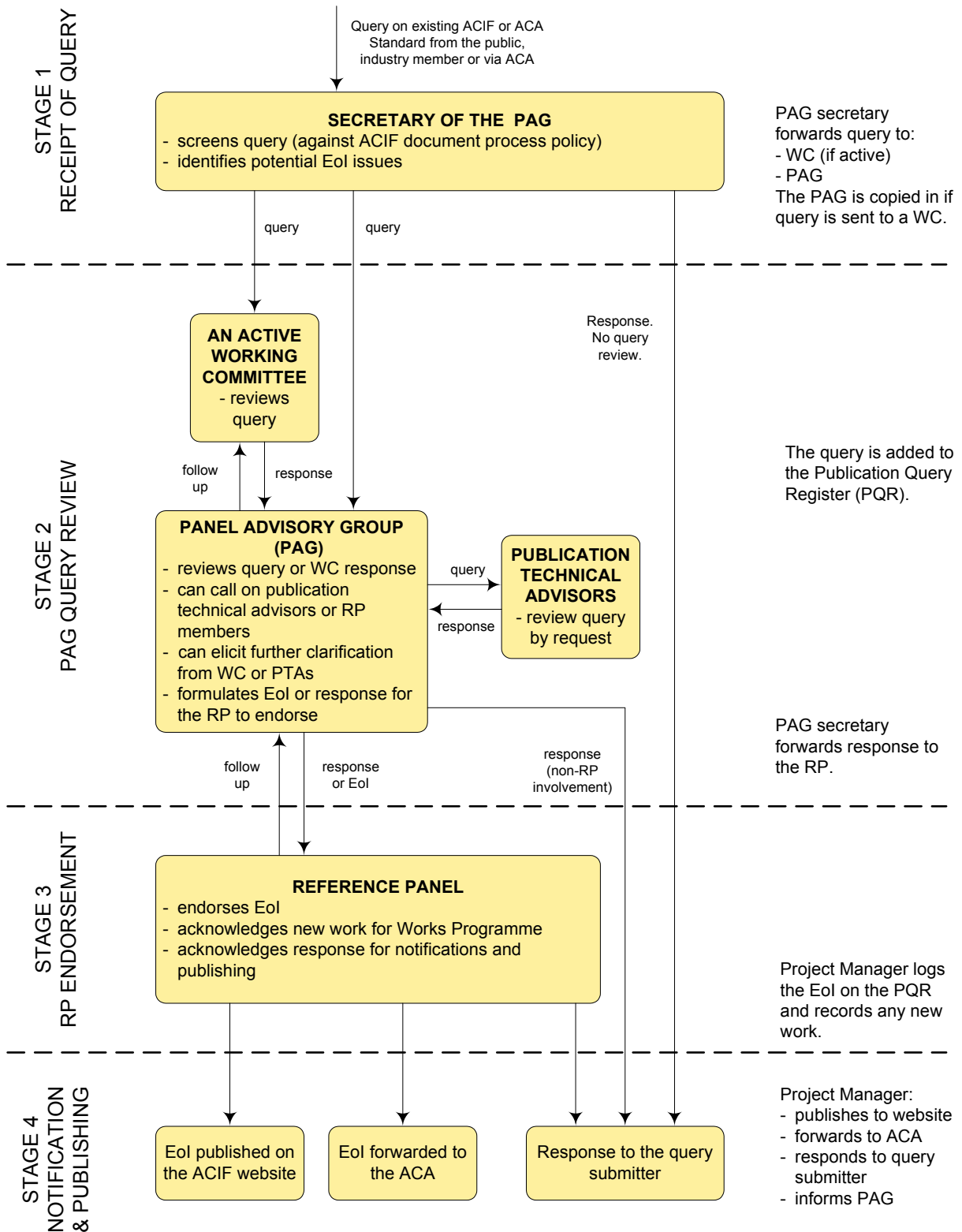
7.4 Stage 4: Notification and publishing

The Project Manager completes the query review process by carrying out the following tasks, as appropriate:

- (a) The endorsed EoI is published to the ACIF website.
- (b) The endorsed EoI is forwarded to the regulator.
- (c) The response is forwarded to the query submitter.
- (d) The PAG is informed of the outcome.

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Expressions of intent process



ACIF is an industry owned, resourced and operated company established to implement and manage communications self-regulation within Australia. ACIF's role is to develop and administer technical and operating arrangements to foster a thriving, effective communications industry serving the Australian community through

- the timely delivery of Standards, Codes and other documents to support competition and protect consumers;
- widespread compliance; and
- the provision of facilitation, coordination and implementation services to enable the cooperative resolution of strategic and operational industry issues.

ACIF comprises a Board, an Advisory Assembly, standing Reference Panels, task specific Working Committees, Industry Facilitation/Coordination Groups, Consumer Advisory Bodies and a small Executive. Its members include carriers, carriage/content service providers, business and residential consumer groups, industry associations and individual companies.

The ACIF Standards and Codes development process involves the ACIF Board, Reference Panels, Working Committees and the ACIF Executive. The roles and responsibilities of all these parties and the applicable operating procedures are specified in the ACIF Operating Manual.

These procedures are based upon ACIF's openness, consensus, representation and consultation imperatives and have been designed to ensure that all sectors of Australian society are reasonably able to influence the development of Standards and Codes. Reference Panels and Working Committees must be representative of parties interested in the subject matter of the body of work being undertaken. All draft Codes/Standards are also released for public comment prior to publication to ensure outputs reflect the needs and concerns of all stakeholders.

Care should be taken to ensure that material used is from the current version of the Standard or Industry Code and that it is updated whenever the Standard or Code is amended or revised. The number and date of the Standard or Code should therefore be clearly identified. If in doubt please contact ACIF.



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