

12 September 2022



Dominic Byrne

Manager
Infrastructure and Equipment Safeguards Section
Licensing and Infrastructure Safeguards Branch
Australian Communications and Media Authority

Email: Dominic.Byrne@acma.gov.au

Dear Dominic,

RE: Proposed Telecommunications Mobile Equipment Air Interface Standard and consequential amendments to associated instrument

Communications Alliance welcomes the opportunity to provide this submission in response to the ACMA consultation on the *Proposed Telecommunications Mobile Equipment Air Interface Standard and consequential amendments to associated instrument* paper.

In addition to our response to the making of the new Air Interface Standard 2022, Communications Alliance would like to take the opportunity to highlight issues for consideration in the broader context of ACMA technical regulations. These are specifically covered under Question 4 of this response.

Background

Communications Alliance is the accredited Standards Development Organisation (SDO) that manages and publishes Customer Equipment (CE) Standards that are referenced under the ACMA Technical Standards which become applicable Standards under the *Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2015 (the TLN)*.

Our WC94 : *IMT-2020 Customer Equipment Working Committee* was tasked with the revision of the AS/CA S042 **Requirements for Connection to an air interface of a Telecommunications Network** Australian Standard:

- **Part 1: General** (revised Part)
- **Part 4: IMT Customer Equipment** (revised Part)
- **Part 5: IMT-2020 Customer Equipment** (new Part)

AS/CA S042.1:2022 and AS/CA S042.5:2022 were published on 8 March 2022 and submitted to the ACMA for recommendation for making under s378 of the *Telecommunications Act 1997*.

AS/CA S042.4:2022 has been withheld from publication until such time that Parts 1 and 5 are scheduled to be registered, so all three Parts can be registered and become applicable Standards concurrently.

With respect to having an overlap period where an old version and the new version of a Standard are both applicable under the TLN (the transition period), Parts 1 and 4 were recommended to have a 12-month transition period and for Part 5 to become mandatory from 12 months after registration.

Mandating the AS/CA S042 Standard

The consultation paper poses a number of questions in reference to the proposal to make a new *Telecommunications (Mobile Equipment Air Interface) Technical Standard 2022* and

consequential amendments to the TLN that give regulatory effect to the labelling requirements associated with the proposed Technical Standard. These questions are addressed individually below.

Communications Alliance, the membership of which represents the Australian telecommunications industry and the industry representatives of which participate in the ongoing management and development of CE Standards, including the Mobile Equipment Air Interference Standard that is the subject of this consultation, offers the following information to endeavour to provide the ACMA with the confidence that the proposed Technical Standard and changes to the TLN are both necessary and essential.

Question 1

Is it necessary and appropriate to mandate an industry standard for customer equipment with 5G technology?

Communications Alliance submits that it is necessary and appropriate to mandate an industry standard for CE with IMT-2020 (5G) technology.

The Customer Equipment and Cable Reference Panel (the CECRP) is the advisory body under Communications Alliance that has the responsibility to review existing Standards, Codes, Guidelines and other related documentation, in a timely manner, to ensure their continued relevance in the area of telecommunications CE and Customer Cabling.

Members of the CECRP informed Communications Alliance of developments within industry of the introduction of IMT-2020 (5G) services being introduced in Australia and the need for the published AS/CA S042.5:2022 Standard, which specifies requirements for CE supporting services using 3GPP technologies, to be updated to specify requirements for the advent of 5G services.

CE Standards provide an industry agreed common set of requirements, against which equipment can be tested, independent of specific network operator considerations, so that any vendor can supply a compliant product to the Australian market. Without these CE Standards, it would up to individual network managers to assess the necessary compliance on a CE supplier-by-supplier basis. The intention of these arrangements is to provide the benefit of removing possible anticompetitive behaviour and provides vendors with an environment of a level playing field.

Having CE Standards mandated under telecommunications regulations provides the confidence and assurance for network operators, equipment suppliers and users, that all products from vendors around the world, both large and small, must meet with the necessary regulatory enforcement, specifying the minimum Standards for Australian conditions in the areas of safety, network integrity and interoperability and the ability to access the emergency call service.

Question 2

If a mandatory industry standard is required, is the proposed Air Interface Standard 2022, which will mandate Communications Alliance's new S042.5 (2022) technical standard for 5G CE appropriate?

Is Communications Alliance's new S042.5 (2022) technical standard the appropriate technology-specific industry standard for 5G customer equipment in Australia?

See response to Question 1.

Question 3

Do you have comments on the proposal to reduce the default 2-year ACMA transition period to a one-year default transition period in the proposed Air Interface Standard 2022?

Communications Alliance reconfirms that a one-year overlap period is appropriate, noting that the AS/CA S042 Standard is based on international Standards that industry is already acquainted with and the product cycle time of mobile devices.

We note the proposed change in the default transition period from 24 months to 12 months in the Consultation Paper. This is seen as a reasonable approach for CE connected to an air interface going forward but wishes to note that this may not be the case for other CE. This approach may have the unintended consequence of introducing an unnecessary difference between ACMA Technical Standards with different default periods dependant on the type of CE.

Question 4

Do you have any other feedback on the proposal to make the new Air Interface Standard 2022 or the consequential changes to the Telecommunications Labelling Notice?

Mandating industry Standards

Communications Alliance is aware of the complexity of the current technical regulatory arrangements for bringing customer equipment to the Australian market and the confusion in some sectors in comprehending the details of these arrangements.

The two different approaches for the publication of the three Parts of AS/CA S042, as described under *Background* above, have arisen because under the current ACMA regulatory arrangements, when an AS/CA Standard is submitted to the ACMA for making under s376 of the *Telecommunications Act 1997*, it requires ACMA Authority approval every second revision of the Standard (which includes a 60-day regulatory consultation – this consultation). With every other revision of the Standard, it becomes an applicable Standard at the time of its publication (and does not need to go to the ACMA Authority).

This has not always been the case. At one stage, Standards published by Communications Alliance became applicable Standards under the TLN at the time of publication every time they were revised. This was in acknowledgement that the ACMA participated in the development of the Standards as a part of the committees that developed the Standards, thereby minimising any risk in the Standard not being fit for registration under telecommunications regulations. This has been a proven assumption as in the 25 years that Communications Alliance has been publishing customer equipment Standards, the ACMA has not had to seek to repeal any of the Standards or sought to fine a supplier who was in breach of a Standard.

This additional regulatory step adds a time impost for Standards to become applicable Standards, where being subject to internal regulatory review can be any extra six to nine months and potentially longer as has been the case in earlier revisions.

The complexity for the ACMA in managing the process to register the three parts of AS/CA S042 in this iteration has become apparent, as evidenced in the current consultation. Communications Alliance would welcome the opportunity to work with the ACMA with the aim to make the regulation of CE in Australia going into the future, easier for both the ACMA and industry, with the consequential flow-on benefits to users of CE.

Role of the Telecommunications Labelling Notice

Communications Alliance is currently investigating issues concerning ambiguities in the application of the TLN when determining what equipment is subject to the TLN and the relevant Technical Standards that are to be applied to equipment. One of the drivers of this is the proliferation of consumer devices that are now being connected to telecommunications networks, typically via air interfaces.

Communications Alliance is planning to provide a separate paper for the ACMA's consideration on this matter.

Planned review of ACMA technical regulations

Communications Alliance understands that the ACMA is currently considering a review of telecommunications regulations (both the TLN and the ACMA Technical Standards called up by the TLN) in 2023. Communications Alliance supports such a review and would be happy to work with the ACMA to assist in identifying areas of importance to industry for inclusion in the review.

If you have any questions with respect to this submission, please contact Mike Johns on (02) 9959 9125.

Yours sincerely,



John Stanton
Chief Executive Officer