

**COMMUNICATIONS
ALLIANCE LTD**



AUSTRALIAN COMMUNICATIONS AND MEDIA
AUTHORITY

REVIEW OF THE TELECOMMUNICATIONS (TYPES OF
CABLING WORK) DECLARATION

COMMUNICATIONS ALLIANCE SUBMISSION
24 MAY 2013

EXECUTIVE SUMMARY

Communications Alliance is pleased to have the opportunity to make a submission to the review by the Australian Communications and Media Authority into the Telecommunications (Types of Cabling Work) Declaration.

Communications Alliance welcomes the review, noting that such reviews help ensure regulatory arrangements continue to meet the needs of both the industry and the community. We provide the following introductory comments:

- the underlying principle of protecting the health and safety of persons is critical and any proposed relaxation of the regulations needs to ensure that these principles are not compromised.
- the premise that the proposed exemption presents a low risk to a telecommunications network and the safety of end-users requires further assessment.
- the safety risks related to the installation of home entertainment cabling are not substantively different to the safety risks related to the installation of other telecommunications cabling.
- the proposal to introduce the concept of a 'professional installer' appears to undermine the regulatory framework underpinned by the Cabling Provider Rules.
- consumer information needs to be developed to clearly spell out to the general public what can and cannot be done by an end-user without cabling qualifications.

Communications Alliance also understands that individual organisations will be providing separate submissions to the ACMA in response to the Consultation Paper.

About Communications Alliance

Communications Alliance is the primary telecommunications industry body in Australia. Its membership is drawn from a wide cross-section of the communications industry, including carriers, carriage and internet service providers, content providers, equipment vendors, IT companies, consultants and business groups.

Its vision is to provide a unified voice for the telecommunications industry and to lead it into the next generation of converging networks, technologies and services. The prime mission of Communications Alliance is to promote the growth of the Australian communications industry and the protection of consumer interests by fostering the highest standards of business ethics and behaviour through industry self-governance. For more details about Communications Alliance, see <http://www.commsalliance.com.au>.

INDUSTRY COMMENTS

Communications Alliance would like to make the following comments on the ACMA Consultation Paper for the proposed review of the *Telecommunications (Types of Cabling Work) Declaration*.

Introduction

1. Communications Alliance agrees in principle to the objectives of the ACMA in proposing changes to the *Telecommunications (Types of Cabling Work) Declaration* to clarify the scope of cabling work covered by the *Telecommunications Act 1997* and the *Cabling Provider Rules 2000 (CPRs)*. We are not, however, in favour of the ACMA proceeding with changes to the Declaration as proposed before clarification can be sought on the issues raised in this submission.
2. Communications Alliance wishes to draw the attention of the ACMA to a number of areas where the industry has concerns with the proposed approaches as presented in the Consultation Paper.

Health and safety

3. Communications Alliance understands that one of the intents of the Act is the protection of the health and safety of persons who operate, work on, use services supplied by means of, or are otherwise reasonably likely to be affected by the operation of a telecommunications network or a facility. The Act provides powers to Carriers to disconnect cabling and to prohibit cabling for reasons relating to the protection of the health or safety of persons.
4. The CPRs specify that cabling work as listed in the CPRs must be performed and supervised in accordance with the Wiring Rules, specifically AS/ACIF S009:2006, as in force from time to time.
5. The Wiring Rules, most recently published as AS/CA S009:2013 *Installation requirements for customer cabling (Wiring rules)*, specify the necessary health and safety requirements for cabling work in order to meet the intent of the Act. The Standard covers the design and installation practice sufficient to ensure that the installation and normal use of the cabling does not expose carrier personnel, cabling providers, customers or other persons to any danger.
6. Communications Alliance wishes to reinforce the underlying principle of protecting the health and safety of persons as underpinned by current legislation, the supporting regulations and Standards. Any changes that are being considered to regulations as presented in the Consultation Paper must be addressed in the context of the intent of the Act.

Connectivity to the telecommunications network

7. Communications Alliance understands that one of the drivers behind the Consultation Paper is to find a balance between maintenance of necessary health and safety safeguards and the need of the changing environment in which end-users are integrating their consumer electronics with the growing access to services via telecommunications networks.
8. Communications Alliance recognises that with the increasing functionality of consumer electronics and the increasing availability of alternate sources of audio-visual multimedia, more and more devices are able to be connected the telecommunications networks within end-user premises.
9. It is due to this growth in interconnectivity that the underlying principle of protecting the health and safety of persons is critical and any proposed relaxation of the regulations needs to ensure that this is not compromised.

Risk Assessment, complaints and compliance

10. Communications Alliance notes that the Consultation Paper states that the ACMA 'believes that the proposed exemption presents a low risk to a telecommunications network and the safety of end-users'. This statement implies that the ACMA has undertaken a risk assessment but the Paper does not make it clear how this assessment was carried out. Risk assessments may include the type of cable and the installation practices, the type of services being delivered over the cabling, the qualifications and skills of the installer and the environment that the cabling being installed in.
11. If one of the indicators that the ACMA has used to support this assessment has been the relatively low number of cabling-relating complaints that the ACMA has received and the number of telecommunications infringement notices issued, then this may not provide a complete picture of the true level of compliance in cabling installations. From the *ACMA 2011-2012 Annual Report*, there were 36 investigated complaints about cabling and 89 complaints about compliance labelling arrangements, with investigations resulting in the issuing of two warning notices.
12. On its own, this may lead the ACMA to an incorrect conclusion as although a complaint process is in place, it is felt that the complaints process suffers from a lack of visibility and may not reflect the true level of compliance in cabling installations.
13. It is our observation that in general industry members do not avail themselves of the opportunity to lodge formal complaints. This could be for cultural reasons, the historical distancing of the regulator from industry, or that they have lost confidence in a regulatory process that predominantly relies on industry members evaluating each other's work (and the inherent commercial

consequences of doing as such) in lieu of a regime that integrates auditing and surveillance as mainstream tools to monitor compliance.

Home entertainment systems

14. Communications Alliance infers from the Consultation Paper that the ACMA does not consider that home entertainment cabling needs to be installed by registered cablers.
15. Communications Alliance questions whether the safety risks related to the installation of home entertainment cabling are substantively different from those involved in the installation of other telecommunications cabling.
16. Communications Alliance acknowledges that regulators are subject to Government's objective to improve the effectiveness and efficiency of regulation. Communications Alliance would be concerned to see efficiencies being brought about by carving out types of cabling from the definition of customer cabling that may adversely affect the application of the principle of the protection of the health and safety of persons.
17. Communications Alliance understands that the current practice of concealing cabling associated with home entertainment systems, such as speaker cabling, HDMI cabling (including cabling for displays), is the rationale for proposing to differentiate this type of cabling from other customer cabling.
18. Communications Alliance would like to make the observation that it will be increasingly more challenging to differentiate cabling associated with home entertainment systems with cabling connected to other customer equipment in light of the increasing functionality of consumer electronics and the increasing availability of alternate sources of audio-visual multimedia.
19. If such a definitional distinction is made, this may be opened up to abuse by the end-user exempting various customer cabling with the argument that the cabling is a part of a home entertainment system.
20. Communications Alliance would also like to point out that from a safety perspective, there may be little difference between concealed speaker cabling and Emergency Warning and Intercommunication System (EWIS) cabling. EWIS cabling is an example of an LV telecommunications circuit which typically operates at 100 V a.c. and is currently covered by AS/CA S009.

Examples of relaxations of cabling requirements

21. Communications Alliance would like to draw attention to other examples where relaxations of cabling requirements were successfully introduced under the ACMA Cabling Provider Rules (CPRs).
22. The G642:2010 *Installation of Broadcast Cabling and connection of Digital Broadcast Equipment to a Telecommunications Network* Industry Guideline

provides guidance for installation of Broadcast Cabling and digital broadcast interfaces used with Digital Broadcast Equipment intended for connection to a C/CSP's Telecommunications Network. The objectives of G642 are the same as for AS/CA S009 but an allowance was made in recognition of the qualifications of the installers who are a part of the same industry for whom they are carrying out the installations. It is important to understand that this relationship of installer and customer does not exist with typical domestic premises and this is where any proposal to relax the rules may result in unforeseen consequences.

23. The AS/ACIF S035:2008 *Requirements for installation of temporary field telecommunications customer cabling for defence purposes* Standard applies to the installation of temporary field cabling by Department of Defence (DoD) personnel and overseas defence forces for defence purposes during exercise, training or operational deployment. Again this is an example of a relationship where the customer, in this case the DoD, has a specific interest in the training of the persons carrying out the cabling.

Specific relaxations

24. Communications Alliance recognises the difficulties in proceeding down the path of specifying circumstances where cabling can be exempted from the rules for customer cabling. If such an exemption were to be considered, Communications Alliance offers the following examples for consideration.
25. Recognising that installing cabling in building cavities may be hazardous and that installing a cord or lead outside the building may also present a potential safety hazard, there may be legitimate cases where exemptions may be considered. For example, an exemption could be where the cabling is 'plug-and-play' type customer cabling, it is not concealed in a building cavity and it does not exit the building other than for specific purposes. These purposes may include, by way of example:
 - a temporary connection for testing purposes (e.g. to an external NTD test socket)
 - the connection of a service to a mobile home, mobile library, mobile clinic, etc. (e.g. to an NTD or a socket on an adjacent fixed post, pole, building or other structure)
 - the connection of a moored vessel (e.g. to an NTD or a socket on a jetty or marina)
26. Having said that, any activity that involves the drilling of holes through a floor, skirting, wall etc, and potentially near power cabling, introduces a safety risk, and this risk would need to be assessed before any exemptions should be considered.

27. Communications Alliance notes that there may be other instances whether exemptions may be considered but notes that opinions are divided as to whether these present unacceptable risks or not. For example, where a cable:
- is installed through a hole in a single-skinned building element such as an office dividing panel or a floorboard where the underside of the floorboard is exposed and accessible.
 - is fixed to the surface of any building element.
 - in the case of a cord or lead, may be run inside a conduit or trunking fixed to the surface of a building element as long as the conduit or trunking does not also contain an electrical power cable or cord.
 - in the case of a cord or lead, may be run through a hole in a solid wall or floor as long as the cord or lead is visible on each side of the wall or floor.
28. Communications Alliance notes that any exemption along these lines may blur the distinction of what is customer cabling, noting that the terms 'fixed' and 'concealed' may be applicable in both situations. Communications Alliance adds that any relaxations such as these would need careful consideration, be subject to some form of risk analysis and require particular attention as to how they may be drafted.

Professional installers

29. Communications Alliance is concerned about the introduction of the concept of a 'professional installer'. In the Consultation paper, the ACMA is proposing that 'professional installers' are 'persons who connect or install home theatre and home entertainment systems for a living – that is, as a part of the profession, vocation or trade.'
30. The Cabling Provider Rules (CPRs), introduced in 2000, require cabling providers to be registered and to undertake appropriate training modules to ensure that they are competent to perform the cabling work according to the Wiring Rules, which ensure safety to consumers, cabling providers and the network.
31. The CPRs cover all sectors that involve cabling work, including telephone, data, fire and security alarm systems cabling, that connects or is intended to connect with the telecommunications network.
32. The CPRs underpin a regulatory environment in which, when the regulations are properly administered, allow the end-user a level of confidence that their cabling has been safely installed and meets the applicable Standards.
33. Communications Alliance is unclear as to how an end-user would know that the qualifications and training a 'professional installer' has undertaken are adequate to carry out their installation.

Definitional issues

34. Communications Alliance would like to see some clarification of the definition of the term 'Plug and Play', if it is to be used in regulation. The term has its origins in the ICT industry and care needs to be exercised if it is to be applied to cable such as cords, patch cords and pre-terminated audiovisual cables.
35. Communications Alliance suggests that the term 'movie theatre' should be avoided if being considered for use in regulation as it implies a need for a television or video screen which may not necessarily be the case.
36. Communications Alliance agrees with changing the term 'associated customer equipment' to 'cabling product'.
37. Communications Alliance suggests that the term 'pre-terminated' needs to be clarified. It should reflect the following two scenarios:
 - a cable terminated by a manufacturer in a factory;
 - a cable that is terminated on-site by a registered cabler using approved product, including cordage and connectors, which comply with AS/CA S008.

Consumer information

38. Communications Alliance agrees with the ACMA concerning the need to clarify what cabling can be carried out by end users. In addition to addressing this with the Types of Cabling Work Declaration, Communications Alliance suggests that it would be highly beneficial for the ACMA to develop consumer information, for example in the form of an ACMA Consumer Brochure (such as your '*Phone, data or alarm cabling?*' brochure), to clearly spell out to the general public in lay terms what can and cannot be done by an end-user without cabling qualifications.
39. Communications Alliance suggests that it may also be beneficial for the ACMA to consider developing a complementary Industry Brochure that spells out what cabling is included under the definition of customer cabling.

Communications Alliance would be happy to meet with the ACMA to explore any of the issues raised in this submission and would welcome the opportunity to provide clarification on the specific concerns raised.



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