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## ***TELECOMMUNICATIONS ACT 1997***

### **EXPLANATORY STATEMENT**

#### ***TELECOMMUNICATIONS CABLING PROVIDER AMENDMENT RULES 2005 (NO. 1)***

##### **Statutory Basis for the *Telecommunications Cabling Provider Amendment Rules 2005 (No. 1)***

This document provides an explanation of the *Telecommunications Cabling Provider Amendment Rules 2005 (No. 1)* made under subsection 421 (1) of the *Telecommunications Act 1997* ('the Act').

Division 9 of Part 21 of the Act authorises the Australian Communications and Media Authority ('ACMA') to make cabling provider rules. On 29 September 2000, the *Telecommunications Cabling Provider Rules 2000* ('the Rules') were made under subsection 421 (1) of the Act. The Rules apply to specified persons and relate to the performance of cabling work and the supervision of cabling work. The *Telecommunications Cabling Provider Amendment Rules 2005 (No. 1)* ('the Amending Instrument') amends particular sections of the Rules.

##### **Background**

The Rules and the associated arrangements for the operation of a system for the registration of cabling providers under the Rules replaced the system of cabling licences under the Act. The Rules were originally made as part of the Australian Communications Authority's objective of promoting mechanisms of industry self-regulation in the telecommunications cabling industry. The Rules aim to streamline training requirements, and to reduce barriers to entry to the cabling industry, while maintaining health, safety and network integrity standards.

ACMA was formed on 1 July 2005 following the merger of the Australian Communications Authority ('the ACA') and the Australian Broadcasting Authority.

##### **Amendment**

The Amending Instrument amends various parts of the Rules. The Amending Instrument implements various policy changes in relation to the arrangements for cabling provider registration and the performance of cabling work, and brings the Rules up to date in a number of areas. The amendments tighten the Rules in some areas and relax them in others to reflect current industry practice and regulatory experience. For example, the amendments tighten the certification requirements for registered cabling providers supervising unregistered cabling providers and exempt certain types of minor cabling work from the obligation to be certified.

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As required by subsections 422 (1) and 422 (5) of the Act, ACMA consulted with the cabling industry and cabling provider registrars before making the Amending Instrument. A media release was issued by the former ACA on 29 June 2005 inviting comment on the Amending Instrument. Copies of the Amending Instrument were also sent to all key industry stakeholders. ACMA received nine submissions, mainly from industry associations, carriers and cabling provider registrars. No issues requiring changes to the Amending Instrument were raised during the consultation process.

## **Notes on the instrument**

### **Part 1 - Introductory**

#### **Section 1 – Name of Rules**

Section 1 specifies the name of the Amending Instrument as the *Telecommunications Cabling Provider Amendment Rules 2005 (No. 1)*.

#### **Section 2 – Commencement**

Section 2 provides that the Rules will commence on the day after they are registered.

#### **Section 3 – Amendment of *Telecommunications Cabling Provider Rules 2000***

Section 3 provides that Schedule 1 amends the *Telecommunications Cabling Provider Rules 2000*.

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## Schedule 1 Amendments

### [1] Section 1.3, definition of *cabling work*

Item 1 substitutes a new definition of cabling work in section 1.3 so that rather than referring just to the cabling work referenced in section 418 of the Act, the definition links with cabling work of a kind that is declared by the *Telecommunications (Types of Cabling Work) Declaration 1997* ('the Types of Cabling Work declaration'), as in force from time to time, to be a type of cabling work. The Types of Cabling Work declaration is a disallowable instrument made by ACMA under section 419 of the Act and includes all types of cabling work other than those specifically listed in Schedule 1 of that instrument. The new definition has been inserted to put beyond doubt that the Rules apply to cabling work covered by the Types of Cabling Work declaration.

### [2] Subsection 1.5 (1)

Item 2 makes a minor editorial amendment to subsection 1.5 (1) to remove subsection (1) so that after the amendment the substance of subsection 1.5 (1) will be in section 1.5. This amendment is consequential to the amendment in Item 3 to omit subsection 1.5 (2) from the Rules.

### [3] Subsection 1.5 (2)

Item 3 omits subsection 1.5 (2) from the Rules so that the Rules as a whole, rather than just the transitional provisions in Part 6, will now apply to persons who held a valid AUSTEL/ACA/ ACMA cabling licence immediately prior to the commencement of the Rules. The need for special arrangements applying to cabling licence holders ceased on 3 October 2005, when the last of those cabling licences expired.

### [4] Section 2.2

Item 4 amends section 2.2 of the Rules to omit the word 'directly' from the phrase 'terminates directly at the network boundary' in the description of open cabling work. The amendment is intended to clarify the scope of cabling work covered by open cabling work in section 2.2.

### [5] Section 2.3

Item 5 substitutes a new section for restricted cabling work to tidy up the existing provisions and update the section to include changes in industry practice. The most significant addition in paragraph 2.3 (1) (c) extends restricted cabling work so that it now covers cabling work in a customer's premises where the electrical supply voltages exceed typical domestic single-phase and three phase electrical supply voltages. The paragraph requires however the existence of two preconditions to fall

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within restricted cabling work. Firstly, the supply voltages must be identifiable by every person performing the cabling work; and secondly the electrical power cables must be inaccessible to any person performing the cabling work.

Item 5 also amends the examples of restricted cabling work under section 2.3 to ensure it is clear that cabling work connected behind a compliant device via a jumperable distributor, a jumperable frame or a patch panel, still falls within the open cabling work category.

**[6] Subsection 4.1 (2)**

Item 6 is similar to Item 4 in that it omits the word ‘directly’ from the requirement for unregistered cablers to be supervised. The removal of ‘directly’ arises because industry has expressed some confusion as to what ‘directly supervised at all times’ means and raised concerns as to the practicability of a narrow interpretation of that phrase. ACMA decided that provided cabling work performed by an unregistered cabling provider is supervised at all times by a registered cabling provider and the work is certified by the registered cabling provider (see Item 11) the policy objectives for supervision would be met and the word ‘directly’ could be removed.

**[7] Section 4.2**

Item 7 makes a minor editorial amendment to section 4.2 to ensure the requirement to perform and supervise cabling work in accordance with the *Australian Standard – Installation Requirements for Customer Cabling (Wiring Rules) (AS/ACIF S009:2001)* (‘the Wiring Rules’) is subject to the new subsection 4.2(2) that provides for a specific exemption for certain cabling work from two specified clauses of the Wiring Rules. (see Item 8).

**[8] Section 4.2**

As mentioned in Item 7, under existing section 4.2 cabling work must be performed and supervised in accordance with the Wiring Rules. Item 8 includes an additional provision that exempts cabling work that complies with clause 1 or 2 of Schedule 1 from complying with two particular clauses in the Wiring Rules. This exemption follows advice from the Australian Communications Industry Forum (‘ACIF’) in March 2005 that the current in-field cabling practices for building control service terminations are unable to meet the mandatory separation requirements under the Wiring Rules because of the design and layout of the building control or monitoring equipment that the cabling is housed in.

In short, Item 8 and the arrangements set out in Schedule 1 will exempt cablers terminating cabling in building control equipment from the requirement to comply with the separation requirements under the Wiring Rules, where certain safety pre-conditions are met. ACIF is currently revising the Wiring Rules to include this exemption. In the interim, ACIF has requested ACMA to implement the exemption, temporarily, through an amendment of the Rules.

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**[9] Paragraph 4.4 (a)**

Item 9 amends paragraph 4.4(a) to omit the word ‘directly’ from the supervision requirements of unregistered cabling providers. This amendment ensures consistency with the amendment in Item 6 (see above explanation for that amendment).

**[10] Subsection 4.5 (1)**

Items 10 and 11 restructure subsections 4.5 (1) and (2) that relate to the certification of cabling work by a registered cabling provider. Item 10 inserts a new subsection 4.5 (1) to clarify that the requirement to certify that the cabling work has been completed in compliance with the Rules does not apply to certain types of minor cabling work. The subsection seeks to ensure that the Rules do not place an unreasonable administrative burden on industry by requiring certification of particular cabling work that is minor in nature.

**[11] Subsection 4.5 (2)**

Item 11 amends subsection 4.5(2) so that it is clear the requirements to certify the cabling work apply to the registered cabling provider who either performed the cabling work or supervised the performance of the cabling work. The amendment seeks to remove any confusion as to whether the subsection, by referring to the cabling provider who performed the work, intended that unregistered but supervised cabling providers would themselves meet the certification requirements.

**[12] Part 6**

Item 12 removes Part 6 that sets out the transitional arrangements applying to:

- holders of cabling licences in force immediately before commencement of the registration system under the Rules;
- persons working in fire, security and computer industries;

by virtue of subsection 6.1 (2) of the former section. The need for those arrangements ceased on 3 October 2005, when all previously licensed cabling providers were required to have obtained registration.

Item 12 substitutes Part 6 with a new Schedule. Schedule 1 links in with the new subsection 4.2 (2) (see item 8 above) that contains the compliance clauses for cabling work to be exempt from the requirements in clauses 5.1.11.2.1 and 5.1.11.2.2 of the Wiring Rules. Clauses 5.1.11.2.1 and 5.1.11.2.2 require clear separation between telecommunications and electrical cables. Due to difficulties the cabling industry had in strictly complying with those requirements it developed a set of safety criteria that would

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enable telecommunications cables and electrical cables to be located in the same enclosure. Those requirements are being inserted directly into the Wiring Rules but in the interim industry requested ACMA to provide for the criteria as part of its amendments to the Rules. The requirement to comply with the Wiring Rules as a whole is set by subsection 4.2 (1).