

EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Telecommunications Cabling Provider Amendment Rules 2009 (No.1)

Telecommunications Act 1997

Purpose

The *Telecommunications Cabling Provider Amendment Rules 2009 (No.1)* (**the Amendment Rules**) were made on **29th September 2009** by the Australian Communications and Media Authority (**the ACMA**). The Amendment Rules amend the *Telecommunications Cabling Provider Rules 2000* (**the Rules**) in the following ways:

- all references to the Australian Communications Authority (**the ACA**) have been replaced by a reference to the Australian Communications and Media Authority (the ACMA);
- the definition of ‘*Wiring Rules*’ has been amended to refer to the current version of the *Australian Standard – Installation Requirements for Customer Cabling (Wiring Rules)AS/ACIF S009:2006*; and
- a facility has been introduced to enable use of an expired cabling registration (that expired no greater than 12 months before the date of application for renewal of registration) as evidence of competency under certain conditions.

Legislative Provisions

Under subsection 421(1) of the *Telecommunications Act 1997* (**the Act**), the ACMA may, by written instrument, make rules (cabling provider rules) that are expressed to apply to specified persons and relate to the performance and/or supervision of cabling work. A person subject to the cabling provider rules must comply with the rules. An instrument made under subsection 421(1) is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The existing Rules were made by the ACA and commenced on 3 October 2000.

Background

The *Telecommunications Cabling Provider Rules 2000* were made under section 421 of the Act and are one of a set of regulatory tools which govern customer cabling in order to protect the health or safety of persons, or the integrity of the telecommunications network.

Public Consultation

Section 422 of the Act provides that the ACMA must, so far as is practicable, try to ensure that interested persons have had an adequate opportunity to make representations about the proposed rules. The ACMA released the draft amending instrument calling for public consultation on 12 February 2009. The ACMA issued a media release and consulted directly with key industry stakeholders. The consultation period was open for a period of 60 days. Seven submissions were received by the ACMA from industry representatives, including from all five cabling registrars who are currently accredited by the ACMA to provide registration services. All submissions expressed support for all of the amendments included in this instrument.

Regulation Impact

The ACMA consulted with the Office of Best Practice Regulation (OBPR) regarding the amending instrument. The OPBR confirmed that these amendments would have a low impact on business, and would appear to impose no or low compliance costs. The OPBR confirmed that a formal regulatory impact statement would not be required.

Notes on the instrument

Section 1 – Name of Rules

Section 1 provides for the citation of the Amendment Rules as the *Telecommunications Cabling Provider Amendment Rules 2009 (No. 1)*

Section 2 – Commencement

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

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

Section 3 amends the existing Rules known as the *Telecommunications Cabling Provider Rules 2000*.

Schedule 1 Amendments

Item [1] substitutes the definition of ‘*Wiring Rules*’ in section 1.3 of the existing Rules to refer to the most recent version of the *Australian Standard – Installation Requirements for Customer Cabling (Wiring Rules) AS/ACIF S009:2006* (the Standard) as being the “wiring rules’ for the purposes of the instrument. (This is the second edition of this Australian Standard, dated 2006). The Standard defines general technical requirements for the installation or maintenance of customer cabling and customer equipment that is connected, or intended to be connected, to a telecommunications network. In particular, the standard addresses installation and maintenance matters relating to health, safety and network integrity.

Item [2] substitutes subsection 3.1(4) in the existing Rules, inserting new provisions which introduce a new facility allowing cabling providers to use an expired cabling registration (that expired no greater than 12 months before the date of application for renewal of registration) as evidence of competency under certain conditions.

Item [3] amends subsection 4.2(2) in the existing Rules by omitting references to clauses in the now superseded *Wiring Rules* to correctly refer to clauses in the current version of the *Wiring Rules*.

Item [4] substitutes the ACMA for the ACA in the heading for Part 5 of the existing Rules

Item [5] substitutes the ACMA for the ACA in the sub-heading for Part 5.1 of the existing Rules.

Item [6] makes further amendments to the following sections in the existing Rules to substitute references to “the ACA” with “the ACMA”:

- section 1.3;
- section 1.4;
- subsection 3.1(1);
- subsection 3.1(6);
- subsection 3.1(7);
- Paragraph 3.3(2)(a);
- Subparagraph 4.5(6)(b)(i);
- Subparagraph 4.5(6)(b)(ii);
- Paragraph 5.1(a); and
- Paragraph 5.1(b).