EXPLANATORY STATEMENT

Prepared by the Australian Communications and Media Authority

Telecommunications Act 1997

Telecommunications Technical Standard (Analogue Interworking and Non-interference Requirements for Customer Equipment for Connection to the Public Switched Telephone Network – AS/CA S002) 2015

Telecommunications Technical Standard (Requirements for Customer Access Equipment for connection to a Telecommunications Network – AS/CA S003) 2015

Telecommunications Technical Standard (Voice performance requirements for Customer Equipment – AS/CA S004) 2015

Telecommunications Technical Standard (Requirements for customer cabling products – AS/CA S008) 2015

Telecommunications Technical Standard (Requirements for Customer Equipment with hierarchical digital interfaces – AS/ACIF S016) 2015

Telecommunications Technical Standard (Requirements for ISDN Basic Access Interface – AS/ACIF S031) 2015

Telecommunications Technical Standard (Requirements for ISDN Primary Rate Access Interface – AS/ACIF S038) 2015

Telecommunications Technical Standard (Requirements for DSL Customer Equipment for connection to the Public Switched Telephone Network – AS/ACIF S041) 2015

Telecommunications Technical Standard (Requirements for Connection to an Air Interface of a Telecommunications Network – AS/CA S042) 2015

Telecommunications Technical Standard (Requirements for Customer Equipment for connection to a metallic local loop interface of a Telecommunications Network – AS/CA S043) 2015

Telecommunications Technical Standard (Surge Protective Devices for Telecommunication Applications – AS/NZS 4117) 2015

Outline

The Australian Communications and Media Authority (**the ACMA**) has made the technical standards identified above (collectively, **the ACMA Standards**) which are referred to in the *Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2015* (**the TLN**).

Each one of the ACMA Standards revokes and replaces a technical standard or standards dealing with the same (or substantially similar) subject matter. Further, the ACMA Standards do not substantially change the regulatory arrangements created by the technical standards which they replace.

Legislative provisions

The ACMA Standards have been made under subsection 376(1) of the *Telecommunications Act 1997* (**the Act**). Subsection 376(1) allows the ACMA to make a technical standard in the form of a written instrument relating to specified customer equipment or specified customer cabling.

Standards made under section 376 of the Act (**section 376 standards**) are to consist only of such requirements as are necessary or convenient to meet the objectives set out in subsection 376(2) of the Act.

Section 377 of the Act provides that in making a section 376 standard, the ACMA may apply, adopt or incorporate (with or without modification) any matter contained in a standard proposed or approved by Standards Australia or by any other body or association, as in force or existing at a particular time, or as in force or existing from time to time. (The ACMA Standards adopt certain matters contained in standards approved by Communications Alliance Ltd, formerly known as the Australian Communications Industry Forum Limited (**ACIF**), and Standards Australia, which are standards of the kind mentioned in section 377.)

The ACMA Standards are legislative instruments for the purposes of the *Legislative Instruments Act 2003* (**the LIA**).

Background

The Act, the TLN and section 376 standards together constitute the telecommunications regulatory arrangements for the supply of customer equipment and customer cabling connected, or intended for connection, to a telecommunications network or facility. The objective of these arrangements is to manage both consumer (health and safety, and access to the emergency call service) and industry (network integrity) risks.

The telecommunications regulatory arrangements apply principally at the point of supply of the customer equipment or customer cabling. This occurs in two main ways:

- suppliers must not supply customer equipment or customer cabling that is not labelled in accordance with the TLN; and
- suppliers of customer equipment and customer cabling (importers or Australian manufacturers, or their authorised agents) must ensure that the items comply with section 376 standards as applicable, and that suppliers apply labels to the items and keep records as specified.

The requirements for a supplier to label customer equipment or customer cabling and to keep records are intended to provide assurance that suppliers have taken appropriate steps to ensure equipment complies with applicable technical requirements.

The ACMA Standards directly reference technical requirements contained in industry standards published by Communications Alliance Ltd (formerly known as ACIF) and Standards Australia.

Operation

Each one of the ACMA Standards adopts a specified industry standard (or standards) as the standard with which customer equipment or customer cabling of a specified description must comply. The table below identifies each ACMA Standard, the industry standard (or standards) which are adopted by the ACMA Standard, and the customer equipment or customer cabling which must comply with the ACMA Standard, including the industry standard (or standards) that are adopted.

Column 1 - ACMA Standard	**Column 2 - Adopted Industry Standard(s)**	**Column 3 - Applicable Customer Equipment / Customer Cabling**
Telecommunications Technical Standard (Analogue Interworking and Non-interference Requirements for Customer Equipment for Connection to the Public Switched Telephone Network – AS/CA S002) 2015 (**AS/CA S002-**	Australian Standard AS/CA S002:2010 – *Analogue interworking and non-interference requirements for Customer Equipment for connection to the Public Switched Telephone Network* published by Communications Alliance Ltd in October 2010	Customer equipment that is designed, or intended, for connection to an analogue public switched telephone network two-wire service.

Column 1 - ACMA Standard	Column 2 - Adopted Industry Standard(s)	Column 3 - Applicable Customer Equipment / Customer Cabling
2015)		
Telecommunications Technical Standard (Requirements for Customer Access Equipment for connection to a Telecommunications Network – AS/CA S003) 2015 (**AS/CA S003-2015**)	• Australian Standard AS/CA S003.1:2010 – *Requirements for Customer Access Equipment for connection to a Telecommunications Network Part 1: General* published by Communications Alliance Ltd in September 2010 • Australian Standard AS/CA S003.2:2010 – *Requirements for Customer Access Equipment for connection to a Telecommunications Network Part 2: Analogue and TDM based technologies* published by Communications Alliance Ltd in September 2010 • Australian Standard AS/CA S003.3:2010 – *Requirements for Customer Access Equipment for connection to a Telecommunications Network Part 3: Packet and cell based technologies* published by Communications Alliance Ltd in September 2010	• Customer equipment that: - is designed with multiple ports (that are local or network ports) that provide, or are intended to provide, access to a telecommunications network; and - is capable of the switching, storage, processing conversion, integration, line isolation/coupling or multiplexing of analogue or digital voice or voice equivalent communication (**customer access equipment**). This includes the following: • Customer access equipment that: - uses either or both of the following to attain a port connection: o an analogue technology; o a PCM[1] based TDM[2] technology; and - does not use packet based technology, or have an interface to a packet based network. • Customer access equipment that uses either or both of the following: - a packet or cell based technology to attain a port connection; - a packet or cell based port for an external connection.
Telecommunications Technical Standard (Voice performance requirements for Customer Equipment – AS/CA S004) 2015 (**AS/CA S004-2015**)	Australian Standard AS/CA S004:2013 – *Voice performance requirements for Customer Equipment* published by Communications Alliance Ltd in January 2013	Customer equipment that is designed or intended: • to transmit and receive voice frequency signals for voice communication, voice messages or tones by direct or indirect electrical or electro acoustic means; and • for connection to a telecommunications network.
Telecommunications Technical Standard (Requirements for customer cabling products – AS/CA S008) 2015 (**AS/CA S008-2015**)	Australian Standard AS/CA S008:2010 – *Requirements for customer cabling products* published by Communications Alliance Ltd in October 2010	Passive devices (including any cables or connecting hardware) which is used or intended for use on the customer side of the boundary of a telecommunications network, other than: • cabling products intended primarily for the distribution of AC mains supply; • products intended to be used for telecommunications earthing systems or telecommunications power distribution; or

[1] "PCM" stands for Pulse Code Modulation.
[2] "TDM" stands for Time Division Multiplexing.

Column 1 - ACMA Standard	Column 2 - Adopted Industry Standard(s)	Column 3 - Applicable Customer Equipment / Customer Cabling
		• surge suppression devices.
Telecommunications Technical Standard (Requirements for Customer Equipment with hierarchical digital interfaces – AS/ACIF S016) 2015 (**AS/ACIF S016-2015**)	Australian Standard AS/ACIF S016:2001 – *Requirements for Customer Equipment for connection to hierarchical digital interfaces* published by ACIF (now known as Communications Alliance Ltd) in March 2002	Customer equipment that has a hierarchical digital interface at 2,048 kbit/s, 8,448 kbit/s, 34,368 kbit/s or 139,264 kbit/s, and is designed or intended for connection to a telecommunications network.
Telecommunications Technical Standard (Requirements for ISDN Basic Access Interface – AS/ACIF S031) 2015 (**AS/ACIF S031-2015**)	Australian Standard AS/ACIF S031:2001 – *Requirements for ISDN Basic Access Interface* published by ACIF (now known as Communications Alliance Ltd) in July 2001	Customer equipment that is designed, or intended, for connection to an ISDN[3] Basic Access interface for the purpose of receiving information from, or transmitting information to, the ISDN at the S/T reference point.
Telecommunications Technical Standard (Requirements for ISDN Primary Rate Access Interface – AS/ACIF S038) 2015 (**AS/ACIF S038-2015**)	Australian Standard AS/ACIF S038:2001 – *Requirements for ISDN Primary Rate Access Interface* published by ACIF (now known as Communications Alliance Ltd) in July 2001	Customer equipment that is designed, or intended, for connection to an ETSI[4] ISDN Primary Rate Access Digital Subscriber Signalling No. 1 interface for the purpose of receiving information from, or transmitting information to, the ISDN at the T reference point.
Telecommunications Technical Standard (Requirements for DSL Customer Equipment for connection to the Public Switched Telephone Network – AS/ACIF S041) 2015 (**AS/ACIF S041-2015**)	• Australian Standard AS/ACIF S041.1:2009 – *Requirements for DSL Customer Equipment for connection to the Public Switched Telephone Network - Part 1: General* published by Communications Alliance Ltd in December 2009 • Australian Standard AS/ACIF S041.2:2009 – *Requirements for DSL Customer Equipment for connection to the Public Switched Telephone Network - Part 2: Modems for use in connection with all DSL services* published by Communications Alliance Ltd	• Customer equipment, or the parts of customer equipment, designed or intended for connection to a DSL[5] service that shares the metallic local loop with an analogue public switched telephone network two-wire service. This includes the following: • An item of customer equipment that is a DSL modem, or part of a DSL modem, that is designed, or intended, for connection to a DSL service that shares the metallic local loop with an analogue public switched telephone network two-wire service. • An item of customer equipment that is an ADSL[6] filter, or part of an ADSL filter, that is

[3] "ISDN" stands for Integrated Services Digital Network.
[4] "ETSI" stands for European Telecommunications Standards Institute.
[5] "DSL" stands for Digital Subscriber Line.
[6] "ADSL" stands for Asymmetric Digital Subscriber Line.

Column 1 - ACMA Standard	Column 2 - Adopted Industry Standard(s)	Column 3 - Applicable Customer Equipment / Customer Cabling
	in December 2009 • Australian Standard AS/ACIF S041.3:2009 – *Requirements for DSL Customer Equipment for connection to the Public Switched Telephone Network - Part 3: Filters for use in connection with all ADSL services* published by Communications Alliance Ltd in December 2009	designed, or intended, for connection to an ADSL service that shares the metallic local loop with an analogue public switched telephone network two-wire service.
Telecommunications Technical Standard (Requirements for Connection to an Air Interface of a Telecommunications Network – AS/CA S042) 2015 (**AS/CA S042-2015**)	• Australian Standard AS/CA S042.1:2010 – *Requirements for connection to an air interface of a Telecommunications Network – Part 1: General* published by Communications Alliance Ltd in October 2010 • Australian Standard AS/ACIF S042.3:2005 – *Requirements for connection to an air interface of a Telecommunications Network – Part 3: GSM Customer Equipment* published by ACIF (now known as Communications Alliance Ltd) in December 2005 • Australian Standard AS/CA S042.4:2010 – *Requirements for connection to an air interface of a Telecommunications Network – Part 4: IMT-2000 Customer Equipment* published by Communications Alliance Ltd in October 2010	• Customer equipment that: - is designed, or intended, for use in connection with a public mobile telecommunications service, or satellite service, or both; and - enables a carriage service provider to identify the item when used for two-way communications on a public mobile telecommunications service or satellite service supplied by the carriage service provider (**an item**). This includes the following: • An item that is designed, or intended, for use in conection with a public mobile telephone service that uses the GSM[7] (**a GSM item**). • An item that: - is designed, or intended, for use in connection with a public mobile telecommunications service; and - uses any of the following technologies to which IMT[8] applies: o UTRA FDD[9]; o E-UTRA FDD[10]; o E-UTRA TDD[11]; or o OFDMA TDD WMAN[12]

[7] "GSM" stands for the Global System for Mobile Communications.
[8] "IMT" means the set of globally harmonised standards for third generation wireless telecommunication services and equipment which is termed "IMT" by the International Telecommunication Union.
[9] "UTRA FDD" stands for Universal Terrestrial Radio Access Frequency Division Duplexing.
[10] "E-UTRA FDD" stands for Evolved Universal Terrestrial Radio Access Frequency Division Duplexing.
[11] "E-UTRA TDD" stands for Evolved Universal Terrestrial Radio Access Time Division Duplexing.
[12] "OFDMA TDD WMAN" stands for Orthogonal Frequency Division Multiple Access Time Division Duplexing Wireless Metropolitan Area Network.

Column 1 - ACMA Standard	Column 2 - Adopted Industry Standard(s)	Column 3 - Applicable Customer Equipment / Customer Cabling
		(**an IMT item**).
Telecommunications Technical Standard (Requirements for Customer Equipment for connection to a metallic local loop interface of a Telecommunications Network – AS/CA S043) 2015 (**AS/CA S043-2015**)	• Australian Standard AS/CA S043.1:2015 – *Requirements for Customer Equipment for connection to a metallic local loop interface of a Telecommunications Network - Part 1: General* published by Communications Alliance Ltd in January 2015 • Australian Standard AS/CA S043.2:2015 – *Requirements for Customer Equipment for connection to a metallic local loop interface of a Telecommunications Network - Part 2: Broadband* published by Communications Alliance Ltd in January 2015 • Australian Standard AS/CA S043.3:2015 – *Requirements for Customer Equipment for connection to a metallic local loop interface of a Telecommunications Network Part 3: DC, low frequency AC and voiceband* published by Communications Alliance Ltd in January 2015	• Customer equipment that is designed, or intended, for connection to a telecommunications network via a metallic local loop interface. This includes the following: • An item of customer equipment that is: - designed, or intended, for connection to a telecommunications network via a metallic local loop interface; and - has broadband capability. • An item of customer equipment that is: - designed, or intended, for connection to a telecommunications network via a metallic local loop interface; and - that is designed, or intended, to include 1 or more of the following capabilities: o DC power feeding or signalling; o operation in the low frequency AC band below 300 Hz; o operation in the voice frequency band; o operation above the voice frequency band up to 20kHz.
Telecommunications Technical Standard (Surge Protective Devices for Telecommunication Applications – AS/NZS 4117) 2015 (**AS/NZS 4117-2015**)	Australian/New Zealand Standard AS/NZS 4117:1999 – *Surge protective devices for telecommunication applications* published by Standards Australia in November 1999	Surge protective devices designed or intended to be: • used to suppress the effect of transient overvoltage, including overvoltage indirectly caused by lightning; and • connected: - between telecommunication conductors; or - between a telecommunication conductor and the protective earth system.

Consultation

The ACMA has consulted with industry stakeholders and the general public on the making of the ACMA Standards.

Subsection 378(1) of the Act requires that before the ACMA makes a section 376 standard, the ACMA must, so far as is practicable, try to ensure that interested persons have had an adequate opportunity to make representations on the proposed standard and that due consideration has been given to any representations made.

Subsection 17(1) of the LIA requires that, before the ACMA makes a legislative instrument, it must be satisfied that any consultation that the ACMA considers is appropriate and reasonably practicable to undertake, has been undertaken.

Between 16 July 2014 and 19 September 2014, the ACMA conducted a public consultation process on its proposal to make the ACMA Standards and the TLN. A consultation paper and draft TLN was made available on the ACMA's website. The consultation paper explained the sunsetting (automatic repeal) process which was set to affect the regulatory arrangements that existed and the ACMA's preliminary view that those arrangements should be continued. The consultation paper further explained that continuation of the arrangements would involve, among other things, the revocation and replacement of the section 376 standards then in force without any significant changes. Interested parties were notified of the release of the consultation paper and invited to comment.

The ACMA received eight submissions from industry participants in response to the consultation paper and all issues relevant to the making of a section 376 standard were considered when making the ACMA Standards.

Regulation impact

Following the public consultation process described above, the ACMA determined that the section 376 standards then in force were operating efficiently and effectively, and should be remade without any significant changes. Accordingly, the ACMA certified those matters to the Office of Best Practice Regulation (**OBPR**), and no Regulation Impact Statement was required for the remaking of those standards. The OBPR exemption numbers are 16677 and 18320.

Documents incorporated in the ACMA Standards by reference

The ACMA Standards incorporate by reference a number of technical requirements contained in industry standards published by Communications Alliance Ltd (formerly known as ACIF) or Standards Australia. The industry standards that are incorporated are referred to in column 2 of the table above. The standards published by Communications Alliance Ltd (or ACIF) are available on the Communication Alliance Ltd's website: www.commsalliance.com.au. The standards published by Standards Australia are available for purchase on Standards Australia's website: www.standards.org.au.

The industry standards are incorporated as in force at particular times (including the time an item of customer equipment or customer cabling is manufactured or modified in Australia or imported) as permitted by section 589 of the Act.

Statement of compatibility with human rights

Subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011* requires the rule-maker in relation to a legislative instrument to which section 42 (disallowance) of the LIA applies to cause a statement of compatibility to be prepared in respect of that legislative instrument.

This statement has been prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The ACMA considers that the ACMA Standards, which require suppliers of specified items of telecommunications customer equipment and customer cabling to comply with particular technical requirements, do not engage any of the human rights or freedoms recognised or declared by the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The ACMA Standards are compatible with human rights and freedoms as they do not raise any human rights issues.

Detailed description of the ACMA Standards

The ACMA Standards fall into two main categories being those that adopt only one industry standard and those that adopt more than one industry standard.

The first category of ACMA Standards (**Single-part standards**), being those that adopt only one industry standard, comprises the following standards:

- AS/CA S002-2015;
- AS/CA S004-2015;
- AS/CA S008-2015;
- AS/ACIF S016-2015;
- AS/ACIF S031-2015;
- AS/ACIF S038-2015; and
- AS/NZS 4117-2015.

Each of the Single-part standards follows the same template. The differences between those standards are confined to which industry standards are adopted and the type of customer equipment or customer cabling to which the standards apply. Those differences are referred to in columns 2 and 3 of the table above.

The second category of ACMA Standards (**Multi-part standards**), being those that adopt more than one industry standard[13], comprises the following standards:

- AS/CA S003-2015;
- AS/ACIF S041-2015;
- AS/CA S042-2015; and
- AS/CA S043-2015.

Each of the Multi-part standards follows essentially the same template as that used for the Single-part standards with some consequential differences to account for the adoption of more than one industry standard.

The differences between the Multi-part standards are confined to which industry standards are adopted and the type of customer equipment or customer cabling to which the standards apply. Those differences are referred to in columns 2 and 3 of the table above.

A detailed description of the provisions which are common to each ACMA Standard are set out below.

Part 1 – Preliminary

Section 1 Name of Technical Standard

This section states the name of the relevant ACMA Standard and notes that it may be referred to using a different specified citation. For example, the *Telecommunications Technical Standard (Voice performance requirements for Customer Equipment – AS/CA S004) 2015*, may also be cited as 'AS/CA S004-2015'. The alternative citation is the name by which the ACMA Standards are usually cited by the ACMA in the TLN.

[13] If an ACMA Standard adopts more than one part of an industry standard, each part is treated as a separate industry standard for the purposes of compliance.

Section 2 Commencement

This section provides that the relevant ACMA Standard commences on the day after it is registered on the Federal Register of Legislative Instruments (**FRLI**). The FRLI is maintained on the Australian Government's website for Commonwealth legislation: www.comlaw.gov.au.

Section 3 Revocation

This section revokes the section 376 standard, or standards, which the relevant ACMA Standard has replaced.

Section 4 Objects of Technical Standard

This section sets out the objects of the relevant ACMA Standard. In each ACMA Standard, these objects link back to the matters referred to in paragraphs 376(2)(a) to (d) of the Act. The objects of each ACMA Standard are to specify requirements that are necessary or convenient for:

- protecting the integrity of a telecommunications network or a facility; or
- protecting the health or safety of persons who:
    - operate;
    - work on; or
    - use services supplied by means of; or
    - are otherwise reasonably likely to be affected by the operation of;

  a telecommunications network or a facility; or
- ensuring that customer equipment can be used to give access to an emergency call service; or
- ensuring, for the purpose of the supply of a standard telephone service, the interoperability of customer equipment with a telecommunications network to which the equipment is or is proposed to be, connected.

Part 2 – Interpretation

Section 5 Definitions

This section defines the key terms used in the relevant ACMA Standard.

In a Single-part standard the defined term "AS/CA Standard", "AS/ACIF Standard" or "AS/NZS Standard" is used.

If a Single-part standard adopts an industry standard published by Communications Alliance Ltd, the term "AS/CA Standard" is used as shorthand to describe the adopted industry standard. For example, in AS-CA S004-2015, "AS/CA Standard" is defined to mean "the Australian Standard AS/CA S004:2013 – *Voice performance requirements for Customer Equipment*, published by Communications Alliance Ltd in January 2013".

If a Single-part standard adopts an industry standard published by ACIF, the term "AS/ACIF Standard" is used as shorthand to describe the adopted industry standard.

In AS/NZS 4117-2015 (a Single-part standard), the term "AS/NZS Standard" is used as shorthand to describe the adopted industry standard (i.e. the Australian/New Zealand Standard AS/NZS 4117:1999 – *Surge protective devices for telecommunication applications* published by Standards Australia in November 1999).

The defined terms described above are not used in Multi-part standards. Such standards use terms based on the abbreviated names of the industry standards they adopt. For example, AS/CA S042-2015 uses the following defined terms:

- "AS/ACIF S042.3:2005" which means the Australian Standard – AS/ACIF S042.3:2005 – *Requirements for connection to an air interface of a Telecommunications Network – Part 3:*

GSM Customer Equipment published by the Australian Communications Industry Forum Limited (now known as Communications Alliance Limited) in December 2005;

- "AS/CA S042.1:2010" which means the Australian Standard – AS/CA S042.1:2010 – *Requirements for connection to an air interface of a Telecommunications Network – Part 1: General* published by Communications Alliance Ltd in October 2010; and
- "AS/CA S042.4:2010" which means the Australian Standard – AS/CA S042.4:2010 – *Requirements for connection to an air interface of a Telecommunications Network – Part 4: IMT-2000 Customer Equipment* published by Communications Alliance Ltd in October 2010.

Section 6 Applicable Australian Standard / Applicable AS/CA Standard / Applicable AS/ACIF Standard [Multi-part standards only]

This section appears only in Multi-part standards. In AS/CA S042-2015, the section defines the term "applicable Australian Standard". In AS/CA S003-2015 and AS/CA S043-2015, the section defines the term "applicable AS/CA Standard". In AS/ACIF S041-2015, the section defines the term "applicable AS/ACIF Standard".

Each of those terms is used as shorthand to describe each industry standard that is adopted by the relevant ACMA Standard. For example, in AS/CA S042-2015, each of the following is an applicable Australian Standard in relation to an item:

- in all cases – AS/CA S042.1:2010;
- if the item is a GSM item – AS/ACIF S042.3:2005;
- if the item is an IMT item – AS/CA S042.4:2010.

The effect of the above is that AS/CA S042.1:2010 is an applicable Australian Standard in relation to all items of customer equipment to which AS/CA S042-2015 applies, whereas AS/ACIF S042.3:2005 is an applicable Australian Standard only for "GSM items", and AS/CA S042.4:2010 is an applicable Australian Standard only for "IMT items". So, for example, a GSM item must comply with not only AS/CA S042.1:2010, but also AS/ACIF S042.3:2005 because each of those industry standards is an applicable Australian Standard for that type of item.

All of the other Multi-part standards operate in a similar way to AS/CA S042-2015. All items of customer equipment to which a Multi-part standard applies must comply with a particular industry standard that is adopted, being the one which section 6 provides is an applicable industry standard in all cases. Whether an item must also comply with any other industry standard that is adopted will depend on whether section 6 provides that it is an applicable industry standard for that type of item.

Section 6 ACMA transition period [Section 7 in Multi-part standards]

This section defines the term "ACMA transition period". The ACMA transition period is a period that applies in a case where an industry standard, adopted by the ACMA Standard, is amended or replaced. In such circumstances, the ACMA transition period is:

- in a case where industry has determined a transition period, for the amendment or replacement of the adopted industry standard, as part of arrangements which meet the requirements of section 7 (or section 8 in Multi-part standards) – a period that is the same as the transition period so determined; or
- in any other case – a period of two years commencing on the day the adopted industry standard is amended or replaced.

A transition period determined by industry is described in the ACMA Standard by reference to the industry standard to which it relates. So, for example, in AS/CA S002-2015, the transition period determined by industry for the amendment or replacement of the AS/CA Standard is described as the AS/CA transition period.

The intent of this section is to ensure that manufacturers or importers are allowed sufficient time to comply with any applicable requirements of the ACMA Standard that may be affected by an amendment or replacement of the adopted industry standard, and that the time allowed is consistent with any transition period determined by industry in that regard.

Section 7 AS/CA transition period / AS/ACIF transition period / AS/NZS transition period / Australian Standard transition period [Section 8 in Multi-part standards]

This section defines a term that is used to describe a transition period determined by industry, for the amendment or replacement of an adopted industry standard. In AS/CA S002-2015, AS/CA S003-2015, AS/CA S004-2015, AS/CA S008-2015 and AS/CA S043-2015, the term that is used to describe such a transition period is "AS/CA transition period". In AS/ACIF S016-2015, AS/ACIF S031-2015, AS/ACIF S038-2015 and AS/ACIF S041-2015, the term that is used is "AS/ACIF transition period". In AS/NSZ 4117-2015, the term that is used is "AS/NZS transition period". In AS/CA S042-2015, the term that is used is "Australian Standard transition period".

For example, in a case where an adopted industry standard is an AS/CA Standard (or applicable AS/CA Standard in Multi-part standards), the section provides that there is an "AS/CA transition period" for an amendment or replacement of the AS/CA Standard (or an applicable AS/CA Standard) if:

- industry has determined, in the instrument that amends or replaces the AS/CA Standard (or applicable AS/CA Standard), arrangements to deal with any issues of a transitional nature that may arise;
- the arrangements are for a specified period commencing on the day the AS/CA Standard (or applicable AS/CA) is amended or replaced; and
- the arrangements have the effect of allowing a relevant item to comply with:
    - the AS/CA Standard (or applicable AS/CA Standard) as in force immediately before the commencement of the specified period; or
    - the AS/CA Standard (or applicable AS/CA Standard), or the replacement standard, as in force at the commencement of the specified period.

The section also provides that the AS/CA transition period is the specified period determined by industry as part of those arrangements. In the absence of an AS/CA transition period, the default period of 2 years is the ACMA transition period.

Section 8 Class of items [Section 9 in Multi-part standards]

This section defines key concepts necessary for interpreting the application of Part 3 of the relevant ACMA Standard.

The following concepts are defined in this section:

- 'included in a class of items';
- 'original item'; and
- 'original modified item'.

The above terms are important for the purpose of defining the time at which an item of customer equipment or customer cabling must comply with the adopted industry standard in order to meet the requirements of the relevant ACMA Standard.

Under paragraph 8(1)(a) (or 9(1)(a) in Multi-part standards), an item, other than a modified item, is 'included in a class of items' if the item is identical to each other item of the class (irrespective of when the items were manufactured or imported) and has the same manufacturer or importer as each other item. Paragraph 8(1)(b) (or 9(1)(b) in Multi-part standards) provides that the 'original item', in relation

to a class of items, is the item of the class that was the first to be manufactured in Australia or imported.

Under paragraph 8(2)(a) (or 9(2)(a) in Multi-part standards), a modified item is 'included in a class of items' if the modification in relation to the item is identical to the modification in relation to each other item of the class (irrespective of when the items were so modified), the item is, in all other respects, identical to each other item (irrespective of when the items were manufactured or imported), and the item has the same manufacturer or importer as each other item. Paragraph 8(2)(b) (or paragraph 9(2)(b) in Multi-part standards) provides that the 'original modified item', in relation to the class, is the item of the class that was the first to be so modified in Australia or imported.

Section 9 Time a modified item is made [Section 10 in Multi-part standards]

This section provides that, in the relevant ACMA Standard, a reference to "the time a modified item is made" is a reference to the time of making of the modification which results in that item. The section makes it clear that the relevant time is not when the item was originally manufactured in its unmodified form, but when it was subsequently modified.

Part 3 – Application and requirements

Section 10 Application of this Technical Standard [Section 11 in Multi-part standards]

This section specifies the customer equipment or customer cabling to which the relevant ACMA Standard applies. For example, section 10 of AS/CA S004:2015 provides that "this Technical Standard applies to customer equipment that is designed or intended:

- to transmit and receive voice frequency signals for voice communication, voice messages or tones by direct or indirect electrical or electro acoustic means; and
- for connection to a telecommunications network".

Section 11 Requirements [Section 12 in Multi-part standards]

This section specifies the requirements which an item or modified item must meet.

In Single-part standards:

- under subsection 11(1), an item (other than a modified item) must meet the requirements of subsections 12(1), (2), (3) or (4); and
- under subsection 11(2), a modified item must meet the requirements of subsections 13(1), (2), (3), (4) or (5).

In Multi-part standards:

- under subsection 12(1), an item (other than a modified item) must meet the requirements of subsections 13(1), (2), (3) or (4) in relation to each applicable industry standard that is adopted; and
- under subsection 12(2), a modified item must meet the requirements of subsections 14(1), (2), (3), (4) or (5) in relation to each applicable industry standard that is adopted.

Section 12 Standard for items (other than modified items) [Section 13 in Multi-part standards]

This section specifies the requirements which items (other than modified items) must meet in order to comply with subsection 11(1) (or subsection 12(1) in Multi-part standards). Different options for compliance with the adopted industry standard are specified in the section. These different options are provided in recognition of the fact that, over time, the adopted industry standard may be amended or replaced.

Single-part standards

Under subsection 12(1), if an item complies with the adopted industry standard (for example, the AS/CA Standard[14]) as in force at the time the item is manufactured in Australia or imported, the item meets the requirements of the subsection.

Subsection 12(2) deals with the case where an item is included in a class of items. If an item is included in a class of items and complies with the adopted industry standard as in force at the time the original item of the class was manufactured in Australia or imported, the first-mentioned item meets the requirements of the subsection. The subsection ensures that items which are identical to each other and which have the same manufacturer or importer need only comply with the adopted industry standard as in force at the date the first item of that class was manufactured in Australia or imported.

Subsection 12(3) deals with the case where an item is manufactured in Australia or imported during an ACMA transition period, which is triggered by the amendment or replacement of the adopted industry standard. Where an item is manufactured in Australia or imported during an ACMA transition period, the item may comply with:

- the adopted industry standard as in force immediately before its amendment or replacement (**the old standard**); or
- the adopted industry standard as amended or, the replacement standard, as in force at the commencement of the ACMA transition period.

An item that does so comply meets the requirements of the subsection. This recognises that changes to an adopted industry standard may occur at a time disadvantageous to the manufacturer or importer (e.g. where development and testing of the item has been predicated on the old standard rather than the adopted industry standard as amended or the replacement standard).

Subsection 12(4) deals with the case where there are multiple ACMA transition periods that overlap. Where an item is manufactured in Australia or imported during the period of overlap, the item may comply with:

- the old standard; or
- the adopted industry standard as amended, or the replacement standard, as in force at the commencement of any one of the overlapping ACMA transition periods.

An item that does so comply meets the requirements of the subsection.

Multi-part standards

Section 13 of the Multi-part standards is in essentially the same form as section 12 of the Single-part standards. However, instead of referring to, for example, the "AS/CA Standard" as the adopted industry standard, Multi-part standards refer to each "applicable Australian Standard", "applicable AS/CA Standard" or "applicable AS/ACIF Standard".

Section 13 Standard for modified items [Section 14 in Multi-part standards]

This section specifies the requirements which modified items must meet in order to comply with subsection 11(2) (or subsection 12(2) in Multi-part standards). The section operates in a very similar way to section 12 (section 13 in relation to Multi-part standards).

Single-part standards

Under subsection 13(1), if a modified item complies with the adopted industry standard as in force at the time the modified item is made in Australia or imported, the modified item meets the requirements of the subsection.

Subsection 13(2) deals with the case where a modified item is included in a class of items. If an item is included in a class of items and complies with the adopted industry standard as in force at the time

[14] As noted above, if a Single-part standard adopts an industry standard published by Communications Alliance Ltd, the adopted industry standard is described as the AS/CA Standard. For other examples, see the notes on section 5.

the original item of the class was made in Australia or imported, the first-mentioned item meets the requirements of the subsection. The subsection ensures that modified items which are identical to each other and which have the same manufacturer or importer need only comply with the adopted industry standard as in force at the date the first item of that class was made in Australia or imported.

Subsection 13(3) deals with the case where the modification which results in a modified item is not material. If a modified item would have been included in a class of items but for the making of the modification which resulted in that item, and the modification is not material and, in particular, the modified item complies with the adopted industry standard as in force at the time the original item of the class was made in Australia or imported, the first-mentioned item meets the requirements of the subsection.

A note to subsection 13(3) confirms that the modification is material if the modification would or could reasonably be expected to affect whether the modified item complies with the adopted industry standard as in force at the time the original item of the class was made in Australia or imported.

Subsection 13(4) deals with the case where a modified item is made in Australia or imported during an ACMA transition period. Where a modified item is made in Australia or imported during an ACMA transition period, the modified item may comply with:

- the old standard; or
- the adopted industry standard as amended, or the replacement standard, as in force at the commencement of the ACMA transition period.

An item that does so comply meets the requirements of the subsection.

Subsection 13(5) deals with the case where there are multiple ACMA transition periods that overlap. Where a modified item is made in Australia or imported during the period of overlap, the modified item may comply with:

- the old standard; or
- the adopted industry standard as amended, or the replacement standard, as in force at the commencement of any one of the overlapping ACMA transition periods.

An item that does so comply meets the requirements of the subsection.

Multi-part standards

Section 14 of the Multi-part standards is in essentially the same form as section 13 of the Single-part standards. However, instead of referring to, for example, the “AS/CA Standard” as the adopted industry standard, Multi-part standards refer to each “applicable Australian Standard”, “applicable AS/CA Standard” or “applicable AS/ACIF Standard”.

Part 4 – Savings and transitional arrangements

Section 14 Items manufactured, imported or modified before commencement [Section 15 in Multi-part standards]

This section specifies the transitional arrangements arising from the revocation of the section 376 standard, or standards, mentioned in section 3 (**the previous standards**).

Subsection (1) generally provides that if an item (other than a modified item) was manufactured in Australia or imported before the commencement of the ACMA Standard and complies with the previous standard or standards as in force immediately before the commencement of the ACMA Standard (as applicable), the item is taken to comply with the ACMA Standard.

Subsection (2) generally provides that if a modified item was made in Australia or imported before the commencement of the ACMA Standard and complies with the previous standard or standards as in force immediately before the commencement of the ACMA Standard (as applicable), the modified item is taken to comply with the ACMA Standard.

The operation of this section can be illustrated by reference to subsection 15(1) of AS/CA S042-2015. The effect of subsection 15(1) is that if:

- an item (other than a modified item) was manufactured in Australia or imported before the commencement of AS/CA S042-2015;
- the item complies with the *Telecommunications Technical Standard (Requirements for Connection to an Air Interface of a Telecommunications Network — Part 1: General — AS/CA S042.1:2010) 2011* as in force immediately before the commencement of AS/CA S042-2015 (**the Part 1 Standard**);
- in a case where the item is a GSM item – the item also complies with the *Telecommunications Technical Standard (Requirements for Connection to an air interface of a Telecommunications Network — Part 3: GSM Customer Equipment – AS/ACIF S042.3:2005) 2005* as in force immediately before the commencement of AS/CA S042-2015 (**the Part 3 Standard**); and
- in a case where the item is an IMT item – the item also complies with the *Telecommunications Technical Standard (Requirements for Connection to an Air Interface of a Telecommunications Network — Part 4: IMT-2000 Customer Equipment – AS/CA S042.4:2010) 2011* as in force immediately before the commencement of AS/CA S042-2015 (**the Part 4 Standard**);

the item is taken to comply with AS/CA S042-2015.

So, for example, an IMT item that was manufactured or imported before the commencement of AS/CA S042-2015 and that has not been modified is compliant with the ACMA Standard if it complies with the Part 1 Standard and the Part 4 Standard. The IMT item does not need to also comply with the Part 3 Standard to be compliant with the ACMA Standard, unless it also happens to be a GSM item.