



Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Amendment Instrument 2018 (No. 1)

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes the following instrument under subsection 407(1) of the *Telecommunications Act 1997*.

Dated: 6 December 2018

Nerida O'Loughlin
[signed]
Member

James Cameron
[signed]
Member/~~General Manager~~

Australian Communications and Media Authority

1 Name

This instrument is the *Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Amendment Instrument 2018 (No. 1)*.

2 Commencement

Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Column 1	Column 2
Provisions	Commencement
1. Sections 1 to 4	The day after this instrument is registered on the Federal Register of Legislation.
2. Schedule 1, Part 1	The later of: (a) the day after this instrument is registered on the Federal Register of Legislation; and (b) the day on which the <i>Telecommunications (Customer Equipment Safety) Technical Standard 2018</i> commences. However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.
3. Schedule 1, Part 2	The later of: (a) the day after this instrument is registered on the Federal Register of Legislation; and (b) the day on which the <i>Telecommunications (Mobile Equipment Air Interface) Technical Standard 2018</i> commences. However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.
4. Schedule 1, Part 3	The day after this instrument is registered on the Federal Register of Legislation.

Note: The Federal Register of Legislation may be accessed at www.legislation.gov.au.

3 Authority

This instrument is made under subsection 407(1) of the *Telecommunications Act 1997*.

4 Schedule 1

The instrument that is specified in Schedule 1 is amended as set out in the applicable items in that Schedule.

Schedule 1—Amendments

Part 1—Amendments relating to the *Telecommunications (Customer Equipment Safety) Technical Standard 2018*

Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2015 (F2015L00190)

1 Subsection 20(2) (note 1)

Omit “AS/NZS 60950.1-2011”, substitute “the *Telecommunications (Customer Equipment Safety) Technical Standard 2018*”.

2 Schedule 1 (table item 1, column 2)

Omit “AS/NZS 60950.1-2011”, substitute “*Customer Equipment Safety Standard 2018*”.

3 Schedule 1 (table item 1, column 3)

Omit “*Telecommunications Technical Standard (Information Technology Equipment – Safety, Part 1: General Requirements – AS/NZS 60950.1:2011) 2011*”, substitute “*Telecommunications (Customer Equipment Safety) Technical Standard 2018*”.

4 Schedule 1 (table item 1, column 4)

Omit “AS/NZS 60950.1-2011”, substitute “the *Customer Equipment Safety Standard 2018*”.

5 Schedule 1 (table item 2, column 2)

Omit “AS/NZS 60950.1-2011”, substitute “*Customer Equipment Safety Standard 2018*”.

6 Schedule 1 (table item 2, column 3)

Omit “*Telecommunications Technical Standard (Information Technology Equipment – Safety, Part 1: General Requirements – AS/NZS 60950.1:2011) 2011*”, substitute “*Telecommunications (Customer Equipment Safety) Technical Standard 2018*”.

7 Schedule 1 (table item 2, column 4)

Omit “AS/NZS 60950.1-2011”, substitute “the *Customer Equipment Safety Standard 2018*”.

8 Schedule 1 (table item 3, column 2)

Omit “AS/NZS 60950.1-2011”, substitute “*Customer Equipment Safety Standard 2018*”.

9 Schedule 1 (table item 3, column 3)

Omit “*Telecommunications Technical Standard (Information Technology Equipment – Safety, Part 1: General Requirements – AS/NZS 60950.1:2011) 2011*”, substitute “*Telecommunications (Customer Equipment Safety) Technical Standard 2018*”.

10 Schedule 1 (table item 3, column 4)

Omit “AS/NZS 60950.1-2011”, substitute “the *Customer Equipment Safety Standard 2018*”.

11 Schedule 1 (table item 4, column 2)

Omit “AS/NZS 60950.1-2011”, substitute “*Customer Equipment Safety Standard 2018*”.

12 Schedule 1 (table item 4, column 3)

Omit “*Telecommunications Technical Standard (Information Technology Equipment – Safety, Part 1: General Requirements – AS/NZS 60950.1:2011) 2011*”, substitute “*Telecommunications (Customer Equipment Safety) Technical Standard 2018*”.

13 Schedule 1 (table item 4, column 4)

Omit “AS/NZS 60950.1-2011”, substitute “the *Customer Equipment Safety Standard 2018*”.

Part 2—Amendments relating to the *Telecommunications (Mobile Equipment Air Interface) Technical Standard 2018*

Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2015 (F2015L00190)

14 Subsection 4(1) (note to the definition of *high risk applicable technical standard*)

Omit the second sentence, substitute:

For example, the part of the *Telecommunications (Mobile Equipment Air Interface) Technical Standard 2018* that relates to AS/CA S042.1:2018 (within the meaning of that technical standard) is a high risk applicable standard, and the remainder is not such a standard, in relation to an item to which that part applies.

15 Schedule 1 (table item 2, column 2)

Omit “AS/CA S042-2015”, substitute “*Mobile Equipment Standard 2018*”.

16 Schedule 1 (table item 2, column 3)

Omit “*Telecommunications Technical Standard (Requirements for Connection to an Air Interface of a Telecommunications Network – AS/CA S042) 2015*”, substitute “*Telecommunications (Mobile Equipment Air Interface) Technical Standard 2018*”.

17 Schedule 1 (table item 2, column 4)

Omit “The part of AS/CA S042-2015 that relates to AS/CA S042.1:2010 (within the meaning of AS/CA S042-2015) is a high risk standard”, substitute:

The part of the *Mobile Equipment Standard 2018* that relates to AS/CA S042.1:2018 (within the meaning of that technical standard) is a high risk standard but only for an item to which that part applies

The part of the *Mobile Equipment Standard 2018* that relates to AS/CA S042.1:2015 (within the meaning of that technical standard) is a high risk standard but only for an item to which that part applies

18 Schedule 1 (table item 3, column 2)

Omit “AS/CA S042-2015”, substitute “*Mobile Equipment Standard 2018*”.

19 Schedule 1 (table item 3, column 3)

Omit “*Telecommunications Technical Standard (Requirements for Connection to an Air Interface of a Telecommunications Network – AS/CA S042) 2015*”, substitute “*Telecommunications (Mobile Equipment Air Interface) Technical Standard 2018*”.

20 Schedule 1 (table item 4, column 2)

Omit “AS/CA S042-2015”, substitute “*Mobile Equipment Standard 2018*”.

21 Schedule 1 (table item 4, column 3)

Omit “*Telecommunications Technical Standard (Requirements for Connection to an Air Interface of a Telecommunications Network – AS/CA S042) 2015*”, substitute “*Telecommunications (Mobile Equipment Air Interface) Technical Standard 2018*”.

Part 3—Other amendments

Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2015 (F2015L00190)

22 Subsection 4(1) (definition of *applicable technical standard*)

Repeal the definition, substitute:

applicable technical standard has the meaning given by:

- (a) in the case of customer equipment (other than surge protectors or cabling-related customer equipment) – section 8; or
- (b) in the case of customer cabling, surge protectors and cabling-related customer equipment – clause 1 of Schedule 4.

23 Subsection 4(1) (definition of *built-in display*)

After “surge protector”, insert “or cabling-related customer equipment”.

24 Subsection 4(1)

Insert:

cabling-related customer equipment means customer equipment that is a passive device, including any connecting hardware, used or intended for use, in connection with customer cabling, on the customer side of the boundary of a telecommunications network, but does not include:

- (a) a product intended primarily for the distribution of AC mains supply;

- (b) a product intended to be used for telecommunications earthing systems or telecommunications power distribution; or
- (c) a surge protector.

Note See the example following the table in clause 1 of Schedule 4.

25 Subsection 4(1) (definition of *high risk applicable technical standard*)

Repeal the definition (not including the note), substitute:

high risk applicable technical standard, in relation to an item, means an applicable technical standard, or a part of an applicable technical standard, in relation to the item that is specified to be a high risk standard in:

- (a) if the item is customer equipment (other than a surge protector or cabling-related customer equipment) – column 4 of the table in Schedule 1; or
- (b) if the item is customer cabling, a surge protector or cabling-related customer equipment – column 4 of the table in clause 1 of Schedule 4.

26 Subsection 4(1)

Insert:

IEC standard means an international standard published by the International Electrotechnical Commission.

27 Subsection 4(1) (definition of *item*)

Repeal the definition (including the notes), substitute:

item means:

- (a) in Part 4 and Schedule 1 – a thing that is customer equipment (other than a surge protector or cabling-related customer equipment), and includes a modified item;
- (b) in Schedule 4 – a thing that is customer cabling, a surge protector or cabling-related customer equipment, and includes a modified item; or
- (c) in any other case – a thing that is customer equipment or customer cabling, and includes a modified item.

Note Subsection 7(1) provides that this Instrument does not apply to certain items.

28 Subsection 4(1) (definition of *recognised testing authority*)

Repeal the definition.

29 Subsection 4(1) (note to the definition of *technical standard*)

Repeal the note, substitute:

Note A technical standard is a legislative instrument that may incorporate all or one or more parts of an industry standard as in force at the times mentioned in that technical standard.

30 Subsection 4(1) (note at the end)

Repeal the note, substitute:

Note In accordance with paragraph 13(1)(b) of the *Legislation Act 2003*, other expressions used in this Instrument have the same meaning as in the Act, including the following:

- (a) ACMA (see section 7);
- (b) boundary of a telecommunications network (see section 22);

- (c) certification body (see section 410);
- (d) customer cabling (see sections 7 and 20);
- (e) customer equipment (see sections 7 and 21);
- (f) facility (see section 7 and subsection 374(2));
- (g) import (see section 7);
- (h) inspector (see sections 7 and 533);
- (i) label and when it is taken to be applied (see section 406);
- (j) manager of a telecommunications network or facility (see section 375);
- (k) manufacturer or importer of customer equipment or customer cabling (see section 406A);
- (l) public mobile telecommunications service (see sections 7 and 32);
- (m) satellite-based facility (see section 7);
- (n) standard telephone service (see section 7);
- (o) telecommunications network (see section 7 and subsection 374(1)).

31 At the end of section 4

Add:

(5) In this Instrument, unless the contrary intention appears:

- (a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and
- (b) a reference to any other kind of instrument is a reference to that other instrument as in force from time to time.

Note 1 For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2 All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

Note 3 For references to any other kind of instrument, see section 589 of the Act.

32 Subsection 7(2) (note 1)

Omit “and surge protectors”, substitute “, surge protectors and cabling-related customer equipment”.

33 Subsection 8(1) (note)

Repeal the note, substitute:

Note This section deals with applicable technical standards for customer equipment (other than surge protectors or cabling-related customer equipment). Clause 1 of Schedule 4 deals with applicable technical standards for customer cabling, surge protectors and cabling-related customer equipment.

34 Paragraph 8(2)(b)

Repeal the paragraph, substitute:

- (b) the technical standard is a corresponding applicable technical standard mentioned in column 2 of that table; and

35 Subsection 18(2)

Repeal the subsection, substitute:

*Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling)
Amendment Instrument 2018 (No. 1)*

- (2) For the purposes of subsection (1), a manufacturer or importer of an item is **registered** only if the manufacturer or importer is registered on the national database.

36 Sub-subparagraph 20(2)(a)(i)(C)

Omit “as well as a statement prepared by an Issuing and Recognizing NCB that operates in Australia or a recognised testing authority”, substitute “in relation to the requirements of an IEC standard for the item as well as any different requirements of the high risk applicable technical standard”.

37 At the end of Part 7

Add:

Division 3 – Transitional arrangements following changes in relation to applicable technical standards

30 Changes in relation to applicable technical standards

Scope

- (1) This section applies to an item if:
- (a) a technical standard (the **old technical standard**) has been repealed and replaced by another technical standard (the **new technical standard**);
 - (b) on a particular date (the **effective date**) the old technical standard ceased to be an applicable technical standard, and the new technical standard became an applicable technical standard, in relation to the item; and
 - (c) the item was not supplied before the effective date.

Manufacturer or importer of item taken to have done certain things

- (2) If, before the effective date, the manufacturer or importer of an item did any of the following things in relation to the old technical standard, in accordance with this Instrument as in force immediately before the effective date:
- (a) prepared a compliance record, or any other documentation, for the item;
 - (b) applied a label to the item;
 - (c) met the requirements for an exemption from compliance with subsection 4(2) of Schedule 4;

then on and after the effective date:

- (d) the thing done has effect as if it had been done in relation to the new technical standard; and

- (e) for the avoidance of doubt, the manufacturer or importer is taken to have met any requirement of this Instrument to do such a thing in relation to the new technical standard.

Example If, before the effective date, the manufacturer or importer had properly completed a declaration of conformity for the item in relation to the old technical standard, then on and after the effective date the manufacturer or importer does not need to complete a declaration of conformity for the item in relation to the new technical standard.

Compliance with old technical standard

- (3) For the avoidance of doubt, if:
 - (a) a declaration of conformity for the item was not completed before the effective date;
 - (b) the new technical standard contains a provision to the effect that the item is taken to comply with that standard if the item complies with the old technical standard as in force immediately before the commencement of the new technical standard; and
 - (c) the manufacturer or importer seeks to rely on that provision;

the manufacturer or importer must, before supplying the item, ensure that a person who makes a declaration of conformity for the item is reasonably satisfied that the item complies with that old technical standard.

- (4) For the purposes of determining whether a person is reasonably satisfied that the item complies with the old technical standard mentioned in paragraph (3)(b), subsection 20(2) applies as if:
 - (a) references to an applicable technical standard were references to that old technical standard; and
 - (b) references to a high risk applicable technical standard were references to that old technical standard (or the part of it) that was, immediately before the commencement of the new technical standard, a high risk applicable technical standard in relation to the item (if at all).

Example If, before the effective date, the old technical standard was a high risk applicable technical standard in relation to the item, a person can only be reasonably satisfied that the item complies with the old technical standard if there is a document of a kind mentioned in sub-subparagraph 20(2)(a)(i)(A), (B), (C) or (D) containing information that indicates that the item (or if the item is included in a class of items, an item of the class) complies with the old technical standard.

38 Schedule 1 (heading)

After “surge protectors”, insert “or cabling-related customer equipment”.

39 Schedule 1 (sentence after heading)

Repeal paragraphs (a) and (b), substitute:

- (a) if only a part of the industry standard is mentioned – that part of the industry standard (or any corresponding part of a standard that replaces the industry standard) as in force at any time specified, for the item, in the applicable technical standard; or

- (b) otherwise – the industry standard (or any standard that replaces the industry standard) as in force at any time specified, for the item, in the applicable technical standard.

40 Schedule 1 (table, heading to column 1)

After “surge protectors”, insert “or cabling-related customer equipment”.

41 Schedule 1 (examples 1 to 3 following table)

Repeal the examples, substitute:

Example 1 Customer equipment that is covered by item 1 includes:

- (a) PBX;
- (b) analogue telephones;
- (c) VoIP telephones;
- (d) ADSL or DSL modems;
- (e) dial-up modems;
- (f) cordless telephone handsets and base units;
- (g) telephone headsets;
- (h) amplifiers;
- (i) answering machines; and
- (j) fax machines.

Example 2 Customer equipment that is covered by item 2 includes:

- (a) mobile telephones; and
- (b) cellular modems.

Example 3 Customer equipment that is covered by item 3 includes:

- (a) machine-to-machine communication devices;
- (b) automatic teller machines; and
- (c) vending machines.

42 Schedule 4 (heading)

Omit “and surge protectors”, substitute “, surge protectors and cabling-related customer equipment”.

43 Subclause 1(1) of Schedule 4 (note)

Repeal the note, substitute:

Note This clause deals with applicable technical standards for customer cabling, surge protectors and cabling-related customer equipment. Section 8 deals with applicable technical standards for customer equipment (other than surge protectors and cabling-related customer equipment).

44 Paragraph 1(2)(b) of Schedule 4

Repeal the paragraph, substitute:

- (b) the technical standard is a corresponding applicable technical standard mentioned in column 2 of that table; and

45 Clause 1 of Schedule 4 (table)

Repeal the table (not including the note), substitute:

*Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling)
Amendment Instrument 2018 (No. 1)*

Table—Applicable technical standards

<i>Item</i>	<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
	Customer cabling, surge protectors and cabling-related customer equipment	Applicable technical standard	Long title of the standard	Whether the standard is a high risk standard
1.	Customer cabling and cabling-related customer equipment	AS/CA S008-2015	<i>Telecommunications Technical Standard (Requirements for customer cabling products – AS/CA S008) 2015</i>	
2.	Surge protectors	AS/NZS 4117-2015	<i>Telecommunications Technical Standard (Surge Protective Devices for Telecommunications Applications – AS/NZS 4117) 2015</i>	

Example Cabling-related customer equipment that is covered by item 1 includes:

- (a) cable enclosures;
- (b) patch panels;
- (c) insulation displacement connectors and other similar termination modules (such as those used at a main distribution frame);
- (d) conduit for the protection of customer cabling; and
- (e) telecommunications wall sockets.

46 Clause 3 of Schedule 4

Omit “or a surge protector”, substitute “, a surge protector or cabling-related customer equipment”.

47 Subclause 9(2) of Schedule 4

Repeal the subclause, substitute:

- (2) For the purposes of subclause (1), a manufacturer or importer of an item is **registered** only if the manufacturer or importer is registered on the national database.