



8th April 2021

The Manager,
Technical Regulation & Carrier Infrastructure Section,
Australian Communications & Media Authority,
PO Box 13112 Law Courts,
Melbourne Vic 8010

Ref: Radiocommunications Equipment Rules – Consultation paper

On behalf of the Australian Radio Communications Industry Association (ARCIA) we are pleased to respond to the consultation on the proposed equipment rules system. In general, we are comfortable with the proposals outlined in the paper issued by the Authority and we would only offer comments on the following items.

1. The move from 'Equipment standards' to equipment rules
Over recent years our Association representatives have struggled with the disconnect between the policy driven direction of Standards Australia against the outcomes driven direction of the ACMA. This has in many instances seen situations where the requirements of both Standards Australia and the ACMA have not been in concert. It has increasingly been left to the volunteer working committees to find a way where the desired outcome could be achieved without either party having to compromise their principles, however, this has become increasingly untenable. We strongly believe that the new system will be better, however, we must also point out that the ACMA is going to have a much higher workload to achieve the desired outcomes and so protect the spectrum to ensure that it remains 'fit for purpose'.
2. Acceptance of equipment standards from international agencies
With the 'globalisation' of supply chains and the commonality of most radio communications equipment over many different jurisdictions, it has become important to recognise the relevant equipment standards that apply in those international markets. It would be unwise to direct our local equipment rules too far away from the internationally accepted standards that drive the manufacturers of products used in our own local markets. We are conscious that until now there has always been a tacit acceptance of equipment standards from Europe and the Americas, we believe that should continue. One area that has always raised concerns has been the variations in spectrum bands that apply between our own local market and many in international markets, so perhaps the time has come where rather than having the relevant frequency ranges encapsulated within the equipment rule, they should be a common point of reference for the Australian market. With this format the relevant equipment rule to give approval for labelling and supply of product would refer to the definition of spectrum allocations as an over-riding rule rather than as part of any specific approval. This may be a way to make it easier for non-industry personnel who have to go through the labelling and approvals system to quickly access the relevant information and be able to reference back to manufacturers documentation.



3. Comment on the Non-standard devices arrangements

To protect the spectrum and help maintain it as fit for purpose, we believe that the existing arrangements regarding non-standard devices should remain. There is no doubt that not only should they remain in the regulations/legislation, but there should also be some form of wording in the relevant sections to highlight that without proper authority to operate the equipment, i.e. a licence for use, then all devices will be classified as non-standard devices or similar and subject to penalties for continued use, as well as opening up potential actions in civil jurisdictions for damages suffered by others who are operating licensed services and suffering denial of service through their operations.

4. Comment on overall equipment compliance

We understand that one of the changes incorporated into the new Act is aimed at the globalisation of markets where end users will now often make equipment purchases through indirect sources such as the internet. This means that there will be no local manufacturer or importer of equipment under the commonly accepted understanding of those entities. Although the wording of the Act is designed to include direct purchase of equipment from off-shore suppliers by making the purchaser the 'importer' of the equipment, it is highly likely that such an organisation or person would not immediately recognise that classification. We would strongly recommend to the ACMA that there needs to be clarification of the role of an importer as part of the support information regarding the need for compliance for both labelling and technical standards.

As always, we make our suggestions in the hope that they will be accepted on the basis that our Association is committed to assisting to maintain the spectrum as a valued and efficiently utilised resource. We welcome any opportunity to discuss the points we submit herewith or any other aspects of spectrum management that we may be able to offer relevant input.

Yours sincerely,

Australian Radio Communications Industry Association (ARCIA) Inc

Ian Miller – Executive Officer