Australian Telecommunications Alliance

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AUSTRALIAN TELECOMMUNICATIONS ALLIANCE SUBMISSION

To: Australian Communications and Media Authority

Re: Proposed amendments to telecommunications customer equipment regulation Consultation paper – July 2026

17 September 2026



TABLE OF CONTENTS

1. AUSTRALIAN TELECOMMUNICATIONS ALLIANCE 3

2. EXECUTIVE SUMMARY 4

3. RESPONSES TO THE CONSULTATION 5

3.1 Introduction 5
3.2 Extension of compliance recordkeeping timeframes to seven years 5
3.3 Limiting grandfathering and requiring compliance with 2025 industry standards 6
3.4 Future amendments to AS/CA S042.1 7
3.5 Adoption of AS/NZS 62368.1:2026 8
3.6 Recognition of aviation and electrical safety frameworks 9
3.7 Other proposed changes 9
3.8 Broader industry considerations 9
3.9 Conclusion 10

1. AUSTRALIAN TELECOMMUNICATIONS ALLIANCE

The Australian Telecommunications Alliance (ATA) is the peak body of the Australian telecommunications industry. We are the trusted voice at the intersection of industry, government, regulators, and consumers. Through collaboration and leadership, we shape initiatives that grow the Australian telecommunications industry, enhance connectivity for all Australians, and foster the highest standards of business behaviour. For more details, visit www.austelco.org.au.

For questions on this submission, please contact Mike Johns, m.johns@austelco.org.au.

2. EXECUTIVE SUMMARY

2.1.1 The Australian Telecommunications Alliance (ATA) welcomes the opportunity to comment on the Australian Communications and Media Authority's proposed amendments to telecommunications customer equipment regulation, including amendments to the *Telecommunications (Labelling Notice for Customer Equipment and Customer Cabling) Instrument 2025* (TLN), the proposed *Telecommunications (Mobile Equipment Air Interface) Technical Standard 2026*, and the proposed *Telecommunications (Customer Equipment Safety) Technical Standard 2026*.

2.1.2 The ATA supports the regulatory objective of strengthening confidence that mobile phones supplied in Australia support access to Triple Zero and other contemporary emergency communications requirements. The ATA also supports proportionate updating of safety requirements and the avoidance of duplicative conformity assessment.

2.1.3 The ATA supports:

(a) the proposal to extend the compliance recordkeeping period from two years to seven years;

(b) an initial transition period to the 2025 editions of AS/CA S042 of 12 months, not 6 months;

(c) that future amendments to AS/CA S042.1 should trigger reassessment only for material changes to regulated outcomes, and should not apply automatically for all amendments;

(d) a transition period for future amendments to AS/CA S042 of 12 months, not 6 months;

(e) adoption of AS/NZS 62368.1:2026, subject to confirmation that an appropriate CB Scheme[1] report to IEC 62368-1 Edition 4 incorporating the Australian national differences is accepted as equivalent evidence; and

(f) in principle that Customer Equipment (CE) complying with equivalent aviation or electrical safety requirements be taken to comply with the 2026 Safety Standard.

[1] https://www.iecee.org/who-we-are/cb-scheme

3. RESPONSES TO THE CONSULTATION

3.1 INTRODUCTION

3.1.1 The ATA would like to provide the following responses to the questions posed in the Consultation Paper. The issues raised by ACMA are reproduced under the corresponding heading in italics, followed by the ATA response.

3.1.2 The ATA understands that the list of prescriptive questions on issues enables the ACMA to more easily compare and collate responses but would hope that the ACMA also considers the points raised in this paper that might fall outside of the scope of these questions.

3.2 EXTENSION OF COMPLIANCE RECORDKEEPING TIMEFRAMES TO SEVEN YEARS

Issue for comment 1: Do you have any comments on the proposal to extend record-keeping timeframes to seven years after an item is supplied in Australia, or after all items in a class cease to be supplied?

3.2.1 The ATA supports the proposal to extend the compliance recordkeeping period from two years to seven years after an item is supplied in Australia or, for a class of items, after the last item in that class ceases to be supplied.

3.2.2 This position is consistent with the submission made by Communications Alliance, now ATA, in its January 2025[2] in response to ACMA's remaking of the *Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2015*. That submission recommended that ACMA extend the record-retention period to seven years after the date on which the last item, or last item within a class of items, is supplied in Australia. Communications Alliance considered that this period would more accurately reflect the practical needs of an effective compliance regime.

3.2.3 Telecommunications products can remain in service for many years after they cease to be supplied. Maintaining compliance records for an extended period can assist manufacturers, importers, network operators, testing laboratories and regulators to investigate equipment-related issues that emerge later in a product's operational life. The proposed period may be particularly important where questions concerning device capability or conformity arise following changes to networks, services, software or the operating environment.

3.2.4 A seven-year period is also broadly consistent with the longer-term product-support approach adopted in other regulatory regimes. For example, European Union Regulation 2023/1670[3] establishes eco-design requirements for smartphones, mobile phones other than smartphones, cordless phones and slate tablets, including requirements concerning

[2] https://www.austelco.org.au/wp-content/uploads/2025/06/CA-response-to-remaking-TLN-tech-Standards.pdf
[3] https://eur-lex.europa.eu/eli/reg/2023/1670/oj/eng

the availability of specified spare parts for at least seven years after a model ceases to be placed on the market. While that regime addresses product durability and repair rather than telecommunications compliance recordkeeping, it demonstrates regulatory recognition that obligations relating to communications devices may appropriately continue for a substantial period after supply ceases.

3.2.5 The ATA nevertheless considers that ACMA should provide clear guidance on the practical operation of the extended obligation. In particular, the final arrangements should address:

(a) the point from which the seven-year period is calculated for product families, classes and variants;

(b) the transfer and continued accessibility of records following a business acquisition, product transfer or change of Australian supplier;

(c) the treatment of records where a supplier ceases trading, becomes insolvent or is otherwise no longer available;

(d) whether any central repository or alternative records-continuity mechanism is required in such circumstances; and

(e) confirmation that records may continue to be retained electronically, provided they remain complete, accessible and capable of being produced to ACMA when required.

3.2.6 Extending the formal retention period will not, by itself, ensure that compliance records remain available where the responsible supplier ceases to exist. The ATA therefore considers that record continuity following insolvency, cessation of business or transfer of a product line is a critical implementation issue that should be addressed by ACMA as part of the amended framework.

3.3 LIMITING GRANDFATHERING AND REQUIRING COMPLIANCE WITH 2025 INDUSTRY STANDARDS

Issue for comment 2: Should existing mobile phones transition to the 2025 editions of the applicable AS/CA S042 standards when the 2026 Air Interface Standard commences, and should the transition period be 6 months or 12 months?

3.3.1 The ATA supports the objective of ensuring that mobile phones continuing to be supplied in Australia meet contemporary emergency-calling and related requirements in AS/CA S042.1:2025, AS/CA S042.4:2025 and AS/CA S042.5:2025. The proposed change would affect models that entered the market under earlier editions and continue to be supplied after the new regulatory instrument commences.

3.3.2 A transition period is necessary to allow affected stock and supply channels to be identified, existing models to be assessed or retested where required, and manufacturers or importers to determine whether products should be updated, withdrawn or replaced. An immediate commencement could disrupt supply, strand inventory and increase waste. These impacts may be concentrated in slower-moving and non-mainstream handset categories, including simple or accessibility-oriented devices.

3.3.3 The ATA supports a 12-month transition period as it may provide a more practical implementation pathway for industry than a 6-month transition period. A longer transition period would allow manufacturers, importers, distributors and retailers sufficient time to identify affected devices, manage existing inventory, complete any necessary retesting or reassessment activities, and align Australian compliance requirements with global product development, certification and supply-chain cycles. A 12-month period may also reduce the risk of supply disruption, stranded inventory and unnecessary product disposal, particularly for lower-volume, specialised or accessibility-focused handsets that may remain on the market for extended periods.

3.3.4 The ATA strongly encourages ACMA undertake a direct supplier notification campaign, especially for manufacturers or importers that are not as active in the compliance process. For example, some importers that are not manufacturers may not be as aware of the proposed changes and their updated obligations.

3.3.5 The ATA encourages ACMA to maintain clear and consistent terminology regarding the scope of devices affected by the proposed arrangements. In particular, the ATA considers that the final instrument and supporting guidance should clearly distinguish mobile phones from other classes of cellular-enabled equipment. For the purposes of these amendments, a mobile phone should continue to be understood as a handheld device capable of voice communications over a mobile network and should not extend to equipment that is not ordinarily regarded as a mobile phone, including fixed broadband gateways, Internet of Things (IoT) devices, personal alert devices, smart watches, tablets and similar data-centric equipment. Clear delineation of the devices captured by the framework will assist manufacturers, importers, carriers and consumers in understanding the application of the new requirements and reduce the risk of unintended compliance obligations.

3.4 FUTURE AMENDMENTS TO AS/CA S042.1

Issue for comment 3: Should mobile phones be required to comply with every future amendment or replacement of AS/CA S042.1, and should each change have a 6-month or 12-month transition?

3.4.1 The ATA supports maintaining alignment between regulated mobile phones and future developments in emergency communications requirements but does not support an automatic requirement that mobile phones comply with every future amendment or replacement of AS/CA S042.1. Not every amendment has the same technical or risk significance. Some changes may introduce substantive requirements affecting emergency calling or public warning; others may be editorial, clarifying or administrative.

3.4.2 Automatic reassessment following every amendment would provide a simple rule, but may impose unnecessary testing and compliance costs where a change cannot affect the device's conformity. Conversely, a materiality-based approach may be more proportionate but would require clear governance, decision criteria and responsibility for determining whether reassessment is required.

3.4.3 The ATA supports requiring reassessment only where an amendment introduces changes that could reasonably affect a device's compliance with regulated requirements or the achievement of relevant regulatory outcomes. A relevant recent example is Amendment No.1/2026 to AS/CA S042.1:2025 published to make a change to 'AusAlert' from 'the National Messaging System' in the Standard, to align with the relevant Government decision but with no change to requirements. The approach provides a more proportionate framework by avoiding unnecessary testing and compliance activity where amendments are editorial, administrative or otherwise unlikely to affect device behaviour. It would, however, require clear criteria and governance arrangements for determining whether a change is sufficiently material to trigger reassessment.

3.4.4 If there is no material change in a Standard then there should be no need to reassess compliance. For example, if the transition to AS/CA S042.1:2025, or to a later version of the Standard, does not introduce a material change to emergency calling then a manufacturer should not have to automatically retest all affected mobile phones when the same outcome could be achieved from the manufacturer assessing the change and declaring compliance with the newer Standard.

3.4.5 If there is a material change in a Standard then the ATA recommends reassessment should address the affected requirements without requiring reassessment to the whole Standard to demonstrate compliance.

3.4.6 The ATA believes that a 12-month transition period should provide a more practical implementation pathway for industry than a 6-month transition period. A longer transition period would allow manufacturers, importers, distributors and retailers sufficient time to identify affected devices, manage existing inventory, complete any necessary retesting or reassessment activities, and align Australian compliance requirements with global product development, certification and supply-chain cycles. A 12-month period may also reduce the risk of supply disruption, stranded inventory and unnecessary product disposal, particularly for lower-volume, specialised or accessibility-focused handsets that may remain on the market for extended periods.

3.5 ADOPTION OF AS/NZS 62368.1:2026

Issue for comment 4: Is it appropriate to mandate AS/NZS 62368.1:2026 and allow continued testing to AS/NZS 62368.1:2022 until its withdrawal in March 2029?

3.5.1 The ATA supports adoption of AS/NZS 62368.1:2026 and the proposed transition allowing continued use of AS/NZS 62368.1:2022 until March 2029. The ATA considers that this reflects the transition built into the Australian/New Zealand Standard and provides an appropriate implementation pathway.

3.5.2 The ATA supports the proposal, subject to explicit confirmation that an appropriate CB Scheme[4] report to IEC 62368-1 Edition 4 incorporating the Australian national differences is accepted as equivalent evidence of compliance with AS/NZS 62368.1:2026.

[4] https://www.iecee.org/who-we-are/cb-scheme

3.6 RECOGNITION OF AVIATION AND ELECTRICAL SAFETY FRAMEWORKS

Issue for comment 5: Should CE complying with equivalent aviation or electrical safety requirements be taken to comply with the 2026 Safety Standard?

3.6.1 The ATA supports the proposal in principle. Where customer equipment with cellular capability is already subject to an applicable aviation or electrical safety framework that delivers equivalent Australian safety outcomes, unnecessary duplicate testing to AS/NZS 62368.1 should be avoided. This can streamline compliance for equipment whose primary function falls outside the ordinary scope of information and communications technology equipment.

3.6.2 The ATA supports recognition of equivalent schemes, provided the supplier demonstrates compliance with the applicable standard, including any Australian variation or national difference.

3.7 OTHER PROPOSED CHANGES

Issue for comment 6: Do members have feedback on the other minor changes proposed to the TLN or the 2026 Safety Standard?

3.7.1 The ATA welcomes drafting intended to improve clarity and consistency. However, members caution that apparently minor changes to definitions, references or terminology can produce substantive changes in regulatory scope or compliance obligations. The changes should therefore be reviewed individually rather than treated as purely consequential.

3.7.2 Consistent with the response above in 3.3, the ATA supports a 12-month transition instead of a 6-month transition in the proposal to "require manufacturers or importers of mobile phones to obtain documents for the latest applicable version of S042.1, as (a) consequence of limiting grandfathering arrangements in the proposed 2026 Air Interface Standard".

3.8 BROADER INDUSTRY CONSIDERATIONS

3.8.1 The current consultation is principally concerned with conformity at the point of supply. The ATA considers that this should be complemented by continuing work on assurance throughout the operational lifecycle, particularly where software, firmware, network conditions or service dependencies may affect device behaviour after supply.

3.8.2 The ATA's *Emergency Call Standards Alignment* Working Group and *Device End-To-End Service Testing Group* (DETEST Group) are separately considering issues such as lifecycle assurance, operational and end-to-end verification, post-market visibility of device capability, potential device-register concepts, and mechanisms for identifying and responding to changes that affect emergency-calling capability

3.9 CONCLUSION

3.9.1 The ATA supports the overall direction of the reforms and the objective of strengthening confidence in customer equipment used for emergency communications. Final support should be accompanied by proportionate transition arrangements, clear scope, workable conformity evidence, and safeguards against unintended consequences from future amendments and drafting changes.

3.9.2 The ATA encourages ACMA to continue working closely with industry on implementation details, particularly the duration and communication of transition arrangements, the trigger and governance for future reassessment, the treatment of software-only changes, acceptance of international test evidence, and continuity of compliance records.

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