



# INTRODUCING EQUIPMENT RULES

## Introduction

The Bill will introduce a framework to allow the Australian Communications and Media Authority (ACMA) to improve the regulation of equipment by making equipment rules to prescribe standards or impose obligations / prohibitions. These rules may be made with the objectives of:

- > containing interference from transmitters
- > ensuring electromagnetic compatibility of equipment
- > protecting the health and safety of the community from adverse effects attributable to radio emissions and
- > ensuring information is provided to equipment operators.

These rules may be individually targeted at the appropriate level of the supply and use chain, and with such obligations being designed commensurate with the risk and harm being addressed.

## Issue

When the Act was first introduced in 1992, the supply chains of equipment and devices that it applied to were much more linear in structure. However, the introduction of the internet has meant that modern supply chains are more complex. As a result, the Act does not enable the ACMA to target the relevant person in a supply chain. Because the mechanisms enabling each kind of equipment regulation are set out in the Act, the ACMA has limited flexibility to ensure that they are targeted appropriately and keep pace with market developments. Further, breaches of the Act are currently enforceable only through criminal penalties. For more information, please see the 'introducing graduated enforcement mechanisms' factsheet.

## Detail

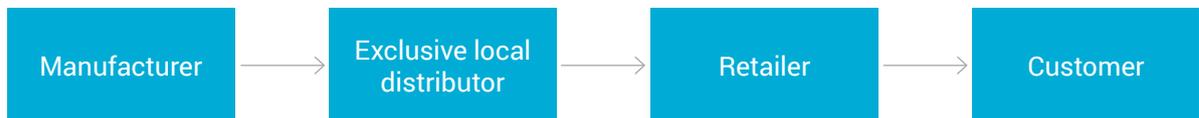
The ACMA imposes responsibilities on the manufacturers, suppliers and users of equipment to ensure the equipment meets technical standards intended to maximise efficiency in spectrum use and to minimise interference. These standards also regulate health and safety risks associated with the supply and operation of radiocommunications equipment. Technical standards applied to equipment at the point of supply promote market certainty. Record-keeping and labelling obligations promote user confidence that equipment is compliant with regulatory arrangements. The Bill sets out provisions enabling the ACMA to make rules in relation to these matters that will be termed 'equipment rules'.

These equipment rules will be intended to prevent devices entering the market that are likely to cause interference or harm to human health and to mitigate the risk from harmful equipment that has entered the market.

The Bill will introduce civil penalties for breaches of equipment rules, as well as infringement notices to non-compliant users. The ACMA will also be able to issue interim bans (to be able to quickly act before determining whether to permanently

ban the equipment) and issue recall notices for the equipment. These rules will impose technical and administrative requirements at the point of supply, so an ordinary user can operate a radiocommunications device with confidence that the device complies with a spectrum authorisation or licence. For more information, please see the 'Introducing the single licensing system, disqualified persons and spectrum authorisations' factsheet.

### A typical device supply chain in 1992



### The complexity of device supply chains in 2017

