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AMTA Submission

Australian Communications and Media
Authority

Compliance Priorities 2021/22



About AMTA

The Australian Mobile Telecommunications Association (AMTA) is the peak industry body representing Australia's mobile telecommunications industry. Its mission is to promote an environmentally, socially and economically responsible, successful and sustainable mobile telecommunications industry in Australia, with members including the mobile network operators and service providers, handset manufacturers, network equipment suppliers, retail outlets and other suppliers to the industry. For more details about AMTA, see <http://www.amta.org.au>.

Introduction

AMTA welcomes the opportunity to comment on the ACMA's priorities for compliance in 2021-22. AMTA is of the view that any decision on compliance priorities should take into account the legislative objective under which the ACMA operates as well as the changing industry dynamics. The ACMA has a dual role under the *Telecommunications Act 1997*, to promote the long-term interest of end-users (including promoting competition and accessible and affordable services) and the efficiency and competitiveness of the Australia telecommunications industry (including to maintain the incentives for investment). It is not clear to AMTA that the ACMA's compliance priorities adequately balances these two over-arching objectives. While the ACMA is a strong advocate for consumers there is scope for the ACMA to better take into account how its enforcement priorities promote community acceptance and confidence in telecommunication infrastructure investment.

AMTA submits that compliance and enforcement decisions made by the ACMA can have a direct impact on the financial viability of mobile investment. The ACMA should also recognise the current financial trends in the market with historically low returns on investment achieved by our members and the material capital required to roll-out national 5G networks.

AMTA calls for the ACMA to examine the extent to which it can achieve the behavioural change or outcomes desired without the need to resort to black letter law interventions or formal investigations -- which impose material costs on AMTA members without necessarily offsetting benefits to consumers

5G and EME

The forthcoming 26 GHz auction will make high-band frequencies available under the spectrum licence framework for the first time, and shortly thereafter, it can be expected that 5G technology will be deployed in earnest in this band. As such, it will be more important than ever that the community feels safe knowing that the right procedures and standards are being followed by all carriers. Coinciding with the auction, AMTA notes the new ARPANSA Standard for Limiting Exposure to Radiofrequency Fields, RPS S-1 has been published.¹

AMTA considers the ACMA's June 2020 report **EME measurements near small cell base stations**² to be a useful and independent report on EME compliance that is accessible to the general public to help assuage concerns about 5G and EME. An update to this report, using the updated ARPANSA Standard to specifically focus on the new 5G high-band frequencies for both macro base stations and small cells would be welcomed. An update to the report will assist the community to

¹<https://www.arpansa.gov.au/regulation-and-licensing/regulatory-publications/radiation-protection-series/codes-and-standards/rpss-1>

² <https://www.acma.gov.au/publications/2020-06/report/eme-measurements-near-small-cell-base-stations>

feel safe in the knowledge that MNOs are deploying 5G equipment to operate well within EME limits.

Similarly, MNO compliance with the **C564:2020 Mobile Base Station Deployment Code**³ will also be of great importance in FY22 to address community and local council concerns related to deployment of base stations (including small cells) and AMTA welcomes the ACMA's ongoing focus in the FY22 PCAs on carriers' practices in informing and consulting stakeholders, including the local government and the community, for base station and small cell equipment.

Interference and Licensing Compliance

Illegal mobile repeaters

AMTA notes that sustained regulatory and industry efforts over the past half-decade, including information campaigns and compliance enforcement, has raised the awareness of the dangers of illegal repeater use. Nevertheless, the supply and operation of illegal mobile repeaters is an ongoing concern, particularly in parts of regional Australia and AMTA requests that illegal repeaters remain on the ACMA's priority compliance areas for FY22. In addition to maintaining illegal repeaters as part of the PCAs, the ACMA should include maintaining public messaging on the harm that illegal repeaters can cause on its FY22 activities. AMTA looks forward to the introduction of the 'equipment rules' reforms to commence in June 2021 when the recent amendments to the *Radiocommunications Act* come into force. AMTA recommends the ACMA move as quickly as possible after the new provisions become effective, to use its new 'graduated enforcement' powers to target vendors of illegal mobile repeaters. We observe that these vendors, typically operating on online shopping platforms and through websites which advertise extensively in search engines, continue to operate with apparent impunity and make flagrant misrepresentations to the Australian public regarding the legality and fitness for purpose of their products.

Impact of the legislative reforms

The current restricted supply regime in respect of mobile repeaters (s.301 of the *Radiocommunications Act* and its underlying regulation⁴) will cease to exist in mid-June when the amendments to the Act come into force, because s.301 of the Act is being repealed. It is important that the ACMA determines how it will transition the prohibition on supply and operation of unauthorised repeaters into the new equipment rules, before the new *Radiocommunications Act* comes into effect. AMTA members have arrangements in place with independent distributors of authorised repeaters to enable compliance by both those suppliers and our customers with the existing restricted supply regime. Therefore, it is important that the ACMA move as quickly as possible to clarify the transitional arrangements in respect of supply of authorised repeaters, so

³ <https://www.commsalliance.com.au/Documents/all/codes/c564>

⁴ Radiocommunications (Cellular Mobile Repeaters Supply – Specified Particulars) Regulation 2013.
<https://www.legislation.gov.au/Details/F2013L01540>

any necessary changes can be made to ensure the continued availability of authorised mobile repeaters from these independent distributors.

Interference in 700 MHz band

AMTA members also continue to observe interference to low-band frequencies (for example, the 700 MHz LTE band) arising from digital displays/monitors (e.g., using DisplayPort⁵ or HDMI standards) as well as other digital displays including outdoor LED signs. While we cannot rule out non-compliant (i.e., failing to comply with the Electromagnetic Compliance (EMC)⁶ standard, or with the HDMI Compliance Test Specification (CTS)⁷) equipment as the source of the interference, we are also aware that interference can arise from compliant equipment, potentially leading to the conclusion that this matter may not be a compliance issue per se.

Regardless of whether interference arises from compliant or non-compliant equipment, analysis work conducted to identify the source of this low-band interference has fortuitously identified a simple solution. The screen resolution and refresh rate of a digital display combine to generate a pixel clock frequency⁸, with two typical pixel clock frequencies being 148 MHz for 1920 x 1080 and 146.5 MHz for 1680 x 1050, both at 60 Hz refresh rate. The fifth harmonic of these (and other) pixel clock frequencies is in the 700 MHz LTE band uplink channel (user-equipment to base station direction). By adjusting the refresh rate (up or down by only a few hertz), or the screen resolution, the pixel clock frequency will change, and the fifth harmonic with it.

AMTA proposes an activity for inclusion in the ACMA's compliance areas for FY22 is to assist mobile network operators (MNOs) to resolve interference issues arising from (compliant or non-compliant) digital displays (and/or associated equipment, cables outdoor LED signs, etc) by developing material on the ACMA website that MNOs can direct the operators of digital displays to, to inform them of this simple solution. A description of the problem and the solution on an official Australian government (i.e., ACMA) website would provide credibility to MNOs explaining the issue to display operators and would greatly assist in resolving such issues. AMTA and its members would be pleased to work with the ACMA to develop such material, which could also include information on compliance testing (against the CTS) for importers of HDMI cables.

More generally, AMTA notes that interference to mobile networks continues to be an issue and that the ACMA's support as the regulator to resolve these issues is necessary to protect the integrity of mobile networks as well as the significant investment made by the owners of spectrum licences.

While we have illustrated the issues with interference to 700 MHz spectrum above, it is not the only band that is impacted by these occasional issues. For example, AMTA members have also had issues involving HDMI cables causing interference with a base-station operating in the 900 MHz

⁵ <https://en.wikipedia.org/wiki/DisplayPort>

⁶ <https://www.acma.gov.au/publications/2019-06/rules/acma-mandated-emc-standard>

⁷ <https://www.hdmi.org/resource/testing>

⁸ Also called "pixel clock rate". See: https://e2e.ti.com/blogs_/b/analogwire/archive/2018/09/26/finding-the-right-pixel-clock-frequency-and-throughput-for-an-lvds-display-resolution

band. Similarly, there are ongoing issues caused by 900 MHz ISM band devices, as well as very large LED displays. AMTA suggests that raising awareness among suppliers/importers of such devices continues to be something that the ACMA should engage in and prioritise in an effort to prevent further issues from occurring.

NBN migration rules

AMTA members represents over 85% of the retail NBN market, according to the December 2020 ACCC data, and as such have a marked interest in the enforcement actions undertaken by the ACMA in relation to the suite of NBN service continuity rules.

These NBN retail rules have been a compliance priority by the ACMA in recent years. This has been appropriate as the rules focus on the migration of customers from legacy networks to the NBN, and as a result, have a limited period of use. It is appropriate that the ACMA focused on compliance with these rules during the period of high migration activity.

Such time has now passed. The Minister for Communications formally announced in December 2020 that the NBN rollout is complete and the NBN should be treated as 'built and fully operational'. AMTA submits that the ACMA's compliance priorities should be updated to reflect this, reflecting that the migration activity of the NBN is now largely complete. Specifically, AMTA requests that the NBN retail rules should no longer be a compliance priority.

Importantly, that it is not to say that issues around NBN service standards are all addressed. AMTA members continue to have issues with a variety of NBN wholesale service standards – the recent arbitrary roll-out of HFC service classes demonstrates the broad power of NBN to impact consumer experience. AMTA encourages the ACMA to direct its regulatory and compliance focus towards the wholesale NBN fixed sector and examine the extent to which ACMA can help to drive the improvements the retail sector has long called for but has been unable to achieve.

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