



Telecommunications Cabling Provider Rules 2014

Telecommunications Act 1997

The ACMA makes these cabling provider rules under subsection 421(1) of the *Telecommunications Act 1997*.

Dated 9 December 2014

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Part 1 Introductory

1.1 Name of Rules

These Rules are the *Telecommunications Cabling Provider Rules 2014*.

1.2 Commencement

These Rules commence on the day after they are registered.

Note All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.comlaw.gov.au.

1.3 Revocation

The following instruments are revoked:

- (a) *Telecommunications Cabling Provider Rules 2000* [F2005B00144];
- (b) *Arrangements for the Operation of the Registration System (No.3)* [F2009L03732]; and
- (c) *Accreditation Procedures for Cabling Provider Registrars* [F2005B00146].

1.4 Definitions

In these Rules:

Act means the *Telecommunications Act 1997*.

approved form means a form approved by the ACMA under section 1.5.

cabling provider means an individual who performs or supervises cabling work.

cabling work means cabling work of a kind that is declared by the *Telecommunications (Types of Cabling Work) Declaration 2013*, as in force from time to time, to be a type of cabling work for the purposes of Division 9 of Part 21 of the Act.

competency requirements means the competency requirements referred to in paragraph 3.1(2)(a).

Labelling Notice means:

- (a) the *Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001*, as in force from time to time; or
- (b) if a later instrument replaces the *Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001* – the later instrument, as in force from time to time.

lift cabling work has the meaning given by section 2.4.

open cabling work has the meaning given by section 2.2.

registered cabling provider has the meaning given by subsection 3.1(6).

registration system means the system referred to in subsection 3.1(1).

restricted cabling work has the meaning given by section 2.3.

Wiring Rules means:

- (a) the *Australian Standard AS/CA S009:2013 – Installation Requirements for Customer Cabling (Wiring Rules)* as in force or existing from time to time; or
- (b) if a later standard is expressed to replace the standard mentioned in paragraph (a) – the later standard, as in force or existing from time to time.

Note In accordance with paragraph 13(1)(b) of the *Legislative Instruments Act 2003*, other expressions in these Rules have the same meaning as in the Act, including:

- ACMA (see section 7)
- customer cabling (see sections 7 and 20)
- customer equipment (see sections 7 and 21)

1.5 Approval of forms

The ACMA may approve, in writing, forms that must or may be used for the purpose of complying with these Rules.

Examples of forms

- 1 Forms for registration under the registration system.
- 2 A certificate for the purposes of section 4.4.

1.6 Application of the Rules

These Rules apply to any person who:

- (a) performs any of the types of cabling work specified in Part 2;
- (b) supervises the performance of any of the types of cabling work specified in Part 2;
- (c) applies to be accredited as a registrar in accordance with accreditation procedures specified in Schedule 5; and
- (d) is accredited as a registrar in accordance with accreditation procedures specified in Schedule 5.

Part 2 Cabling work

2.1 Types

These Rules apply to 3 types of cabling work:

- (a) open cabling work;
- (b) restricted cabling work; and
- (c) lift cabling work.

2.2 Open cabling work

Open cabling work is cabling work (including aerial, underground, structured, coaxial and optical fibre cabling work on private or public property) in which the customer cabling that is used, terminates or connects at the network boundary on a socket, a network termination device or a main distribution frame.

2.3 Restricted cabling work

- (1) Subject to subsection (2), the following cabling work is *restricted cabling work*:
 - (a) cabling work (including aerial, underground, and broadband (data and coaxial) cabling work on private property):
 - (i) that is performed only in relation to a customer's premises; and
 - (ii) in which the electrical supply voltage does not exceed typical domestic single-phase and three-phase electrical supply voltages; and
 - (iii) in which the customer cabling that is used terminates at the network boundary on a socket or network termination device;
 - (b) cabling work in which customer cabling is connected to customer equipment;
 - (c) cabling work that meets each of the following criteria:
 - (i) the work is performed only in relation to a customer's premises;
 - (ii) the electrical supply voltage exceeds the typical domestic single-phase and three-phase electrical supply voltages;
 - (iii) the supply voltages are identifiable by every person performing the cabling work;
 - (iv) the electrical power cables are inaccessible to any person performing the cabling work

Note 1 Domestic single-phase and three-phase electrical supply voltages are specified by the Australian Standard AS 60038-2012 *Standard voltages* or its replacement as existing from time to time.

Note 2 Section 4.6 sets out requirements that must be met if a cabling provider is performing restricted cabling work that relates to aerial cabling.

Note 3 An instrument made under section 407 of the Act may require a person who manufactures or imports customer cabling or customer equipment to apply to the cabling or

equipment a label that indicates whether the cabling or equipment meets the requirements of the standards made under section 376 of the Act which are specified in the instrument.

- (2) Subsection (1) does not apply to cabling work:
- (a) performed between customer equipment and any of the following jumperable distributors or jumperable frames, and terminating at the distributor or frame:
 - (i) a main distribution frame;
 - (ii) a local distributor;
 - (iii) a floor distributor;
 - (iv) a system distribution frame; or
 - (v) a test point frame;
 - (b) involving cable pairs that are included in cable sheaths shared with other services; or
 - (c) performed between customer equipment and a patch panel, and terminating at the patch panel.

Examples of restricted cabling work

- 1 Cabling work connected behind an alarm panel or modem (but not via a jumperable distributor, a jumperable frame or a patch panel).
- 2 Cabling work connected directly behind a customer switching system (but not via a jumperable distributor, a jumperable frame or a patch panel).
- 3 Cabling work for additional phone points (other than the first point) in a commercial, high rise or multi-storey building, if the service involved is a standard telephone service (but not via a jumperable distributor, a jumperable frame or a patch panel).
- 4 Cabling work for a home automation system (but not via a jumperable distributor, a jumperable frame or a patch panel).

2.4 Lift cabling work

Lift cabling work is cabling work:

- (a) that is performed in relation to a lift that has been installed, or is to be installed; and
- (b) in relation to which the customer cabling that is used connects:
 - (i) a cross connection point adjacent to the lift motor room; and
 - (ii) the lift control cubicle within the lift motor room; and
 - (iii) the lift cars.

Examples of cross connection points

- 1 The Floor Distributor (formerly known as the Intermediate Distribution Frame).
- 2 The Local Distributor (formerly known as the Final Distribution Point).
- 3 Another suitable cable termination point adjacent to the lift motor room.

Part 3 Registration

3.1 Arrangements for registration

- (1) The ACMA has made the arrangements in Schedule 1 for the operation of a system for the registration of cabling providers (the *registration system*).
- (2) The registration system makes provision in relation to the following matters:
 - (a) the specification of competency requirements with which a cabling provider must have evidence of their compliance before being eligible for registration or renewal of registration;
 - (b) the registration, by a registrar, of cabling providers who comply with the requirements mentioned in paragraph (a);
 - (c) requirements for the conduct of the registrars;
 - (d) conditions to which registration may be subject;
 - (e) circumstances in which registration may be suspended, revoked or renewed;
 - (f) arrangements for the auditing of cabling work;
 - (g) arrangements for the auditing of registration documents;
 - (h) arrangements, consistent with the *Privacy Act 1988* and the Australian Privacy Principles, for the protection of information given to a registrar.
- (3) For paragraph (2)(a), a cabling provider is taken to comply with the competency requirements if the cabling provider gives to a registrar:
 - (a) a copy of a current registration as a cabling provider that was issued by a registrar; or
 - (b) both of the following:
 - (i) an application for renewal of registration as a cabling provider;
 - (ii) a copy of the cabling provider's registration that expired during a period that is not greater than 12 months before the application for renewal is given to the registrar; or
 - (c) written certification from a registered training organisation that the cabling provider has completed a training course that complies with the competency requirements; or
 - (d) written advice from the ACMA stating that, for a reason mentioned in the advice, the cabling provider may use an expired registration.

Note Upon registration, a provider will receive proof of registration from a registrar. The precise form of the proof of registration is a matter for the particular registrar, but it will usually be a registration card, and in some cases a written certificate.

- (4) The ACMA:
- (a) may operate the registration system itself;
 - (b) may engage 1 or more persons to:
 - (i) operate the registration system;
 - (ii) operate the registration system and act as a registrar; or
 - (iii) act as registrars; and
 - (c) is not required to act as a registrar.
- (5) The ACMA must not engage a person to operate the registration system or act as a registrar unless the ACMA has accredited the person in accordance with the accreditation procedures specified in Schedule 5
- (6) A cabling provider who is registered under the registration system and whose registration has not been suspended or revoked is a ***registered cabling provider*** for the cabling work to which the registration relates.

Part 4 Performance of cabling work

4.1 Performance of cabling work

- (1) Cabling work must be performed by:
 - (a) a registered cabling provider who:
 - (i) is registered to perform the type of cabling work being undertaken; and
 - (ii) has complied with the competency requirements that are specific to the type of cabling work being undertaken; or
 - (b) a supervised unregistered cabling provider .
- (2) In this section, an individual is a *supervised unregistered cabling provider* if:
 - (a) the individual is not a registered cabling provider;
 - (b) the individual is supervised, at all times while performing cabling work, by a registered cabling provider (the *first provider*) who:
 - (i) is registered to perform the type of cabling work being undertaken; and
 - (ii) has complied with the competency requirements that are specific to the type of cabling work being undertaken; and
 - (c) the first provider accepts full responsibility for the standard of the cabling work performed by the individual under the first provider's supervision.

Note Section 2.1 provides that these Rules apply to 3 types of cabling work, being open cabling work, restricted cabling work and lift cabling work.

4.2 Compliance with Wiring Rules

- (1) Subject to subsection (2), a cabling provider who is performing or supervising the performance of cabling work must ensure that the cabling work being undertaken complies with the Wiring Rules.
- (2) Cabling work that complies with clause 2 or 3 of Schedule 6 is not required to comply with clauses 9.1.2.1, 9.1.2.2 and 9.1.2.3 of the Wiring Rules.

4.3 Customer cabling and customer equipment

A cabling provider who is performing or supervising the performance of cabling work must ensure that any customer cabling or customer equipment installed or used in the course of performing or supervising the performance of the cabling work complies with the requirements of the Labelling Notice.

4.4 Certification of cabling work

- (1) This section applies whenever a cabling provider finishes any cabling work (including a discrete part of a cabling project), other than:
 - (a) running jumpers on distribution frames;
 - (b) transposing jumpers on distribution frames;
 - (c) removing jumpers from distribution frames; or
 - (d) replacing a piece of minor cabling equipment (including a plug, socket, module or over voltage unit).
- (2) The registered cabling provider who performed the cabling work or supervised the performance of the cabling work must:
 - (a) prepare a statement that identifies the cabling work, and states that the cabling work:
 - (i) has been completed; and
 - (ii) complies fully with the Wiring Rules; and
 - (b) give the statement to:
 - (i) the cabling provider's employer;
 - (ii) if the cabling provider has been engaged to perform the cabling work through a person other than an employer — that person; or
 - (iii) in any other case — the customer who engaged the cabling provider to perform the cabling work.
- (3) The statement may be prepared:
 - (a) in an approved form; or
 - (b) as an attachment to, or an entry on, an invoice or receipt that relates to the cabling work.
- (4) The statement may show whether the cabling work was performed by the cabling provider:
 - (a) on the cabling provider's own behalf;
 - (b) as an employee; or
 - (c) on behalf of a person who is not the cabling provider's employer.
- (5) If the cabling provider who performed the cabling work gives the statement to a person mentioned in subparagraph (2)(b)(i) or (ii) (the *first person*), the first person must give the statement or a copy of the statement to the customer who asked for the cabling work to be performed.
- (6) A cabling provider who prepares a statement mentioned in subsection (2) must:
 - (a) keep a copy of the statement for at least 1 year after preparing it; and
 - (b) make the copy available, on request, to:
 - (i) the ACMA and its inspectors; or
 - (ii) an auditor authorised by the ACMA to inspect the copy for the purpose of monitoring compliance with these Rules.

4.5 Additional requirements relating to the performance of restricted cabling work

- (1) This section applies if a registered cabling provider performs or supervises the performance of restricted cabling work that relates to aerial cabling.
- (2) The registered cabling provider must ensure that poles that are used, or are available for use, on the property for the distribution of electricity are not used in the performance of the cabling work.

Part 5 Relationship with the ACMA

5.1 Assistance to the ACMA

A cabling provider must give all reasonable cooperation and assistance to:

- (a) the ACMA and its inspectors; and
- (b) auditors authorised by the ACMA for the purpose of monitoring compliance with these Rules.

5.2 The ACMA may conduct inspections of cabling work

The ACMA may conduct inspections of cabling work:

- (a) in response to a written complaint; or
- (b) upon its own initiative.

Part 6 Transitional arrangements

6.1 Definitions

In this Part:

commencement day means the day on which these Rules commence.

existing registered cabling provider means a cabling provider who was a registered cabling provider immediately before the commencement day.

existing registrar means a person who was a party to a Registrar Obligations Deed immediately before the commencement day and who continues to be a party to that Registrar Obligations Deed.

Registrar Obligations Deed means the *Deed in relation to Cabling Provider Registrar Obligations* signed by a registrar prior to being accredited under Part 5 of the *Accreditation Procedures for Cabling Provider Registrars*.

Note: The approved form of the Registrar Obligations Deed was set out in Schedule 2 to the *Arrangements for the Operation of the Registration System (No.3)*.

6.2 Existing registered cabling providers taken to be registered cabling providers

- (1) An existing registered cabling provider is taken to be a registered cabling provider under these Rules.
- (2) The date of expiry of an existing registered cabling provider's registration will remain unchanged.

6.3 Existing registrars taken to be accredited

- (1) An existing registrar is taken to be accredited in accordance with the accreditation procedures in Schedule 5 to these Rules.
- (2) Compliance by an existing registrar with the Registrar Obligations Deed is taken to be compliance with subclause 6(1) of Schedule 1 to these Rules.

6.4 Application for registration made before commencement day

If:

- (a) an application for registration as a cabling provider was made in accordance with Part 4 of the *Arrangements for the Operation of the Registration System (No.3)*; and
- (b) a decision about the application was not made before the commencement day;

then the application is to be dealt with in accordance with the *Arrangements for the Operation of the Registration System (No.3)* as if that instrument had not been revoked.

6.5 Application for accreditation made before commencement day

If:

- (a) an application to become an accredited registrar was made in accordance with Part 2 of the Accreditation Procedures for Cabling Provider Registrars; and
- (b) a decision about the application was not made before the commencement day;

then the application is to be dealt with in accordance with the *Accreditation Procedures for Cabling Provider Registrars* as if that instrument had not been revoked.

Schedule 1 Arrangements for the Operation of the Registration System

(subsection 3.1(1))

Part 1 Competency requirements for registration

1 Competency requirements

For the purposes of paragraph 3.1(2)(a) of these Rules, the competency requirements with which a cabling provider must comply before being eligible for registration or renewal of registration under the registration system are specified in Schedule 2.

Note Under section 4.1 of these Rules, cabling work must be performed, or supervised, by a registered cabling provider who has complied with the competency requirements that are specific to the type of cabling work being performed or supervised.

2 Competency requirements to apply to all qualifications, units of training and competency standards

- (1) All qualifications, units of training and competency standards must be determined in the manner set out in the competency requirements.
- (2) If any of the qualifications, units of training or competency standards as determined have not been endorsed by the relevant national qualifications authority, the ACMA may give reasonable directions to registrars regarding the use of suitable qualifications, units of training or competency standards that will be acceptable for the purpose of registration.
- (3) In this clause:
relevant national qualifications authority means:
 - (a) the National Skills Standards Council (NSSC); or
 - (b) any other national body appointed for the purpose of endorsing national qualifications.

3 Registrar to advise applicants of competency requirements

If a person (an *applicant*) applies with a registrar for registration as a registered cabling provider, the registrar must advise the applicant of the relevant qualifications, units of training and competency standards that, when attained, satisfy the competency requirements for the types of cabling work specified in Part 2 of these Rules.

4 The ACMA may allow use of expired registration as evidence of competency

- (1) For clause 11 of this Schedule, the ACMA may at its discretion allow a cabling provider who held a cabling registration with an accredited registrar that has expired for more than 12 months to use that registration as evidence of competency as if it were a current registration.

- (2) The ACMA may only exercise the discretion mentioned in subclause (1) in circumstances where the cabling provider can show just cause.
- (3) When exercising the discretion mentioned in subclause (1), the ACMA must have regard to:
 - (a) the length of the period since the cabling registration expired;
 - (b) any administrative errors made by the registrar relating to the registration;
 - (c) the personal circumstances of the cabling provider;
 - (d) changes to relevant standards and the Wiring Rules;
 - (e) any other evidence of competency the cabling provider is able to provide; and
 - (f) all relevant provisions of these Rules.
- (4) The ACMA may not exercise the discretion referred to in subclause (1) unless the cabling provider has made an application in writing to the ACMA showing just cause why the ACMA should exercise the discretion.
- (5) The ACMA will consider the application and provide written notice to the cabling provider of its decision.
- (6) The cabling provider may take that notice to an accredited registrar and the registrar will be allowed to register the cabling provider where the notice specifies that the cabling provider may use an expired registration as evidence of competency.
- (7) If the registration is granted, the date of effect will be from the date the application is processed by the registrar.

Part 2 Registration of cabling providers and conduct of registrar

5 Registrar must be accredited

To be entitled to conduct registration services a registrar must be accredited in accordance with the accreditation procedures specified in Schedule 5.

Note Subsection 3.1(5) of these Rules provides that the ACMA must not engage a person to operate the registration system or act as a registrar unless the ACMA has accredited the person in accordance with the accreditation procedures specified in Schedule 5.

6 Deed for accreditation of registrars

- (1) To be accredited a registrar must enter into a *Deed in relation to Cabling Provider Registrar Obligations* (the *Deed*). The Deed is in a standard form approved by the ACMA and will be the same for all accredited registrars, subject to any variation as allowed under the Deed. Additional provisions apply where the registrar is under the control of one or more controlling entities.
- (2) The Deed is between the registrar, (including its controlling entity or entities (if any)), and the Commonwealth as represented by the Chair of the ACMA. The Deed must be executed by all of the parties to give effect to the accreditation of the registrar by the ACMA.
- (3) The approved form of the Deed is set out in Schedule 3.

7 Conduct of registrar

- (1) A registrar must conduct itself in a manner consistent with the obligations in the Deed. The Deed includes provisions, consistent with the *Privacy Act 1988* and the Australian Privacy Principles, for the protection of personal information given to a registrar.
- (2) The registrar must:
 - (a) advise applicants about the evidence of competency required to make an application for registration as a registered cabling provider;
 - (b) give applicants appropriate registration forms that include the declaration set out in Schedule 4; and
 - (c) make itself available to assist applicants to complete the forms.
- (3) The registrar must ensure that registration forms are completed correctly and, if the applicant complies with clause 9 in relation to the type of registration applied for, must issue a registration of that type to the cabling provider for the type of cabling work.
- (4) Each registrar may set its own registration period during which a person may be registered as a registered cabling provider.
- (5) At least 28 days before the expiry of the registration period for a registered cabling provider, the registrar must advise the provider:
 - (a) of the date on which the provider's registration will expire; and

- (b) of the need to apply for renewal of the provider's registration on or before the date when the registration expires.

8 Registrar no longer accredited – consequences for registered cabling providers

- (1) This clause applies if, for any reason, a registrar ceases to be an accredited registrar.
- (2) A registered cabling provider whose registration is in force, and who gained registration through a registrar before that registrar ceased to be accredited, is taken to remain registered until the earlier of:
 - (a) the end of a period specified by the ACMA on its website and notified by the ACMA to affected registered cabling providers; and
 - (b) the date on which the provider's registration expires.

Part 3 Conditions for registration

9 Formal requirements for registration

An applicant must comply with the following conditions to be registered as a registered cabling provider:

- (a) the applicant must correctly complete and sign the declaration on the registration form, which includes the details set out in Schedule 4, when applying for registration for the particular types of cabling work in Part 2 of these Rules;
- (b) in the declaration the applicant must verify that the competency requirements have been met for the type of cabling work, and that the applicant will comply with these Rules; and
- (c) the applicant must hold evidence of competency before being registered and, at the time of making an application for registration must produce to the registrar the appropriate evidence of completion of the necessary qualifications, units of training or attainment of the relevant competency standard.

10 Information given by registered cabling providers

- (1) A registered cabling provider must inform a registrar of any changes to the information for contacting the provider that is held by the registrar.
- (2) The cabling provider must comply with subclause (1) within 21 days after the change happens.

Part 4 Conditions for renewal of registration

11 Formal requirements for renewal of registration

In order to renew registration as a registered cabling provider, the provider must give to a registrar a copy of written evidence of competency, and must include at least 1 of the following in the application for renewal:

- (a) proof of current registration as a registered cabling provider with a registrar;
- (b) proof of the provider's registration that expired during a period that is not greater than 12 months before the application for renewal is given to the registrar;
- (c) written advice from the ACMA stating that, for a reason mentioned in the advice, the provider may use an expired registration as evidence of competency in accordance with clause 4.

Part 5 Circumstances in which registration may be suspended, revoked or renewed

12 The ACMA may give direction to a registrar to suspend, revoke or renew registration

- (1) A registrar must not make a decision to:
 - (a) suspend a registration;
 - (b) revoke a registration; or
 - (c) subsequently renew a registration that has been suspended or revoked;unless the ACMA gives a written direction to that effect.
- (2) If the ACMA gives a direction under subclause (1), the registrar must immediately give a notice to that effect to the relevant cabling provider and update their records relating to the provider showing the status of the provider.

Note A cabling provider who has had their registration suspended or revoked is no longer a registered cabling provider under the Rules.

- (3) The ACMA will have regard to breaches of these Rules by the relevant cabling provider before giving a direction under subclause (1).

Part 6 Auditing registration documents

13 Registrar to audit registration documents

- (1) A registrar must take reasonable steps to validate the information on all registration forms submitted to the registrar.

- (2) If any information is incorrect, or if the registrar believes that there is an error or discrepancy in the information, the registrar must not grant a registration unless it has taken reasonable steps to correct the error or resolve the discrepancy in consultation with the applicant.

Schedule 2 Competency Requirements

(Paragraph 3.1(2)(a); Schedule 1, clause 1)

Part 1 Introduction

This Schedule details the competency requirements that cabling providers need to satisfy in order to be registered to perform open, restricted and lift cabling work. A cabling provider may only perform or supervise the performance of a particular type of cabling work if they have obtained the necessary competencies for that type of cabling work.

These requirements are the basis on which the National Skills Standards Council (NSSC) via their Industry Training Advisory Bodies, originally developed competency standards and related training for cabling, within the Australian Qualifications Framework and Australian Recognition Framework. The industry document, *Pathways to ACMA Cabling Provider Rules Cabler Registration (the Pathways)* outlines the training modules which are based on the competency requirements in this instrument. The Pathways, as in force or existing from time to time, is published on the ACMA website www.acma.gov.au.

The responsibility for any future development of the Pathways is the responsibility of the NSSC via their Industry Skills Council (ISC).

1.1 Competency requirements

The competency requirements are based on the requirements in the Wiring Rules within the context of the:

- (i) installation and modification of cable support, earthing and termination infrastructures;
- (ii) installation, maintenance and modification of communications cables and earth wires;
- (iii) termination and testing of communications cables and earth wires;
- (iv) creation of specific records in relation to the completion of the work referred to in paragraphs (i), (ii) and (iii).

1.2 Cabling Provider Registration

The ISC develops competency standards based on the requirements in this instrument. These standards then provide the basis for mandatory cabling provider registration under these Rules. Other national ISCs may either adopt these endorsed standards within their own training packages or formally demonstrate equivalence by mapping their existing standards to the competency requirements.

When equivalent standards and qualifications are determined, a “List of Equivalence Requirements” shall be certified by the relevant ISCs after mapping, then provided to the ACMA for distribution to all accredited cabling provider registrars under these Rules. Registrars will then use the list to determine whether the cabling provider meets the necessary competency requirements for registration.

Part 2 Open Cabling Requirements

2.1 Description

Open cabling work is defined in section 2.2 of these Rules.

Typically, open cabling work that terminates at the main distribution frame (**MDF**) is associated with commercial and industrial installations involving many lines, multi-pair cables, backbone cabling, multi-storey buildings and complicated termination modules.

Generally, open cabling work that terminates at an MDF is used to connect devices for telecommunications (phones and facsimile), data including video and multimedia, security and alarms, and fire protection.

Note The application and critical performance requirements for open cabling work include those specified for restricted cabling work in Part 3.

2.2 Key subject matter and practical experience areas for open cabling work

Specified below are the subject matter and practical experience areas which a cabling provider must demonstrate basic knowledge of, or minimum competence in, to obtain a registration to perform open cabling work.

A cabling provider who wishes to perform open cabling work of a particular type must obtain the relevant competencies for that type of open cabling work. For example, a cabling provider who wishes to perform structured or optical fibre open cabling work must obtain the competencies relevant to structured or optical fibre open cabling work by completing the relevant training units. (See the Pathways document for more details.)

Cabling environment:

- Indoor environments include locations such as ceilings, false ceilings, riser shafts, internal wall space, under floor, damp situations and workstations;
- Outdoor environments including cable installations on external walls, and underground and aerial cabling on private and public property;
- Underground cabling includes shared trenches with electrical LV/HV cables and other utilities; and
- Aerial cabling installations may include the sharing of poles and structures with LV/HV electrical power cables and terminations.

Cable support systems:

- Suspension catenary wire, ducts, cable trays, line poles, pipes, pits; and
- Cable support systems to wall and island mounted patched and jumperable distributors including campus distributors, building distributors, floor distributors and local distributors.

Note Cable trays may be galvanised steel or PVC. Perforated low or high sided, single or multi channel cable ducts may be closed, open, PVC, metal, single or multiple channel.

Cable types:

- Aerial
- Coaxial
- Copper twisted pair
- Data cables: eg. Category 5, 6, 6A, 7
- External
- Indoor
- Optic fibre
- Underground
- Copper twisted pair from two pair upwards but must include two, three and four pair and at least one larger cable (50 pair or greater).

Cable identification:

- Cable conductor identification codes may be colour coded, banded, numbered or lettered.

Termination systems:

- Network termination device (**NTD**);
- Socket types: Australian modular socket, Mode 3 alarm socket or United States modular;
- At least one jumperable distributor (campus distributor or building distributor) with a capacity of 50 pair or greater; and
- A non-jumperable distributor (local distributor) and a patch panel must be terminated.

Earthing and protection systems:

- Installation of protective earth(s) for over voltage and surge/spike suppression;
- Installation of protective earth barriers for segregation, cable tray, duct and metal equipment enclosures;
- Running of equi-potential bonding conductors to multiple earth neutral, and use of earth stakes;
- Installation of functional earth(s) including telecommunications reference conductor and communications earthing system types to provide customer switching system facilities; and
- Earthing of screened cable, barriers and cable trays for the reduction or elimination of interference from electromagnetic, radio frequency and power sources.

Records to be kept:

- NTD record cards;
- Telecommunication Cabling Advice form - (mandatory) (**TCA1 form**) and Telecommunication Cabling Advice form - (voluntary) (**TCA2 form**);
- Building, cabling and equipment location plans;
- MDF and other distributor record cards;

- Labelling of patch panels, distributor verticals, distributor pairs, equipment closets and rooms; and
- Labelling of telecommunication outlets.

Note Records may be in hard copy or software versions but must conform to the Wiring Rules.

Relevant legislation, codes, regulations and standards:

- The Act;
- These Rules;
- ACMA technical standards including *Telecommunications Technical Standard (Requirements for Customer Cabling Products – AS/CA S008:2010) 2011 (AS/CA S008)* or its replacement;
- The Wiring Rules;
- Certified Components List;
- Labelling requirements for cabling products;
- Communications Cabling Manual (Open); and
- OH&S and environmental policy and procedures.

Note References to a standard are to the standard as amended or replaced from time to time.

2.3 Assessment

The cabling provider should preferably be assessed within the workplace environment, but suitably simulated workplace environments such as a registered training organisation (RTO) training facility would be acceptable.

Assessment must be undertaken by approved assessors within the national Australian Quality Training Framework (AQTF) training system, RTOs or assessment as specified in training packages or as determined by the ACMA.

Assessment of competency training program outcomes includes a regulatory examination and completion of actual cabling work experience which is in addition to the requirements of the AQTF system.

Assessment Requirements:

The following assessment outcomes must be demonstrated:

- terminating systems at both distributor and outlet locations;
- install and terminate one jumperable distributor (distributor) with a capacity of 50 pairs or greater;
- terminate at least one 50 pair cable and one 4 pair cable, including accurate completion of installation records, drawing alterations and compliance forms;
- placing cables on support structures and building faces for both internal and external locations;
- securing methods for the above locations;
- demonstrate work practices which avoid cable damage (such as crushing, burning, kinking, sheath twist, cutting, nicking and bending radius);

- read and interpret drawings related to cable layouts, outlet location, cable coding system and identifiers and distributor locations;
- conduct and interpret cable test results; and
- correctly interpret and apply relevant legislation, codes, regulations and standards, and OH&S and environmental policy and procedures.

Skills and Knowledge Summary:

- Cable installations;
- Cable termination products;
- Cable conductor identification codes;
- Cable support systems;
- Cable types;
- Earthing systems;
- Earth testing;
- Read plans and specifications;
- Cable record systems;
- These Rules;
- Cabling provider registration, other rules and regulations;
- Basic switching systems;
- Telecommunication hazard awareness; and
- Basic telephony.

Skills and Knowledge Breakdown:

- (A) Cable installation including:
- Metallic cable;
 - Specialised cable;
 - Internal and external installations;
 - Cable dispensers, hauling mechanisms;
 - Cable damage awareness;
 - Domestic, commercial installations;
 - ACMA requirements – the Wiring Rules;
 - Cable termination preparations;
 - Termination types, distributors, network termination devices and telecommunication outlets;
 - Distributors;
 - Jumpering;
 - Common installation tests; and
 - Functional and protective earthing.
- (B) Cable termination products including:
- Product termination systems;
 - Product termination techniques; and
 - Product termination tools.
- (C) Cable conductor identification codes including:
- Types of codes; and
 - Interpretation of codes.

- (D) Cable support systems including:
- Plans and cable locations;
 - Wall construction;
 - Fixing devices;
 - Conduit and ducting;
 - Distribution boxes and mounts;
 - Installation techniques; and
 - ACMA specifications and standards –Wiring Rules.
- (E) Cable types including:
- Telecommunications and data cable types;
 - Purpose, construction, characteristics;
 - Cable identification; and
 - ACMA technical standards (including AS/CA S008 or its replacement).
- (F) Earthing systems including:
- Multiple earth neutral, co-axial, equi-potential, functional, telecommunications reference conductor and communications earthing systems;
 - Cable screening;
 - Colour coding;
 - Radiofrequency interference and electromagnetic interference;
 - Electrical interference;
 - Lightning protection, including earths, gas arrestors and overvoltage protection.
- (G) Earth testing including:
- Earth testing instruments; and
 - Earth testing procedures (insulation and conductor resistance).
- (H) Reading plans and specifications including:
- Cabling plans, records, symbols and abbreviations;
 - Commercial premises plans; and
 - Backbone cabling diagrams.
- (I) Cable record systems including:
- Types of records;
 - Cable distribution records;
 - Jumpering records;
 - Standard record systems;
 - Responsibilities for records;
 - TCA1 (mandatory) and TCA2 (voluntary) forms; and
 - ACMA requirements.
- (J) These Rules and cabling provider registration including:
- The ACMA’s regulatory and compliance requirements;
 - Cabling Provider registration, types and limitations; and
 - Supervision requirements.
- (K) Other rules and regulations including:

- The Act;
- AS/CA S008 or its replacement;
- the Wiring Rules;
- Communications Cabling Manual; and
- Mandatory and voluntary technical standards.

Note The references to standards are to the standards as amended or replaced from time to time

- (L) Switching systems awareness including:
- Developments or history of switching systems;
 - Customer switching systems and related interfaces;
 - Customer switching services, System Distribution Frames / Test Point Frames, power fail and line interface requirements (eg In dial, Rotary groups, Extension and Tie-line circuits);
 - Simple block diagrams; and
 - Printed circuit board hazards and handling techniques.
- (M) Telecommunication hazard awareness including:
- Optical fibre cable;
 - Underground cable; and
 - Aerial cable.
- (N) Basic Telephony including:
- Telephone operation.

Part 3 Restricted Cabling Requirements

3.1 Description

Restricted cabling work is defined in section 2.3 of the Rules and, in summary, is cabling work that is performed only in relation to a customer's premises, and in which the customer cabling terminates or connects at the network boundary on a socket or network termination device. Restricted cabling work includes aerial, underground, and broadband (data and coaxial) cabling work on private property.

Typically, the restricted type of customer cabling is confined to domestic premises but it may be applicable to certain small business and commercial environments.

3.2 Key subject matter and practical experience areas for restricted cabling work

Specified below are the subject matter and practical experience areas which a cabling provider must demonstrate basic knowledge of, or minimum competence in, to obtain a registration to perform restricted cabling work.

A cabling provider who wishes to perform restricted cabling work of a particular type must obtain the relevant competencies for that type of restricted cabling work. For example, a cabling provider who wishes to perform broadband restricted cabling work must obtain the competencies relevant to broadband restricted cabling work by completing the relevant training units.

Cabling environment:

- Indoor environments including concealed locations such as ceilings, false ceilings, internal wall space, under floor and damp situations;
- Outdoor environments including cable installations on external walls, underground and aerial cabling on private and public property;
- Aerial telecommunications cabling work but does not include installations on poles shared with low voltage (**LV**) or high voltage (**HV**) electrical power cables; and
- Underground cabling in an exclusive trench or shared trench with electrical LV cables and/or other utilities.

Cable type:

- Aerial
- Coaxial
- Copper twisted pair
- Data cables: eg. Category 5, 6, 6A or 7
- External
- Indoor
- Underground.

Cable identification:

- Cable conductor identification codes may be colour coded, banded, numbered or lettered.

Termination systems:

- NTD.
- Socket types: Australian modular socket, Mode 3 alarm socket or United States modular.

Note Jumperable distributors are not included in this requirement.

Earthing and protection:

Installation of protective earth for over voltage and surge/spike suppression must be treated in accordance with the Wiring Rules.

Records to be kept:

- NTD record cards.
- TCA1 (mandatory) and TCA2 (voluntary) forms.

Note Records may be in hard copy or software versions but must conform to the Wiring Rules.

Relevant legislation, codes, regulations and standards:

- The Act;
- These Rules;

- AS/CA S008 or its replacement;
- The Wiring Rules;
- Communications Cabling Manual (Restricted);
- Certified Components List;
- Labelling requirements for cabling products; and
- OH&S and environmental policy and procedures.

Note References to a standard are to the standard as amended or replaced from time to time.

3.3 Assessment

The cabling provider should preferably be assessed within the workplace environment, but suitably simulated workplace environments such as a RTO training facility would be acceptable.

Assessment must be undertaken by approved assessors within the national AQTF training system, RTOs or assessment as specified in training packages or as determined by the ACMA.

Assessment of competency training program outcomes includes a regulatory examination and completion of actual cabling work experience which is in addition to the requirements of the AQTF system. The ACMA may also specify other requirements in the future.

A cabling provider who wishes to perform restricted cabling work of a particular type must satisfy the assessment requirements for that type of restricted cabling work. For example, a cabling provider who wishes to perform broadband restricted cabling work must demonstrate the assessment outcomes relevant to broadband restricted cabling work.

Assessment Requirements:

The following assessment outcomes must be demonstrated:

- complete a cabling installation and termination, including three types of telephone sockets, one network termination device; and including accurate completion of a TCA1 form (mandatory) or TCA2 (voluntary);
- accurately apply cable conductor identification codes;
- conduct and apply cable test results; and
- correctly interpret and apply relevant regulations and standards, and OH&S and environmental policy and procedures.

Skills and Knowledge Summary:

- Cable installation;
- Cable types;
- Cable termination products;
- These Rules;
- Cabling provider registration, other rules and regulations; and
- Basic telephony.

Skills and Knowledge Breakdown:

(A) Cable installation including:

- Internal/external installations;

- Cable damage awareness;
 - Domestic installations;
 - Cable termination;
 - Termination types, network termination devices and outlets;
 - Common installation tests;
 - Protective earthing; and
 - Earth testing.
- (B) These Rules and cabling provider registration including:
- The ACMA's regulatory and compliance requirements;
 - Cabling provider registration, types and limitations; and
 - Supervision requirements.
- (C) Other rules and regulations including:
- The Act;
 - AS/CA S008 or its replacement;
 - The Wiring Rules;
 - Communications Cabling Manual; and
 - Mandatory and voluntary technical standards.
- (D) Basic telephony including:
- Telephone operation.

Part 4 Lift Cabling Requirements

4.1 Description

Lift cabling work is defined in section 2.4 of the Rules and, in summary, is cabling work that is performed in relation to a lift. The customer cabling that is used connects to a cross connection point adjacent to the lift motor room and the lift control cubicle within the lift motor room. Lift cabling work may also include the installation of the travelling cable between the lift motor and the lift car.

Generally, this type of customer cabling is used to connect devices for telecommunications (phones), data for video, audio and alarms.

The range of application and critical cabling provider competency requirements for lift cabling work includes that specified for restricted cabling work; however the relevant information for restricted cabling work has not been duplicated below. Please refer to Part 2 for the relevant information.

Cabling work before the connection point adjacent to the lift motor room will require an open cabling provider registration.

4.2 Key subject matter and practical experience areas for lift cabling work

Specified below are the subject matter and practical experience areas which a cabling provider must demonstrate basic knowledge of, or minimum competence in, to obtain a registration to perform lift cabling work.

Cabling environment:

- The lift machine/motor room; and
- The lift shaft including inside and outside the lift car and communications cabling of the lift travelling cables and connections.

Cable support systems:

- Conduit;
- Catenary wire;
- Simple cable tray runs;
- Open and closed ducts; and
- Travelling cable supports in accordance with the Wiring Rules.

Cable types:

- Copper twisted pair;
- Coaxial;
- Travelling cable flat and circular types complying with Australian Standards (eg. AS 1979:1993 *Electric cables – Lifts – Flexible Travelling*); and
- Data cabling within the condition of a lift registration.

Cable identification:

- Cable conductor identification codes may be colour coded, banded, numbered or lettered.

Termination systems:

- Travelling cable terminations; and
- Distributors, sockets, connectors and modules.

Earthing and protection systems:

- Earthing of screed, barriers and cable trays for the reduction or elimination of interface from electromagnetic, radio frequency and power sources;
- Equi-potential bonding conductors to multiple earth neutral (MEN) and use of earth stakes;
- Protective earths as defined in the Wiring Rules.

Records to be kept:

- TCA1 (mandatory) and TCA2 (voluntary);
- Building, cabling and equipment location plans; and
- Local distributor record cards.

Note Records may be in hard copy or software versions but must conform to the Wiring Rules.

Relevant legislation, codes, regulations and standards:

- The Act;
- These Rules;
- Accredited registrars and registration scheme;
- ACMA Technical standards including AS/CA S008 or its replacement;
- The Wiring Rules;
- Lift Code EN81 *Safety rules for the construction and installation of lifts – Part 1: Electric lifts*;
- Communications Cabling Manual (Open);
- Labelling requirements for cabling products;

- AS1979:1993 *Electric cables – Lifts – Flexible Travelling*; and
- OH&S and environmental policy and procedures.

Note References to a standard are to the standard as amended or replaced from time to time.

4.3 Assessment

The cabling provider should preferably be assessed within the workplace environment, but suitably simulated workplace environments such as a RTO training facility would be acceptable.

Assessment must be undertaken by approved assessors within the national AQTF training system; by RTOs; or by assessment as specified in training packages or as determined by the ACMA.

Assessment of competency training program outcomes includes a regulatory examination which is in addition to the requirements of the AQTF system. The ACMA may also specify other requirements in the future.

Assessment Requirements:

The following assessment outcomes must be demonstrated:

- installing typical lift cabling from a local distributor to a lift car socket, including accurate completion of installation records, drawing alterations and accurate completion of TCA1 form;
- reading and interpreting cable drawings and plans for locations and terminations;
- accurately applying cable conductor identification codes;
- conducting and interpreting cable test results; and
- correctly interpreting and applying relevant legislation, codes, regulations and standards, and OH&S and environmental policy and procedures.

Skills and Knowledge Summary:

- Cable installation;
- Cable types;
- Cable conductor identification codes;
- Reading plans and specifications;
- Cable record systems;
- These Rules, cabling provider registration, other rules and regulations; and
- Basic telephony.

Skills and Knowledge Breakdown:

(A) Cable installation including:

- Lift cable supports and securing;
- Cable dispensers, hauling mechanisms;
- Cable damage awareness;
- Cabling installations within the lift boundary;
- Cable termination preparations;
- Termination types, frames, outlets;
- Distributors;
- Jumpering;

- Common installation tests;
 - Functional and protective earthing; and
 - Safe work practices.
- (B) Cable types including:
- Telecommunications and data cable types;
 - Travelling cables;
 - Purpose, construction and characteristics;
 - Cable identification; and
 - ACMA technical standards including AS/CA S008 or its replacement.
- (C) Cable conductor identification codes including:
- Types of codes; and
 - Interpretation of codes.
- (D) Reading plans and specifications including:
- Cabling plans, records, symbols and abbreviations;
 - Lift installation plans and specifications; and
 - Terminology.
- (E) Cable record systems including:
- Types of records;
 - Cable distribution records;
 - Jumpering records;
 - Standard record systems;
 - Responsibilities for records; and
 - TCA 1 (mandatory) and TCA2 (voluntary).
- (F) These Rules and cabling provider registration including:
- The ACMA's regulatory and compliance requirements;
 - Cabling Providers registration, categories and limitations; and
 - Supervision requirements.
- (G) Other rules and regulations including:
- The Act;
 - AS/CA S008 or its replacement;
 - The Wiring Rules
 - Communications Cabling Manual;
 - AS1979:1993 *Electric cables – Lifts – Flexible Travelling*; and
 - Lift cabling boundary for lift installations.
- Note* References to a standard are to the standard as amended or replaced from time to time
- (H) Basic Telephony including:
- Telephone operation.

Schedule 3 Deed in relation to Cabling Provider Registrar Obligations

(Schedule 1, subclause 6(3))

Deed

between

**[Insert COMPANY NAME OF REGISTRAR]
ACN []/ABN []**

[Insert NAME OF CONTROLLING ENTITIES]

and

COMMONWEALTH OF AUSTRALIA

**Represented by the Chair of the Australian
Communications and Media Authority**

ABN 55 386 169 386

in relation to

Cabling Provider Registrar Obligations

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Date

This Deed is made on _____

Parties

1. The **COMMONWEALTH OF AUSTRALIA** represented by the Chair of the Australian Communications and Media Authority, an entity established under the *Australian Communications and Media Authority Act 2005* **ABN 55 386 169 386** (**‘the Commonwealth’**).

AND

2. [*insert name of entity (ACN: [insert])*] a duly incorporated company having its registered office at [*insert address*] (**‘the Registrar’**)

AND

[*insert full name of all controlling entities of the Registrar and insert ACN/ABN for each entity*] and [*insert details of incorporation and registered address*] (**‘the controlling entities’**).

Recitals

- A. The Commonwealth, for the benefit of the ACMA, requires the provision of certain Registration Services by accredited registrars for the purposes of operating a registration system for the registration of cabling providers.
- B. The ACMA has made the arrangements in Schedule 1 to the Rules for the operation of a system for the registration of cabling providers. The ACMA is not required to act as the registrar or to operate the registration system. The ACMA may engage one or more persons to operate the system or to act as registrars.
- C. The registration system includes, amongst other things, the registration by a registrar of cabling providers that comply with certain competency requirements, requirements for the conduct of the Registrar, arrangements for the auditing of registration documents and arrangements for the protection of information given to the Registrar.
- D. The Registrar applied to the ACMA for accreditation as a registrar under the *Accreditation Procedures for Cabling Provider Registrars* in Schedule 5 of the Rules, to enable it to provide Registration Services to cabling providers.
- E. The Commonwealth has agreed for the benefit of the ACMA, to appoint the Registrar as an accredited registrar to provide the Registration Services to cabling providers within the framework of this Deed.

Operative Provisions

1. **Definitions**

1.1 Unless otherwise provided, terms in this Deed shall have the same meanings as provided in the Rules.

1.2 In this Deed, unless the contrary intention appears:

Accreditation Criteria means the criteria for accreditation described in clause 5.1;

ACMA means the Australian Communications and Media Authority established under the *Australian Communications and Media Authority Act 2005*;

Annual Business Report means the report which the Registrar must provide to the ACMA under clause 9.3;

Annual Performance Report means the compilation of Performance Reports which the Registrar must provide to the ACMA under clause 9.2;

Authorised Auditor means any person or organisation (including an employee of that organisation) authorised in writing by the ACMA to audit the matters in subclauses 11.1(c), (d) and (e) in relation to a Registrar;

Business Day means any day other than a Saturday, Sunday or public holiday (including public service holidays) for the whole of the Australian Capital Territory or whole of the State or Territory in which the Registrar's registered office is located;

Business Hours means the hours between 9.00 am and 5.00 pm local time;

Commencement Date means the date on which all Parties have executed this Deed;

Conflict of interest means any matter, circumstance, interest or activity affecting the Registrar (including its personnel) which may or may appear to impair the ability of the Registrar to provide the Services to the Commonwealth, for the benefit of the ACMA, diligently and independently;

Controlling Entities means [insert name of each controlling entity and insert ACN/ABN] and [insert details of incorporation and registered offices];

Database means the database used to record, store and maintain details of all cabling provider registrations used in providing the Registration Services;

Default Event means an event described in clause 25.1;

Intellectual Property includes all copyright (including Moral Rights) and neighbouring rights, all rights in relation to inventions (including patent rights), registered and unregistered trade marks (including service marks), confidential information (including trade secrets and know how), databases, and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields;

Moral Rights has the same meaning as in Part IX of the *Copyright Act 1968*.

Parties mean the Commonwealth, represented by the Chair of the ACMA, the Registrar and any Controlling Entities of the Registrar;

Performance Report means the report which the Registrar must provide to the ACMA under clause 9.1;

Registrar means [insert name of entity] a duly incorporated company having its registered office at [insert address];

Registrar Coordinating Committee means the committee established by the ACMA and known by that name, or its replacement, being a committee consisting of the following representatives:

- (a) a representative of the ACMA, who will chair the committee; and
- (b) a representative of each accredited Registrar;

Registration Services mean:

- (a) registering applicants as cabling providers to perform the types of cabling work specified in the Rules upon receiving their correctly completed registration forms;
- (b) issuing proof of registration to successful applicants;
- (c) providing communications and mailings to cabling providers of information relevant to their registration;
- (d) maintenance of the Database;
- (e) handling enquiries and complaints concerning paragraphs (a) to (d); and
- (f) any other matter within the scope of the Rules and agreed to by the Registrar Coordinating Committee which the ACMA notifies to the Registrar as a Registration Service;

Rules mean the *Telecommunications Cabling Provider Rules 2014*;

Service Levels means the following timeframes:

- (a) issuing new or amended cabling provider registrations within 7 Business Days following receipt of a correctly completed registration form;
- (b) responding to written and electronic communications (including inquiries and complaints) from cabling providers and the public within 7 Business Days of receipt;
- (c) responding to telephone enquiries from cabling providers and the public within 2 Business Days; and
- (d) resolving complaints within 40 Business Days after they are made;

Termination Notice means a notice under clause 25.2 or 25.3 which has the effect of terminating this Deed.

2. Interpretation

2.1 In this Deed, unless the contrary intention appears:

- (a) monetary references are references to Australian currency;
- (b) the clause headings are for convenient reference only and have no effect in limiting or extending the language of the provisions to which they refer;
- (c) a reference to a clause, paragraph or subparagraph is a reference to a clause, paragraph or subparagraph of this Deed;
- (d) a reference to a person includes a partnership and a body whether corporate or otherwise;
- (e) a reference to a body, a position or an authority whether statutory or not:
 - (i) which ceases to exist; or
 - (ii) whose powers or functions are transferred to another body, position or authority;

is a reference to the body, position or authority which replaces it or which substantially succeeds to its powers or functions;

- (f) a reference to a financial year is to a financial year ending on 30 June;
- (g) where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings;
- (h) words in the singular number include the plural and vice versa;
- (i) words importing a gender include any other gender;
- (j) a reference to any statute or other legislation (whether primary or subordinate) is to a statute or other legislation of the Commonwealth as amended or replaced from time to time;
- (k) a reference to writing, or written, refers to any representation of words, figures or symbols capable of being rendered in a visible form; and
- (l) no provision of this Deed will be construed adversely to a Party solely on the ground that the Party was responsible for the preparation of this Deed or that provision.

3. Scope of Deed

3.1 This Deed sets out the terms and conditions under which the Registrar has obtained and may maintain accreditation as a Registrar.

4. Term

4.1 This Deed commences on the Commencement Date and, subject to this Deed, continues until terminated in accordance with clauses 5 or 25.

5. Accreditation Procedures and Criteria

- 5.1 The Registrar acknowledges that it has been invited to enter into this Deed in accordance with the accreditation procedures in Schedule 5 of the Rules, which include the following criteria (the Accreditation Criteria):
- (a) capability to provide Registration Services, including a suitably qualified and experienced staff to deliver the Registration Services;
 - (b) financial viability, to ensure the ongoing provision of Registration Services;
 - (c) demonstrated commitment to developing the cabling provider industry; and
 - (d) willingness and ability to comply with this Deed.
- 5.2 In order to maintain its accreditation, the Registrar must:
- (a) continue to satisfy the Accreditation Criteria;
 - (b) comply with this Deed;
 - (c) comply with the arrangements for the operation of the system for the registration of cabling providers under the Rules;
 - (d) comply with reasonable directions given by the ACMA relating to the Accreditation Criteria or this Deed; and
 - (e) provide the Registration Services:
 - (i) nationally, such that cabling providers throughout Australia are able to readily access the Registration Services provided by the Registrar, which at a minimum means that the Registrar must have representatives who can be contacted in each State and Territory;
 - (ii) at a minimum, during Business Hours on each Business Day;
 - (iii) by direct personal contact, mail, telephone, facsimile, email, internet and other electronic communications (as appropriate); and
 - (iv) in accordance with the Service Levels.
- 5.3 The Registrar must on request promptly provide the ACMA with any information it reasonably requires concerning the Registrar's performance of its obligations under this Deed.
- 5.4 The ACMA may revoke the Registrar's accreditation if:
- (a) the Registrar commits a material breach of the requirements of this clause 5;
 - (b) the ACMA has given the Registrar written notice specifying that breach; and
 - (c) the Registrar fails to remedy that breach to the ACMA's reasonable satisfaction within 14 days of receipt of that notice, or such longer period as may be specified in the notice.

- 5.5 If the ACMA revokes the Registrar's accreditation, then this Deed is terminated from the date of revocation.
- 5.6 In addition to clause 5.5, if this Deed is terminated under clause 25 then the Registrar will cease to hold any accreditation from the date of termination of this Deed.
- 5.7 If:
- (a) the Registrar's circumstances change and the Registrar considers that this may affect its ability to maintain its accreditation; or
 - (b) the Registrar wants to significantly change some aspect of the manner of its operations regarding the Registration Services;
- the Registrar must notify the ACMA about the change and the ACMA must make a decision in good faith about whether or not it remains appropriate for the Registrar to remain accredited.
- 5.8 If, under clause 5.7, the ACMA decides it is not appropriate for the Registrar to remain accredited:
- (a) the ACMA must request the Registrar to provide the ACMA with adequate reasons as to why its accreditation should not be revoked; and
 - (b) if in the ACMA's reasonable opinion the Registrar's response is unsatisfactory the ACMA must notify the Registrar in writing that its accreditation is revoked to take effect from the date nominated in the notice.

6. Consequences of Accreditation

- 6.1 Obtaining accreditation by the ACMA entitles the Registrar to:
- (a) represent to third parties that it has been accredited by the ACMA to provide Registration Services;
 - (b) use the words "accredited by the Australian Communications and Media Authority" after the name of the Registrar on cabling provider registration cards; and
 - (c) provide Registration Services to cabling providers.
- 6.2 The Registrar must not otherwise use the ACMA's name.

7. Fees

- 7.1 The Registrar must only charge cabling providers for the provision of Registration Services on a cost recovery basis.
- 7.2 Charges on a cost recovery basis must be reasonably related to the expenses incurred or to be incurred by the Registrar in relation to the matters to which the charge relates.

8. Persons who must not be registered

- 8.1 The Registrar must not register a person as a cabling provider who does not meet the conditions of registration made under the Rules or

whose registration has been suspended or revoked in the circumstances determined under the Rules.

- 8.2 The Registrar must not register a person as a cabling provider who has not correctly completed a registration form approved by the Registrar.
- 8.3 If the ACMA directs the Registrar to suspend or revoke or to subsequently cease suspension of or renew the registration of a cabling provider, the Registrar must do so immediately.

9. Reporting to the ACMA

- 9.1 The Registrar must, within 15 Business Days of the end of each calendar quarter, provide an accurate Performance Report to the ACMA which must include the following information:
- (a) the performance of the Registrar against the Service Levels;
 - (b) the number of registrations of cabling providers by the following categories:
 - (i) new or renewal; and
 - (ii) type of registration (that is, open, restricted, lift or other cabling work);
 - (c) a reasonable estimate using an appropriate sampling system of:
 - (i) the method of application (that is, in person, mail, facsimile, email, internet or other electronic communication); and
 - (ii) industry sector (that is, telecommunications, lifts, security, fire, computing or other industry sector);
 - (d) data concerning complaints, including:
 - (i) the number of complaints received by the Registrar;
 - (ii) source and nature of complaint;
 - (iii) response time;
 - (iv) if applicable, action taken to remedy the matter complained of;
 - (v) if applicable, the complainant's response to subparagraph (iv);
 - (vi) service satisfaction reports, being the reports based on surveys developed to measure customer satisfaction with the Registrar's services; and
 - (vii) any other matter which the Registrar reasonably considers it important to bring to the ACMA's attention.
- 9.2 The Registrar must, by 31 October of each year, complete an Annual Performance Report which must include the following:
- (a) Performance Reports provided under clause 9.1 compiled for the financial year; and
 - (b) statistical analysis of the nature of complaints and other data concerning complaints received during the financial year.

- 9.3 The Registrar must, by 31 October of each year, complete an Annual Business Report which must include audited financial statements and reports of the Registrar for the financial year complying with relevant accounting standards.
- 9.4 The Registrar must, by 31 October of each year:
- (a) provide a copy of the Annual Performance Report to the ACMA; and
 - (b) provide a copy of the Annual Business Report to the ACMA.
- 9.5 The ACMA may provide copies of:
- (a) the quarterly Performance Reports and Annual Performance Report to the Registrar Coordinating Committee; and
 - (b) the Annual Performance Report to members of the public.

10. *Negation of Employment, Partnership and Agency*

- 10.1 The Registrar is not by virtue of this Deed an officer, employee, partner or agent of the Commonwealth or the ACMA, nor does the Registrar have any power or authority to bind or represent the Commonwealth or the ACMA.
- 10.2 The Registrar agrees not to represent itself, and to ensure that its officers, employees, agents and subcontractors do not represent themselves, as being an officer, employee, partner or agent of the Commonwealth or the ACMA, or as otherwise able to bind or represent the Commonwealth or the ACMA.

11. *Audit*

- 11.1 The ACMA may:
- (a) no more than once per year; or
 - (b) if it has received a serious complaint in writing and after consultation with the Registrar;
require an audit, to be conducted by an Authorised Auditor, of the Registrar's:
 - (c) compliance with this Deed;
 - (d) methodology and data used to work out the cost recovery basis for the provision of the Registration Services; and
 - (e) financial records in relation to the Registration Service.
- 11.2 The Registrar must:
- (a) allow the Authorised Auditor reasonable access on reasonable notice during Business Hours on any Business Day to the Registrar's personnel, premises, equipment, systems, records and documentation for the purposes of auditing the Registrar; and
 - (b) cooperate fully with the Authorised Auditor and respond promptly to, and comply with, any reasonable request from them.

- 11.3 Within 10 Business Days after the Registrar receives a written report of any audit findings from the ACMA, the Registrar must respond to and address any issues reasonably identified by the ACMA that require a response from the Registrar.
- 11.4 If, as a result of a report under this clause 11, the ACMA takes the view that compliance with this Deed requires the Registrar to take certain actions, the ACMA may direct the Registrar to take those actions to so comply and the Registrar must take those actions within 10 Business Days of the direction.
- 11.5 The costs of all actions required under this clause 11 to be taken by the Registrar to remedy the problems identified by an Authorised Auditor are to be borne by the Registrar.

12. Registrar not sole registrar

- 12.1 This Deed does not mean that:
- (a) the Registrar has the right to be a sole supplier of Registration Services to cabling providers; or
 - (b) any cabling provider will use the Registrar's Registration Services.
- 12.2 The ACMA will advise each representative on the Registrar Coordinating Committee when a new application is received by the ACMA from a person who wishes to be appointed as an accredited Registrar in accordance with the provisions of this Deed.

13. Registrar Coordinating Committee

- 13.1 The Registrar agrees that its Chief Executive Officer or person of equivalent authority or his or her authorised representative will participate in and support the Registrar Coordinating Committee and do all things reasonably necessary or convenient to assist the Committee to achieve its objectives.
- 13.2 The Registrar agrees to comply with any:
- (a) codes of practice;
 - (b) auditing requirements; and
 - (c) performance targets;
- developed and agreed to by the Registrar Coordinating Committee.
- 13.3 The Registrar acknowledges that the Registrar Coordinating Committee may provide dispute resolution and conciliation and mediation services, and Committee members may assist the Registrar in complaints handling processes under clause 14.

14. Complaints Handling

- 14.1 The Registrar must ensure that while this Deed remains in force, processes are in place under which:

- (a) a person can make an inquiry or complaint about the operation or management of the Registration Services by the Registrar in relation to themselves; and
 - (b) an inquiry or complaint under paragraph (a) will be:
 - (i) acknowledged as being received within 7 Business Days of receipt;
 - (ii) properly considered and resolved by the Registrar within 40 Business Days after it was made; and
 - (iii) if not resolved, referred to the Registrar Coordinating Committee or the ACMA for resolution.
- 14.2 The processes under clause 14.1 must:
- (a) be clear, transparent and accountable;
 - (b) not affect the rights of a complainant to enter into legal proceedings; and
 - (c) include a requirement to keep a central record of all written and verbal complaints received.
- 14.3 A review of any complaint made under clause 14.1 must be conducted by a member of the Registrar's staff who:
- (a) was not involved in the matter complained of; and
 - (b) is suitably qualified to deal with the matters raised by the complainant.
- 14.4 In respect of complaints alleging an interference with the privacy of an individual in respect of any services performed under this Deed, the Registrar must comply with clause 17.5.
- 14.5 The costs of all actions required under this clause 14 to be taken by the Registrar to resolve the complaint are to be borne by the Registrar.
- 15. On-line Access**
- 15.1 The Registrar must provide the ACMA with secure on-line access to the entire Database, including access to tools for searching, filtering and sorting records.
- 15.2 The Registrar must provide limited public access to the Database on-line by electronic means. Such access must include the following details about registered cabling providers:
- (a) name; and
 - (b) registration type; and
 - (c) registration number;
- and may include, with the consent of the cabling provider:
- (d) contact details (such as current home and work street and postal addresses, telephone numbers, email addresses and internet website addresses).

- 15.3 The Registrar may only provide facilities for making applications by cabling providers for registration on-line by electronic communications if public key technology is used to guarantee the security and integrity of such applications.

16. Confidential Information

- 16.1 The Registrar must not, without the prior written approval of the ACMA, disclose to any person other than the ACMA, any information marked confidential or expressed as being given in confidence to the Registrar by the ACMA. In giving written approval the ACMA may impose such terms and conditions as it thinks fit.

17. Protection of Personal Information

17.1 Application of the clause

This clause applies only where the Registrar deals with personal information when, and for the purpose of, providing services under this Deed.

17.2 Obligations

The Registrar acknowledges that it is a ‘contracted service provider’ within the meaning of section 6 of the Privacy Act, and agrees in respect of the provision of services under this Deed:

- (a) to use or disclose personal information obtained during the course of providing services under this Deed only for the purposes of this Deed;
- (b) not to do any act, or engage in any practice, that would breach an Australian Privacy Principle if done or engaged in by an agency;
- (c) to meet the obligations contained in the Australian Privacy Principles as if it were an agency;
- (d) not to do any act, or engage in any practice, involving the use or disclosure of personal information for direct marketing if the act or practice would breach a direct marketing provision of the Privacy Act, an Australian Privacy Principle or a registered APP code binding the Registrar;
- (e) to disclose in writing to any person who asks the content of the provisions of this Deed (if any) that are inconsistent with an Australian Privacy Principle or a registered APP code binding a party to this Deed;
- (f) to immediately notify the ACMA if the Registrar becomes aware of a breach or possible breach of any of the obligations contained in, or referred to in, this clause 17, whether by the Registrar or any subcontractor;
- (g) to comply with any directions, guidelines, determinations or recommendations of the Privacy Commissioner to the extent that

they are not inconsistent with the requirements of this clause 17;
and

- (h) to comply with any reasonable requests or directions of the ACMA arising directly from or in connection with the exercise of the functions of the Privacy Commissioner including but not limited to the issuing of any guidelines concerning the handling of personal information;
- (i) to ensure that any employee of the Registrar who is required to deal with personal information for the purposes of this Deed is made aware of the obligations of the Registrar set out in this clause 17.

17.3 The Registrar acknowledges that:

- (a) any unauthorised access or modification or impairment to access, or use, of personal information stored in any computer, in the course of performing this Deed, may constitute an offence under Part 10.7 of the *Criminal Code Act 1995*; and
- (b) the publication or communication of any fact or document by a person which has come into their knowledge or into their possession or custody by virtue of the performance of this Deed, other than to a person to whom the Registrar is authorised to publish or disclose the fact or document, may be an offence under section 70 of the *Crimes Act 1914*, the maximum penalty for which is 2 years imprisonment.

17.4 The Registrar indemnifies the Commonwealth on behalf of the ACMA in respect of any direct or indirect liability, loss or expense which is incurred and which arises out of or in connection with a breach of the obligations of the Registrar or its employees or any subcontractor under this clause 17 except to the extent that the liability, loss or expense was caused by an act or omission of the Commonwealth or the ACMA.

17.5 A complaint alleging an interference with the privacy of an individual in respect of any services performed under this Deed must be handled by the Registrar in accordance with the following procedures:

- (a) where the Registrar receives a complaint alleging an interference with the privacy of an individual by the Registrar or its employees or any subcontractor, it shall immediately notify the ACMA of the nature of the complaint;
- (b) after the ACMA has been given notice in accordance with paragraph (a), the Registrar must keep the ACMA informed of all progress with the complaint; and
- (c) at the ACMA's request, the Registrar must transfer the handling of the complaint to the ACMA.

17.6 **Subcontracts**

The Registrar must ensure that any subcontract entered into for the purpose of meeting its obligations under this Deed contains provisions to

ensure that the subcontractor has the same awareness and obligations as the Registrar has under this clause 17, including the requirement in relation to subcontracts.

Definitions

In this clause 17:

- (a) 'direct marketing provision of the Privacy Act' means Australian Privacy Principle 7;
- (b) 'Privacy Act' means the *Privacy Act 1988* (Cth); and
- (c) the terms 'agency', 'Australian Privacy Principle', 'personal information' and 'registered APP code' have the same meaning as in section 6 of the Privacy Act.

18. Intellectual Property

- 18.1 The Registrar acknowledges and agrees that title and ownership of all Intellectual Property in the Database vests or will vest in the Commonwealth upon its creation by the Registrar, and the Registrar assigns to the Commonwealth all (including any future) Intellectual Property in the Database.
- 18.2 Subject to clause 15, the Commonwealth grants the Registrar a non-exclusive, non-transferable, royalty-free, world-wide licence during the term of this Deed to use the Database for the sole purpose of providing the Registration Services in accordance with this Deed.
- 18.3 If this Deed is terminated, the Registrar agrees to return the Database and all derivatives and copies of it to the Commonwealth.
- 18.4 The Registrar agrees to provide the ACMA with a complete and current copy of the Database in Microsoft Access format along with each quarterly report provided to the ACMA under clause 9.1.
- 18.5 The Registrar must do all things necessary (including, where requested in writing by the Commonwealth, the entering into a Deed of Assignment of Intellectual Property with the Commonwealth) to confirm that title to and ownership of those Intellectual Property rights passes to the Commonwealth on the date the Intellectual Property rights were created.
- 18.6 The Registrar must not at any time do anything or cause anything to be done that would prejudice the right, title and interest of the Commonwealth in any of the Intellectual Property rights of the Commonwealth that are used by the ACMA.

19 Archives Act

- 19.1 The Registrar agrees to comply with Part V and related provisions of the *Archives Act 1983* as if it were a Commonwealth agency in respect of all records held by the Registrar in relation to the Registration Services.

19.2 The Registrar agrees to comply with any direction of the ACMA for the purpose of transferring Commonwealth records to the National Archives of Australia or providing the National Archives of Australia with full and free access to those records.

19.3 This clause 19 will continue to have effect after the termination of this Deed.

20. Compliance with Laws

20.1 The Registrar must in carrying out its obligations in connection with this Deed comply with the provisions of any relevant statutes, regulations, by-laws and requirements of any Commonwealth, State, Territory or local authority, including:

- a. the *Crimes Act 1914*;
- b. the *Criminal Code Act 1995*;
- c. the *Racial Discrimination Act 1975*;
- d. the *Sex Discrimination Act 1984*;
- e. the *Disability Discrimination Act 1992*;
- f. the *Electronic Transactions Act 1999*; and
- g. any other applicable legislation dealing with electronic transactions.

21. Compliance with Standards and Validation of Registrations

21.1 In carrying out its obligations under this Deed the Registrar must comply with the Australian Standard on Records Management AS4390 (including requirements to keep registration records safe, secure and filed in a logical order) and any other applicable Australian Standards notified to the Registrar by the ACMA.

21.2 The provision of the Registration Services must substantially comply with world's best practice in the provision of comparable services.

22. Warranties

22.1 The Registrar warrants that:

- (a) use by the Commonwealth or the ACMA (including its officers, employees, agents and subcontractors) of any material created and then provided by the Registrar to the ACMA under this Deed will not infringe the Intellectual Property rights or Moral Rights of any person; and
- (b) the Registrar will perform its responsibilities under this Deed in a manner that does not infringe the Intellectual Property rights or Moral Rights of the Commonwealth or any third party.

22.2 The Registrar warrants and represents to the ACMA that:

- (a) the Registrar's execution, delivery and performance of this Deed will not constitute:

- (i) a violation of any judgment, order or decree;
 - (ii) a default under any contract by which it or any of its assets are bound; or
 - (iii) an event that would, with notice or lapse of time, or both, constitute such a default;
- (b) the Registrar is duly constituted or registered as a corporation under the *Corporations Act 2001*;
 - (c) the constituting documents of the Registrar empower the Registrar to enter into this Deed and to do all things which it can reasonably contemplate will be required by this Deed;
 - (d) all necessary corporate approvals have been obtained by the Registrar to render this Deed binding on, and legally enforceable against, the Registrar in accordance with its terms;
 - (e) it will immediately notify the ACMA of the occurrence of, or the pending or threatened occurrence of, an event of which it is aware that may cause or constitute a breach of any of the representations, warranties or covenants contained or made in connection with this Deed, including without limitation, any event that may result in a material adverse change in the business of the Registrar or may affect the financial viability of the Registrar's business;
 - (f) it has disclosed to the ACMA prior to the execution of this Deed details of any litigation or proceeding whatsoever, actual or threatened, against the Registrar that may have an adverse effect on the ability of the Registrar to provide the Registration Services and these disclosures are true and correct as at execution; and
 - (g) any additional issues of the kind described in paragraph (f) that arise from time to time subsequent to the execution of this Deed will be disclosed by the Registrar to the ACMA at all relevant times throughout the term of this Deed.

23. Indemnity

- 23.1 The Registrar indemnifies at all times and holds harmless the Commonwealth and the ACMA (including its employees, agents or subcontractors) from and against any loss or liability (including legal costs) that may be or is incurred by the Commonwealth or the ACMA as a result of a claim made or threatened by a third party where that loss or liability was caused by:
- (a) a breach of this Deed;
 - (b) a wilful, unlawful or negligent act or omission, in connection with this Deed by the Registrar, its employees, agents or subcontractors; or
 - (c) an item provided by the Registrar to cabling providers infringing the Intellectual Property rights of a third party.
- 23.2 Where the Commonwealth or the ACMA wishes to rely on this indemnity it must give the Registrar written notice as soon as practicable after suffering the loss or liability.

- 23.3 The Commonwealth indemnifies the Registrar from and against any loss or liability that may be or is incurred by the Registrar as a result of a direction given by the ACMA to the Registrar under clause 8.3.
- 23.4 Each indemnity in this Deed is a continuing indemnity, separate and independent from the other obligations of the Parties, and survives termination and repudiation of this Deed.

24. Moral Rights

- 24.1 If the Registrar, its officers, employees, agents or subcontractors, either jointly or individually, are authors of works made or to be made in the course of performing this Deed, which entitles them individually or jointly to certain Moral Rights under Part IX of the *Copyright Act 1968*, then the Registrar either individually or jointly is deemed to have given its consent in writing by this Deed to acts or omissions of the Commonwealth and the ACMA which would otherwise infringe a Moral Right of each of them individually or jointly. The Registrar warrants and acknowledges that it is its sole responsibility to obtain all written consents if required under Part IX of the *Copyright Act 1968*, and relieves the Commonwealth and the ACMA of any liability, financial or otherwise.
- 24.2 For the purposes of this clause 24, “**attributable acts**” or “**specified acts**” of infringement in relation to Moral Rights under Part IX of the *Copyright Act 1968* means the following classes or types of acts or omissions by or on behalf of the Commonwealth and the ACMA:
- (a) those which would, but for this clause 24, infringe the author’s right of attribution of authorship;
 - (b) those which would, but for this clause 24, infringe the author’s right of integrity of authorship;
but does not include those which would infringe the author’s Moral Right against false attribution.
- 24.3 The Registrar indemnifies the Commonwealth and the ACMA from and against any legal liability, claim, loss or damage (including legal costs) arising directly or indirectly through any claim of infringement of any Moral Rights by the Registrar, its officers, employees, agents, approved subcontractors and/or authorised personnel on account of the provision and performance of the Registration Services under this Deed.

25. Termination

- 25.1 Each of the following is a Default Event:
- (a) the Registrar commits a breach of this Deed which is capable of being remedied but the breach continues for more than 14 days after the Registrar is given a notice by the ACMA requiring the breach to be remedied;

- (b) the Registrar commits a breach of this Deed which cannot be remedied, which breach is, in the reasonable opinion of the ACMA, a serious breach of this Deed;
 - (c) a controller or a managing controller is appointed in respect of the whole or any part of the assets or undertakings of the Registrar;
 - (d) a summons or other process seeking orders which, if granted, would render the Registrar an externally-administered body corporate or insolvent under administration, is filed and is not withdrawn within 14 days;
 - (e) a Conflict of Interest arises in the performance of the Registrar's obligations under this Deed which, in the reasonable opinion of the ACMA, significantly affects the interests of the ACMA.
- 25.2 Without limiting clause 5 and without prejudice to any other right or remedy that the ACMA has, if any Default Event occurs the ACMA may terminate this Deed by giving 30 days' written notice to the Registrar.
- 25.3 After a period of 6 months from the Commencement Date, a Party may terminate this Deed at any time by giving 3 months' written notice to each of the other Parties.

26. Consequences of Termination

- 26.1 If the Registrar:
- (a) receives a Termination Notice under clause 25.2 or 25.3; or
 - (b) issues a Termination Notice under clause 25.3;
- then, from the date it receives or issues the Notice, the Registrar must:
- (c) not accept any further applications for registration from cabling providers;
 - (d) continue to provide the other Registration Services in accordance with this Deed until transfer under paragraph (e);
 - (e) co-operate with the ACMA and any relevant third parties to achieve a seamless transfer of cabling provider registrations, the Database and the Registration Services to another accredited registrar of Registration Services;
 - (f) apart from the version of the Database transferred under paragraph (e) and unless the ACMA otherwise directs, return all copies of the Database (including derivatives of it) to the ACMA.
- 26.2 The ACMA may give written directions to the Registrar that are within the scope of the Rules and reasonably relate to clauses 26.1 (c) to (f) on any matter arising out of the termination of this Deed and the Registrar must comply with those directions.
- 26.3 If this Deed is terminated, the accrued rights of the Parties remain unaffected except to the extent that the Parties expressly agree otherwise.

27. Dispute Resolution

- 27.1 Subject to clause 27.4, before resorting to external dispute resolution mechanisms, the Parties shall attempt to settle by negotiation any dispute in relation to this Deed including by referring the matter to personnel who may have authority to intervene and direct some form of resolution.
- 27.2 If a dispute is not settled by the Parties within 15 Business Days of a Party first sending to the other Party written notice that they are in dispute, the dispute may be the subject of court proceedings or may be submitted to some alternative dispute resolution mechanism as may be agreed in writing between the Parties.
- 27.3 Notwithstanding the existence of a dispute, each Party shall continue to perform its obligations under this Deed.
- 27.4 A Party may commence court proceedings relating to any dispute arising from this Deed at any time where that Party seeks urgent interlocutory relief.

28. Variation of Deed

- 28.1 This Deed shall not be varied except by agreement in writing signed by the Parties to this Deed.

29. Assignment

- 29.1 A Party may not assign in whole or in part this Deed without the prior written consent of the other Parties.

30. Waiver

- 30.1 The failure of a Party to enforce any of its rights under this Deed shall in no way be interpreted as a waiver of its rights under this Deed.

31. Entire Agreement

- 31.1 This Deed constitutes the entire agreement between the Parties and supersedes all prior representations, statements, understandings, or agreements, whether verbal or in writing, relating to the subject matter of this Deed.

32. Subcontracting

- 32.1 The Registrar may not subcontract any part of the provision of the Registration Services apart from:
- (a) providing communications and mailings to cabling providers of information relevant to their registration; and
 - (b) maintenance of the Database;
- without the prior written approval of the ACMA.

- 32.2 If the ACMA consents to work being performed by a subcontractor the Registrar:
- (a) is in no way relieved from performing its obligations under this Deed;
 - (b) must ensure that the subcontractor is aware of the provisions of this Deed relevant to the work to be performed by the subcontractor; and
 - (c) must include a right of termination of the kind in clause 25.
- 32.3 The ACMA has the power to reasonably request withdrawal and replacement of any subcontractor.

33. *Applicable Law and Jurisdiction*

- 33.1 This Deed shall be subject to and construed in accordance with the laws in force in the Australian Capital Territory.
- 33.2 The parties to this Deed submit to the jurisdiction of the Supreme Court of the Australian Capital Territory and the Federal Court of Australia.

34. *Conflict of Interest*

- 34.1 The Registrar warrants that, to the best of its knowledge and after making diligent inquiries, at the date of execution of this Deed no Conflict of Interest exists or is likely to arise in the performance of its obligations under this Deed.
- 34.2 The Registrar must promptly notify the ACMA if a Conflict of Interest arises, or appears likely to arise, during the course of this Deed, and must take any action directed by the ACMA to avoid or minimise such conflict.

35. *Survival of Clauses*

- 35.1 If this Deed is terminated for any reason, those clauses that are necessary for the Parties to effectively exercise their rights, and discharge their obligations and responsibilities to each other so as to comply with clauses 11, 16, 17, 19, 22, 23, 26, 30, 33, 36 and 38 (and any other provision which expressly or by implication from its nature is intended to continue) will survive the termination of this Deed.

36. *Insurance*

- 36.1 The Registrar must, for so long as any obligations remain in connection with this Deed, effect and maintain the following insurance with an insurance company approved by the ACMA:
- (a) a broad form public liability policy to the value of at least \$20 million in respect of each claim;

- (b) professional indemnity insurance to the value of at least \$10 million in respect of each claim; and
- (c) worker's compensation insurance in accordance with applicable legislation.

36.2 On request, the Registrar must produce to the ACMA a certificate evidencing that the Registrar has effected and renewed a particular insurance policy, such as a certificate of currency.

37. Severability

37.1 Each provision of this Deed and each part of this Deed shall, unless the context otherwise necessarily requires it, be read and construed as a separate and severable provision or part.

37.2 If any provision or part thereof is void or otherwise unenforceable for any reason then that provision shall be read and construed as if the severed provision or part had never existed.

38. Liability

38.1 While the primary relationship under this Deed is between the Commonwealth as represented by the Chief Executive of the ACMA and the Registrar, it is acknowledged that the Registrar is controlled by the Controlling Entities that are Parties to this Deed, and the Controlling Entities agree that, despite any statement to the contrary in this Deed, they will each be jointly and severally liable with the Registrar for any breach of this Deed by the Registrar (including any breach of clauses 26.1(c) to (f) after the receipt or issue of a Termination Notice).

38.2 Without limiting clause 38.1, the Controlling Entities' joint and several liability includes:

- (a) all costs associated with transferring the Database to another accredited registrar if this is necessary as a result of a breach of this Deed by the Registrar; and
- (b) losses, damages and expenses of the Commonwealth and the ACMA resulting from a breach of this Deed by the Registrar.

39. Notices

39.1 Any notice, advice, undertaking or agreement given under this Deed must be in writing.

39.2 The address for service of notice of each Party is as follows (unless otherwise advised by the relevant Party):

Address of the ACMA:

The Australian Communications and Media Authority
Level 32, 360 Elizabeth Street
Melbourne Victoria 3000

Address of Registrar:

[insert address]

Address of Controlling Entities:

[insert address]

- 39.3 A notice under this Deed is deemed to have been given:
- (a) if it is delivered by hand or registered post – on the date upon which it is delivered and a receipt obtained;
 - (b) if it is delivered by ordinary post – 4 days after it is posted if not returned undelivered;
 - (c) if transmitted by facsimile transmission – when the sender receives confirmation of a successful transmission; and
 - (d) if transmitted by email – when the sender receives confirmation that the email has been opened.
- 39.4 If delivery of a notice occurs on a day on which business is not normally conducted in the place of receipt, or it is received later than 4.00 pm local time, it will be deemed to be given on the next Business Day.

EXECUTED AS A DEED

SIGNED SEALED AND DELIVERED

for and on behalf of

[insert name and ACN/ABN details]

by authority of the Directors:

[Empty box for Director name]

(Print name of Director)

[Empty box for Director/Secretary name]

(Print name of Director/Secretary)

[Empty box for Director signature]

(Signature of Director)

[Empty box for Director/Secretary signature]

(Signature of Director/Secretary)

SIGNED SEALED AND DELIVERED)

for and on behalf of the)

COMMONWEALTH OF AUSTRALIA by)

[Insert name details])

[Insert position details]

Signature

Australian Communications and Media Authority

ABN 55 386 169 386

in the presence of:

.....

(Print witness name)

.....

Signature of witness

Schedule 4 Cabling Registration Declaration Open/Restricted/Lift

(Schedule 1, subclause 7(2)(b) and subclause 9(a) and (b))

I, [name]....., make the following declaration under subclause 9(a) of Schedule 1 to the *Telecommunications Cabling Provider Rules 2014*.

Part 1 – Declaration

I have read the explanatory guide to the *Telecommunications Cabling Provider Rules 2014 (the Rules)* and understand my rights and responsibilities under the Rules. I declare that I will comply with the Rules.

I declare that I am aware of the relevant requirements for the specific type of cabling work (and any applicable specialised competencies) in relation to which I am applying for a registration as a registered cabling provider.

Note The effect of the Rules is that open cabling work, restricted cabling work and lift cabling work may only be performed by a registered cabling provider or a person working under the supervision of a registered cabling provider.

I declare that the information provided by me in this application is true and correct in every detail and I understand that the information provided may be subject to audit. I also declare that the enclosed supporting documents are true copies of the original documents.

Part 2 – Declaration of relevant cabling experience

(For applicants whose training pathway requires 360 hours (Open Cabling Work) or 80 hours (Restricted Cabling Work) of cabling experience [delete Part 2 (Declaration of relevant cabling experience) if it is inapplicable]

I declare that I have attained the relevant cabling experience for the type of cabling work that I will perform, or supervise the performance of.

I acknowledge that relevant cabling experience means experience in the installation of cabling such as telecommunications, electrical, data, security alarm, fire alarm, or lift cables, and does not include:

- (i) the design or supervision of cabling work; or
- (ii) cabling work performed using pre-terminated cabling, such as extension leads and patching.

Signed:

* Giving false or misleading information is a serious offence.

Schedule 5 Accreditation Procedures for Cabling Provider Registrars

(subsection 3.1(5) and subsection 6.3(1))

PART 1 - INTRODUCTION

1. Under subsection 3.1(5) of these Rules, the ACMA must not engage a person to operate a registration system or act as a registrar for cabling providers unless the ACMA has accredited the person in accordance with accreditation procedures specified in this Schedule.

PART 2 - THE APPLICATION

2. An application to become an accredited registrar under these Rules can be made to the ACMA at any time. On receipt of an application the ACMA will advise each representative on the Registrar Coordinating Committee (RCC) about the application.

3. An application may take the form of an expression of interest in writing.

4. The application must establish the applicant's credentials for running a registration service and suitability as a registrar. This may include the credentials and suitability of its controlling entity or entities. That is, either the applicant or the applicant and its controlling entity or entities may be the organisation that is to be assessed for the purpose of these accreditation procedures.

5. To establish the applicant's credentials for running a registration service, in relation to the applicant and/or the controlling entity or entities of the applicant (**the organisation**), the application should include:

- a summary of the organisation's services, staffing and structure, initiatives in and relationship with, the telecommunications cabling industry and statement of future direction;
- the organisation's constituting documents, such as Rules, Constitution or Memorandum and Articles of Association;
- the names of the organisation's directors and length of service as office holders;
- profiles of the Chief Executive Officer (or equivalent) and senior office bearers of the organisation including length of tenure, experience in the industry and other positions held;
- the organisation's current list of members;
- copies of all codes of practice, ethics and/or conduct that relate to membership of the organisation;
- details of membership fees and other fees and charges associated with the organisation's services;

- details of services provided by the organisation to members and non-members (including consumers);
- an outline of the organisation's program for assisting members to comply with legislative requirements;
- details of the organisation's previous initiatives for improving standards in the telecommunications cabling industry, eg. training, and whether these initiatives were measurable and successful;
- copies of the organisation's audited financial statements for the last five years (or since establishment, if less than five years);
- a list describing current insurance policies held by the organisation;
- the number of full time, part time and volunteer staff engaged by the organisation, and their functions and responsibilities;
- details of office locations and office hours of the organisation;
- examples of promotional and information material published by the organisation, such as newsletters, magazines, websites or other similar publications;
- details of the organisation's complaints handling system and policies;
- a description of how the organisation assists members and complainants in relation to complaints and disciplinary policies in place; and
- any other relevant information that will support the organisation's application.

6. To establish the applicant's suitability as a registrar, the application should include:

- a detailed description of the proposed registration services including mandatory and voluntary levels of registration;
- the competency standards and other requirements associated with each level of registration;
- the relationship between industry skills and mandatory and voluntary levels of registration (mapping competency standards to registration levels) and any conditions of registration;
- the evidence and form of registration to be issued (eg. card, badge, certificate);
- the fees and charges proposed in relation to the registration services;
- financial forecasts demonstrating the viability of the proposed registration services;
- the number of full time, part time and volunteer staff to be engaged in running the registration services and their functions and responsibilities;
- the arrangements for access to the registration services (eg. shopfront, telephone, facsimile, internet, websites);
- the type of information (eg. regulatory, standards) that will be provided to cabling providers and the information media to be used (eg. newsletters, magazines, internet, websites);
- a proposal for a compliance audit program;
- details of how performance of cabling work by cabling providers will be audited and resources available to manage audits; and

- any other relevant information regarding suitability to be an accredited registrar.

PART 3 - WHAT THE APPLICANT MUST DEMONSTRATE

7. The applicant must satisfy the following criteria and demonstrate:
- that it will conduct itself in accordance with the *Arrangements for Operation of the Registration System* in Schedule 1 and the *Deed in relation to Cabling Provider Registrar Obligations* at Schedule 3 and that it agrees to sign the Deed;
 - that its controlling entity or entities, if any, agree to be jointly and severally liable under the Deed;
 - that its proposed registration services and levels of registration will be consistent with these Rules and the Act;
 - that its Chief Executive Officer (or equivalent) or his or her authorised representative is willing to represent the registrar on the Registrar Coordinating Committee and will support the work of the committee;
 - the financial viability of the proposed registration services;
 - that its organisational structure, officers, staff and equipment are capable of delivering the registration services;
 - that there will be proper access to the registration services;
 - that it can process, examine and store all documentation in relation to registration of cabling providers;
 - that it will have an effective and efficient complaints handling system;
 - that it can process, examine and store all documentation in relation to complaints;
 - that it can develop or assist in the development of codes of practice that relate to cabling work and cabling providers;
 - that it can assist cabling providers to fulfil legislative and industry responsibilities on an ongoing basis;
 - that it can develop active programs to enhance the practices of and identify difficulties in relation to cabling providers regarding compliance with legislation;
 - that it can provide information dissemination services for cabling providers and consumers;
 - that it can operate a regular information dissemination service that includes messages concerning legislation, standards, regulations and other delegated legislation, as required, from the ACMA;
 - that it can audit cabling providers on a regular basis to ensure compliance with these Rules;
 - that it will report to the ACMA so as to assist the ACMA in reporting to the Minister;
 - that it has a commitment to developing the telecommunications cabling industry.

8. All applications will be assessed against these criteria. The ACMA may take into account any other relevant matter in deciding whether to accredit an applicant as a registrar under these Rules.

9. Applicants may be asked to make an oral presentation to the ACMA addressing their application and respond to questions.

PART 4 - NOTIFICATION TO SUCCESSFUL APPLICANT

10. If the ACMA is satisfied that the applicant has made a proper application and meets the requirements of being an accredited registrar, the ACMA will, in writing, invite a successful applicant to be an accredited registrar under these Rules.

PART 5 - METHOD OF ACCREDITATION

11. A registrar is accredited when the registrar, any controlling entity or entities of the registrar and the ACMA sign the *Deed in relation to Cabling Provider Registrar Obligations*. Accreditation becomes effective when all parties have signed the Deed and from the date mentioned in the Deed.

PART 6 - WHERE TO SEND AN APPLICATION

12. Applications will be treated by the ACMA as "commercial in confidence".

13. The application must be sent by post to:

The Manager
Technical Regulation Development Section

Address: PO Box 13112
Law Courts PO
Melbourne Vic 8010

In addition to sending the application by post, the application may be submitted electronically to:

Email address: info@acma.gov.au

Schedule 6 Standard of cabling work — requirements for exemption of cabling work from compliance with certain clauses of the Wiring Rules

(subsection 4.2(2))

Note The effect of subsection 4.2(2) of these Rules is that cabling work that complies with clause 2 or 3 of this Schedule is not required to comply with clauses 9.1.2.1, 9.1.2.2 and 9.1.2.3 of the Wiring Rules.

1 Interpretation

In this Schedule:

AS/NZS 60950 means:

- (a) the Australian Standard AS/NZS 60950:2000 *Safety of information technology equipment* as in force or existing from time to time; or
- (b) if a later standard is expressed to replace the standard mentioned in paragraph (a) – the later standard, as in force or existing from time to time.

compliant isolating interface means carrier equipment or customer equipment that meets the requirements of AS/NZS 60950 for a TNV1, TNV2, or TNV3 interface, as applicable to the circumstances (for example, a modem or a line isolation unit).

enclosure means any enclosed space, including a room, wall cavity or cabinet.

LV means low voltage.

restricted access location means a locked room or enclosure where appropriate signage is used to ensure accidental access is not obtained by persons who are not qualified or authorised to gain access.

2 Prevention of accidental personal contact with LV power terminations

The conductors and terminations of telecommunications cables are to be located in the same enclosure as uninsulated or single insulated conductors and terminations of LV power cables, but:

- (a) accidental contact with the LV conductors and terminations by any part of the body of or by any tool used by persons working on the telecommunications cables is prevented by means of a physical barrier or obstruction; or
- (b) if both the telecommunications cables and the LV power cables are terminated on building control or monitoring equipment the telecommunications cables and LV power cables are installed in a restricted access location where only persons who are qualified or authorised to install or maintain both LV electrical installations and telecommunications installations can gain access.

3 Prevention of accidental electrical contact between customer cable terminations and LV power terminations

The conductors and terminations of telecommunications cables are not separated from the uninsulated and single insulated conductors and terminations of LV power cables by the minimum distance of 150 mm or by a permanent rigidly-fixed barrier of durable insulating material or metal because the conductors and terminations of the telecommunications cables and LV power cables are installed as follows:

- (a) the telecommunications cables and the LV power cables are terminated on building control or monitoring equipment that is installed in a restricted access location where only persons who are qualified and authorised to install or maintain both LV electrical installations and telecommunications installations can gain access; and
- (b) separate cables are used for the LV power and the telecommunications services; and
- (c) the telecommunications circuits that terminate on the building control or monitoring equipment:
 - (i) do not share the same cable sheath as any other telecommunications services; and
 - (ii) only connect to the telecommunications network via a compliant isolating interface.