

Submission

to the

Australian Communications and Media Authority

on the

**Cellular mobile repeaters—a proposed regulatory
approach**

Submission by:

**Australian Mobile Telecommunications Association and
Communications Alliance**

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1. Summary

- 1.1 The Australian Mobile Telecommunications Association (AMTA) and Communications Alliance (the Associations) acknowledge that the current regulatory arrangements for cellular mobile repeaters only address the operation and possession of cellular mobile repeaters.
- 1.2 In addition, while the use of cellular mobile repeaters can be managed through the application of regulatory requirements relating to licensed operation, no regulatory mechanism currently exists that prohibits or limits the supply of cellular mobile repeaters to end users.
- 1.3 The Associations agree with the ACMA with regards to option four, that to restrict supply to unlicensed persons or persons not authorised by the licensee under section 301 of the *Radiocommunications Act 1992*, is the practical solution to regulate the supply of cellular mobile repeaters.
- 1.4 With this in mind, the Associations would like to draw the ACMA's attention to the importance of the definition of cellular mobile repeaters and would like to offer the following definition to ensure that it captures applicable devices but does not limit the introduction of 'smart' cellular mobile repeaters in the future.

Cellular Mobile Repeater

A cellular mobile Repeater means a system involving one or more powered devices that are designed to:

- wirelessly receive a signal from a base station or mobile station associated with a public mobile telecommunications service; and
- then wirelessly retransmit that signal or a replicate of it.

2. Introduction

The Associations

- 2.1 The Australian Mobile Telecommunications Association (AMTA) is the peak industry body representing Australia's mobile telecommunications industry. Its mission is to promote an environmentally, socially and economically responsible, successful and sustainable mobile telecommunications industry in Australia, with members including the mobile Carriage Service Providers (CSPs), handset manufacturers, network equipment suppliers, retail outlets and other suppliers to the industry. For more details about AMTA, see <http://www.amta.org.au>.
- 2.2 Communications Alliance is the primary telecommunications industry body in Australia. Its membership is drawn from a wide cross-section of the communications industry, carriers, carriage and internet service providers, content providers, search engines, equipment vendors, IT companies, consultants and business groups. Its vision is to provide a unified voice for the telecommunications industry and to lead it into the next generation of converging networks, technologies and services. The prime mission of Communications Alliance is to promote the growth of the Australian communications industry and the protection of consumer interests by fostering the highest standards of business ethics and behaviour through industry self-governance. For more details about Communications Alliance, see <http://www.commsalliance.com.au>.
- 2.3 The Associations welcome the opportunity to respond to the Australian Communications and Media Authority (ACMA) Discussion Paper on the *Cellular mobile repeaters—a proposed regulatory approach*.
- 2.4 The Associations would like to commend the ACMA on a well-presented paper. The following responses follow the questions as posed in the paper.

3. Responses to questions in the paper

Q.1 Should the regulatory framework explicitly address the supply of repeaters?

- 3.1 The Associations strongly agree that the supply of cellular mobile repeaters should be explicitly addressed under the regulatory framework.
- 3.2 It is important to clarify that the term 'supplier' has the same meaning as defined in section 4 of the *Radiocommunications Labelling Notice (RLN) 2003* (as amended).
- 3.3 The supply of cellular mobile repeaters by suppliers is to be prohibited to unlicensed persons or persons not authorised by the licensee under section 301 of the *Radiocommunications Act 1992*.
- 3.4 The challenges presented by supply via online service providers such as eBay is a broader issue than just that of cellular mobile repeaters but nevertheless should not be overlooked.

Q.2 Should any regulatory solution designed to address the supply of repeaters distinguish between legacy and smart repeaters?

- 3.5 The Associations considered the benefits and risks in seeking a definitional differentiation of cellular mobile repeaters with respect to their functionality.
- 3.6 The potential benefit in being able to distinguish smart cellular mobile repeaters from legacy cellular mobile repeaters would be in relaxing some of the regulatory requirements for smart repeaters, for example, in relation to registration.
- 3.7 Conversely, as the technology evolves, it may become increasingly challenging to have a definition that does not adversely impact or limit the supply of devices in the future.
- 3.8 The Associations believe that a better approach is to have a single definition that can apply to all cellular mobile repeaters. If there is a need to differentiate types of repeaters in the market, the mobile carriers could manage this through their distribution channels.

Q.3 If so, does the above description of a smart repeater adequately describe the fundamental characteristics of the device for the purposes of distinguishing it from a legacy repeater?

3.9 Refer to the comments under Question 2.

Q.4 Are there other policy objectives for a revised regulatory framework to manage the supply of repeaters?

3.10 The Associations have not identified any further policy objectives but wish to make some comments on the second and fourth policy objectives listed in the Discussion Paper.

3.11 The Associations suggest that the second policy objective is ambiguous with respect to authorisation. It is understood that the intention is that supply of a cellular mobile repeater can only be made to a mobile carrier holding an apparatus or spectrum licence permitting operation of the cellular mobile repeater, or to a subscriber to a mobile carrier's services in circumstances where that customer has obtained an authorisation from his or her mobile carrier to operate a cellular mobile repeater, i.e. permission to rely on the mobile carrier's apparatus or spectrum licence. The current text of the second policy objective may be misunderstood to suggest that persons may be authorised to directly supply cellular mobile repeaters, and this is to be avoided.

3.12 With this in mind, it is recommended that the second policy objective should more clearly align with the restriction contemplated in section 301(1)(a) of the *Radiocommunications Act 1992*. Authorisation by mobile carriers can be left to commercial arrangements.

3.13 The Associations also propose that the fourth policy objective be redrafted to avoid the usage of the term 'legacy repeaters'. The following policy objective is offered for consideration:

- regulation should not inadvertently restrict the ability of carriers to continue using existing repeaters, or to develop and deploy new cellular mobile repeaters, within their networks in accordance with their spectrum and apparatus licences.

Q.5 Do you agree with the ACMA's assessment of the identified options?

3.14 The Associations agree with the assessment by the ACMA of the identified options in the Discussion Paper.

Q.6 Which of the five options identified do you believe presents the most effective mechanism to regulate the supply of repeaters?

- 3.15 The Associations agree with the ACMA's preferred approach of Option 4, being the prohibition of supply of cellular mobile repeaters by suppliers to unlicensed persons or persons not authorised by the licensee under section 301 of the *Radiocommunications Act 1992*.
- 3.16 The implications of insufficient resourcing to regulate the supply of cellular mobile repeaters need to be carefully considered.