

Dear Minister,

In response to your call for "Regulation Repeal Day"

In 2000, the Government changed the Telecommunications Act regulations, in doing so, it also removed the Digital Data Exemption, for cabling of data systems, prior to this, anyone could wire their home or office with Ethernet (data) cable or even make an Ethernet patch lead which could be used anywhere, on an Intranet, or the Internet.

These ridiculous changes prohibit persons not licenced under the Cabling Provider Rules from legally performing such tasks, even for personal use - if the cabling is used on Telecommunication networks, which includes the Internet.

This means that one can not legally install data cables in their home, make a patch cable for their PC's, or home DSL/cable routers, where there is Internet connectivity. Strangely however, if the data cable is used for Intranet purposes only, meaning, with *no* possible Internet access, then making patch leads, wiring up the entire home or office etc, is *not* a breach of The Rules.

The thought that this might be a concern so to not affect the Telecommunications Network are made moot by the fact the data cables do not connect into the phone network, and even if there exists an *air-gap* between PC's or Local Area Network and the Internet, such as by accessing the Internet using Wireless, or 3/4G, it is still a breach of The Rules.

There can not be any obvious worry about people contacting live wires, since TV antennae installers are not required to be licenced, they, or anyone, can make a hole in a wall and run cabling through, just so long as its not data cable for Internet use unless it is pre-terminated, and, as mentioned above, if there is no Internet connectivity, its fine to run and installed your own wires and sockets.

I do not understand the reasoning for this change, as you can see, there are inconsistencies, not to mention that most people still even in 2013, are unaware of it being a legal requirement, because its very simple, and likely performed by thousands of people all of the time, even young kids.

The removal of this restriction would be of huge benefit to all, including small businesses who can't afford to pay a licenced cabler hundreds of dollars for what they could do themselves for under 30 dollars and a bit of their spare time on a Saturday afternoon. Its not something everyone would tackle, but those who want to, should be allowed to, unhindered by risk of prosecution.

Discussions with the ACMA resulted in this point based reply, classifying Data Cabling the same as Phone Cabling, which is wrong, because they are clearly completely different.

Cabling in any premises that is used, installed ready for use or intended for use on the customer side of the boundary of a telecommunications network is defined in Section 20 of the Telecommunications Act 1997 as "Customer Cabling".

Installing Customer Cabling that connects or is intended to connect to a carriers telecommunications network is defined in section 418 of the Telecommunications Act 1997 as "Cabling Work".

Anyone who performs cabling work are defined as a cabling provider and are subject to Cabling Provider Rules as defined in section 421 of the telecommunications Act 1997.

The requirement for any person who performs cabling work to be licensed/registered has existed since the start of deregulation of telecommunications in 1989/90. The only essential difference is that the original Digital Data Exemption (DDE) introduced under the 1989 and 1991 Acts which exempted Security, Fire and Data cabling providers from needing to be licensed was removed with the introduction of Cabling Provider Rules in 2000.

Regardless of the extent of cabling work done or how it connects to a carriers network, the Act and subordinate legislation require the cabling provider to be registered and comply with their registration conditions.

In further correspondence with the previous Govt, I requested a Ministerial Determination on this (unfortunately at that time the election was just called so with being moved to caretaker mode were not able to assist any further and referred me back to the ACMA) informed me that the ACMA has exempted pre-terminated cabling from being installed within wall cavities etc, but that it would not exempt unterminated cables, resulting in unsightly wall holes to allow plugs to be forced through, rather than a nice neat and snug wall plate socket. The ACMA I understand has the authority to exempt this, but will not, therefore I ask in your reviews to consider changing The Telco Act/CPR so that:

- Persons performing Data Cabling for non-commercial purposes be exempt from the CPR
- Commercial purposes being defined as receiving specific payment for Data Cabling work.
- An employee performing Data Cabling work for their employer as part of normal duties, for example, System Administrators or in-house IT support, and, providing that employee receives no additional or specific payments for doing so, and is not employed by a Data Cable company, should be considered as performing personal, or non-commercial Data Cabling work and therefore exempt under The Act.

I feel these offer a balance, because if you wish to hire yourself out to perform Data Cabling, then you should be governed by some licencing so your paying customers have some sense of trust that you know what you are doing, but if you want to do it for yourself, or your office, you should still be able to do it without the risk of prosecution.

Thank you for taking the time to read and consider this request.

Sincerely,
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