

Consultation draft

NOTE: this draft declaration is provided for the purposes of consultation only.

The final terms of the declaration may vary from the text of this draft.

-DRAFT-

Commonwealth of Australia

Telecommunications Act 1997

Carrier Licence Conditions (Networks supplying Superfast Carriage Services to Residential Customers) Declaration 2014 (Amendment No.1 of 2016)

I, MITCH FIFIELD, Minister for Communications, make the following Declaration.

Dated 2016.

MITCH FIFIELD
Minister for Communications

1. Name of Instrument

This instrument is the Carrier Licence Conditions (Networks supplying Superfast Carriage Services to Residential Customers) Declaration 2014 (Amendment No.1 of 2016).

2. Commencement

This instrument commences on the day after it is registered on the Federal Register of Legislation.

3. Authority

This instrument is made under subsection 63(5) of the *Telecommunications Act 1997*.

4. Variation

The Carrier Licence Conditions (Networks supplying Superfast Carriage Services to Residential Customers) Declaration 2014 is amended as set out in the Schedule to this instrument.

-DRAFT-

Schedule Amendments

(Section 5)

[1] Section 3, Expiry

omit

31 December 2016

substitute

30 June 2018

[2] Section 4, immediately before the definition of *associate*

insert

Amending Instrument means the *Carrier Licence Conditions (Networks supplying Superfast Carriage Services to Residential Customers) Declaration 2014 (Amendment No.1 of 2016)*.

[3] At the Note accompanying Section 4

omit

(subsection 13(1) of the Legislative Instruments Act 2003)

substitute

(paragraph 13(1)(b) of the *Legislation Act 2003*)

[4] At subsection 4(2)

omit

subsection 6(6)(a)

insert

subsections 6(6) and 6(5A)

[5] Paragraphs 6(1)(a) and (b), Class Licence Conditions

omit

[6] Paragraph 6(1)(c), Carrier Licence Conditions

omit the paragraph and substitute

- (c) from 1 July 2015 until 30 June 2018 comply with each of the conditions set out in subsections (5), (5A), (6), (7), and (8); and

[7] Subsection 6(2), heading Interim wholesale service offerings

omit

[8] Subsection 6(2)

omit

[9] Subsection 6(3)

omit

[10] Subsection 6(4), heading Exception to interim wholesale service offerings

omit

[11] Subsection 6(4)

omit

[12] At the end of subsection 6(5)

insert

(5A) To the extent that the specified carrier's operations of a designated telecommunications network are conducted on a wholesale-only basis, the specified carrier must within 30 days of the Amending Instrument coming into effect and every 6 months thereafter provide to the ACCC a statement made on behalf of the specified carrier by two or more of the carrier's Directors:

- (a) setting out the following details:
- (i) the specified carrier's name and Australian Company Number;
 - (ii) the technology type and locality (by suburb and postcode) of each designated telecommunications network in existence as at the date of the statement;
 - (iii) the total number of carriage services in operation on each designated telecommunications network as at the date of the statement;

- (iv) the names and Australian Company Numbers (where applicable) of each person supplied with one or more eligible services using each designated telecommunications network during:
 - A. the period commencing on 1 January 2017 and ending on date of the statement – for the first statement; and
 - B. the period commencing 6 months before the date of the relevant statement and ending on the date of the statement– for each subsequent statement; and
- (b) declaring that each designated telecommunications network has not been used by the specified carrier to supply eligible services to any of its associates at any time during which section 5 of this Declaration has applied to the specified carrier in respect of those networks.

[13] At subsection 6(6)

omit

“at all times during which section 5 and paragraph (1)(c) apply”

[14] Subparagraph 6(6)(d)

omit

:

- (i) by 31 January 2016;
- (ii) by 30 June 2016; and
- (iii) by 31 December 2016;

substitute

by 30 June and 30 December of each calendar year;