

## CONSULTATION DRAFT

NOTE: This draft Instrument is provided for the purposes of consultation only. The final terms of the Instrument, if the Minister chooses to vary the exemption, may vary from the text of this draft.

### Commonwealth of Australia

*Telecommunications Act 1997*

## Telecommunications (Network Exemption—TransACT Upgraded VDSL Networks) Instrument 2012 (Amendment No.1 of 2020)

I, PAUL FLETCHER, Minister for Communications, Cyber Safety and the Arts make the following Instrument under subsection 141A(1) and subsection 144(1) of the *Telecommunications Act 1997* and subsection 33(3) of the *Acts Interpretation Act 1901*.

Dated 2020.

[DRAFT – NOT FOR SIGNATURE]

PAUL FLETCHER

Minister for Communications, Cyber Safety and the Arts

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### 1 Name of Exemption Instrument

This Instrument is the *Telecommunications (Network Exemption—TransACT Upgraded VDSL Networks) Instrument 2012 (Amendment No.1 of 2020)*.

### 2 Commencement

This Instrument commences on the day it is signed.

### 3 Amendment

The *Telecommunications (Network Exemption—TransACT Upgraded VDSL Networks) Instrument 2012* is amended as set out in the Schedule to this Instrument.

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### Schedule—Amendments

#### *Telecommunications (Network Exemption—TransACT Upgraded VDSL Networks) Instrument 2012*

##### 1 Cause 2 (Cessation)

Omit the clause in its entirety, substitute:

This Instrument ceases on the earlier of:

- a. the day immediately after:
  - i. a functional separation undertaking; or
  - ii. a deemed standard functional separation undertaking relating to local access lines forming part of a TransACT Upgraded VDSL Network first comes into force for the purposes of Part 8 of the Act; and
- b. the day that is the second anniversary of the day on which the *Telecommunications Legislation Amendment (Competition and Consumer) Act 2020 (Cth)* receives the Royal Assent; and
- c. 30 June 2023.

##### 2 Cause 3 (Definitions)

Insert:

*deemed standard functional separation undertaking* means a functional separation undertaking covered by a determination under subsection 151B(1) of the Act, as amended by Schedule 2 to the *Telecommunications Legislation Amendment (Competition and Consumer) Act 2020 (Cth)*.

*functional separation undertaking* has the same meaning as in section 142A of the Act, as inserted by Schedule 2 to the *Telecommunications Legislation Amendment (Competition and Consumer) Act 2020 (Cth)*.