



Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts
CANBERRA ACT 2601

Via email

To whom it may concern,

Re: Increasing minimum legislated broadband speeds

Australians have a right to reliable and appropriate internet, no matter where they live. People across my electorate of Indi in northeast Victoria work online, study online, and socialise online. Telehealth has made healthcare more accessible when access and speeds permit, while our farmers rely on on-farm connectivity to protect their livestock and crops.

We rely on internet connectivity to pay at local businesses, even farmers markets have largely made the shift to digital payments. These small business owners rely on their payment systems operating all the time, not just some of the time.

In times of disaster and extreme weather, good communications infrastructure saves lives, and bad communications infrastructure can cost them. This is a fact the people of Indi know only too well.

A crucial pillar of our communications network is – of course – the National Broadband Network (NBN) and the Statutory Infrastructure Provider (SIP) regime which governs the provision of minimum broadband services.

I welcome the opportunity to provide feedback on a pathway to increase the minimum broadband download speed Statutory Infrastructure Providers (SIPs) must provide from 25 Mbps to 100 Mbps.

I support this proposal, because I have consistently advocated for stronger performance measures for SIPs.

Faster Internet for Regional Australia Bill

In 2022 I introduced my Faster Internet for Regional Australia Bill, which would have amended the Telecommunications Act 1997 (the Act) to improve the SIP regime, including:

- moving SIP performance benchmarks into the Act;
- increasing the **average** download speed to at least 25 Mbps within each 24-hour period;
- decreasing the time in which an SIP must connect new premises or rectify faults in regional areas, bringing these closer to the standards required in metropolitan areas; and
- requiring SIPs to share all performance data with ACMA on quarterly basis.

I have attached a copy of this Bill and its explanatory memorandum to this submission.

In the three years since I introduced this Bill, communities in my electorate have continued to struggle with slower speeds, higher latency, and more frequent outages – particularly in relation to Fixed Wireless and Sky Muster satellite services.

Dr Helen Haines MP

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Recommendations

I support increasing minimum legislated broadband download speeds to 100 Mbps. However, any changes must benefit regional communities.

I note the consultation paper considers "whether a staged implementation of the obligation is preferable". I am strongly of the view that any staged legislative change must not disadvantage regional, rural and remote areas in comparison to metropolitan areas, which would simply entrench an already too-wide digital divide.

Any increase in minimum legislated broadband speeds must also ensure the designated minimum download speed is an average download speed, and not simply a point-in-time measure to be met once per day, whether that be at 2am or 2pm.

SIP performance standards must also ensure timely rectification of faults for regional NBN users. This should include increasing performance benchmarks so that SIPs must ensure >98% of all connection requests are met within statutory timeframes.

Additionally, as the consultation paper notes, Sky Muster satellites will reach their end of life in the early 2030s. It is therefore essential that any amendments to the SIP regime are flexible enough to accommodate future developments in Low Earth Orbit Satellite services provided by NBN Co or another SIP. I recognise this overlaps with important work regarding the Universal Outdoor Mobile Obligation.

Conclusion

As an independent regional MP, I will continue to advocate for a better NBN for the regions. I will continue to work with the nine local councils in my electorate and the Indi Telecommunications Advisory Group – an advocacy body incorporating local councils, Telco representatives, and community members, to secure funding for key communications infrastructure.

We've made a lot of progress on regional communications, but there's much more to do before we can say that all Australians have access to reliable, affordable and fast internet. Increasing minimum legislated broadband speeds, and ensuring these benefit regional communities, is an important step in the right direction.

Yours faithfully



Dr Helen Haines MP
Independent Federal Member for Indi

30 May 2025

Ref: HH518579/SW

2019-2020-2021-2022

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**Telecommunications Legislation Amendment
(Faster Internet for Regional Australia) Bill 2022**

EXPLANATORY MEMORANDUM

and

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Circulated by authority of

Dr Helen Haines MP

Member for Indi

Telecommunications Legislation Amendment (Faster Internet for Regional Australia) Bill 2022

OUTLINE

The *Telecommunications Legislation Amendment (Faster Internet for Regional Australia) Bill 2022* ('the Bill') will move Statutory Infrastructure Provider ('SIP') performance benchmarks into primary legislation and establish new higher standards which SIPs must meet or face penalties.

The new legislated standards include an average download speed of 25 megabits per second every 24-hour period nationwide, a maximum 1 day wait time for all fault rectifications requiring a technician in rural areas, a maximum 5 day wait time for all new connection in rural areas, and a number of other new standards enhancing internet speed, fault rectification and connection times across urban, regional, and remote Australia.

The Bill also includes new oversight provisions which require SIPs to disclose performance data to the Australian Communications Media Authority ('ACMA') for immediate publication on a quarterly basis, or within 30 days following a serious outage.

RATIONALE

Statutory Infrastructure Providers ('SIPs') are obliged to provide baseline wholesale broadband services in designated areas, and support voice services where they operate fixed line and fixed wireless networks. There are nineteen SIPs operating across Australia, with NBN Co. acting as the default SIP for the vast majority of Australians.

Under current arrangements, SIP performance is governed by standards determined by the Communications Minister under Part 19 of the *Telecommunications Act 1997*. In January 2021, the Government issued a consultation paper containing draft performance standards for SIPs covering, among other indicators, connection times, fault rectification and speed. The proposed standards fall short of service expectations, particularly in regional Australia. The Government has also signalled no intention to revise or institute the proposed standards before the next general election.

This Bill would ensure the Government maximises the SIPs contribution to closing the connectivity divide between metropolitan and regional Australia, and secure faster and more reliable broadband connectivity for all Australians.

PROPOSED STANDARDS, RULES AND BENCHMARKS

		Government Draft Regulation	Haines Faster Internet Plan
Broadband Speed Standards	Peak Speed	Eligible services provided by SIPs are to achieve a peak download speed of 25 Mbps at least once every 24 hours, or at least 50% of any higher download speed offered, whichever is the higher.	Eligible services provided by SIPs are to achieve an average download speed of at least 25 Mbps within each 24-hour period or at least 50% of any higher download speed offered on average, whichever is higher.
Fault Rectification Technician wait times	Urban	1 business day	1 business day
	Rural	2 business days	1 business day
	Remote	3 business days	2 business day
Connections	Type 1 <i>Has fixed line equipment</i>	Next business day	Next business day
	Type 2 <i>Does not have fixed line equipment</i>	Urban: 9 business days Rural: 14 business days Remote: 19 business days	Urban: 5 business days Rural: 5 business days Remote: 9 business days
	Type 3 <i>Close to fixed line facility</i>	Urban: 14 business days Rural: 19 business days Remote: 19 business days	Urban: 5 business days Rural: 5 business days Remote: 9 business days
	Type 4 <i>Has wireless equipment</i>	Next business day	Next business day
	Type 5 <i>Does not have wireless equipment</i>	Urban: 9 business days Rural: 14 business days Remote: 19 business days	Urban: 5 business days Rural: 5 business days Remote: 9 business days
Performance Benchmarks	Connections	SIPs must ensure >90% of all connection requests met within the timeframes.	SIPs must ensure >98% of all connection requests met within timeframes.
	Fault Rectification	SIPs must ensure >90% of all faults rectified within the timeframes.	SIPs must ensure >98% of all faults rectified within the target timeframes.
	Speed	SIPs must ensure >90% of eligible services in an area meet the peak speed standard each quarter. If not achieved, the SIP is subject to a separate rule to prepare and publish a network remediation plan.	SIPs must ensure >98% of eligible services in an area meet the peak speed standard each quarter. If not achieved, the SIP is subject to a separate rule to prepare and publish a network remediation plan.
Oversight	ACMA	No changes.	SIPs are required to share performance data with ACMA on quarterly basis for immediate publication. SIPs are required to share performance data within 30 days if there is a serious outage, defined as >1000 customer disruptions or impact on emergency services at any time for any period, for immediate ACMA publication.

NOTES ON CLAUSES

Clause 1: Short Title

This clause specifies that the Act may be cited as the *Telecommunications Legislation Amendment (Faster Internet for Regional Australia) Bill 2022*.

Clause 2: Commencement

This clause provides for the commencement of the Act at the same time as the *Telecommunications Legislation Amendment (Faster Internet for Regional Australia) Bill 2022*.

Clause 3: Schedules

This clause provides that legislation that is specified in a Schedule to this Act is amended or repealed as set out by the relevant schedule, and that any other item in a Schedule to this Act has the effect in accordance with its terms. This clause is the formal enabling provision for the Schedules to the Bill.

Schedule 1 – Amendments

Clause 1 to 19 and 20 to 20A of Schedule 1 make the necessary changes to the *Competition and Consumer Act 2010* and *Telecommunications Act 1997* to allow the SIP performance standards, rules, and benchmarks to be inserted into primary legislation under a new Schedule 5 to the Bill as opposed to the current practice whereby the responsible Minister determines the SIP performance standards, rules, and benchmarks via an instrument.

Clause 19A of Schedule 1 inserts new provisions into the *Telecommunications Act 1997* which require SIPs to share performance data with the Australian Communications and Media Authority on quarterly basis for immediate publication. SIPs are required to share performance data within 30 days if there is a serious outage, defined as greater than 1,000 customer disruptions or impact on emergency services at any time for any period, for immediate ACMA publication.

Clause 21 of Schedule 1 inserts a new Schedule 5 to the *Telecommunications Act 1997*:

Part 1 – Introductory

Clauses 3 and 4 – Definitions

These clauses set out definitions relevant to the new Schedule 5. Urban areas are defined as Modified Monash Model Area 1, rural is defined as Modified Monash Model Areas 2-5, and remote is defined as Modified Monash Model Areas 6 and 7.

Part 2 - Standards

Division 1 - Preliminary

Clauses 5 – Application

This clause sets out the circumstances under which the SIPs will be captured by the relevant performance standards, rules, and benchmarks, including exemptions such as situations beyond the reasonable control of the SIP and natural disasters, for example.

Division 2 – Maximum Periods for Connections

Clause 6 – Connection Period Standard

This clause stipulates that the SIP must connect a premises in its relevant service area to the qualifying telecommunications network in order that a carriage service provider can provide qualifying carriage services to an end user at the relevant premises within a series of maximum timeframes. The maximum time for all connection types across rural areas is 5 business days. If relevant fixed line or wireless equipment is available at the premises, the maximum time is 1 business day.

Division 3 – Maximum Periods for Rectification of Faults and Service Difficulties

Clause 7 – Fault Rectification Period Standard

This clause stipulates that the SIP must rectify a fault or service difficulty in relation to an eligible service supplied by the SIP or its qualifying telecommunications network within 1 business day, irrespective of whether the premises is urban or rural, and 2 business days if it is a premises in a remote location.

Division 4 – Appointments

Clauses 8 to 11 – Appointments

These clauses outline various conditions related to SIP appointment making activity, including limitations upon when the SIP may propose an appointment, how appointment can be varied, and a standard for what constitutes keeping a definition.

Division 5 – Performance Standards

Clauses 12 – Peak Speed Standards

This clause stipulates eligible services provided by SIPs are to achieve an average download speed of at least 25 Mbps within each 24-hour period or at least 50% of any higher download offered on average, whichever is higher.

Part 3 – Performance Benchmarks

Division 1 - Preliminary

Clauses 13 – Overview

This Part outlines the performance benchmarks which each SIP must meet or exceed during the relevant period in relation to the standards specified in Part 2. There are four applicable standards: connection period, fault rectification period, appointment-keeping period, and peak speed.

Division 2 – Performance Benchmarks: Connections

Clause 14 – Performance Benchmarks – Connection Period

This clause stipulates that, for each benchmark period, the minimum benchmark for the connection period standard relating to attendance and non-attendance connections at premises situated in any part of Australia is 98% of the total number of connections requests received in the benchmark period in all of the SIP service areas.

Division 3 – Performance Benchmarks: Fault Rectification

Clause 15 – Performance Benchmarks – Fault Rectification Period

This clause stipulates that, for each benchmark period, the minimum benchmark for the fault rectification period standard relating to attendance and non-attendance faults rectifications at premises situated in any part of Australia is 98% of the total number of fault rectification requests received in the benchmark period in all of the SIP service areas.

Division 4 – Performance Benchmarks: Appointment Keeping

Clause 16 – Performance Benchmarks – Appointment Keeping

This clause stipulates that, for each benchmark period, the minimum benchmark for the appointment keeping period standard relating to premises situated in any part of Australia is 98% of the total number of appointments made in the benchmark period in all of the SIP's service areas.

Division 5 – Performance Benchmarks: Speed

Clause 17 – Quarterly performance benchmark for the peak speed standard

This clause stipulates that, for each quarter, the minimum benchmark for each peak speed standard for each SIP area in any part of Australia is 98%.

Part 4 – Rules

Clauses 18 – Network Remediation Plans

This clause stipulates the circumstances under which a SIP must undertake remediation action if it does not meet an applicable quarterly performance benchmark, including the publication of a network remediation plan.

Clause 19 – Transparency in SIP Officer regarding rebates

Under this clause, each SIP Offer must include clear and transparent terms regarding whether or not the SIP will pay or credit a rebate to a carriage service provider for any failure by the SIP to meet a service level standard about the supply, performance or reliability of an eligible service supplied by the SIP.

Clause 20 to 24 – Record Keeping

These clauses step out the specific information that SIPs must keep in order to detail its compliance with relevant performance standards, rules, and benchmarks.

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

This *Telecommunications Legislation Amendment (Faster Internet for Regional Australia) Bill 2022* is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the bill

The *Telecommunications Legislation Amendment (Faster Internet for Regional Australia) Bill 2022* ('the Bill') will move Statutory Infrastructure Provider ('SIP') performance benchmarks into primary legislation and establish new higher standards which SIPs must meet or face penalties.

The new legislated standards include an average download speed of 25 megabits per second every 24-hour period nationwide, a maximum 1 day wait time for all fault rectifications requiring a technician in rural areas, a maximum 5 day wait time for all new connection in rural areas, and a number of other new standards enhancing internet speed, fault rectification and connection times across urban, regional, and remote Australia.

The Bill also includes new oversight provisions which require SIPs to disclose performance data to the Australian Communications Media Authority ('ACMA') for immediate publication on a quarterly basis, or within 30 days following a serious outage.

Human rights implications

The Bill is compatible with human rights.

While there is no express right of general application to the internet stipulated in international human rights instruments, there is an argument that a right to internet and telecommunications access more broadly are fundamental to the right to freedom of expression, rights to access to information, and core in addressing structural disadvantage including rural and urban infrastructure inequalities. This provisions in this Bill will address this particular structural disadvantage in the Australian context by requiring SIPs to meet connection and fault rectification performance standards, rules and benchmarks in rural areas that are much closer to the high standards, rules, and benchmarks required in urban areas.

2019-2020-2021-2022

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Telecommunications Legislation
Amendment (Faster Internet for
Regional Australia) Bill 2022**

No. , 2022

(Dr Haines)

**A Bill for an Act to amend the law relating to
telecommunications, and for related purposes**

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Schedule 1—Amendments

Competition and Consumer Act 2010

1 Paragraph 152BCCB(a)

Omit “determined under section 360U of”, substitute “set out in Part 2 of Schedule 5 to”.

2 Paragraph 152BCCB(b)

Omit “made under section 360V of that Act”, substitute “set out in Part 4 of that Schedule”.

3 Paragraph 152BDCB(a)

Omit “determined under section 360U of”, substitute “set out in Part 2 of Schedule 5 to”.

4 Paragraph 152BDCB(b)

Omit “made under section 360V of that Act”, substitute “set out in Part 4 of that Schedule”.

5 Subsection 152BEBH(1)

Omit “determined under section 360U of”, substitute “set out in Part 2 of Schedule 5 to”.

6 Subsection 152BEBI(1)

Omit “made under section 360V of”, substitute “set out in Part 4 of Schedule 5 to”.

7 Paragraph 152CBID(a)

Omit “determined under section 360U of”, substitute “set out in Part 2 of Schedule 5 to”.

8 Paragraph 152CBID(b)

Omit “made under section 360V of that Act”, substitute “set out in Part 4 of that Schedule”.

1 ***Telecommunications Act 1997***

2 **9 Section 7**

3 Insert:

4 *major network outage* has the meaning given by
5 subsection 360XC(2).

6 *quarter* means a period of 3 months starting on 1 January, 1 April,
7 1 July or 1 October.

8 **10 Subsections 360U(1) to (3A)**

9 Repeal the subsections.

10 **11 Subsections 360U(4) and (5)**

11 Omit “determined under subsection (1)”, substitute “set out in Part 2 of
12 Schedule 5”.

13 **12 Subsections 360U(6) to (8A)**

14 Repeal the subsections.

15 **13 Subsection 360U(9)**

16 Omit “by an instrument under subsection (6)”, substitute “out in Part 3
17 of Schedule 5”.

18 **14 Subsections 360V(1) and (1A)**

19 Repeal the subsections

20 **15 Subsection 360V(2) (heading)**

21 Repeal the heading.

22 **16 Subsections 360V(2) and (3)**

23 Omit “under subsection (1)”, substitute “set out in Part 4 of
24 Schedule 5”.

25 **17 Paragraph 360W(4)(a)**

26 Omit “determined under section 360U”, substitute “set out in Part 2 of
27 Schedule 5”.

18 Paragraph 360W(4)(b)

Omit “made under section 360V”, substitute “set out in Part 4 of Schedule 5”.

19 Paragraph 360X(4)(a)

Omit “determined under section 360U”, substitute “set out in Part 2 of Schedule 5”.

20 Paragraph 360X(4)(b)

Omit “made under section 360V”, substitute “set out in Part 4 of Schedule 5”.

21 After section 360XA

Insert:

360XB Quarterly reports about compliance with standards, benchmarks and rules

- (1) For each quarter, a statutory infrastructure provider must give to the ACMA, in accordance with subsections (2) to (4), a report relating to the provider’s compliance with Division 4 during the quarter.
- (2) Without limiting subsection (2), the report must show, for each minimum benchmark set out in Part 3 of Schedule 5, whether the statutory infrastructure provider met or exceeded the benchmark.
- (3) The report must be given to the ACMA no later than 30 days after the end of the quarter.
- (4) The report must comply with any requirements specified by the Minister by legislative instrument.

Publication of reports

- (5) The ACMA must, as soon as practicable after receiving a report under subsection (1), publish a copy of the report on the ACMA’s website.

360XC Reports about major network outages

- (1) If a statutory infrastructure provider experiences a major network outage, the provider must give to the ACMA, in accordance with subsections (3) and (4), a report relating to:
- (a) how the outage affected the provider's performance in relation to the matters dealt with by Schedule 5; and
 - (b) the provider's response to the outage.
- (2) A **major network outage** is any network condition that causes:
- (a) 1,000 or more end-users; or
 - (b) any emergency service provider;
- to experience a fault or service difficulty in relation to an eligible service supplied by the statutory infrastructure provider or its qualifying telecommunications network.
- (3) The report must be given to the ACMA no later than 30 days after the end of the major network outage.
- (4) The report must comply with any requirements specified by the Minister by legislative instrument.

Publication of reports

- (5) The ACMA must, as soon as practicable after receiving a report under subsection (1), publish a copy of the report on the ACMA's website.

22 Paragraphs 360ZA(1)(k) and (l)

Repeal the paragraphs.

23 After paragraph 360ZA(1)(m)

Insert:

- (ma) subsection 360XB(4);
- (mb) subsection 360XC(4);

24 At the end of the Act

Add:

Schedule 5—Statutory infrastructure providers: standards, rules and benchmarks

Note: See sections 360U and 360V.

Part 1—Introductory

1 Definitions—Part 19 of the Act

An expression used in this Schedule that is defined in Part 19 of this Act has the same meaning in this Schedule as it has in that Part.

Note 1: Relevant expressions include the following:

- (a) eligible service (section 360A);
- (b) qualifying carriage service (section 360A);
- (c) qualifying fixed-line telecommunications network (section 360A);
- (d) qualifying fixed wireless carriage service (section 360AA);
- (e) qualifying satellite carriage service (section 360A);
- (f) qualifying telecommunications network (section 360A);
- (g) relevant service area (section 360A);
- (h) request (section 360A);
- (i) service area (section 360A).

Note 2: **Business day** is defined in section 2B of the *Acts Interpretation Act 1901*.

2 Definitions

(1) In this Schedule:

2013 estimated resident population means the preliminary estimated resident population as at 30 June 2013, as published by the Australian Bureau of Statistics.

appointment-keeping period standard means the standard set out in subclause 10(1) of this Schedule.

1 **ASGS** means the July 2016 edition of the Australian Statistical
2 Geography Standard, published by the Australian Bureau of
3 Statistics, as existing on the commencement of this definition.

4 Note: The ASGS could in 2022 be viewed on the Australian Bureau of
5 Statistics' website (<https://www.abs.gov.au>).

6 **attendance connection**, in relation to a request to connect an
7 end-user's premises to a qualifying telecommunications network,
8 means a request that requires attendance by the SIP at the
9 end-user's premises as part of carrying out the connection.

10 **attendance fault rectification**, in relation to the rectification of a
11 fault or service difficulty relating to an eligible service or
12 qualifying telecommunications network, means a rectification that
13 requires attendance by the SIP at an end-user's premises.

14 **benchmark period** means:

- 15 (a) the period from commencement of this Schedule until the
16 end of the financial year during which this Schedule
17 commences; or
18 (b) each subsequent financial year.

19 **connection period standard** means the standard set out in clause 6
20 of this Schedule.

21 **fault rectification period standard** means the standard set out in
22 clause 7 of this Schedule.

23 **fixed wireless telecommunications network** means a qualifying
24 telecommunications network that is used, or proposed to be used,
25 to supply qualifying fixed wireless carriage services.

26 **Modified Monash 2 area** means a Statistical Area Level 1 under
27 the ASGS that:

- 28 (a) is categorised under the ASGS as RA 1 (Inner Regional
29 Australia) or RA 2 (Outer Regional Australia); and
30 (b) satisfies any of the following criteria:
31 (i) the area is in an Urban Centre and Locality with a 2013
32 estimated resident population of more than 50,000;
33 (ii) the area is in an Urban Centre and Locality, the
34 geographic centre of which is no more than 20 km road

distance from the boundary of another Urban Centre and Locality with a 2013 estimated resident population of more than 50,000;

- (iii) the area is not in an Urban Centre and Locality, but the geographic centre of the area is no more than 20 km road distance from the boundary of an Urban Centre and Locality with a 2013 estimated resident population of more than 50,000; and

(c) is not a Modified Monash 7 area.

Modified Monash 3 area means a Statistical Area Level 1 under the ASGS that:

- (a) is categorised under the ASGS as RA 1 (Inner Regional Australia) or RA 2 (Outer Regional Australia); and
- (b) satisfies any of the following criteria:
 - (i) the area is in an Urban Centre and Locality with a 2013 estimated resident population of more than 15,000 but no more than 50,000;
 - (ii) the area is in an Urban Centre and Locality, the geographic centre of which is no more than 15 km road distance from the boundary of another Urban Centre and Locality with a 2013 estimated resident population of more than 15,000 but no more than 50,000;
 - (iii) the area is not in an Urban Centre and Locality, but the geographic centre of the area is no more than 15 km road distance from the boundary of an Urban Centre and Locality with a 2013 estimated resident population of more than 15,000 but no more than 50,000; and
- (c) is not a Modified Monash 2 area or Modified Monash 7 area.

Modified Monash 4 area means a Statistical Area Level 1 under the ASGS that:

- (a) is categorised under the ASGS as RA 1 (Inner Regional Australia) or RA 2 (Outer Regional Australia); and
- (b) satisfies any of the following criteria:
 - (i) the area is in an Urban Centre and Locality with a 2013 estimated resident population of at least 5,000 but no more than 15,000;

- 1 (ii) the area is in an Urban Centre and Locality, the
2 geographic centre of which is no more than 10 km road
3 distance from the boundary of another Urban Centre and
4 Locality with a 2013 estimated resident population of at
5 least 5,000 but no more than 15,000;
6 (iii) the area is not in an Urban Centre and Locality, but the
7 geographic centre of the area is no more than 10 km
8 road distance from the boundary of an Urban Centre and
9 Locality with a 2013 estimated resident population of at
10 least 5,000 but no more than 15,000; and
11 (c) is not a Modified Monash 2 area, Modified Monash 3 area or
12 Modified Monash 7 area.

13 **Modified Monash 5 area** means a Statistical Area Level 1 under
14 the ASGS that:

- 15 (a) is categorised under the ASGS as RA 1 (Inner Regional
16 Australia) or RA 2 (Outer Regional Australia); and
17 (b) is not a Modified Monash 2 area, Modified Monash 3 area,
18 Modified Monash 4 area or Modified Monash 7 area.

19 **Modified Monash 6 area** means a Statistical Area Level 1 under
20 the ASGS that:

- 21 (a) is categorised under the ASGS as RA 3 (Remote Australia);
22 and
23 (b) is not a Modified Monash 7 area.

24 **Modified Monash 7 area** means a Statistical Area Level 1 under
25 the ASGS that:

- 26 (a) is entirely located on an island or islands more than 5 km
27 from the Australian mainland or Tasmania, as measured
28 between coastlines at the low water mark; or
29 (b) is located on Magnetic Island; or
30 (c) is categorised under the ASGS as RA 4 (Very Remote
31 Australia).

32 **non-attendance connection**, in relation to a request to connect an
33 end-user's premises to a qualifying telecommunications network,
34 means a request that is able to be fulfilled without any attendance
35 by the SIP at the end-user's premises.

non-attendance fault rectification, in relation to the rectification of a fault or service difficulty in respect of an eligible service or qualifying telecommunications network, means a rectification that does not require attendance by the SIP at an end-user's premises.

public authority means:

- (a) the Commonwealth or a State or Territory; or
- (b) a Commonwealth, State or Territory authority, including:
 - (i) a police force or service; and
 - (ii) a fire service; and
 - (iii) an ambulance service; and
 - (iv) a local government authority.

quarter, in relation to a benchmark period, means a three month period ending on the last day of March, June, September and December in each year.

remote area means:

- (a) a Modified Monash 6 area; or
- (b) a Modified Monash 7 area.

rural area means:

- (a) a Modified Monash 2 area; or
- (b) a Modified Monash 3 area; or
- (c) a Modified Monash 4 area; or
- (d) a Modified Monash 5 area.

satellite telecommunications network means a qualifying telecommunications network that is used, or proposed to be used, to supply qualifying satellite carriage services.

SIP or statutory infrastructure provider means a statutory infrastructure provider within the meaning of section 360A of this Act, and depending on the context, may also include the authorised agent or contractor of a statutory infrastructure provider.

SIP Offer means any offer published by a SIP on its website from time to time in accordance with section 360W or section 360X.

speed standard means the standard set out in clause 12 of this Schedule.

1 **type 1 premises** means a premises that:

- 2 (a) is situated in a relevant service area; and
3 (b) has a physical (or other kind of direct) connection to a
4 qualifying fixed-line telecommunications network owned or
5 operated by the relevant SIP; and
6 (c) has necessary network equipment installed by the SIP to
7 provide a qualifying carriage service.

8 **type 2 premises** means a premises that:

- 9 (a) is situated in a relevant service area; and
10 (b) has a physical (or other kind of direct) connection to a
11 qualifying fixed-line telecommunications network owned or
12 operated by the relevant SIP; and
13 (c) does not have necessary network equipment installed by the
14 SIP to provide a qualifying carriage service.

15 **type 3 premises** means a premises that:

- 16 (a) is situated in a relevant service area; and
17 (b) does not have a physical (or other kind of direct) connection
18 to a qualifying fixed-line telecommunications network owned
19 or operated by the relevant SIP; and
20 (c) is in close proximity to a facility forming part of a fixed-line
21 qualifying telecommunications network owned or operated
22 by the relevant SIP.

23 **type 4 premises** means a premises that:

- 24 (a) is situated in a relevant service area; and
25 (b) has relevant equipment (such as a satellite dish or antenna)
26 installed within or on it and such equipment enables it to be
27 directly connected to a fixed wireless telecommunications
28 network or satellite telecommunications network owned or
29 operated by the relevant SIP.

30 **type 5 premises** means a premises that:

- 31 (a) is situated in a relevant service area; and
32 (b) does not have relevant equipment (such as a satellite dish or
33 antenna) installed within or on it; and
34 (c) is situated within range, or readily capable, of being
35 connected to, a fixed wireless telecommunications network

1 or a satellite telecommunications network owned or operated
2 by the relevant SIP.

3 ***urban area*** means an area that is not a rural area or a remote area.

4 ***Urban Centre and Locality*** means an area defined as an Urban
5 Centre and Locality under the ASGS.

6 (2) For the purposes of the definition of ***type 3 premises*** in
7 subclause (1), a premises will be considered to be in close
8 proximity if it is situated 500 metres or less from any part of the
9 qualifying fixed-line telecommunications network.

10 **3 How reports may be made**

11 For the purposes of this Schedule, a fault or service difficulty
12 report may be:

- 13 (a) made by a carriage service provider directly to the relevant
14 SIP; or
- 15 (b) produced by the relevant SIP through its own self-diagnostic
16 system.

17 **4 When reports and requests are taken to be made**

18 For the purposes of this Schedule:

- 19 (a) a fault or service difficulty report which is received or
20 produced; or
- 21 (b) a connection request which is received;
22 by the SIP after 5 pm on a business day or on a day that is not a
23 business day, is taken to be received (or produced) on the next
24 business day.

25 **Part 2—Standards**

26 Note: Subsection 360U(4) of this Act provides that a statutory infrastructure provider must
27 comply with a standard set out in this Part.

Division 1—Preliminary

5 Application

- (1) A standard set out in clause 6 or 7 or subclause 10(1) or clause 12 of this Schedule does not apply:
- (a) if a law of the Commonwealth, State, Territory or local government prevents the SIP from complying with the particular standard; or
 - (b) if compliance with the particular standard would directly result in the SIP being unable to take steps to meet a duty it owes to another person under a Commonwealth, State or Territory law; or
 - (c) during the period where there is scheduled maintenance of, or upgrade to, the qualifying telecommunications network or a facility forming part of that network, and that maintenance or upgrade prevents the SIP from performing activity that is necessary for the SIP to comply with the particular standard, subject to the following conditions:
 - (i) the SIP provides relevant carriage service providers with written notice of the maintenance or upgrade at least 24 hours prior to commencement of the scheduled maintenance or upgrade;
 - (ii) the SIP:
 - (A) provides relevant carriage service providers with written notice; or
 - (B) publishes in a prominent place on the SIP's website;
detailed information of the expected start and end time of the maintenance or upgrade activity in a format that readily allows relevant carriage service providers to identify individual affected premises; or
 - (d) during the period where there is a loss of power to the relevant premises and that prevents the SIP from performing activity that is necessary for the SIP to comply with the particular standard in respect of that premises; or
 - (e) during the time that there are circumstances beyond the control of the SIP which could not have been prevented or avoided by the SIP taking all reasonable steps and those

circumstances prevent the SIP from performing activity that is necessary for in order to comply with the particular standard at a relevant location.

(2) For the purposes of paragraph (1)(e), circumstances beyond the reasonable control of a SIP are as follows:

(a) damage to the qualifying telecommunications network or a facility forming part of that network, that is used in connection with the supply (or proposed supply) of an eligible service to the carriage service provider, if that damage is not reasonably preventable, was not caused by the SIP and it prevents the SIP:

(i) connecting an end-user's premises to the qualifying telecommunications network; or

(ii) rectifying the fault or service difficulty at a particular premises; or

(iii) attending the location of a scheduled appointment;

(b) a natural disaster or extreme weather conditions that causes mass outages of carriage services and which prevents the SIP:

(i) connecting an end-user's premises to the qualifying telecommunications network; or

(ii) rectifying the fault or service difficulty at a particular premises; or

(iii) attending the location of a scheduled appointment;

(c) the SIP is requested by a public authority to provide emergency communications services to assist in emergency action, and the provision of those services directly prevents the SIP:

(i) connecting the end-user's premises to the qualifying telecommunications network; or

(ii) rectifying a fault or service difficulty at the end-user's premises; or

(iii) attending the location of a scheduled appointment;

(d) the SIP is prevented from connecting the end-user's premises to the qualifying telecommunications network or rectifying a fault or service difficulty the end-user's premises, or attending the location of a scheduled appointment because the carriage service provider or end-user does not provide

1 essential information or reasonable assistance required by the
2 SIP to carry out this activity.

- 3 (3) If a SIP was prevented from complying with a particular standard
4 as a result of circumstances referred to in subclause (1), the SIP
5 must ensure it complies with the particular standard from the time
6 that the SIP is no longer prevented from complying with the
7 standard.
- 8 (4) If a SIP was prevented from complying with a particular standard
9 as a result of a circumstances referred to in paragraph (2)(a), (b), or
10 (c), the SIP must ensure it complies with the particular standard:
11 (a) within 3 business days from the day upon which the
12 circumstances arose; or
13 (b) any other longer timeframe(s) as approved by the ACMA in
14 writing either on a case by case basis or class basis.
- 15 (5) If a SIP was prevented from complying with a particular standard
16 as a result of any of the circumstances referred to in
17 paragraph (2)(a), (b) or (c), the SIP must, within 1 business day
18 after becoming aware of the particular circumstances, publish on
19 its website a written notice setting out all of the following:
20 (a) a description of the circumstances;
21 (b) a unique identifier for the instance;
22 (c) this Actual (or estimated) number of carriage services and
23 end-user premises impacted by the particular circumstances;
24 (d) the expected date when the SIP is expected to no longer be
25 prevented from complying with the standard, including any
26 longer timeframe approved by ACMA.

27 **Division 2—Maximum periods for connections**

28 **6 Connection period standard—maximum period for connection of** 29 **premises**

- 30 (1) The SIP must connect a premises in its relevant service area to the
31 qualifying telecommunications network in order that a carriage
32 service provider can provide qualifying carriage services to an
33 end-user at the relevant premises within the following maximum
34 timeframes:

-
- 1 (a) if the connection is a non-attendance connection—1 business
2 day from receipt of the request;
3 (b) if the connection is an attendance connection:
4 (i) for a type 1 or type 4 premises—1 business day from
5 receipt of the request; or
6 (ii) for a type 2, type 3 or type 5 premises—5 business days
7 from receipt of the request; or
8 (iii) in any other case—20 business days from receipt of the
9 request.
- 10 (2) For the avoidance of doubt, the periods specified in subclause (1)
11 are maximum timeframes and do not limit a SIP offering to
12 connect a premises in its relevant service area to a qualifying
13 telecommunications network within shorter timeframes.

14 **Division 3—Maximum period for rectification of faults or**
15 **service difficulties**

16 **7 Fault rectification period standard—maximum period for**
17 **rectification of fault or service difficulties**

- 18 (1) The SIP must rectify a fault or service difficulty in relation to an
19 eligible service supplied by the SIP or its qualifying
20 telecommunications network within:
21 (a) to the extent the affected premises are in an urban area or a
22 rural area—1 business day from receipt (or production) of the
23 report; and
24 (b) to the extent the affected premises are in a remote area—2
25 business days from receipt (or production) of the report.
- 26 (2) For the avoidance of doubt, the period specified in subclause (1) is
27 a maximum timeframe and does not limit a SIP's offering to rectify
28 a fault or service difficulty in relation to an eligible service or the
29 qualifying telecommunications network within a shorter
30 timeframe.

Division 4—Appointments

8 Appointments for a connection or rectification of a fault or service difficulty

- (1) A SIP may make arrangements with the carriage service provider or with the *end-user* of a qualifying carriage service supplied by the carriage service provider:
- (a) to connect the end-user's premises located in a relevant service area to the SIP's qualifying telecommunications network; or
 - (b) to rectify faults or service difficulties relating to:
 - (i) the eligible service supplied (or proposed to be supplied) by the SIP to the carriage service provider in order that the carriage service provider can provide a qualifying carriage service; or
 - (ii) the qualifying telecommunications network used (or proposed to be used), in order that the carriage service provider can provide a qualifying carriage service to the end-user.
- (2) The day, and the time of day, proposed by the SIP for an appointment must be reasonably convenient for the end-user.
- (3) The SIP may propose an appointment:
- (a) at a particular time of day; or
 - (b) in the period between 2 particular times of day that are not more than 5 hours apart.

9 Changes to period for appointments

- Either party to an appointment may change the day, time of day or location of the appointment by:
- (a) giving at least 24 hours prior notice of the change to the other party; or
 - (b) obtaining the agreement of the other party to the change.

10 Standards relating to keeping appointments

- (1) Subject to subclause (2), the SIP must keep an appointment either to connect an end-user's premises in its relevant service area to rectify a fault or service difficulty experienced by an end-user.
- (2) A SIP is taken to have kept the appointment if the SIP is present at the location of the appointment:
 - (a) if the appointment is for a particular time of day—not later than 15 minutes after the time of the appointment; or
 - (b) if the appointment is for a period between 2 particular times of day that are not more than 4 hours apart—not later than 15 minutes after the end of the period; or
 - (c) if the appointment is for a period between 2 particular times of day that are more than 4, but not more than 5, hours apart and the site is not in a remote area—at any time within the period; or
 - (d) if the appointment is for a period between 2 particular times of day that are more than 4, but not more than 5, hours apart and the site is in a remote area—not later than 45 minutes after the end of the period.

11 Interpretation for this Division

For the purposes of this Division:

- (a) a reference to an end-user includes a reference to someone who is validly authorised to represent the end-user; and
- (b) a reference to a proposed appointment includes a reference to an appointment that is changed in accordance with clause 9.

Division 5—Performance standards**12 Speed standard**

The SIP must ensure that, for each 24 hour period and for each of its eligible services supplied in a service area, the average download transmission speed of the service is at least:

- (a) 25 Mbps; or
 - (b) 50% of any download speed set out for the time in the relevant SIP Offer;
-

1 (whichever is the higher).

2 **Part 3—Performance benchmarks**

3 Note: Subsection 360U(9) of this Act provides that a SIP must meet or
4 exceed a minimum benchmark set out in this Part.

5 **Division 1—Preliminary**

6 **13 Overview**

7 This Part outlines the performance benchmarks which each SIP
8 must meet or exceed during the relevant period in relation to the
9 standards specified in Part 2. There are 4 applicable standards:
10 (a) the connection period standards (clause 6); and
11 (b) the fault rectification period standard (clause 7); and
12 (c) the appointment-keeping period standard (subclause 10(1));
13 and
14 (d) the speed standard (clause 12).

15 **Division 2—Performance benchmarks: connections**

16 **14 Performance Benchmarks for the connection period standard**

- 17 (1) For each benchmark period, the minimum benchmark for the
18 connection period standard relating to non-attendance connections
19 is 98% of the total number of non-attendance connections requests
20 received in the benchmark period in all of the SIP's service areas.
- 21 (2) For each benchmark period, the minimum benchmark for the
22 connection period standard relating to attendance connections is
23 98% of the total number of attendance connections requests
24 received in the benchmark period in all of the SIP's service areas.

Division 3—Performance benchmarks: fault rectification

15 Performance benchmarks for the fault rectification period standard

(1) For each benchmark period, the minimum benchmark for the fault rectification period standard relating to non-attendance fault rectifications is 98% of the total number of non-attendance fault rectification requests received in the benchmark period in all of the SIP's service areas.

(2) For each benchmark period, the minimum benchmark for the fault rectification period standard relating to attendance fault rectifications is 98% of the total number of attendance fault rectification requests received in the benchmark period in all of the SIP's service areas.

Division 4—Performance benchmarks: appointment-keeping

16 Performance benchmarks for the appointment-keeping period standard

For each benchmark period, the minimum benchmark for the appointment-keeping period standard is 98% of the total number of appointments made in the benchmark period in all of the SIP's service areas.

Division 5—Performance benchmarks: speed

17 Quarterly performance benchmark for the speed standard

For each quarter, the minimum benchmark for the speed standard for each SIP service area is 98%, calculated using the following formula:

A divided by **B**,
where:

1 **A** is an aggregate figure calculated by summing for each calendar
2 day in the quarter the total number of eligible services in an area
3 that met the speed standard.

4 **B** means the total eligible services in the area x the total calendar
5 days in the quarter.

6 Note: Subclause 18(1) requires a SIP to prepare a network remediation plan
7 if the SIP fails to meet an applicable quarterly performance
8 benchmark for the speed standard in any service area.

9 **Part 4—Rules**

10 Note 1: Subsection 360V(2) of this Act provides that a statutory infrastructure
11 provider must comply with a rule set out in this Part.

12 Note 2: A statutory infrastructure provider must publish on its website the
13 terms and conditions on which it offers to connect premises in the
14 services area to a qualifying telecommunications network and supply
15 eligible services in order that a carriage service provider can provide a
16 qualifying carriage service to an end-user at a premises (see
17 subsections 360W(1) and 360X(1) of this Act).
18

19 **18 Network remediation plans**

- 20 (1) Subject to subclause (2), if a SIP does not meet an applicable
21 quarterly performance benchmark for the speed standard in any
22 service area, then the SIP must, within 20 business days:
23 (a) prepare a network remediation plan for each relevant
24 impacted service area or region (as the case may be); and
25 (b) publish a copy of the plan on a prominent place on its
26 website.
- 27 (2) The requirement under subclause (1) does not apply in cases in
28 which the SIP subsequently does not meet the speed standard in
29 respect of an eligible service and each of the following apply:
30 (a) the eligible service is situated in an area or region covered by
31 a current network remediation plan;
32 (b) the requirement for the current network remediation plan
33 arose from a prior failure by the SIP to meet the speed
34 standard.

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- (3) For the purposes of paragraph (1)(a), the network remediation plan must be in writing and include:
- (a) details of the total number, and location, of all eligible services supplied by the SIP in the area, including setting out those services which have not met a quarterly speed performance benchmark in the relevant period; and
 - (b) the steps which the SIP will implement, or arrange to be implemented, to the SIP's network(s) used to supply the affected eligible services (for example, a network upgrade, extension or other modifications) to meet the applicable benchmark(s) in the service area within 3 months from the date the plan is issued.

19 Transparency in SIP Offer regarding rebates

- (1) Each SIP Offer must include clear and transparent terms regarding whether or not the SIP will pay or credit a rebate to a carriage service provider for any failure by the SIP to meet a service level standard about the supply, performance or reliability of an eligible service supplied by the SIP.
- (2) For the avoidance of doubt, nothing in subclause (1) either expressly or by implication imposes an obligation on a SIP to include any term relating to the payment or crediting of rebate of any kind (however described) in a SIP Offer.

20 Record keeping—service connection

- A SIP must, in relation to all connection requests it receives in respect of premises situated in its service areas, keep a record of the following matters:
- (a) the date and time at which the request was received and the name of the carriage service provider who made the request on behalf of an end-user;
 - (b) the location of the particular premises that is the subject of the connection request;
 - (c) a unique service identifier for the premises at paragraph (b);
 - (d) the applicable connection period in business days;
 - (e) the date and time at which the connection period standard expires in relation to the connection request;

- 1 (f) the date and time at which the SIP completed the connection;
2 (g) if circumstances reasonably beyond the control of the SIP or
3 a law of the Commonwealth, a State or Territory or local
4 government prevent it from complying with the connection
5 period standard:
6 (i) a description of those circumstances or name of the law
7 (as applicable); and
8 (ii) the reason why those circumstances or law (as
9 applicable) prevent the SIP from complying with the
10 standard; and
11 (iii) the date on which those circumstances arose or the SIP
12 became prevented from complying by reason of the law;
13 and
14 (iv) the date and time at which the circumstances or law (as
15 applicable) ceased to prevent the SIP from complying
16 with the standard;
17 (h) the type of premises and whether it is located in:
18 (i) an urban area; or
19 (ii) a rural area; or
20 (iii) a remote area.

21 **21 Record keeping—fault or service difficulties**

- 22 A SIP must, in relation to each report that it receives or produces,
23 in respect of a fault or service difficulty in respect of premises
24 situated in its relevant service areas, keep a record of the following
25 matters:
26 (a) if the SIP produced a report of the fault or service
27 difficulty—the date and time at which the report was
28 produced;
29 (b) if the SIP received a report of the fault or service difficulty:
30 (i) the date and time at which the report was received; and
31 (ii) the name of the carriage service provider who reported
32 the fault or service difficulty;
33 (c) the location of the particular premises experiencing the fault
34 or service difficulty;
35 (d) a unique service identifier for the premises at paragraph (c);
36 (e) a description of the nature of the fault or service difficulty;

-
- 1 (f) the rectification period in business days;
 - 2 (g) the date and time at which the fault rectification period
 - 3 expires in relation to the fault or service difficulty;
 - 4 (h) the date and time at which the SIP rectified the fault or
 - 5 service difficulty;
 - 6 (i) if circumstances reasonably beyond the control of the SIP or
 - 7 the law of the Commonwealth, a State or Territory or local
 - 8 government prevent it from complying with the fault
 - 9 rectification period standard:
 - 10 (i) a description of those circumstances or name of the law
 - 11 (as applicable); and
 - 12 (ii) the reason why those circumstances or law (as
 - 13 applicable) prevent the SIP from complying with the
 - 14 standard; and
 - 15 (iii) the date on which those circumstances arose or the SIP
 - 16 became prevented from complying by reason of the law;
 - 17 and
 - 18 (iv) the date and time at which the circumstances or law (as
 - 19 applicable) ceased to prevent the SIP from complying
 - 20 with the standard;
 - 21 (j) the type of premises to which the report relates and whether
 - 22 it is located in:
 - 23 (i) an urban area; or
 - 24 (ii) a rural area; or
 - 25 (iii) a remote area.

26 **22 Record keeping—network remediation plans**

- 27 In respect of each network remediation plan that a SIP is required
- 28 to prepare in accordance with subclause 18(1), the SIP must retain
- 29 records of the following matters:
- 30 (a) each network remediation plan prepared;
 - 31 (b) the percentage of eligible services which have been
 - 32 remediated during the course of the period covered by each
 - 33 network remediation plan;
 - 34 (c) the SIP's implementation and fulfilment of each plan.

23 Record keeping—appointment keeping

A SIP must, in relation to each appointment it arranges, keep a record of the following matters:

- (a) the agreed date and time of the appointment;
- (b) details of any changes to the appointment, including when the change was agreed;
- (c) whether the appointment was for the purpose of connection or fault rectification;
- (d) the location of the particular premises to which the appointment relates;
- (e) a unique service identifier for the premises at paragraph (d);
- (f) if circumstances reasonably beyond the control of the SIP or the law of the Commonwealth, a State or Territory or local government prevent it from complying with the appointment keeping period standard:
 - (i) a description of those circumstances or name of the law (as applicable); and
 - (ii) the reason why those circumstances or law (as applicable) prevent the SIP from complying with the standard; and
 - (iii) the date on which those circumstances arose or the SIP became prevented from complying by reason of the law; and
 - (iv) the date and time at which the circumstances or law (as applicable) ceased.

24 Period for retention of records

If a SIP is required to keep a record of any matter described in clauses 20 to 23, the SIP must retain that record for a period that expires no earlier than 2 years after the end of the relevant benchmark period.