

Commonwealth of Australia

Telecommunications Act 1997

**Telecommunications (Network Exemption—
Telstra South Brisbane Network)
Instrument 2012**

I, STEPHEN MICHAEL CONROY, Minister for Broadband, Communications and the Digital Economy, make the following Instrument under subsection 141A(1) and subsection 144(1) of the *Telecommunications Act 1997*.

Dated 9/1 2012



STEPHEN CONROY
Minister for Broadband, Communications and the Digital Economy

1 Name of Instrument

This Instrument is the *Telecommunications (Network Exemption—Telstra South Brisbane Network) Instrument 2012*.

2 Cessation

This Instrument ceases to have effect on 31 December 2013.

Note 1 By virtue of paragraph 4(1)(a) and subsection 4(2A) of the *Acts Interpretation Act 1901*, this Instrument will commence immediately on the commencement of Part 3 of Schedule 1 to the *Telecommunications Legislation Amendment (National Broadband Network Measures—Access Arrangements) Act 2011*.

3 Definitions

In this Instrument:

Act means the *Telecommunications Act 1997*.

access seeker has the same meaning as in Part XIC of the *Competition and Consumer Act 2010*.

declared service has the same meaning as in Part XIC of the *Competition and Consumer Act 2010*.

Fibre Access Broadband Service means a carriage service that:

- (a) is offered to be supplied on a wholesale basis;
- (b) is supplied by means of an optical fibre line; and
- (c) is offered to be supplied at each of the following maximum transmission speeds:
 - (i) download transmission speed of 8Mbps and upload transmission speed of 384kbps;
 - (ii) download transmission speed of 30Mbps and upload transmission speed of 1Mbps;
 - (iii) download transmission speed of 100Mbps and upload transmission speed of 5Mbps; and
- (d) has the following configurations:
 - (i) a ‘best effort’ or non-prioritised service, as characterised by the Differentiated Services Code Point Default Forwarding per-hop behaviour; and
 - (ii) connectivity made with static Layer 2 Tunnelling Protocol (L2TP) tunnels and Broadband Virtual Local Area Networks giving direct access to end user sessions; and
 - (iii) end-user sessions are aggregated together in the Telstra network via static L2TP tunnels supplied over Ethernet.

Telstra South Brisbane Network means an optical fibre-based telecommunications network:

- (a) that is owned by Telstra; and
- (b) which comprises:
 - (i) a network located in the South Brisbane suburbs of Highgate Hill, West End, Dutton Park and Fairfield (as depicted in the map at Schedule 1 to this Instrument); and
 - (ii) local access lines or parts of local access lines located outside the areas specified in subparagraph (b)(i) necessary for the provision of carriage services to premises located within the areas specified in subparagraph (b)(i); and

(c) which uses fibre-to-the-premises architecture.

Note By virtue of paragraph 46(1)(b) of the *Acts Interpretation Act 1901*, the following expressions have the same meaning as in the Act:

- *ACCC*
- *carriage service*
- *local access line*
- *optical fibre line*
- *telecommunications network*
- *Telstra*

4 Exemptions

- (1) Subject to the conditions set out in subclause (2), and pursuant to subsection 141A(1) of the Act and 144(1) of the Act, the Telstra South Brisbane Network is exempt from sections 141 and 143 of the Act.
- (2) The exemptions are subject to the condition that, if a Fibre Access Broadband Service is not a declared service:
 - (a) Telstra must offer and supply to access seekers, upon reasonable request, a Fibre Access Broadband Service over the Telstra South Brisbane Network; and
 - (b) Telstra must:
 - (i) publish on the wholesale section of its website, the terms and conditions (price and non-price) on which it offers and supplies the Fibre Access Broadband Service on the Telstra South Brisbane Network (***reference offer***);
 - (ii) each time it enters into an agreement with an access seeker, where the terms and conditions are not the same as those set out in the reference offer, provide the following information to the ACCC within 14 days of entering into the agreement:
 - (A) the identity of the parties to the agreement; and
 - (B) the differences between the terms and conditions set out in the agreement and the terms and conditions set out in the reference offer; and
 - (iii) each time it implements a material change to either the reference offer or the product specification for the Fibre Access Broadband Service, provide the following information to the ACCC within 14 days of implementing the change:
 - (A) the nature of the change; and
 - (B) the date the change took effect.

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Note 1 Paragraph 141A(4)(b) provides that an instrument made under subsection 141A(1) may be subject to such conditions as are specified in the instrument.

Note 2 Paragraph 144(4)(b) provides that an instrument made under subsection 144(1) may be subject to such conditions as are specified in the instrument.

Schedule 1 – Map

