

# Commonwealth of Australia

*Telecommunications Act 1997*

## Telecommunications (Network Exemption— Specified Velocity Networks) Instrument 2012 as amended

Made under the *Telecommunications Act 1997* as in force at 16 June 2020.

This compilation was prepared on 25 June 2020 taking into account amendments made on 16 June 2020.

Prepared by the Department of Infrastructure, Transport, Regional Development and Communications

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### 1. Name of Instrument

This Instrument is the *Telecommunications (Network Exemption—Specified Velocity Networks) Instrument 2012*.

### 2. Cessation

This Instrument ceases to have effect on the earlier of:

- (a) the day which is 90 days after the last of the customer transition completion dates of the Specified Velocity Networks; and
- (b) 1 July 2022, if Telstra owns any Specified Velocity Networks on that day.

*Note* This instrument commenced on 12 April 2012.

### 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*.

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**customer transition completion date** means, in respect of a Specified Velocity Network, the day on which Telstra completes disconnection of all Telstra-Equipped Services supplied to premises connected to that Specified Velocity Network.

**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; and
- (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.

**Specified Velocity Network** means an optical fibre-based telecommunications network:

- (a) that is owned by Telstra or over which Telstra is in a position to exercise control; and
- (b) which comprises:
  - (i) a network located in:

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- (A) a real estate development project specified in column 1 of the table at Schedule 1 to this Instrument; and
- (B) an area of land depicted in the corresponding map at Annexure A to Schedule 1 (refer to column 2 of the table at Schedule 1 to this Instrument); and
- (ii) those local access lines or parts of 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) constructed by Telstra in accordance with a legally enforceable agreement:
  - (i) in force prior to 25 November 2010; and
  - (ii) between Telstra and the person responsible for the real estate development project; and
- (d) which uses fibre-to-the-premises architecture.

***Telstra-Equipped Services*** means carriage services which Telstra, while it is in a position to exercise control of a Specified Velocity Network, supplies to itself or to access seekers at premises connected to that Specified Velocity Network, including the Fibre Access Broadband Service.

**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*
- *ACMA*
- *a person being in a position to exercise control over a network*
- *carriage service*
- *local access line*
- *optical fibre line*
- *real estate development project*
- *telecommunications network*
- *Telstra*

#### 4. Exemptions

- (1) Subject to the conditions set out in subclauses (2) and (3), and pursuant to subsections 141 A(1) and 144(1) of the Act, each Specified Velocity 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 Specified Velocity 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 to supply the Fibre Access Broadband Service on a Specified Velocity Network (*reference offer*); and
    - (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; and
    - (iv) make available to the ACCC or ACMA, within 14 days of receipt of the request, copies of executed contracts it has entered into with person responsible for the real estate development project for the construction of a Specified Velocity Network.
- (3) Telstra must provide a written report to the ACCC and the Minister:
  - (a) every six months commencing on 15 July 2020 until the cessation of this Instrument; and

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- (b) within 30 days of a written request by the ACCC pursuant to this paragraph;  
detailing the progress of the sale of each Specified Velocity Network, including:
- (c) a summary of the legal arrangement(s) for the transfer of ownership of each Specified Velocity Network (including the name of the purchaser and date of transfer);
- (d) if, as at the date of the report, legally binding arrangement(s) are in place for the transfer of ownership of any Specified Velocity Network, the following information about the customer transfer process:
- (i) details of the work arrangements (including physical work) required to be undertaken (or being undertaken) by Telstra to effect the transfer of the local access line to the network purchaser;
  - (ii) the number of local access lines where physical work has been initiated (but not yet complete) to transfer the lines to the network purchaser;
  - (iii) the timeframes for the completion of the transfer of ownership of the local access lines and associated work, on a per area basis (if known);
  - (iv) the number and location of the local access lines that, as at the date of the report, have been fully transferred to the network purchaser; and
  - (v) a summary of the information disseminated to retail customers and end-user customers regarding the transfer of the local access lines and any related service or network disruption.

**Note 1** Paragraph 141 A(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 I44(4)(b) provides that an instrument made under subsection 144(1) may be subject to such conditions as are specified in the instrument.

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## Schedule 1 - Specified Velocity Networks

(clauses 3 and 4)

### New South Wales

<b>Item</b>	<b>Column 1 Name and location of real estate development project</b>	<b>Column 2 Area of project (Map Number)</b>
1	Aveo Island Point Estate - St George's Basin (Sanctuary Point) NSW	Map 1 at Annexure A
2	Bingara Gorge Estate - Wilton NSW	Map 2 at Annexure A
3	Calala Village Estate - Tamworth NSW	Map 3 at Annexure A
4	Endeavour House - Coogee NSW	Map 4 at Annexure A
5	Fern Bay Seaside Village - Fern Bay NSW	Map 5 at Annexure A
6	Freeman's Ridge Estate - Hoxton Park NSW	Map 6 at Annexure A
7	Harrington Grove Estate - Harrington Park NSW	Map 7 at Annexure A
8	Heritage on Peel 1 - Tamworth NSW	Map 8 at Annexure A
9	Hermitage Camden Valley Golf Resort - Catherine Fields NSW	Map 9 at Annexure A
10	Hundred Hills Estate - Murwillumbah NSW	Map 10 at Annexure A
11	Jacksons Landing Estate - Pyrmont NSW	Map 11 at Annexure A
12	Manufactured Homes Estate -Leppington NSW	Map 12 at Annexure A
13	Moore Creek Estate - Calala (Tamworth) NSW	Map 13 at Annexure A
14	Rouse Hill Estate - Rouse Hill NSW	Map 14 at Annexure A
15	Seaside City Estate - Kingscliffe NSW	Map 15 at Annexure A
16	Stonecutters Ridge Estate - Colebee NSW	Map 16 at Annexure A
17	Tamworth Lifestyle Village - West Tamworth NSW	Map 17 at Annexure A
18	Windmill Downs Estate - Tamworth NSW	Map 18 at Annexure A
19	Windmill Hill Estate - Tamworth NSW	Map 19 at Annexure A

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**Victoria**

<b>Item</b>	<b>Column 1 Name and location of real estate development project</b>	<b>Column 2 Area of project (Map Number)</b>
20	Cascades on Clyde Estate -Cranbourne VIC	Map 20 at Annexure A
21	Cornells Hill Estate - Doreen VIC	Map 21 at Annexure A
22	Eastridge Estate -Mooroolbark/Croydon VIC	Map 22 at Annexure A
23	Eynesbury Estate - Eynsbury VIC	Map 23 at Annexure A
24	Kew Cottages Estate - Kew VIC	Map 24 at Annexure A
25	Kingsford Estate - Point Cook VIC	Map 25 at Annexure A
26	Laurimar Estate - Doreen VIC	Map 26 at Annexure A
27	Martha Cove Estate - Safety Beach VIC	Map 27 at Annexure A
28	Saltwater Coast Estate - Point Cook VIC	Map 28 at Annexure A
29	Somerfield Estate - Keysborough VIC	Map 29 at Annexure A
30	The Hunt Club Estate - Cranbourne VIC	Map 30 at Annexure A
31	Yarra's Edge Estate - Melbourne VIC	Map 31 at Annexure A

**Queensland**

<b>Item</b>	<b>Column 1 Name and location of real estate development project</b>	<b>Column 2 Area of project (Map Number)</b>
32	Bluewater Estate - Trinity Park (Cairns) QLD	Map 32 to Annexure A
33	Boonaroo Views Estate - Nerang QLD	Map 33 to Annexure A
34	Brookwater Estate - Brookwater QLD	Map 34 at Annexure A
35	Canopy's Edge Estate - Smithfield (Cairns) QLD	Map 35 at Annexure A
36	Cascade Gardens Estate -Rockhampton QLD	Map 36 at Annexure A
37	Centrus Estate - Eight Mile Plains QLD	Map 37 at Annexure A
38	Ecopoint Estate - Victoria Point QLD	Map 38 at Annexure A
39	Edenbrook Estate - Bundaberg QLD	Map 39 at Annexure A
40	Emerald Lakes Estate - Carrara QLD	Map 40 at Annexure A
41	Fitzgibbon Chase Estate - Fitzgibbon QLD	Map 41 at Annexure A
42	FKP Rochedale Estate - Rochedale QLD	Map 42 at Annexure A
43	Forest Ridge Estate - Narangba QLD	Map 43 at Annexure A
44	Gainsborough Greens Estate -Pimpana QLD	Map 44 at Annexure A
45	Gecko Valley Estate - Gladstone QLD	Map 45 at Annexure A
46	Greater Ascot Estate - Shaw (Townsville) QLD	Map 46 at Annexure A
47	H2O MDU - Southport QLD	Map 47 at Annexure A
48	Highland Reserve Estate - Biloela QLD	Map 48 at Annexure A

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<b>Item</b>	<b>Column 1 Name and location of real estate development project</b>	<b>Column 2 Area of project (Map Number)</b>
49	Huntington Downs Estate - Maudsland QLD	Map 49 at Annexure A
50	Kerrisdale Estate - Beaconsfield (North Mackay) QLD	Map 50 at Annexure A
51	Liberty Rise Estate - Bohle (Townsville) QLD	Map 51 at Annexure A
52	Mount Cotton Estate - (Mount Cotton Brisbane) QLD	Map 52 at Annexure A
53	Mountview Estate - Redbank Plains QLD	Map 53 at Annexure A
54	Northern Element Estate - Pimpana (Ormeau) QLD	Map 54 at Annexure A
55	Ocean Reach Estate - Cannon Valley (Airlie Beach) QLD	Map 55 at Annexure A
56	Ocean's Edge Estate - Palm Cove (Cairns) QLD	Map 56 at Annexure A
57	Oxford & Thorpe St Units - Balmoral (Brisbane) QLD	Map 57 at Annexure A
58	Pacific Harbour Estate - Bribie Island QLD	Map 58 at Annexure A
59	Panorama Heights Estate - Biloela QLD	Map 59 at Annexure A
60	Pioneer Valley Estate - Kuraby QLD	Map 60 at Annexure A
61	Plantation Palms Estate - Rural View (North Mackay) QLD	Map 61 at Annexure A
62	Riverside Ridge Estate - Douglas (Townsville) QLD	Map 62 at Annexure A
63	Riverstone Crossing Estate -Maudsland/Upper Coomera QLD	Map 63 at Annexure A
64	Royal Pines Marina Estate - Benowa (Gold Coast) QLD	Map 64 at Annexure A
65	Salacia Waters Estate - Paradise Point QLD	Map 65 at Annexure A
66	Sanctum Estate - Mount Low (Townsville) QLD	Map 66 at Annexure A
67	Smithfield Village Estate - Trinity Park (Cairns) QLD	Map 67 at Annexure A
68	Stoneybrook Estate - Glen Eden (Gladstone) QLD	Map 68 at Annexure A
69	Tannum Waters Estate - Tannum Sands (Gladstone) QLD	Map 69 at Annexure A
70	The Fairways Estate - Brookwater QLD	Map 70 at Annexure A
71	The Observatory Estate - Reedy Creek QLD	Map 71 at Annexure A
72	The Outlook Estate - Deebing Heights QLD	Map 72 at Annexure A
73	The Ridges Estate - Peregrin (Sunshine Coast) QLD	Map 73 at Annexure A
74	Village at Coorparoo - Coorparoo (Brisbane) QLD	Map 74 at Annexure A
75	Village at Redcliffe - Redcliffe QLD	Map 75 at Annexure A
76	Waverley Park Estate - Willowvale QLD	Map 76 at Annexure A
77	Wheller on the Park Estate -Chermside QLD	Map 77 at Annexure A
78	Willowbank Estate - Kirwan (Townsville) QLD	Map 78 at Annexure A
79	Windarra Estate - Bunya (Brisbane) QLD	Map 79 at Annexure A
80	Yeronga Village - Yeronga QLD	Map 80 at Annexure A
81	Yungaba - Kangaroo Point QLD	Map 81 at Annexure A



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**South Australia**

<b>Item</b>	<b>Column 1 Name and location of real estate development project</b>	<b>Column 2 Area of project (Map Number)</b>
82	Bluestone Mount Barker Estate - Mt Barker SA	Map 82 at Annexure A
83	Narnu Waterways Estate SA	Map 83 at Annexure A
84	The Marina - Hindmarsh Island SA	Map 84 at Annexure A
85	Wakefield Waters Estate - Port Wakefield SA	Map 85 at Annexure A

**Western Australia**

<b>Item</b>	<b>Column 1 Name and location of real estate development project</b>	<b>Column 2 Area of project (Map Number)</b>
86	Austin Cove Estate - Yunderup WA	Map 86 at Annexure A
87	Baldivis North Estate - Baldivis WA	Map 87 at Annexure A
88	Bayonet Head Estate - Bayonet Head WA	Map 88 at Annexure A
89	Beachridge Estate - Dryandra Boulevard WA	Map 89 at Annexure A
90	Beachside at Yanchep Estate -Yanchep WA	Map 90 at Annexure A
91	Brighton estate - Butler WA	Map 91 at Annexure A
92	Broadwater Park Private Estate -Broadwater WA	Map 92 at Annexure A
93	Brookleigh Estate - Caversham WA	Map 93 at Annexure A
94	Capricorn Village Estate - Two Rocks WA	Map 94 at Annexure A
95	Champion Lakes/Champion Drive - Champion Lakes WA	Map 95 at Annexure A
96	Clydesdale Estate - McKail (Albany North) WA	Map 96 at Annexure A
97	CY O'Connor Village - Forrestdale WA	Map 97 at Annexure A
98	Dalyellup Beach Estate - Dalyellup WA	Map 98 at Annexure A
99	Ellenbrook Estate - Ellenbrook WA	Map 99 at Annexure A
100	Esprit Estate - Eaton WA	Map 100 at Annexure A
101	Evermore Heights Estate - Baldivis WA	Map 101 at Annexure A
102	Frasers Landing Estate - Coodanup (Mandurah) WA	Map 102 at Annexure A
103	Heron Park Estate - Harrisdale WA	Map 103 at Annexure A
104	Ibis Gardens Estate - Broadwater WA	Map 104 at Annexure A
105	Port Geographe Estate - Geographe (Busselton) WA	Map 105 to Annexure A
106	Provence Estate - Yalyalup (Busselton) WA	Map 106 at Annexure A
107	Rapids Landing Estate - Margaret River WA	Map 107 at Annexure A
108	Seville Grove Estate - Seville Grove WA	Map 108 at Annexure A
109	Shorehaven at Alkimos Estate -Alkimos WA	Map 109 at Annexure A
110	St Leonards Estate - West Swan WA	Map 110 at Annexure A

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<b>Item</b>	<b>Column 1 Name and location of real estate development project</b>	<b>Column 2 Area of project (Map Number)</b>
111	Taylor Private Estate - Caversham WA	Map 111 at Annexure A
112	The Glades Byford Estate - Byford WA	Map 112 at Annexure A
113	Vasse Newton Estate - Vasse WA	Map 113 at Annexure A
114	Whiteman Edge Estate - Henley Brook/West Swan WA	Map 114 at Annexure A
115	Yalyalup Estate - Yalyalup WA	Map 115 at Annexure A

**Northern Territory**

<b>Item</b>	<b>Column 1 Name and location of real estate development project</b>	<b>Column 2 Area of project (Map Number)</b>
116	Bellamack Multiple Estate Area -Bellamack NT	Map 116 at Annexure A
117	Johnston Northern Enterprise Estate Area - Johnston NT	Map 117 at Annexure A
118	Lyons Estate - Lyons NT	Map 118 at Annexure A