

Commonwealth of Australia

Telecommunications Act 1997

Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997

I, RICHARD KENNETH ROBERT ALSTON, Minister for Communications and the Arts, make this Declaration under subsection 63 (3) of the *Telecommunications Act 1997*.

Dated 24 June 1997.

RICHARD ALSTON
Minister for Communications and the Arts

Citation

1. This Declaration may be cited as the Carrier Licence Conditions (Telstra Corporation Limited) Declaration of 1997.

Commencement

2. This Declaration commences on 1 July 1997.

Definitions

3. In this Declaration:

“current industry development plan” has the meaning given by clause 7 of Schedule 1 to the Act;

“customer” includes the nominee of a customer;

“designated basic rate ISDN service” has the meaning given by subsection 66 (2) of the Act;

“emergency service” means a service mentioned in paragraph (b) of the definition of **“emergency call service”** in section 7 of the Act;

“enforcement agency” has the meaning given by section 282 of the Act;

“industry development plan” has the meaning given by clause 6 of Schedule 1 to the Act;

“Industry Minister” means the Minister for Industry, Science and Tourism;

“licensee” means Telstra Corporation Limited (ACN 051 775 566);

“location dependent carriage service” means a carriage service that depends for its provision on the availability of information about the street address of the caller;

“operator assistance service” means a service involving the connection of a telephone call by an operator;

“operator services” means:

- (a) services for dealing with faults and service difficulties; and
- (b) services of a kind specified in regulations made under the Act;

“public number” means a number specified in the numbering plan as mentioned in subsection 455 (3) of the Act;

“public payphone” means a payphone in a public place that is a place where the public usually has access, or usually has access except for particular hours of the day or particular days of the week;

“telephone handset” includes other customer equipment that is supplied instead of a telephone handset to comply with the *Disability Discrimination Act 1992*;

“the Act” means the *Telecommunications Act 1997*;

“unlisted number” means a public number that is 1 of the following kinds:

- (a) a mobile number, unless the customer and the carriage service provider that provides the mobile service to the customer agree that the number will be listed;
- (b) a geographic number that the customer and the carriage service provider that provides services for originating or terminating carriage services to the customer agree will not be included in the directory;
- (c) the number of a public payphone;
- (d) a number that when dialled, gives access to a private telephone exchange extension that the customer has requested not be included in the directory.

Application

4. This Declaration applies if a carrier licence is granted to Telstra Corporation Limited in the period starting on 30 June 1997 and ending at the end of 1 July 1997.

Industry development plan

5. The licensee must:
- (a) within 90 days after a carrier licence is granted to the licensee:
 - (i) give a current industry development plan to the Industry Minister; and
 - (ii) obtain the Industry Minister's approval of the plan; and
 - (b) comply with clauses 8, 9, 10, 11, 12, 13 and 14 of Schedule 1 to the Act as if the plan was an industry development plan under Part 2 of Schedule 1 to the Act.

Compliance

6. The licensee must comply with its obligations under clauses 7, 8, 9 and 10 to the extent made possible by the information provided by carriage service providers under clause 10 of Schedule 2 to the Act.

Operator services

7. The licensee must make operator services available to the end-users of standard telephone services supplied by the licensee.

Directory assistance services

8. The licensee must make directory assistance services available to the end-users of standard telephone services supplied by the licensee.

Alphabetical public number directory

9. (1) The licensee must produce an alphabetical public number directory:
- (a) annually; and
 - (b) on substantially the same basis as the licensee produced and distributed a directory in 1997; and
 - (c) in volumes by geographic area; and

- (d) subject to subclause (7)—that includes all customers of carriage service providers supplied with a standard telephone service, regardless of who supplies them with that service.

(2) The licensee must arrange to publish and distribute the directory to its own customers and the customers of other carriage service providers (or the nominees of the customers).

(3) The licensee must not charge a customer of a carriage service provider for 1 standard entry.

(4) A standard entry must include:

- (a) a name and address; and
- (b) 1 public number that is:
 - (i) if requested by the customer—the customer's mobile phone number; or
 - (ii) the customer's geographic number.

[NOTE: The ACA may give written directions to the licensee under section 581 of the Act about complying with this subclause (eg promotion of a customer's choice, if the customer receives multiple services, in the identification of the entry that is to be treated as a standard entry).]

(5) The licensee must include in the directory a customer's facsimile number if asked by the customer.

(6) The licensee must provide entries in the directory, and services for not including details of a customer in the directory, for a customer of another carriage service provider on conditions that are no less favourable than for a customer of the licensee.

(7) The licensee must ensure, to the greatest extent practicable, that the directory does not include details of a customer whose number is an unlisted number.

(8) The licensee must ensure, to the greatest extent practicable, that it does not promote the licensee's carriage services or other goods and services unrelated to the directory entry during any contact it has with a customer of another carriage service provider for purposes related to the provision of services in a directory.

(9) The directory must be provided without charge to a customer:

- (a) as a book; or
- (b) if the customer agrees—in another form.

[NOTE: It is intended to make sure the licensee maintains an updated version of the current White Pages directory and makes it available to its own customers and the customers of other carriage service providers (or the nominees of the customers) on substantially the same basis as the White Pages have been produced and distributed before the licence came into force.]

Integrated public number database

10. (1) The licensee must establish and maintain an industry-wide integrated public number database to provide information for purposes connected with the following activities:

- (a) providing directory assistance services;
- (b) providing operator services or operator assistance services;
- (c) publishing public number directories;
- (d) providing location dependent carriage services;
- (e) the operation of emergency call services or assisting emergency services under Part 12 of the Act;
- (f) assisting enforcement agencies or safeguarding national security under Part 14 of the Act;
- (g) any other activities specified by the ACA by written notice to the licensee.

[NOTE: A public number directory includes classified business directories like the Yellow Pages and specialist trade directories.]

(2) The licensee must comply with subclause (1) before:

- (a) 1 July 1998; or
- (b) if an earlier date is specified by the ACA in the *Gazette*—that date.

(3) The licensee may use the database, and any information derived from it, only for the purposes mentioned in subclause (1).

[NOTE: The ACA may give written directions to the licensee under section 581 of the Act about complying with this subclause (eg how it will control transfer of information to and from the database and restrictions it will place on access by its employees).]

(4) The database must include, for each public number of a customer of each carriage service provider:

- (a) the public number; and
- (b) the name of the customer; and
- (c) the address of the customer; and
- (d) the service location, if practicable; and
- (e) the name of the carriage service provider that provides:
 - (i) services for originating or terminating carriage services to the customer; or

- (ii) public mobile telecommunications services to the customer;
and
 - (f) whether the telephone is to be used for government, business, charitable or private purposes, if practicable; and
 - (g) any other information required by the ACA by written notice to the licensee.
- (5) The database must show if a telephone number is an unlisted number.
- (6) The database must include, for each payphone, its public number and location.
- (7) If a carriage service provider asks for access to information from the database, the licensee must give access only for the purpose of helping the provider:
- (a) to provide its own directory assistance services; or
 - (b) to provide its own operator services or operator assistance services;
or
 - (c) to produce a public number directory; or
 - (d) to provide its own location dependent carriage services; or
 - (e) to provide information for the operation of emergency call services or assisting emergency services under Part 12 of the Act; or
 - (f) to provide information for assisting enforcement agencies or safeguarding national security under Part 14 of the Act; or
 - (g) to provide services connected with the matters mentioned in paragraphs (a), (b), (c) and (d); or
 - (h) to undertake any other activities specified by the ACA by written notice to the licensee.
- (8) The licensee must give information from the database, about its own customers and customers of other carriage service providers, that is required under subsection 313 (3) or (4) of the Act.

[NOTE: Section 314 of the Act deals with conditions that apply when information is given.]

- (9) Access under subclause (7) is subject to:
- (a) conditions:
 - (i) agreed between the parties; or
 - (ii) if the parties do not agree—determined by an arbitrator appointed by the parties; or

- (iii) if the parties do not agree on the appointment of an arbitrator—determined by the ACCC; and

(b) Part 13 of the Act.

(10) For a determination of price or price-related conditions under subparagraph (9) (a) (ii) or (iii), an arbitrator or the ACCC must consider only:

- (a) the direct costs (including labour and direct administration costs) incurred by the licensee in complying with subclause (7); and
- (b) a reasonable contribution to a normal return on the capital expended in establishing and maintaining the integrated public number database.

(11) A request under subclause (7) may be:

- (a) a single request; or
- (b) part of a continuing arrangement between the licensee and the provider.

(12) A request under subclause (8) may be:

- (a) a single request; or
- (b) part of a continuing arrangement between the licensee and the officer or authority that makes the request.

Differential charging conditions

11. (1) If the licensee supplies a rental telephone handset with a standard telephone service, the licensee must differentiate between:

- (a) its charge for initial supply of the telephone handset; and
- (b) its charge for a connection of the telephone handset at the customer's premises; and
- (c) its charge for connecting the standard telephone service; and
- (d) its annual charge for supplying the telephone handset; and
- (e) its annual service charge for supplying the standard telephone service.

(2) If the licensee provides a customer with a standard telephone service, but does not supply a rental telephone handset for use with the service, the licensee's charge to the customer must be:

- (a) for an annual charge for providing the standard telephone service—at least \$30 less than the licensee's usual annual charges for:
 - (i) supplying the standard telephone service; and
 - (ii) supplying a rental telephone handset for use with the standard telephone service; or

- (b) for a new service connection charge—at least \$43 less than the licensee's usual charge for:
 - (i) connecting a standard telephone service; and
 - (ii) initial supply of a rental telephone handset; and
 - (iii) connection of a rental telephone handset at the customer's premises with the standard telephone service.

Digital data capability

12. The licensee must be in a position to make available, within 90 days of a request, a carriage service that provides a digital data capability broadly comparable to that provided by a data channel with a data transmission speed of 64 kilobits per second supplied to end-users as part of the designated basic rate ISDN service:

- (a) by 1 July 1997—to at least 93.4% of the Australian population; and
 - (b) by 31 December 1998—to at least 96% of the Australian population.
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