

Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 2002)

I, RICHARD KENNETH ROBERT ALSTON, Minister for Communications, Information Technology and the Arts, make the following Declaration under subsection 63(5) of the *Telecommunications Act 1997*.

Dated 14 May 2002.

RICHARD ALSTON

Minister for Communications, Information Technology and the Arts

1 Name of Declaration

This Declaration is the *Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 2002)*.

2 Commencement

This Declaration commences on gazettal.

3 Variation

The Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 is varied as set out in this Declaration.

Note: The Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 was published in the *Gazette* on 30 June 1997. It has since been varied by the following Declarations:

- Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 1998) published in the *Gazette* on 4 March 1998.
- Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 1999) published in the *Gazette* on 24 February 1999.
- Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 2 of 1999) published in the *Gazette* on 7 December 1999.
- Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 2000) published in the *Gazette* on 26 July 2000.
- Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 2001) published in the *Gazette* on 24 October 2001.
- Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 2 of 2001) published in the *Gazette* on 31 October 2001.

4 Clause 3 (Definitions)

(1) Before the definition of "**allocated number**", insert:

"**ACA**" means the Australian Communications Authority;

"**ACA's Boulding Report**" means the report by the ACA into the provision and maintenance of telephone services to the Boulding family in Kergunyah, north-eastern Victoria, published on 14 March 2002;

(2) Before the definition of "**AMPS**", insert:

"**alternative service**" means a service that provides a customer with access to a telephone service;

Note: An example of an alternative service is a call diversion to a mobile telephone service or to a second fixed telephone service.

(3) Before the definition of "**coverage**", insert:

"**Consumer Protection Act**" means the *Telecommunications (Consumer Protection and Service Standards) Act 1999*;

(4) Before the definition of "**licensee**", insert:

"**inoperative**" in relation to a STS, means:

- (a) an absence of dial or ring tone; or
- (b) an inability to make or receive calls; or
- (c) disruption to communications because of excessive noise levels; or
- (d) repetition of service cut off; or
- (e) another condition that makes the service wholly or substantially unusable;

"**interim priority service**" means a service that satisfies the technical and functional requirements (if any) specified in a written instrument made by the ACA:

- (a) that provides a customer with:
 - (i) a service for voice telephony; or
 - (ii) a service equivalent to a service for voice telephony where voice telephony is not practical for a customer with a disability;

which may or may not include at the provider's discretion a data capability or any enhanced call handling feature; and

- (b) for which that customer is, or may be, charged:
- (i) an access charge that, when added to the access charge normally charged for the STS for which the interim priority service is being provided in substitution, does not exceed the amount of the access charge normally charged for the STS; and
 - (ii) call charges that do not exceed the call charges that are normally charged for the kind of service the interim priority service is, when the interim priority service is not supplied as an interim priority service;

Note 1: An example of the provision of an interim priority service is the provision of a terrestrial or satellite mobile telephone service (at mobile call rates) to replace a STS.

Note 2: If a customer has paid or is paying an access charge in relation to a STS, for which an interim priority service is provided in substitution, the customer is not intended to be charged an access charge for the interim priority service.

Note 3: While a customer may be charged for calls using an interim priority service at the charge normally applicable to the kind of service the interim priority service is, the licensee is not required to charge that charge.

(5) Before the definition of “**non-metropolitan AMPS site**”, insert:

“**Minister**” means the Minister for Communications, Information Technology and the Arts;

(6) Before the definition of “**public number**”, insert:

“**priority assistance**” means those services supplied to priority customers under the priority assistance policy implemented under clause 19;

“**priority customer**” means a customer who satisfies the eligibility criteria developed under the objectives in Schedule 4;

(7) Before the definition of “**reasonably equivalent services**”, insert:

“**PWC Report**” means the report by PricewaterhouseCoopers to the licensee dated March 2002, on improvements required to the provision of priority service based on an examination of the facts surrounding the maintenance and supply of service to Ms Rose Boulding;

(8) After the definition of “**reasonably equivalent services**”, insert:

“**STS**” means the standard telephone service supplied by the licensee in fulfilment of its universal service obligation under Part 2 of the Consumer Protection Act;

(9) After the definition of “**unlisted number**”, insert:

“**USO policy statement**” means the licensee’s standard policy statement under section 12K of the Consumer Protection Act as approved by the ACA on 30 October 2001;

“**USO standard marketing plan**” means the licensee’s standard marketing plan under section 12L of the Consumer Protection Act as approved by the ACA on 30 October 2001;

“**working day**”, in a location, means a day that is not a Saturday, Sunday or public holiday in the location.

5 Priority assistance for customers with emergency needs (new clauses)

After clause 18, insert:

Priority assistance arrangements

19. (1) In this clause, clauses 20 and 21 and Schedule 4, and the definitions of “**alternative service**”, “**interim priority service**”, and “**priority customer**” in clause 3:

customer means:

- (a) a customer of the licensee; or
- (b) a person who requests, or has requested, the connection of a STS from the licensee, and to whom the licensee has an obligation to provide a STS or is willing to provide a STS;

but does not include a carrier or a carriage service provider.

(2) Subject to this clause, the licensee must implement arrangements for maximising service continuity to priority customers. As part of these arrangements the licensee must:

- (a) develop, implement and maintain a documented priority assistance policy; and
- (b) develop, implement and maintain processes, systems and practices to ensure that priority customers can be identified and provided with priority assistance in accordance with the licensee’s priority assistance policy.

- (3) In developing a priority assistance policy for priority customers under subclause (2) the licensee must:
- (a) consult with the Department of Communications, Information Technology and the Arts and the ACA; and
 - (b) ensure that the priority assistance policy adequately addresses all of the objectives set out in Schedule 4; and
 - (c) review the licensee's other relevant policies and systems including its Community, Essential and Emergency Service Policy, to ensure that they are consistent with the priority assistance policy.

Note: The licensee's Community, Essential and Emergency Service Policy is a draft internal Telstra document, Policy 008 737, January 2002.

- (4) The licensee must:
- (a) subject to paragraph (b), submit a final draft of its priority assistance policy to the Minister for approval by 29 May 2002, and at the same time provide separately:
 - (i) information on the timeframes for implementing all elements of the priority assistance policy; and
 - (ii) information on the processes, systems and practices it will put in place to effectively implement and maintain performance under that policy; and
 - (iii) information as to when all relevant fault assurance staff and service connection staff will be advised of and trained in the application of the policy; and
 - (b) if the licensee is unable to submit a final draft of its priority assistance policy by 29 May 2002 in accordance with paragraph (a), it must submit an incomplete draft and:
 - (i) provide precise details of the actions which are being taken to finalise the draft including the expected date for submission of a final draft; and
 - (ii) provide information on interim arrangements which are in place and are reasonably expected to maximise service continuity to priority customers; and
 - (c) have in place workable arrangements designed to give practical effect to the priority assistance policy by 31 July 2002; and
 - (d) ensure that full implementation of all requirements of the *Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 2002)*, including any necessary systems upgrades or replacement, will be finalised as soon as practicable after 31 July 2002 and in any event no later than 31 March 2003.

(5) The licensee must provide information to the ACA on 28 June 2002 and 27 September 2002, or another date or dates to be determined by the ACA, on progress with implementation of the priority assistance policy and the requirements of the *Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 2002)*.

(6) The licensee must receive approval from the Minister of its priority assistance policy before it will be taken to have complied with the obligation in paragraph (2)(a), but may implement its policy prior to approval being received. The Minister may, by written notice:

- (a) require the licensee to make changes to that policy prior to giving his approval; or
- (b) require the licensee to make changes to the timeframes for implementing that policy.

(7) If a priority assistance policy of the licensee has been approved by the Minister the policy may be varied from time to time by:

- (a) the licensee providing the Minister with a draft variation to the policy and the Minister or his delegate approving that variation; or
- (b) the Minister giving the licensee a written notice requiring the licensee within a specified period and in specified terms to provide the Minister with a draft variation to the policy and the Minister or his delegate approving that variation.

Note: It is intended that variations of a substantial policy nature require the approval of the Minister. Corrections of a minor administrative or typographical nature can be made by the licensee without approval of the Minister but should be recorded and notified to the ACA.

(8) The licensee must comply with a written notice that is given to it under paragraph (6)(a), (6)(b) or 7(b).

(9) After receiving approval for all parts of the priority assistance policy from the Minister, the licensee must:

- (a) provide a draft variation of its USO policy statement and USO standard marketing plan to the ACA for approval as the licensee's approved USO policy statement and approved USO standard marketing plan under section 12W of the Consumer Protection Act; and
- (b) ensure that each of the draft variations under paragraph (a) includes a brief statement accurately summarising the licensee's obligations under the final priority assistance policy and describing any relationship between the priority assistance policy and other elements of the USO standard marketing plan and that the USO standard marketing plan includes as an appendix a copy of the final priority assistance policy; and

- (c) ensure the draft variation under paragraph (a) is provided to the ACA as soon as practicable.
- (10) The licensee must, in conjunction with the ACA, develop a record keeping and reporting regime in relation to priority service arrangements and provide information to the ACA on a quarterly basis, or such other times as notified to the licensee by the ACA, including:
 - (a) the number of applications for registration as priority customers received; and
 - (b) the proportion of applications accepted; and
 - (c) the proportion of rejected applications successfully appealed by the customer within Telstra and to the Telecommunication Industry Ombudsman; and
 - (d) the number of customers levied a cost recovery charge after failing to meet the eligibility criteria; and
 - (e) the number of requests for priority assistance connections in urban, rural and remote areas; and
 - (f) the proportion of requests for priority assistance connections in urban, rural and remote areas meeting the priority assistance policy service connection fulfilment objectives; and
 - (g) the number of requests for priority assistance service restoration in urban, rural and remote areas; and
 - (h) the proportion of requests for priority assistance service restorations in urban, rural and remote areas meeting the priority assistance policy service restoration objectives; and
 - (i) the proportion of requests for priority assistance satisfied with interim or alternative services (connections and restorations); and
 - (j) the number of priority customers experiencing 2 or more faults in a 3 month period during which they were a priority customer.
- (11) In the period before the licensee has implemented its priority assistance policy fully, the licensee must put in place interim arrangements reasonably expected to maximise service continuity to known priority customers.

Licensee's Processes and Systems

20. (1) Subject to this clause, the licensee must undertake a review of its processes and systems to enhance decision-making, service provision and communications in relation to priority customers and in doing so must take into account and respond to all recommendations on processes and systems arising from the PWC Report and the ACA's Boulding Report.

(2) The licensee must, as soon as practicable, but not longer than one month from the date of effect of this clause, provide a comprehensive report to the Minister on the findings of the review under subclause (1) (including a copy of the review), any recommendations made, the

licensee's proposed response to these recommendations and the proposed timelines for implementing these responses.

(3) The licensee must provide further reports to the ACA on 28 June 2002 and 27 September 2002, or another date or dates to be determined by the ACA, on progress with implementation of its response to the recommendations of the review under subclause (1).

Exemptions from the Customer Service Guarantee

21. (1) In this clause:

CSG Standard means the *Telecommunications (Customer Service Guarantee) Standard 2000 (No. 2)* made under sections 115, 117, 120 and 125(3)(a) of the Consumer Protection Act.

(2) The licensee may not rely on an exemption under subsection 22(1) of the CSG Standard from complying with a performance standard under Part 2 of the CSG Standard with which a carriage service provider must comply unless:

- (a) in the case where notice of the exemption is issued under section 23 of the CSG Standard, the notification described under subsection 23(2) of the CSG Standard is posted to each customer to whom the exemption relates in the shortest possible time, but in any event no later than 4 working days after the day on which the exemption takes effect; or
- (b) in the case where notice of the exemption is issued under section 24 of the CSG Standard:
 - (i) the notification referred to in paragraph 24(1)(a) of the CSG Standard is published in the shortest possible time, but in any event the request for the notice to be published must be sent to a relevant newspaper publisher no later than 4 working days after the day on which the exemption takes effect; and
 - (ii) the notification described under paragraphs 24(1)(b) and (c) of the CSG Standard is provided and published, respectively, in the shortest possible time, but in any event no later than 3 working days after the day on which the exemption takes effect.

(3) Where the licensee proposes to rely on an exemption under subsection 22(1) of the CSG Standard from complying with a performance standard under Part 2 of the CSG Standard with which a carriage service provider must comply, the licensee must ensure that:

- (a) any information provided to the ACA, the Telecommunications Industry Ombudsman and affected customers in relation to an outage, includes a precise description of the number ranges and geographic area affected and the reason for the outage; and

- (b) any affected priority customers which contact the licensee are advised of any exemptions in place which apply to their phone service on contacting the licensee; and
- (c) the exemption under subsection 22(1) of the CSG Standard is only issued for areas that are affected by the cause of the outages or affected by the need to move staff or equipment from another associated area to attend the outage.

Note: Unless otherwise specified, this clause applies to the use of exemptions from the CSG Standard for all customers of the licensee and is not limited to priority customers.

6 Objectives to be addressed in the licensee's priority assistance policy under subclause 19(2)

After Schedule 3, insert:

Schedule 4 – Objectives to be addressed in the licensee's priority assistance policy under subclause 19(2)

Definitions

- (1) For the purposes of this Schedule, *site* means:
 - (a) land; or
 - (b) a building, or other structure, on land.

Defining priority customers

The priority assistance policy must satisfy the following objectives:

- (2) The objective that the priority assistance policy must include objective eligibility criteria for identifying customers with a diagnosed life-threatening medical condition that have a high risk of rapid deterioration to a life-threatening situation and where access to a telephone would assist to remedy the life-threatening situation.
- (3) The objective that in developing the eligibility criteria under item (2) advice is sought from appropriate medical experts and the Chief Medical Officer of the Commonwealth Department of Health and Ageing, and consultation is undertaken with community health organisations.

Priority customer applications and assessments

The priority assistance policy must satisfy the following objective:

- (4) The objective that there be appropriate processes for managing assessment of customers seeking priority assistance, and that these processes must be transparent and straightforward, and include:
 - (a) the process by which customers can apply for priority assistance; and
 - (b) the process by which staff might identify customers who may be eligible for priority assistance and invite an application; and
 - (c) the process by which priority customers are advised of their rights and obligations associated with priority assistance; and
 - (d) the timeframe within which applications for priority assistance will be assessed; and
 - (e) the requirement that assessment of priority assistance applications are carried out by appropriately skilled staff; and
 - (f) the requirement that privacy requirements are fully addressed; and
 - (g) the process by which a decision to reject an application for priority assistance by the licensee may be reviewed at a higher level within the licensee's organisation; and
 - (h) the process by which a decision to reject an application for priority assistance from a higher level within the licensee's organisation may be investigated by the Telecommunications Industry Ombudsman; and
 - (i) the requirement that customers are informed of their rights to seek a review of a decision by the licensee to reject an application for priority assistance both within the licensee's organisation and to the Telecommunications Industry Ombudsman; and
 - (j) the requirement that decisions of the Telecommunications Industry Ombudsman in relation to the eligibility of a customer for priority assistance will be binding upon the licensee; and
 - (k) the process by which the ACA may conduct audits of the application and assessment process for priority assistance; and
 - (l) the processes for carrying out reassessment of priority customers, of updating the status of priority customers and of cessation of priority assistance.

Post facto ratification of priority customers

The priority assistance policy must satisfy the following objective:

- (5) The objective that:
 - (a) customers who claim or represent themselves as likely to qualify for priority assistance will be provided with priority assistance

upon their request, subject to later ratification through an approved assessment process; and

- (b) customers who receive priority assistance under paragraph (a) who subsequently do not meet the eligibility criteria described in the licensee's priority assistance policy may be charged, at the licensee's discretion, a fee that reasonably reflects the costs of providing priority service, provided those customers have been fully informed at the time of their request of the eligibility criteria and that they may be charged a fee.

Priority assistance – Connections

The priority assistance policy must satisfy the following objectives:

- (6) The objective that where connection of a STS has been requested at a residence of a priority customer where there are no existing STSs (whether supplied by the licensee or another provider) that connection should attract the highest level of service practicably available at the time.
- (7) The objective that the licensee must set maximum timeframes for connection of a STS at a residence of a priority customer where there are no existing STSs (whether supplied by the licensee or another provider) which are less than the maximum connection timeframes for an equivalent non-priority customer referred to in the licensee's USO standard marketing plan.
- (8) The objective that, for the purposes of item (7), unless circumstances make it unreasonable, the maximum connection timeframes for priority customers must be:
 - (a) if the site at which the connection has been requested is within a standard zone and within an urban centre, locality or other recognised community grouping with a population greater than or equal to 200 people — less than 24 hours; and
 - (b) in all other circumstances — less than 48 hours.

Note 1: More information about the current method of delimitation of urban centres and localities, together with a listing of current urban centres and localities, may be found in the Australian Bureau of Statistics publication entitled *Statistical Geography: volume 3 – Australian Standard Geographical Classification (ASGC) Urban Centres/Localities, 1996 Cat. No. 2909.0*.

Note 2: Items (13) and (14) below provide for the supply of interim priority services to priority customers where connection of the first STS or fault repair of an inoperative STS cannot be achieved within 24 hours (48 hours for customers in remote areas).

Note 3: For the purposes of this objective, *standard zone* has the same meaning as in section 108 of the Consumer Protection Act.

Priority assistance – Service reliability

The priority assistance policy must satisfy the following objective:

- (9) The objective that priority customers are to receive enhanced service reliability and fault rectification, including but not limited to:
- (a) where the STS of a priority customer has 2 or more reported faults which make the STS inoperative in a 3 month period of time during which the customer is a priority customer, the licensee must cause the service to be thoroughly tested and use its best endeavours to ensure any underlying network causes of faults are identified and, if necessary, fixed as soon as practicable to a high level of reliability; and
 - (b) where the licensee supplies multiple services to a priority customer it must use its best endeavours to manage the provision of those services to maximise the reliability of at least one service.

Note: Items (13) and (14) below provide for the supply of interim priority services to priority customers where connection of the first STS or fault repair of an inoperative STS cannot be achieved within 24 hours (48 hours for customers in remote areas).

Priority assistance – Fault Rectification

The priority assistance policy must satisfy the following objectives:

- (10) The objective that, where all STSs supplied to and solely for use at the place of residence of a priority customer (whether supplied by the licensee or another provider) are inoperative, fault rectification, to make operative at least one STS, should attract the highest level of service practicably available at that time.
- (11) The objective, that for the purposes of item (10), fault rectification includes, but is not limited to:
- (a) priority management and handling of faults from the time of the fault report through to actual response and subsequent rectification of the fault, including 24 hour service coverage, 7 days per week, and associated support system targets at the highest service levels practicably available at that time; and
 - (b) the setting of maximum rectification times for priority customers which are less than the maximum rectification times for equivalent non-priority customers as set out in the licensee's USO standard marketing plan.

- (12) The objective that for the purposes of subitem (11)(b), unless circumstances make it unreasonable, the maximum rectification period for priority customers must be:
- (a) if the site at which the fault has occurred is within a standard zone and within an urban centre, locality or other recognised community grouping with a population equal to or greater than 200 people — less than 24 hours; and
 - (b) in all other circumstances — less than 48 hours.

Note 1: More information about the current method of delimitation of urban centres and localities, together with a listing of current urban centres and localities, may be found in the Australian Bureau of Statistics publication entitled *Statistical Geography: volume 3 – Australian Standard Geographical Classification (ASGC) Urban Centres/Localities*, 1996 Cat. No. 2909.0.

Note 2: Items (13) and (14) below provide for the supply of interim priority services to priority customers where connection of the first STS or fault repair of an inoperative STS cannot be achieved within 24 hours (48 hours for customers in remote areas).

Note 3: For the purposes of this objective, *standard zone* has the same meaning as in section 108 of the Consumer Protection Act.

Note 4: 24x7 service coverage expressly requires that priority customers will receive fault rectification after hours, on weekends and public holidays.

Priority assistance – Interim Priority Service

The priority assistance policy must satisfy the following objectives:

New connections

- (13) The objective that in the circumstances where a priority customer has requested the connection of a STS at a residence where there are no existing STSs (whether supplied by the licensee or another provider) and that request is received within normal working hours:
- (a) where the site at which the connection has been requested is within a standard zone and within an urban centre, locality or other recognised community grouping with a population equal to or greater than 200 people and the service cannot be provided within 24 hours of the priority customer's request, the licensee must offer the priority customer an interim priority service; and
 - (i) where the priority customer accepts the offer at the time the offer is made—provide an interim priority service within 24 hours of the priority customer's request, unless otherwise agreed with the priority customer, or unless prevented by circumstances beyond its control; and

- (ii) where the priority customer accepts the offer at a later time after the offer is made—provide an interim priority service within a period that is the sum of 24 hours of the priority customer’s request and the number of hours that have elapsed between the time at which the offer is made and the acceptance of the offer, unless otherwise agreed with the priority customer, or unless prevented by circumstances beyond its control; and
- (iii) where prevented from meeting the timeframe under subparagraph (i) or (ii) by circumstances beyond its control, to provide an interim priority service as soon as practicable; and
- (b) where the site at which the connection has been requested is other than as described in paragraph (a) and the service cannot be provided within 48 hours of the priority customer’s request, the licensee must offer the priority customer an interim priority service; and
 - (i) where the priority customer accepts the offer at the time the offer is made—provide an interim priority service within 48 hours of the priority customer’s request, unless otherwise agreed with the priority customer, or unless prevented by circumstances beyond its control; and
 - (ii) where the priority customer accepts the offer at a later time after the offer is made—provide an interim priority service within a period that is the sum of 48 hours of the priority customer’s request and the number of hours that have elapsed between the time at which the offer is made and the acceptance of the offer, unless otherwise agreed with the priority customer, or unless prevented by circumstances beyond its control; and
 - (iii) where prevented from meeting the timeframe under subparagraph (i) or (ii) by circumstances beyond its control, to provide an interim priority service as soon as practicable; and
- (c) unless the priority customer otherwise agrees, to continue to provide the priority customer with the interim priority service until such time as the first STS has been supplied or until the priority customer is entitled to an interim service under the licensee’s USO standard marketing plan.

Note 1: More information about the current method of delimitation of urban centres and localities, together with a listing of current urban centres and localities, may be found in the Australian Bureau of Statistics publication entitled Statistical Geography: volume 3 – Australian Standard Geographical Classification (ASGC) Urban Centres/Localities, 1996 Cat. No. 2909.0.

Note 2: For the purposes of this objective, *standard zone* has the same meaning as in section 108 of the Consumer Protection Act.

Note 3: An interim priority service is to be supplied to a priority customer on the terms outlined in the definition of interim priority service as an interim measure before receiving connection of the STS or supply of an interim service in accordance with the licensee's USO Standard Marketing Plan.

Note 4: The reference to "circumstances beyond the licensee's control" in this item recognises that there may be a small minority of occasions where, despite the licensee having establishing appropriate processes and systems, the licensee's or its contractor's highest priority delivery mechanisms may not allow interim priority services to be delivered to individual priority customers within the maximum timeframes.

Service Faults

- (14) The objective that in the circumstances where the licensee receives a report of a fault in relation to an inoperative STS of a priority customer, and where all STSs supplied to and solely for use at the place of residence of the priority customer (whether supplied by the licensee or another provider) are inoperative:
- (a) where the site at which the inoperative STS is located is within a standard zone and within an urban centre, locality or recognised community grouping with a population equal to or greater than 200 people and at least one service cannot be rectified within 24 hours after the licensee receives the report of the fault, the licensee must offer the priority customer an interim priority service; and
 - (i) where the priority customer accepts the offer at the time the offer is made—provide an interim priority service within 24 hours of the priority customer's report, unless otherwise agreed with the priority customer, or unless prevented by circumstances beyond its control; and
 - (ii) where the priority customer accepts the offer at a later time after the offer is made—provide an interim priority service within a period that is the sum of 24 hours of the priority customer's report and the number of hours that have elapsed between the time at which the offer is made and the acceptance of the offer, unless otherwise agreed with the priority customer, or unless prevented by circumstances beyond its control; and
 - (iii) where the licensee is prevented from meeting the timeframe under subparagraph (i) or (ii) by circumstances beyond its control, to provide the interim priority service as soon as practicable; and
 - (b) where the site at which the inoperative STS is located is other than as described in paragraph (a) and the fault cannot be rectified within 48 hours after the licensee receives the report of the fault, the licensee must offer the priority customer an interim priority service; and
 - (i) where the priority customer accepts the offer at the time the offer is made—provide an interim priority service within 48

hours of the priority customer's report, unless otherwise agreed with the priority customer, or unless prevented by circumstances beyond its control; and

- (ii) where the priority customer accepts the offer at a later time after the offer is made—provide an interim priority service within a period that is the sum of 48 hours of the priority customer's report and the number of hours that have elapsed between the time at which the offer is made and the acceptance of the offer, unless otherwise agreed with the priority customer, or unless prevented by circumstances beyond its control; and
 - (iii) where the licensee is prevented from meeting the timeframe under subparagraph (i) or (ii) by circumstances beyond its control, to provide the interim priority service as soon as practicable; and
- (c) unless the priority customer otherwise agrees, to continue to provide the priority customer with the interim priority service during the period which all the STSs, supplied to and solely for use at the place of residence of the priority customer (whether supplied by the licensee or another provider), remain inoperative or until the priority customer is entitled to an interim service under the licensee's approved USO standard marketing plan.

Note 1: More information about the current method of delimitation of urban centres and localities, together with a listing of current urban centres and localities, may be found in the Australian Bureau of Statistics publication entitled *Statistical Geography: volume 3 – Australian Standard Geographical Classification (ASGC) Urban Centres/Localities, 1996 Cat. No. 2909.0*.

Note 2: For the purposes of this objective, *standard zone* has the same meaning as in section 108 of the Consumer Protection Act.

Note 3: An interim priority service is to be supplied to a priority customer on the terms outlined in the definition of interim priority service as an interim measure before receiving connection of the STS or supply of an interim service in accordance with the licensee's USO Standard Marketing Plan.

Note 4: The reference to "circumstances beyond the licensee's control" in this item recognises that there may be a small minority of occasions where, despite the licensee having establishing appropriate processes and systems, the licensee's or its contractor's highest priority delivery mechanisms may not allow interim priority services to be delivered to individual priority customers within the maximum timeframes.

- (15) The objective that the licensee may offer a priority customer the option of an alternative service in fulfilment of its obligations to offer an interim priority service, for the purposes of items (13) and (14).

- (16) The objective that if the licensee offers a priority customer a choice between an interim priority service and an alternative service, it must provide the priority customer with sufficient information about:
- (a) the functionality of each service; and
 - (b) the terms and conditions of supply of each service;
- to enable the priority customer to make an informed judgement about the relative merits of each service.
- (17) The objective that where a priority customer accepts an offer of an alternative service but subsequently requests the licensee for an interim priority service, the licensee will provide an interim priority service to the priority customer instead of an alternative service as soon as practicable after receiving the request.

Priority assistance – Reducing risks and impact of disconnection

The priority assistance policy must satisfy the following objectives:

- (18) The objective that where a priority customer is repaying an overdue bill, as agreed with the licensee, then that customer will have continued access to their STS supplied by the licensee.
- (19) The objective that where a priority customer's access to their STS is subject to the credit management arrangements of the licensee (including disconnection) the customer will always, at a minimum, be provided with access to soft dial tone. For the purposes of this item, soft dial tone includes access to the '000' emergency number, Telstra Customer Service and Telstra Fault Centre.

Priority assistance – To be provided in exceptional circumstances

The priority assistance policy must satisfy the following objectives:

- (20) Where the licensee's ability to supply and repair STS is affected by circumstances beyond its control, as set out in section 2.4.4 of the licensee's approved USO standard marketing plan, the licensee must:
- (a) use its best endeavours to continue to meet the timeframes for service connection and fault repair for priority customers which arise under the *Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 2002)*; and

- (b) in the circumstances where the licensee cannot meet the timeframes for service connection and fault repair for priority customers which arise under this licence condition it must:
 - (i) unless the circumstances are so extreme that the licensee is prevented from accessing a priority customer's residence by reason of natural disaster, a Commonwealth, State or Territory law, risk to the personal health and safety of its staff, or other like extreme circumstance, offer to provide the priority customer with an interim priority service; and
 - (ii) where an interim priority service cannot be provided under subparagraph (i), maintain records identifying each priority customer affected and the extreme circumstances which have prevented the supply of an interim priority service, and report to the ACA quarterly providing an explanation of the circumstances where the licensee could not meet the timeframes for service connection and fault repair under this licence condition or offer an interim priority service under subparagraph (i).

Priority assistance – public awareness

The priority assistance policy must satisfy the following objectives:

- (21) The objective that the priority assistance policy must include a detailed communication strategy for providing information to customers regarding priority assistance arrangements, which must include:
 - (a) provision of information to all existing customers who are seeking priority assistance because of a circumstance that broadly fits within the eligibility criteria; and
 - (b) provision of information as soon as practicable after the licensee receives a request for connection to an STS; and
 - (c) provision of regular information, at least once in each 2 year period, to all existing customers via bill inserts or messages on the bill with the first billing communication to be included in the first bill cycle after implementation of the priority assistance policy; and
 - (d) ongoing offers to provide promotional material on the priority assistance arrangements to relevant places and organisations, such as doctors' surgeries, hospitals and health centres and other groups containing individuals likely to be eligible for priority assistance; and
 - (e) prominent references to priority assistance arrangements on the licensee's website, including a copy of the current version of the licensee's priority assistance policy; and
 - (f) prominent reference to priority assistance arrangements in the licensee's standard form of agreement and its summary of its standard form of agreement; and

- (g) prominent promotion of priority assistance arrangements in the White Pages.

- (22) The objective that the communications strategy under item 21 should deliver the following where appropriate:
 - (a) the eligibility criteria for priority assistance and the process by which customers can apply for priority status including the appeals processes; and
 - (b) details of the obligations of the licensee to provide priority assistance, including but not limited to interim priority services; and
 - (c) a statement that the provision of a second STS does not guarantee service continuity; and
 - (d) the provision of advice to all priority customers who report a fault in relation to an STS on the expected timeframe for repair and of the possibility of using other services which could provide back-up communications – eg. mobile phones or payphones; and
 - (e) provision of relevant information on any limitations of a priority customer's current or new STS when the licensee is made aware that the STS is being relied upon as a back-up service.