

Commonwealth of Australia

Telecommunications Act 1997

**Telecommunications Code of Practice 1997
(Amendment No. 1 of 2002)**

I, RICHARD KENNETH ROBERT ALSTON, Minister for Communications, Information Technology and the Arts, make the following instrument under subclause 15(1) of Schedule 3 to the *Telecommunications Act 1997* and subsection 33(3) of the *Acts Interpretation Act 1901*.

Dated 11 March 2002.

RICHARD ALSTON

Minister for Communications, Information Technology and the Arts

1 Name of instrument

This instrument is the *Telecommunications Code of Practice 1997 (Amendment No. 1 of 2002)*.

2 Commencement

This instrument commences on gazettal.

3 Amendment of the Telecommunications Code of Practice 1997

Schedule 1 amends the Telecommunications Code of Practice 1997.

Schedule 1 Amendments

(section 3)

[1] Section 2.35

substitute

2.35 Application of Division 5

This Division applies if:

- (a) the objection is not resolved by agreement between the carrier and objector; and
- (b) the objector is not satisfied with the carrier's response to the objection.

[2] Section 2.37

substitute

2.37 Compliance with directions of Telecommunications Industry Ombudsman

- (1) Subject to this section, if the Telecommunications Industry Ombudsman gives a direction to the carrier about the way in which the carrier should engage in the land entry activity, the carrier must comply with the direction.
- (2) This section applies only if the objection which is the subject of the direction comes, in whole or in part, within the jurisdiction of the Telecommunications Industry Ombudsman.

Notes:

- 1 If the Telecommunications Industry Ombudsman deals with the objection without giving a direction to the carrier, and the Ombudsman informs the carrier in writing of that outcome, the carrier may engage in the land entry activity: see s 2.32, situation 3.
- 2 If the Telecommunications Industry Ombudsman gives a direction to the carrier, the carrier may engage in the land entry activity: see s 2.32, situation 4.

[3] Section 4.36

substitute

4.36 Application of Division 5

This Division applies if:

- (a) the objection is not resolved by agreement between the carrier and objector; and
- (b) the objector is not satisfied with the carrier's response to the objection.

[4] Section 4.38

substitute

4.38 Compliance with directions of Telecommunications Industry Ombudsman

- (1) Subject to this section, if the Telecommunications Industry Ombudsman gives a direction to the carrier about the way in which the carrier should engage in the low-impact facility activity, the carrier must comply with the direction.
- (2) This section applies only if the objection which is the subject of the direction comes, in whole or in part, within the jurisdiction of the Telecommunications Industry Ombudsman.

Notes:

- 1 If the Telecommunications Industry Ombudsman deals with the objection without giving a direction to the carrier, and the Ombudsman informs the carrier in writing of that outcome, the carrier may engage in the land entry activity: see s 4.33, situation 3.
- 2 If the Telecommunications Industry Ombudsman gives a direction to the carrier, the carrier may engage in the land entry activity: see s 4.33, situation 4.

[5] Section 6.35

substitute

6.35 Application of Division 5

This Division applies if:

- (a) the objection is not resolved by agreement between the carrier and objector; and

- (b) the objector is not satisfied with the carrier's response to the objection.

[6] Section 6.37

substitute

6.37 Compliance with directions of Telecommunications Industry Ombudsman

- (1) Subject to this section, if the Telecommunications Industry Ombudsman gives a direction to the carrier about the way in which the carrier should engage in the maintenance activity, the carrier must comply with the direction.
- (2) This section applies only if the objection which is the subject of the direction comes, in whole or in part, within the jurisdiction of the Telecommunications Industry Ombudsman.

Notes:

- 1 If the Telecommunications Industry Ombudsman deals with the objection without giving a direction to the carrier, and the Ombudsman informs the carrier in writing of that outcome, the carrier may engage in the land entry activity: see s 6.32, situation 3.
- 2 If the Telecommunications Industry Ombudsman gives a direction to the carrier, the carrier may engage in the land entry activity: see s 6.32, situation 4.