

Commonwealth of Australia

*Telecommunications Act 1997*

**Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997  
(Amendment No. 1 of 2005)**

I, HELEN LLOYD COONAN, Minister for Communications, Information Technology and the Arts, make the following Declaration under subsection 63(5) of the *Telecommunications Act 1997*.

Dated 3 August 2005.

HELEN COONAN

Minister for Communications, Information Technology and the Arts

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**1 Name of Declaration**

This Declaration is the *Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 2005)*.

**2 Commencement**

This Declaration commences on the day after it is registered on the Federal Register of Legislative Instruments.

**3 Amendment of the Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997**

Schedule 1 amends the *Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997*.

## Schedule 1 Amendments

(clause 3)

### [1] Clause 19

*substitute*

#### **19 Priority assistance arrangements**

(1) In this clause, clause 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 ACMA; 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 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.

(5) 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 ACMA.

(6) The licensee must comply with a written notice that is given to it under paragraph (4)(a), (4)(b) or (5)(b).

(7) 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 ACMA 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 ACMA as soon as practicable.
  
- (8) The licensee must, in conjunction with ACMA, develop a record keeping and reporting regime in relation to priority service arrangements and provide information to ACMA on a quarterly basis, or such other times as notified to the licensee by ACMA, including:
  - (a) the number of applications for registration as priority customers received; and
  - (b) the proportion of applications accepted; and
  - (c) the number of customers levied a cost recovery charge after failing to meet the eligibility criteria; and
  - (d) the number of requests for priority assistance connections in urban, rural and remote areas; and
  - (e) the proportion of requests for priority assistance connections in urban, rural and remote areas meeting the priority assistance policy service connection fulfilment objectives; and
  - (f) the number of requests for priority assistance service restoration in urban, rural and remote areas; and
  - (g) the proportion of requests for priority assistance service restorations in urban, rural and remote areas meeting the priority assistance policy service restoration objectives; and
  - (h) the proportion of requests for priority assistance satisfied with interim or alternative services (connections and restorations); and
  - (i) the number of priority customers experiencing 2 or more faults in a 3 month period during which they were a priority customer; and
  - (j) details of requests for priority assistance in relation to which the licensee has been unable to meet the timeframes specified in:
    - (i) subparagraph (a)(i) or (a)(ii) of item (13) of Schedule 4;
    - (ii) subparagraph (b)(i) or (b)(ii) of item (13) of Schedule 4;
    - (iii) subparagraph (a)(i) or (a)(ii) of item (14) of Schedule 4;
    - (iv) subparagraph (b)(i) or (b)(ii) of item (14) of Schedule 4;

including an explanation of the circumstances (including location, time and duration) that have prevented the timeframes being met.

(9) 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.

**[2] Clause 20**

*omit the clause*

**[3] Schedule 4, paragraph (a) of item (8)**

*omit*

24 hours

*substitute*

24 hours or within such longer period as is specified by the priority customer concerned

**[4] Schedule 4, paragraph (b) of item (8)**

*omit*

48 hours

*substitute*

48 hours or within such longer period as is specified by the priority customer concerned

**[5] Schedule 4, item (8), Note 2**

*omit*

24 hours (48 hours for customers in remote areas)

*substitute*

24 hours (48 hours for customers in remote areas) or such longer period as is specified by the priority customer concerned

**[6] Schedule 4, item (9), Note**

*omit*

24 hours (48 hours for customers in remote areas)

*substitute*

24 hours (48 hours for customers in remote areas) or such longer period as is specified by the priority customer concerned

**[7] Schedule 4, paragraph (a) of item (12)**

*omit*

24 hours

*substitute*

24 hours or within such longer period as is specified by the priority customer concerned

**[8] Schedule 4, paragraph (b) of item (12)**

*omit*

48 hours

*substitute*

48 hours or within such longer period as is specified by the priority customer concerned

**[9] Schedule 4, item (12), Note 2**

*omit*

24 hours (48 hours for customers in remote areas)

*substitute*

24 hours (48 hours for customers in remote areas) or such longer period as is specified by the priority customer concerned

**[10] Schedule 4, paragraph (a) of item (13)**

*omit*

cannot be provided within 24 hours of the priority customer's request

*substitute*

cannot be provided within 24 hours of the priority customer's request or within such longer period as the priority customer agrees

**[11] Schedule 4, paragraph (b) of item (13)**

*omit*

cannot be provided within 48 hours of the priority customer's request

*substitute*

cannot be provided within 48 hours of the priority customer's request or within such longer period as the priority customer agrees

**[12] Schedule 4, paragraph (a) of item (14)**

*omit*

cannot be rectified within 24 hours after the licensee receives the report of the fault

*substitute*

cannot be rectified within 24 hours after the licensee receives the report of the fault or within such longer period as the priority customer requests

**[13] Schedule 4, paragraph (b) of item (14)**

*omit*

cannot be rectified within 48 hours after the licensee receives the report of the fault

*substitute*

cannot be rectified within 48 hours after the licensee receives the report of the fault or within such longer period as the priority customer requests

**[14] Schedule 4, subparagraph (b)(ii) of item (20)**

*omit*

an explanation of the circumstances

*substitute*

an explanation of the circumstances, including location, time and duration,