

Commonwealth of Australia

Telecommunications Act 1997

**Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997
(Amendment No. 1 of 2006)**

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 12 September 2006.

HELEN COONAN

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 2006)*.

2 Commencement

This Declaration commences on 1 October 2006.

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 3, definition of *ACA's Boulding Report***

omit the definition

[2] **Clause 3**

insert

ACMA means the Australian Communications and Media Authority.

[3] **Clause 24 – Heading**

substitute

Network reliability framework – definitions and general requirements

[4] **Clause 24**

insert at the beginning

(1)

[5] **Clause 24**

insert at the end

(2) The licensee must provide any information or report (however described) that is required to be provided to ACMA under any provision in clause 25, 26 or 27 in the form approved by ACMA for the purposes of the provision in question.

(3) For the purposes of subclause 26(1), the relative performance of cable runs is to be assessed by a method approved in writing by ACMA.

[6] **Subclause 24(1), after the definition of *ACA's Report on USO Service Reliability***

insert

average network event volume, in relation to a cable run, means a figure representing the average number of network events, calculated from the total number of network events on that cable run over a continuous six calendar month period or such other period as is notified by ACMA to the licensee.

boundary of the licensee's telecommunications network means the boundary for the purposes of section 22 of the Act.

cable run means a set of facilities that:

- (a) is logically located between a particular exchange and the boundary of the licensee's telecommunications network; and
- (b) includes at least one set of 10 or 100 (as the case may be) copper wire pairs within a physical cable sheath.

[7] Subclause 24(1), after the definition of *ESA*

insert

ESA category means a category of ESA referred to in Table 1 of subclause 26(1).

[8] Subclause 24(1), definition of *FSA*

omit

the ACA

substitute

ACMA

[9] Subclause 24(1), after the definition of *geographical locator*

insert

network event means a fault or service difficulty in a cable run in relation to a standard telephone service supplied to a customer of the licensee but does not include a fault or service difficulty caused by:

- (a) faulty customer equipment;
- (b) third party damage to facilities of the licensee;
- (c) one or more fault or service difficulties beyond the boundary of the licensee's telecommunications network; or
- (d) one or more fault or service difficulties within switching or transmission systems.

[10] Subclause 24(1), definition of *remediation*

substitute

remediation means work done in relation to a service over and above that normally undertaken to repair a fault or service difficulty with a view to:

- (a) addressing systematic problems with the service (for example, the root cause or causes of recurrent problems) and improving the overall reliability of the service; and
- (b) eliminating one or more recurrent fault or service difficulties.

[11] Clause 25

substitute

25 Monitoring and reporting at the Field Service Area (FSA) level

- (1) The licensee must, within 10 working days of the end of each calendar month, or such other timeframe as ACMA agrees in writing, provide a report and supporting data to ACMA on:
 - (a) the percentage of CSG services in each FSA and nationally without any fault or service difficulty for the preceding calendar month; and
 - (b) the average availability of CSG services, as a percentage of total possible available time, in each FSA and nationally for the preceding calendar month.
- (2) The supporting data must include the following data for the preceding calendar month at a national level and for each FSA:
 - (a) total CSG services in operation;
 - (b) the number of CSG services that had one or more fault or service difficulties;
 - (c) the number of CSG services that had one or more fault or service difficulties, adjusted to be equivalent to a 31 day month;
 - (d) the percentage of CSG services without a fault or service difficulty;
 - (e) the percentage of time that CSG services are available; and
 - (f) the total time taken to repair all CSG fault or service difficulties.
- (3) The licensee must:
 - (a) publish the report mentioned in subclause (1) within 20 working days of the end of each calendar month or such other timeframe as ACMA agrees in writing; and
 - (b) provide the report and supporting data mentioned in subclauses (1) and (2) to ACMA for publication by ACMA if ACMA, following consultation with the licensee, considers the report and supporting data appropriate for publication.

[12] Clause 26

substitute

26 Monitoring, remediation and reporting at the Cable Run level

- (1) Each calendar month, the licensee must:
- (a) prepare a remediation list which:
 - (i) contains a minimum of 40 cable runs selected using the method in Table 2 below; and
 - (ii) specifies the average network event volume, unique identification details, the ESA code and the performance ranking for each cable run; and
 - (b) give the list to ACMA within 15 working days of the end of each calendar month.

Table 1

ESA category	A	B	C	D
Number of operational CSG services	0-100	101-1000	1001-10 000	10 001 or more

Table 2

Step 1	Exclude from eligibility for selection any cable runs that were included in a previous remediation list, unless remediation undertaken in relation to that cable run under this clause has resulted in a 90% reduction in the annual network event volume for that cable run.
Step 2	Select at least the 5 worst performing cable runs from ESA Category A.
Step 3	Select at least the 15 worst performing cable runs from ESA Category B.
Step 4	Select at least the 10 worst performing cable runs from ESA Category C.
Step 5	Select at least the 10 worst performing cable runs (regardless of ESA Category) not already included under earlier steps.

- (2) On receipt of a remediation list under subclause (1), ACMA may:
- (a) approve the list; or
 - (b) refuse to approve the list.

- (3) If ACMA refuses to approve the remediation list, ACMA must direct the licensee to give ACMA a fresh remediation list within 5 working days. ACMA's direction must have regard to the requirements of subclause (1).
- (4) If ACMA decides to approve a remediation list, it must notify the licensee of its decision and the licensee must, within 6 calendar months of receipt of the notification, or such longer period as ACMA agrees in accordance with subclause (5), complete the remediation in relation to each of the cable runs on the list.
- (5) If so requested by the licensee, in writing, ACMA may extend or further extend the period for the completion of remediation by a further period of up to 6 calendar months if the licensee satisfies ACMA that:
 - (a) the licensee is unable to gain access to the sites necessary to plan and implement the remediation for 4 of the 6 calendar months available for the licensee to complete the remediation; or
 - (b) the operation of Commonwealth, State or Territory law prevents the licensee from completing the remediation within the 6 calendar month period; or
 - (c) the licensee is unable to obtain materials necessary for the remediation and ACMA has approved a written plan to provide services to all affected customers.
- (6) Any request by the licensee for an extension under subclause (5) must be made to ACMA:
 - (a) if paragraph (5)(a) applies, or the licensee reasonably expects that paragraph (5)(a) will apply—at least 20 working days before the end of the current period allowed for remediation; or
 - (b) if paragraph (5)(b) or (c) applies—within 15 working days of the licensee becoming aware of the operation of the law or the licensee's inability to obtain necessary materials, as the case may be.
- (7) ACMA must give the licensee written notice of its decision under subclause (5) within 15 working days of receipt of the licensee's written request under subclause (6).
- (8) Within 10 working days of the end of each calendar month ending after the end of six calendar months following the completion of the remediation of one or more cable runs, the licensee must report

in writing to ACMA whether the licensee has achieved a 90 per cent reduction in the average network event volume for each of the cable runs. The report must include details of any reduction in the average network event volume for each of the cable runs.

- (9) If the licensee has not achieved a 90 per cent reduction in the average network event volume for each of the cable runs, the report under subclause (8) must be accompanied by either:
- (a) a fresh written remediation plan specifying:
 - (i) what remediation the licensee has undertaken in relation to each of the relevant cable runs;
 - (ii) the reasons why the previous remediation failed;
 - (iii) a summary of the fault or service difficulties occurring after the previous remediation; and
 - (iv) what further remediation the licensee plans to take in relation to each of the relevant cable runs; or
 - (b) a written application to ACMA to waive the requirement for a fresh remediation plan (a ***waiver application***).
- (10) If a waiver application is made, ACMA must notify the licensee of its decision on the application within 15 working days after ACMA receives the application.
- (11) If ACMA approves a waiver application, then no further remediation is required under this clause unless the cable run is included in a future remediation list approved by ACMA under subclause (2).
- (12) If ACMA does not approve a waiver application, then the licensee must provide to ACMA a further fresh written remediation plan satisfying the requirements of paragraph (9)(a) within 30 working days after the licensee's receipt of ACMA's notice under subclause (10).
- (13) Unless ACMA approves a waiver application, the licensee must continue to undertake remediation action until there is, within 12 calendar months after receipt of the notification under subclause (10) or ACMA's receipt of a fresh remediation plan under paragraph (9)(a), a 90 per cent reduction in the average network event volume. This reduction cannot be measured from earlier than the completion of the remediation referred to in subclause (4).

- (14) Within 20 working days of the end of each financial year, the licensee must provide a written report to ACMA about remediation conducted under this clause in that financial year which includes:
- (a) a single figure for the total number of services affected by either that remediation or by the remediation of other cable runs referred to in paragraph (d);
 - (b) a summary of the types of network plant remedied and the nature of the remediation work undertaken on those types of plant;
 - (c) for each cable run identified for remediation in a remediation list approved by ACMA under subclause (2), its size (ie whether it included 10 or 100 copper pairs), the ESA category and the number of services in operation supplied by that cable run; and
 - (d) details of other cable runs remedied in conjunction with remediation under this clause.

[13] Subclauses 27(1), (2) and (3)

omit (wherever occurring)

faults or service difficulties

substitute

fault or service difficulties

[14] Subclause 27(4) and Note

substitute

- (4) In a case where one or more CSG services experience more than 3 fault or service difficulties in a rolling 60 calendar day period or more than 4 fault or service difficulties in a rolling 365 calendar day period, the licensee must report the matter to ACMA within 10 working days of the end of each calendar month in which a contravention has occurred, or such other timeframe as ACMA agrees in writing, providing the following details:
- (a) the telephone number, or such other unique identifier as ACMA agrees in writing, of the CSG services;
 - (b) the geographical locator of the CSG services;
 - (c) the ESA and FSA to which the CSG services relate;
 - (d) details of fault or service difficulties in relation to the CSG services;

- (e) any action taken by the licensee to prevent the occurrence of the fault or service difficulties;
- (f) the licensee's conclusion as to the underlying cause of the fault or service difficulties, and the licensee's reasons for reaching this conclusion;
- (g) such results as are available at the reporting date of the licensee's investigation under subclause (3);
- (h) any action taken by the licensee to remedy the fault or service difficulties concerned;
- (i) the action the licensee proposes to take to remedy the CSG services; and
- (j) the proposed timeframe for remediation of the CSG services and supporting reasons for the timeframe specified.

Note: The information that the licensee is to provide under this subclause is not limited to information specific to the access line on which fault or service difficulties occur, but may include information on other parts of the network that may cause fault or service difficulties on that access line if ACMA, following consultation with the licensee, considers that that information is relevant.

[15] Subclause 27(5)

omit

The ACA

substitute

ACMA

[16] Subclause 27(5)

omit (wherever occurring)

the ACA

substitute

ACMA

[17] Subclause 27(6)

omit

the ACA

substitute

ACMA

[18] Subclause 27(7)

omit (wherever occurring)

the ACA

substitute

ACMA

[19] Subclause 27(8)

omit (wherever occurring)

the ACA

substitute

ACMA

[20] Subclause 27(8)

omit

the ACA's

substitute

ACMA's

[21] Subclause 27(9)

omit (wherever occurring)

the ACA

substitute

ACMA

[22] Subclause 27(9)

omit (wherever occurring)

the ACA's

substitute

ACMA's

[23] Subclause 27(11)

omit (wherever occurring)

the ACA

substitute

ACMA

[24] Subclause 27(11)

omit

the ACA's

substitute

ACMA's

[25] Subclause 27(12)

omit (wherever occurring)

the ACA

substitute

ACMA

[26] Subclauses 27(13), (14) and (15)

omit the subclauses

[27] Subclause 27(16) and Note

omit the subclause and Note

[28] At the end of clause 27

insert

(13) If one or more fault or service difficulties occur in relation to one or more CSG services during the remediation period (*subsequent faults*), the licensee must ensure that the remediation that is either planned or underway addresses the root cause or causes of the subsequent faults. Subsequent faults are not otherwise to be treated as fault or service difficulties for the purposes of this clause.

(14) If one or more fault or service difficulties occur in relation to one or more CSG services during the monitoring period, the licensee must report the fault or service difficulties to ACMA within 10 working days of the end of each calendar month in which the difficulties occurred.

(15) For the purposes of this clause, the licensee must provide sufficient information to ACMA, including its own assessment of whether a fault or service difficulty is related, to allow ACMA to satisfy itself whether a fault or service difficulty that occurs during the monitoring period is a related fault or service difficulty. The licensee must provide this information to ACMA to allow ACMA to make its decision within 15 working days after ACMA receives the report mentioned in subclause (14).

- (16) If one or more related fault or service difficulties occur in relation to a CSG service during the monitoring period, the licensee must:
- (a) within 20 working days after the end of the period mentioned in subclause (15):
 - (i) re-examine its remediation in light of the related fault or service difficulties; and
 - (ii) examine and address, by further remediation, the root cause or causes of the fault or service difficulties;
 - (b) within 20 working days of taking action under paragraph (a), report to ACMA in relation to its further remediation of the fault or service difficulties.
- (17) The monitoring period commences again immediately after ACMA notifies the licensee that it has received the licensee's report under subclause (16).
- (18) In this clause:

monitoring period, in relation to a CSG service, means the 8 calendar month period immediately after the completion of the remediation of the service under this clause.

related fault or service difficulty, in relation to a CSG service, means a fault or service difficulty that arose from either:

- (a) the same root cause or causes of fault or service difficulties that required the CSG service to be remedied under this clause; or
- (b) a similar root cause or causes of fault or service difficulties that the licensee could have reasonably been expected to address during remediation of the CSG service under this clause.

remediation period, in relation to a CSG service, means the period between the day the licensee is required to report a fault or service difficulty for that service under subclause (4) and the completion of the remediation of the service under this clause.

[29] Application of amendments made to clause 27 by item 28

The amendments made to clause 27 by item 28 apply to any remediation under clause 27 that is completed on or after 1 October 2006.

[30] Clause 28

omit

the ACA

substitute

ACMA