

Commonwealth of Australia

Telecommunications Act 1997

Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 2014)

I, MALCOLM BLIGH TURNBULL, Minister for Communications make the following Declaration under subsection 63(5) of the *Telecommunications Act 1997*.

Dated 18 March 2014.

MALCOLM TURNBULL
Minister for Communications

1 Name of Declaration

This Declaration is the *Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 2014)*.

2 Commencement

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

3 Variation

The *Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997* is amended as set out in the Schedule to this Declaration.

4 Expiry

This Declaration expires on the day after it commences.

Schedule Amendments

(Section 3)

[1] Clause 3, definitions of *Alternative Network*, *call conveyancing costs*, *CDMA*, *CDMA network*, *CDMA site*, *current industry development plan*, *customer transfer costs*, *EVDO service*, *industry development plan*, *Industry Minister*, *local number portability*, *metropolitan area*, *metropolitan CDMA site*, *non-metropolitan area*, *non-metropolitan CDMA site*, *Optus*, *PWC Report*, *the relevant parties*, *USO policy statement*, and *USO standard marketing plan*

Omit

[2] Clause 5 (Industry development plans)

Omit

[3] Clause 13 (local number portability) and Clause 14 (Cessation of clause 13)

Omit

[4] Clause 15 (replacement of CDMA network)

Omit

[5] Clause 17 (provision of information to competing universal service providers and aspirant competing universal service providers)

Omit

[6] Clause 18 (obligations in respect of Extended Zones)

Omit

[7] Subclause 19(7) (priority assistance arrangements - USO policy statement and USO standard marketing plan)

Omit

[8] Subclause 19(8) (priority assistance arrangements - provision of information and record keeping and reporting regime)

Repeal the subclause, substitute:

- (8) The licensee must, in conjunction with the ACMA, develop a record keeping and reporting regime in relation to priority service arrangements and provide information to the ACMA on an annual basis, including:
- (a) the number of requests for priority assistance connections in urban, rural and remote areas; and
 - (b) the proportion of requests for priority assistance connections in urban, rural and remote areas meeting the priority assistance policy service connection fulfilment objectives; and
 - (c) the number of requests for priority assistance service restoration in urban, rural and remote areas; and
 - (d) the proportion of requests for priority assistance service restoration in urban, rural and remote areas meeting the priority assistance policy service restoration objectives.

[9] Subclause 19(9) (priority assistance arrangements - interim arrangements)

Omit

[10] Clause 21 (Exemptions from the Customer Service Guarantee)

Omit

[11] Subclause 24(1) (Network reliability framework – definitions)

Repeal the definition of ‘CSG service’, substitute:

CSG service has the same meaning as in the *Telecommunications (Customer Service Guarantee) Standard 2011* when provided to a customer of the licensee but does not include a service the supply of which by the licensee is exempt from compliance with performance standards under section 18 of that Standard.

[12] Subclause 24(1) (Network reliability framework – definitions)

Repeal the definition of ‘fault or service difficulty’, substitute:

fault or service difficulty, in relation to a CSG service, has the same meaning as in the *Telecommunications (Customer Service Guarantee) Standard 2011*.

[13] Schedule 2 (Format for, and description of, information to be provided to CUSPs and aspirant CUSPs under paragraph 17(2)(a))

Omit

[14] Schedule 3 (Deed poll for CUSPs and aspirant CUSPs requesting information relating to contestable universal service areas)

Omit

[15] At the end of Item (1) definitions in Schedule 4 (Objectives to be addressed in the Licensee's priority assistance policy under subclause 19(2))

Add:

- (1A) For the purposes of this Schedule, **CSG Standard** means the *Telecommunications (Customer Service Guarantee) Standard 2011* made under sections 115, 117 and 120 of the Consumer Protection Act.

[16] Subitem (4)(a) in Schedule 4 – priority customer applications

After “assistance”, insert “(which may require pre-registration in circumstances specified in the priority assistance policy)”.

[17] Subitems (4)(k) and (4)(l) in Schedule 4 – priority customer applications and assessments

Repeal the subitems, substitute:

- (k) the process by which the ACMA may conduct audits of the application and assessment process for priority assistance;
- (l) the processes for carrying out reassessment of priority customers and cessation of priority assistance; and
- (m) the process by which the licensee can levy a charge upon customers receiving priority assistance, in circumstances where the licensee has determined that the customer does not meet procedural, eligibility or other requirements stated in the priority assistance policy.

[18] Item (5) in Schedule 4 – post facto ratification of priority customers

Omit item (5), including the heading “Post facto ratification of priority customers” and the words immediately after, namely, “The priority assistance policy must satisfy the following objective:”

[19] Item (7) in Schedule 4 - connections

Omit, “licensee’s USO standard marketing plan”, *substitute* “CSG Standard”.

[20] Subitem (9)(a) in Schedule 4 - service reliability

Omit: “and use its best endeavours to ensure any underlying network causes of faults are identified and, if necessary, fixed as soon as possible to a high level of reliability; and”,

substitute: “and, if the service is supplied using a telecommunications network over which the licensee is in a position to exercise control, use its best endeavours to ensure any underlying network causes of faults are identified and, if necessary, fixed as soon as possible to a high level of reliability; and”.

[21] At the end of subitem (9)(b) in Schedule 4 - service reliability

Insert:

- (c) For the purposes of item 9, the rules set out in section 577Q of the Act apply for determining whether the licensee is in a position to exercise control of a telecommunications network.

[22] Item (11) in Schedule 4 - fault rectification

Omit, “licensee’s USO standard marketing plan”, *substitute* “CSG Standard”.

[23] Subitem (13)(a) in Schedule 4 - new connections

Repeal paragraphs (a)(i), (a)(ii) and (a)(iii), *substitute*:

- (i) where the priority customer accepts the offer – provide an interim priority service within 24 hours of the priority customer’s acceptance of the offer, unless otherwise agreed with the priority customer, or unless prevented by circumstances beyond its control; and
- (ii) where prevented from meeting the timeframe under paragraph (i) by circumstances beyond its control, to provide an interim priority service as soon as practicable; and

[24] Subitem (13)(b) in Schedule 4 - new connections

Repeal paragraphs (b)(i), (b)(ii) and (b)(iii), substitute:

- (i) where the priority customer accepts the offer – provide an interim priority service within 48 hours of the priority customer’s acceptance of the offer, unless otherwise agreed with the priority customer, or unless prevented by circumstances beyond its control; and
- (ii) where prevented from meeting the timeframe under paragraph (i) by circumstances beyond its control, to provide an interim priority service as soon as practicable; and

[25] Subitem (13)(c) in Schedule 4 - new connections

Omit “or until the priority customer is entitled to an interim service under the licensee’s USO standard marketing plan”.

[26] Note 3 at the end of item (13) in Schedule 4

Omit “or supply of an interim service in accordance with the licensee’s USO Standard Marketing Plan”.

[27] Subitem (14)(a) in Schedule 4 - service faults

Repeal paragraphs (a)(i), (a)(ii) and (a)(iii), substitute:

- (i) where the priority customer accepts the offer – provide an interim priority service within 24 hours of the priority customer’s acceptance of the offer, unless otherwise agreed with the priority customer, or unless prevented by circumstances beyond its control; and
- (ii) where prevented from meeting the timeframe under paragraph (i) by circumstances beyond its control, to provide an interim priority service as soon as practicable; and

[28] Subitem (14)(b) in Schedule 4 - service faults

Repeal paragraphs (b)(i), (b)(ii) and (b)(iii), substitute:

- (i) where the priority customer accepts the offer – provide an interim priority service within 48 hours of the priority customer’s acceptance of the offer, unless otherwise agreed with the priority customer, or unless prevented by circumstances beyond its control; and
- (ii) where prevented from meeting the timeframe under paragraph (i) by circumstances beyond its control, to provide an interim priority service as soon as practicable; and

[29] Subitem (14)(c) in Schedule 4 - service faults

Omit “or until the priority customer is entitled to an interim service under the licensee’s USO standard marketing plan”.

[30] Note 3 at the end of item (14) in Schedule 4

Omit “or supply of an interim service in accordance with the licensee’s USO Standard Marketing Plan”.