

Commonwealth of Australia

Telecommunications Act 1997

**Telecommunications (Low-impact Facilities)
Determination 1997 (Amendment No. 1 of 2015)**

I, MALCOLM BLIGH TURNBULL, Minister for Communications, make the following Determination under subclause 6(3) of Schedule 3 to the *Telecommunications Act 1997* and subsection 33(3) of the *Acts Interpretation Act 1901*.

Dated 30 March 2015.

MALCOLM BLIGH TURNBULL
Minister for Communications

1 Name of Determination

This Determination is the *Telecommunications (Low-impact Facilities) Determination 1997 (Amendment No. 1 of 2015)*.

2 Commencement

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

3 Variation

The *Telecommunications (Low-impact Facilities) Determination 1997* is amended as set out in the Schedule to this Determination.

4 Expiry

This Determination expires on the day after it commences as if it had been repealed by another legislative instrument.

Schedule Amendments

(Section 1.3 and Schedule)

[1] Section 1.3, at the definition of *building connection equipment*

omit

means a facility installed in a multi-unit building, where the facility is to be used (or intended to be used at some future time) by end users that are, or are to be, located in any of the following:

- (a) the building in which the facility is installed;
- (b) nearby and related buildings.

substitute

means a facility which is:

- (a) installed in a multi-unit building; or
- (b) attached to a multi-unit building provided the installation occurs at any time during the Designated Installation Period;

and the facility is to be used (or intended to be used at some future time) by end users that are, or are to be, located in any of the following:

- (a) the building in which the facility is installed in or attached to;
- (b) nearby and related buildings.

[2] Section 1.3, after the definition of *commercial area*

insert

Designated Installation Period means the period of 12 months beginning on the day upon which the *Telecommunications (Low-impact Facilities) Determination 1997 (Amendment No. 1 of 2015)* commences.

[3] Section 1.3, after the note accompanying the definition of *emergency services organisation*

insert

HFC Trial Region means each of the following regions in which a construction and connection deployment trial of a hybrid fibre-coaxial network occurs:

- (a) Merrimac within the local government area of the City of Gold Coast, Queensland;

- (b) Redcliffe within the local government area of the Moreton Bay Regional Council, Queensland;
- (c) Slacks Creek within the local government area of the City of Logan, Queensland; and
- (d) Emu Plains within the local government area of the City of Penrith, New South Wales.

[4] Column 2, Item 8 of Part 3 of the Schedule

omit

Building connection equipment:

- (a) the substantive volume of which is not more than 0.21 cubic metres; and
- (b) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.

substitute

Building connection equipment:

- (a) the substantive volume of which is not more than 0.59 cubic metres; and
- (b) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis; and
- (c) that is installed at any time during the Designated Installation Period.

[5] Column 2, Item 9 of Part 3 of the Schedule

omit

In-building network equipment:

- (a) the substantive volume of which is not more than 0.21 cubic metres; and
- (b) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.

substitute

In-building network equipment:

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- (a) the substantive volume of which is not more than 0.59 cubic metres; and
- (b) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis; and
- (c) that is installed at any time during the Designated Installation Period.

[6] After Item 5, Part 4 of the Schedule

insert

6	Underground hybrid fibre-coaxial network equipment: <ul style="list-style-type: none"> (a) the substantive volume of which is not more than 0.23 cubic metres; (b) that is installed at any time during the Designated Installation Period; and (c) that is, or is to be, part of a national network, used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis. 	Each of the following areas situated in a HFC Trial Region: <ul style="list-style-type: none"> - Residential - Commercial - Industrial - Rural
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[7] After Part 4A of the Schedule

insert

Part 4B Above ground hybrid fibre-coaxial facilities

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	A single line link or bundle of line links (comprised of coaxial cables and/or optical fibre cables): <ul style="list-style-type: none"> (a) suspended above the surface of: <ul style="list-style-type: none"> (i) land (other than submerged land); or (ii) a river, lake, tidal inlet, bay, estuary, harbour or other body of water; or (b) protruding from the surface of land (other than submerged land); (c) the maximum external cross-section of any part is: <ul style="list-style-type: none"> (i) in the case of a single line link - 30 millimetres; (ii) in the case of a bundle (of coaxial cables and/or optical fibre line links) – 30 millimetres; (d) deployed on, or attached to, a public utility structure, building or other structure; (e) that is installed at any time during the Designated Installation Period; and (f) that is, or is to be, part of a national network, used, 	Each of the following areas situated in a HFC Trial Region: <ul style="list-style-type: none"> - Residential - Commercial - Industrial - Rural

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**Column 1
Item no.**

**Column 2
Facility**

**Column 3
Areas**

or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.

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2	<p>Optical node device:</p> <p>(a) which converts optical signals from:</p> <p style="padding-left: 20px;">(i) a fibre cable or cables into electrical signals for distribution over a coaxial cable or cables; and</p> <p style="padding-left: 20px;">(ii) a coaxial cable or cables into electrical signals for distribution over a fibre cable or cables;</p> <p>(b) either:</p> <p style="padding-left: 20px;">(i) clamped to, strung from or otherwise affixed to a cable; or</p> <p style="padding-left: 20px;">(ii) clamped to, strung from, or otherwise mounted on a public utility structure, building or other structure;</p> <p>(c) the substantive volume of which is not more than 0.043 cubic metres;</p> <p>(d) that is installed at any time during the Designated Installation Period; and</p> <p>(e) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.</p>	<p>Each of the following areas situated in a HFC Trial Region:</p> <ul style="list-style-type: none"> - Residential - Commercial - Industrial - Rural
3	<p>Hybrid fibre-coaxial amplifier:</p> <p>(a) which amplifies electrical signals over a coaxial cable or cables;</p> <p>(b) either:</p> <p style="padding-left: 20px;">(i) clamped to, strung from or otherwise affixed to a cable; or</p> <p style="padding-left: 20px;">(ii) clamped to, strung from, or otherwise mounted on a public utility structure, building or other structure;</p> <p>(c) the substantive volume of which is not more than 0.013 cubic metres;</p> <p>(d) that is installed at any time during the Designated Installation Period; and</p> <p>(e) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.</p>	<p>Each of the following areas situated in a HFC Trial Region:</p> <ul style="list-style-type: none"> - Residential - Commercial - Industrial - Rural

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4	<p>Hybrid fibre-coaxial outdoor tap:</p> <ul style="list-style-type: none">(a) which, as a passive device, allows connection of a main coaxial cable to a lead-in cable;(b) which terminates into a hybrid fibre-coaxial drop cable using a standard connector;(c) either:<ul style="list-style-type: none">(i) clamped to, strung from or otherwise affixed to a cable; or(ii) clamped to, strung from, or otherwise mounted on a public utility structure, building or other structure;(d) the substantive volume of which is not more than 0.002 cubic metres;(e) that is installed at any time during the Designated Installation Period; and(f) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	<p>Each of the following areas situated in a HFC Trial Region:</p> <ul style="list-style-type: none">- Residential- Commercial- Industrial- Rural
5	<p>A single hybrid fibre-coaxial drop cable or a bundle of hybrid fibre-coaxial drop cables:</p> <ul style="list-style-type: none">(a) suspended above the surface of:<ul style="list-style-type: none">(i) land (other than submerged land); or(ii) a river, lake, tidal inlet, bay, estuary, harbour or other body of water; or(b) protruding from the surface of land (other than submerged land);(c) either:<ul style="list-style-type: none">(i) clamped to an electrical drop cable or other cable; or(ii) strung from a public utility structure, building or other structure; and(d) attached to a building or other structure for the purposes of a subscriber connection;(e) the maximum external cross-section of any part is:<ul style="list-style-type: none">(i) in the case where a single drop cable is attached to a single-unit building—13 millimetres; or(ii) in the case where a bundle (of drop cables) is attached to a single-unit building—13 millimetres; or(iii) in the case where a single drop cable is attached to a multi-unit building—30 millimetres; or(iv) in the case where a bundle of drop cables is attached to a multi-unit building—30 millimetres;(f) that is installed at any time during the Designated Installation Period; and(g) that is, or is to be, part of a national network used,	<p>Each of the following areas situated in a HFC Trial Region:</p> <ul style="list-style-type: none">- Residential- Commercial- Industrial- Rural

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	or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	
6	<p>Premises connection device:</p> <ul style="list-style-type: none"> (a) attached to a building or other structure for the purposes of a subscriber connection; (b) the substantive volume of which is not more than 0.007 cubic metres; (c) connected to a hybrid fibre-coaxial cable or bundle of cables; (d) that is installed at any time during the Designated Installation Period; and (e) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis. 	<p>Each of the following areas situated in a HFC Trial Region:</p> <ul style="list-style-type: none"> - Residential - Commercial - Industrial - Rural
7	<p>Hybrid fibre-coaxial power supply:</p> <ul style="list-style-type: none"> (a) clamped to, strung from, or otherwise mounted on a public utility structure, building or other structure for the purposes of powering an optical node device or hybrid fibre-coaxial amplifier; (b) the substantive volume of which is not more than 0.15 cubic metres; (c) that is installed at any time during the Designated Installation Period; and (d) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis. 	<p>Each of the following areas situated in a HFC Trial Region:</p> <ul style="list-style-type: none"> - Residential - Commercial - Industrial - Rural
8	<p>Auxiliary hybrid fibre-coaxial equipment (Type A)</p> <ul style="list-style-type: none"> (a) which: <ul style="list-style-type: none"> (i) connects a coaxial cable ;or (ii) isolates a coaxial cable; or (iii) splits a coaxial cable; (b) the substantive volume of which is not more than 0.002 cubic metres; (c) that is installed at any time during the Designated Installation Period; and (d) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis. 	<p>Each of the following areas situated in a HFC Trial Region:</p> <ul style="list-style-type: none"> - Residential - Commercial - Industrial - Rural

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9	Auxilliary hybrid fibre-coaxial equipment (Type B): (a) which is used to: (i) inject power into coaxial cable; or (ii) balance the distribution of power and radio frequency budget of a hybrid fibre-coaxial network; or (iii) actively manage the operational elements of a hybrid fibre-coaxial network; (b) the substantive volume of which is not more than 0.002 cubic metres; (c) that is installed at any time during the Designated Installation Period; and (d) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	Each of the following areas situated in a HFC Trial Region: - Residential - Commercial - Industrial - Rural
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