

Commonwealth of Australia

Telecommunications Act 1997

Carrier Licence Conditions (Networks supplying Superfast Carriage Services to Residential Customers) Declaration 2014 (Amendment No.1 of 2016)

I, MITCH FIFIELD, Minister for Communications, make the following Declaration.

Dated 2 December 2016.

MITCH FIFIELD
Minister for Communications

1 Name of Instrument

This instrument is the *Carrier Licence Conditions (Networks supplying Superfast Carriage Services to Residential Customers) Declaration 2014 (Amendment No.1 of 2016)*.

2 Commencement

This instrument commences on the day after it is registered on the Federal Register of Legislation.

3 Authority

This instrument is made under subsection 63(5) of the *Telecommunications Act 1997*.

4 Variation

The *Carrier Licence Conditions (Networks supplying Superfast Carriage Services to Residential Customers) Declaration 2014* is amended as set out in the Schedule to this instrument.

Schedule Amendments

(Section 4)

[1] Section 3, Expiry

omit

31 December 2016

substitute

30 June 2018

[2] Section 4, immediately before the definition of *associate*

insert

Amending Instrument means the *Carrier Licence Conditions (Networks supplying Superfast Carriage Services to Residential Customers) Declaration 2014 (Amendment No.1 of 2016)*.

[3] Section immediately before the definition of *large charity customer*

insert

geographic extent means the physical location of infrastructure.

[4] At the Note accompanying Section 4

omit

(subsection 13(1) of the *Legislative Instruments Act 2003*)

substitute

(paragraph 13(1)(b) of the *Legislation Act 2003*)

[5] At subsection 4(2)

omit

subsection 6(6)(a)

insert

subsections 6(6) and 6(5A)

[6] Paragraphs 6(1)(a) and (b), Class Licence Conditions

omit

[7] Paragraph 6(1)(c), Class Licence Conditions

omit the paragraph and substitute

(c) from 1 July 2015 until 30 June 2018 comply with each of the conditions set out in subsections (5), (5A), (6), (7), and (8); and

[8] Subsection 6(2), heading *Interim wholesale service offerings*

omit

[9] Subsection 6(2)

omit

[10] Subsection 6(3)

omit

[11] Subsection 6(4), heading *Exception to interim wholesale service offerings*

omit

[12] Subsection 6(4)

omit

[13] At the end of subsection 6(5)

insert

(5A) To the extent that the specified carrier's operations of one or more designated telecommunications networks are conducted on a wholesale-only basis, the specified carrier must, within 30 days of the Amending Instrument coming into effect and every 6 months thereafter, provide the ACCC with a statement from two or more of its Directors:

(a) setting out the following details:

- (i) the specified carrier's name and Australian Company Number (ACN);
- (ii) for each designated telecommunications network in existence as at the date of the statement:
 - A. the technology type of the network;
 - B. the geographic extent of the network;
 - C. the total number of carriage services in operation on the network as at the date of the statement; and
 - D. the estimated total number of addressable premises

- technically capable of being served by the network;
- E. the names and ACNs (where applicable) of each carriage service provider supplied with one or more eligible services using the designated telecommunications network during:
- I. the period commencing on 1 January 2017 and ending on date of the statement – for the first statement; and
- II. the period commencing 6 months before the date of the relevant statement and ending on the date of the statement – for each subsequent statement; and
- (b) declaring that each designated telecommunications network has not been used by the specified carrier to supply eligible services to any of its associates at any time during which section 5 of this Declaration has applied to the specified carrier in respect of those networks.

(5AA) The statement to be provided in accordance with subsection 6(5A) must be in a form (if any) specified in writing by the ACCC.

[14] At subsection 6(6)

omit

“at all times during which section 5 and paragraph (1)(c) apply”

[15] Subparagraph 6(6)(d)

omit

:

- (i) by 31 January 2016;
- (ii) by 30 June 2016; and
- (iii) by 31 December 2016;

substitute

by 30 June and 30 December of each calendar year;