



Telecommunications (Designated Service Area and Statutory Infrastructure Provider) Amendment Declaration (No. 5) 2022

I, Michelle Rowland, Minister for Communications, make the following declaration.

Dated 18 November 2022

Michelle Rowland
Minister for Communications

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1 Name

This instrument is the *Telecommunications (Designated Service Area and Statutory Infrastructure Provider) Amendment Declaration (No.5) 2022*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 360L of the *Telecommunications Act 1997* and subsection 33(3) of the *Acts Interpretation Act 1901*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Telecommunications (Designated Service Area and Statutory Infrastructure Provider) Declaration (No. 1) 2020

1 Section 4 (Heading)

Repeal the heading, substitute:

(4) Interpretation

2 Section 4

Repeal the note, substitute:

- Note: A number of expressions used in this instrument are defined in the Act, including the following:
- (a) designated service area (section 360A);
 - (b) carriage service provider (section 7);
 - (c) eligible service (section 142A);
 - (d) GDA94 (section 360A);
 - (e) qualifying fixed-line carriage service (section 360A);
 - (f) statutory infrastructure provider (section 360A);
 - (g) TAB vector format (section 360A).

3 Section 4

Omit “In this instrument:” substitute “(1) In this instrument:”

4 Section 4 (definition of “Opticomm Ltd”)

Repeal and substitute:

Opticomm Pty Ltd means Opticomm Pty Ltd (ACN 117 414 776), as the company exists from time to time (even if its name is later changed).

5 Section 4 (after definition of “Taipan Networkx Pty Ltd”)

Insert:

Telstra means either of the following:

- (a) Telstra Corporation Limited; or
- (b) Telstra Limited.

6 Section 4 (after definition of “Telstra Corporation Limited”)

Insert:

Telstra Limited means Telstra Limited (ACN 086 174 781) as the company exists from time to time (even if its name is later changed).

Telstra-Equipped Services means services which satisfy the following conditions:

- (a) the service is one in relation to which Telstra is in a position to exercise operational control of:

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- (i) all or part of the telecommunications network in the designated service area; or
 - (ii) the kinds of services that are supplied using the telecommunications network in the designated service area; and
- (b) the service is either:
- (i) a qualifying fixed-line carriage service which Telstra supplies to end-users at the premises in a designated service area; or
 - (ii) an eligible service which Telstra supplies to another carriage service provider in order that the other carriage service provider can provide qualifying fixed-line carriage services to end-users at premises in a designated service area.

7 Section 4 (after definition of “Transact Capital Communications Pty Ltd”)

Insert:

Transition Period means the period of time:

- (a) during which both Telstra and Opticomm Pty Ltd are the statutory infrastructure providers in respect of each designated service area specified in column 1 of Schedule 16A in accordance with this instrument; and
- (b) continues until the day before the Transition End Date.

Transition End Date means the earlier of:

- (a) the day on which Telstra:
 - (i) has completed the disconnection of all Telstra-Equipped Services supplied in relation to all premises within all the designated service areas specified in column 1 of Schedule 16A to the *Telecommunications (Designated Service Area and Statutory Infrastructure Provider Declaration (No.1) 2020*; and
 - (ii) has made available the fact that disconnection has occurred on its website; and
- (b) 1 July 2025.

- (2) For the purposes of the definition of ‘Telstra’ at subsection 4(1), Telstra will only mean Telstra Limited if Schedules 2 and 3 of the *Telstra Corporation and Other Legislation Amendment Act 2021* commence – in all other circumstances, Telstra means Telstra Corporation Limited.

8 Section 5 (Designated service areas and statutory infrastructure provider)

Repeal paragraph 5(1)(b) and substitute:

- (b) subject to subsection 5(3), each carrier specified in the heading of a Schedule to this instrument (*specified carrier*) is the **statutory infrastructure provider** for each **designated service area** specified in column 1 of the table in that corresponding Schedule.

9 Section 5 (Designated service areas and statutory infrastructure provider)

After subsection 5(2), insert:

- (3) For the purposes of Schedule 16A:
- (a) Telstra and Opticomm Pty Ltd are the *statutory infrastructure providers* in respect of each *designated service area* specified in column 1 of Schedule 16A during the *Transition Period*;
 - (b) Telstra ceases to be the *statutory infrastructure provider* in respect of each *designated service area* in column 1 of Schedule 16A on the *Transition End Date*; and
 - (c) Opticomm Pty Ltd is the *statutory infrastructure provider* in respect of each *designated service area* in column 1 of Schedule 16A on and from the *Transition End Date*.

10 Schedule 12 – (heading)

Repeal “Schedule 12 – Opticomm Ltd”, substitute:

“Schedule 12 – Opticomm Pty Ltd”

11 Schedule 12 – (table heading)

Repeal “Specified areas for which Opticomm Ltd is the specified carrier and to which this declaration applies”, substitute:

“Specified areas for which Opticomm Pty Ltd is the specified carrier and to which this declaration applies”.

12 Schedule 16A – (heading)

Repeal “Schedule 16A – Telstra Corporation Limited”, substitute:

“Schedule 16A – Telstra and Opticomm Pty Ltd subject to the Transition Period”

13 Schedule 16A – (table heading)

Repeal “Specified areas for which Telstra is the specified carrier and to which this declaration applies”, substitute:

“Subject to subsection 5(3), areas for which Telstra and Opticomm Pty Ltd are the specified carriers and to which this declaration applies”.

14 Schedule 16A (after table item 48)

Insert:

48A	Freeman’s Ridge, Stage 13 (Carnes Hill, NSW)	POLYGON ((150.8500874 -33.9404255,150.850049 -33.940468,150.8504251 -33.941038,150.8504776 -33.941009,150.8506427 -33.9409342,150.8509262 -33.9408045,150.8510745 -33.9407256,150.8511024 -33.9407105,150.8512648 -33.9406035,150.8514095 -33.9404842,150.8515367 -33.9403564,150.8516521 -33.940211,150.8518157 -33.9399508,150.851992 -33.939671,150.852031 -33.9395876,150.8522612 -33.9394219,150.8523655 -33.9393208,150.8526101 -
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		33.9391448,150.8520814 -33.938634,150.8518375 - 33.9388094,150.8516953 -33.9388758,150.8514638 - 33.9390419,150.8514275 -33.9391249,150.8510257 - 33.9397654,150.8509136 -33.9399293,150.8507465 - 33.9400903,150.8505358 -33.940219,150.8500874 -33.9404255))
48B	Freeman's Ridge, Stage 16 (Carnes Hill, NSW)	POLYGON ((150.852611 -33.9391436,150.8523656 - 33.9393205,150.8522623 -33.9394217,150.8520307 - 33.939587,150.851993 -33.9396707,150.8518859 -33.939842,150.851817 - 33.9399511,150.8517407 -33.9400705,150.8516543 - 33.9402074,150.8516123 -33.9402614,150.8515411 - 33.940352,150.8515214 -33.9403713,150.8517792 - 33.9405344,150.8518433 -33.9406776,150.8521648 - 33.9408708,150.8521327 -33.9409062,150.8523363 - 33.9411148,150.8523487 -33.9411083,150.8523946 - 33.9410744,150.8524601 -33.9410231,150.8525242 - 33.9409688,150.8525624 -33.9409335,150.8526567 - 33.940837,150.8527431 -33.9407348,150.8528194 - 33.9406306,150.8528869 -33.9405191,150.8529172 - 33.9404641,150.8529451 -33.9404041,150.8529969 - 33.940288,150.8531996 -33.9401259,150.8532757 - 33.9400702,150.8532473 -33.9397574,150.85307 - 33.9395866,150.8526994 -33.9392301,150.852611 -33.9391436))

15 Schedule 16A (item 1)

Repeal the item, substitute:

1	24 Halesworth Parade (Butler, WA)	POLYGON ((115.6952081 -31.633078,115.695617 -31.63308,115.6961239 -31.632928,115.698386 -31.632926,115.69844 -31.632914,115.698476 - 31.632863,115.698487 -31.63277,115.697997 -31.631249,115.695925 - 31.631239,115.6952039 -31.631251,115.6952081 -31.633078,115.6952081 -31.633078,115.6952081 -31.633078))
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16 Schedule 16A (after item 1)

Insert:

1A	150 Clarendon Street (East Melbourne, VIC)	POLYGON((144.983347 -37.812643, 144.983497 -37.811749, 144.983916 -37.811794, 144.983843 -37.812226, 144.984061 -37.81225, 144.984038 - 37.812385, 144.983849 -37.812361, 144.983793 -37.812695, 144.983347 - 37.812643))
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Schedule 2 —Repeals

Telecommunications (Designated Service Area and Statutory Infrastructure Provider) Amendment Declaration (No. 1) 2022

1 The whole of the instrument

Repeal the instrument.