

Commonwealth of Australia

Telecommunications Act 1997

**Telecommunications (Network Exemption—Specified
Velocity Networks) Instrument 2012
(Amendment No.1 of 2020)**

I, PAUL FLETCHER, Minister for Communications, Cyber Safety and the Arts make the following Instrument under subitem 27(1) of Schedule 1 to the *Telecommunications Legislation Amendment (Competition and Consumer) Act 2020* and subsection 144(1) of the *Telecommunications Act 1997*.

Dated 16 June 2020



PAUL FLETCHER
Minister for Communications, Cyber Safety and the Arts

1 Name of Exemption Instrument

This Instrument is the *Telecommunications (Network Exemption—Specified Velocity Networks) Instrument 2012 (Amendment No.1 of 2020)*.

2 Commencement

This Instrument commences on the day it is signed.

3 Amendment

The *Telecommunications (Network Exemption—Specified Velocity Networks) Instrument 2012* is amended as set out in the Schedule to this Instrument.

Schedule—Amendments

Telecommunications (Network Exemption—Specified Velocity Networks) Instrument 2012

1 Clause 2 (Cessation)

Omit

This Instrument ceases to have effect on the designated day.

Substitute:

This Instrument ceases to have effect on the earlier of:

- (a) the day which is 90 days after the last of the customer transition completion dates of the Specified Velocity Networks; and
- (b) 1 July 2022, if Telstra owns any Specified Velocity Networks on that day.

2 Clause 2 (Notes)

Omit Note 1 and Note 2, substitute:

Note This instrument commenced on 12 April 2012.

3 Clause 3 (subparagraph (a) of the definition, *Specified Velocity Network*)

Omit:

- (a) that is owned by Telstra; and

Substitute:

- (a) that is owned by Telstra or over which Telstra is in a position to exercise control; and

4 Clause 3 (Definitions)

Insert:

customer transition completion date means, in respect of a Specified Velocity Network, the day on which Telstra completes disconnection of all Telstra-Equipped Services supplied to premises connected to that Specified Velocity Network.

Telstra-Equipped Services means carriage services which Telstra, while it is in a position to exercise control of a Specified Velocity Network, supplies to itself or to access seekers at premises connected to that Specified Velocity Network, including the Fibre Access Broadband Service.

5 At the Note immediately after Clause 3

Omit “designated day”, substitute “a person being in a position to exercise control over a network”

6 At Subclause 4(1) (Exemptions)

Omit “condition set out in subclause (2)”, substitute “conditions set out in subclauses (2) and (3)”

7 Immediately after Subclause 4(2) (Exemptions)

Insert:

- (3) Telstra must provide a written report to the ACCC and the Minister:
 - (a) every six months commencing on 15 July 2020 until the cessation of this Instrument; and
 - (b) within 30 days of a written request by the ACCC pursuant to this paragraph;
detailing the progress of the sale of each Specified Velocity Network, including:
 - (c) a summary of the legal arrangement(s) for the transfer of ownership of each Specified Velocity Network (including the name of the purchaser and date of transfer);
 - (d) if, as at the date of the report, legally binding arrangement(s) are in place for the transfer of ownership of any Specified Velocity Network, the following information about the customer transfer process:
 - (i) details of the work arrangements (including physical work) required to be undertaken (or being undertaken) by Telstra to effect the transfer of the local access line to the network purchaser;
 - (ii) the number of local access lines where physical work has been initiated (but not yet complete) to transfer the lines to the network purchaser;
 - (iii) the timeframes for the completion of the transfer of ownership of the local access lines and associated work, on a per area basis (if known);
 - (iv) the number and location of the local access lines that, as at the date of the report, have been fully transferred to the network purchaser; and
 - (v) a summary of the information disseminated to retail customers and end-user customers regarding the transfer of the local access lines and any related service or network disruption.