



Competition and Consumer Act 2010

Variation and extension of declaration under subsections 152AL and 152ALA 2021

1. Pursuant to subsection 152ALA(4) of the *Competition and Consumer Act 2010* (Act) the Australian Competition and Consumer Commission (ACCC) extends the expiry date for the Superfast Broadband Access Service (SBAS) declaration to 28 July 2026.

Note: the previous expiry date was 28 July 2021.

2. In accordance with subsection 152AL(3) of the Act and subsection 33(3) of the *Acts Interpretation Act 1901*, the ACCC varies the SBAS declaration service description by deleting Annexure 1 to the SBAS declaration and replacing it with Annexure 1 to this instrument.
3. The extension and variation of the SBAS declaration described in clauses 1 and 2 above take effect on 27 July 2021.

DATED: 16 July 2021

Rodney Graham Sims

Chair

Australian Competition and Consumer Commission

Service description

Superfast Broadband Access Service

The superfast broadband access service (SBAS) is a point to point service for the carriage of communications in digital form between a **network-network interface** and an **end-user interface** that is:

- (a) a **Layer 2 bitstream service** and is supplied over a **superfast telecommunications network**; or
- (b) a **Fibre Access Broadband service**.

This service does not include:

- i. a service supplied through an **access multiplexer** located in a **multi-unit building** in a **central business district area** or in a **node** in a **central business district area** where all end-users of the services supplied or proposed to be supplied through that access multiplexer and any other access multiplexers owned or controlled by the same access provider located in the same **multi-unit building** or **node** are **business customers, public bodies** or **charity customers**;
- ii. a service supplied other than through an **access multiplexer** located in a **multi-unit building** or in a **node** where the premises of the end-users of the service is in a **central business district area** and all end-users of the service are **business customers, public bodies** or **charity customers**;
- iii. services supplied, or capable of being supplied, using a hybrid-fibre coaxial cable network that was in existence on 27 July 2021 and in respect of which there are agreements for the network to be transferred to NBN corporation;
- v. the domestic transmission capacity service defined in the Domestic Transmission Capacity Service Declaration 2019, as that declaration may be varied, extended or replaced from time to time.

Definitions

Unless otherwise defined in this declaration, words or phrases defined in the *Competition and Consumer Act 2010* or the *Telecommunications Act 1997* have the same meaning in this declaration.

access line means a line used to connect the access multiplexer to the end-user interface.

access multiplexer means a device that separates communications carried by means of guided electromagnetic energy to enable an end-user to make use of high data rate services.

business customer means a customer that:

- (a) carries on a business or enterprise from a premises, regardless of whether there is any incidental use of the premises for occupation (from time to time) as a place of residence; and
- (b) has an ABN for the business or enterprise.

central business district area means a geographic area with one of the following postcodes:

- (a) Canberra CBD: 2600-2601
- (b) Sydney CBD: 1000-1299; 2000-2009
- (c) Melbourne CBD: 3000-3010; 8000-8010
- (d) Brisbane CBD: 4000-4004

(e) Adelaide CBD: 5000-5005; 5800-5879

(f) Hobart CBD: 7000-7003; or

(g) Perth CBD: 6000-6005; 6800-6899.

charity customer means a charity registered with the Australian Charities and Not-for-profits Commission.

end-user interface means an interface located at either:

(a) a physically defined end-user's premises where the access provider's network is directly or indirectly present to an end-user; or

(b) the jumper cable termination on the customer side of a main distribution frame located in a multi-unit building.

Fibre Access Broadband service means a carriage service that:

(a) is supplied or offered to be supplied by means of an optical fibre line; and

(b) is offered as a **superfast carriage service** or with the following maximum data transfer rates;

(i) download data transfer rate of 30Mbps and upload data transfer rate of 1Mbps; and

(ii) download data transfer rate of 100Mbps and upload data transfer rate of 5Mbps; and.

(c) has the following configurations:

(i) a 'best effort' or non-prioritised service, as characterised by the Differentiated Services Code Point Default Forwarding per-hop behaviour; and

(ii) connectivity made with static Layer 2 Tunnelling Protocol (L2TP) tunnels and Broadband Virtual Local Area Networks giving direct access to end user sessions; and

(iii) end-user sessions are aggregated together via static L2TP tunnels supplied over Ethernet.

Layer 2 bitstream service has the meaning given by section 7 of the *Telecommunications Act 1997*.

line has the meaning given by section 7 of the *Telecommunications Act 1997*.

multi-unit building has the meaning given by section 142A of the *Telecommunications Act 1997*.

Note: For the avoidance of doubt, if a **line** in a **multi-unit building** is used to supply a superfast carriage service to an end-user occupying or using a unit in the building:

(a) the line is taken to be an **access line**; and

(b) the line is taken to form part of the infrastructure of a **superfast telecommunications network**.

The line does not need to be physically connected to a unit in a multi-unit building because, pursuant to section 24 of the *Telecommunications Act 1997*, "used" means use in isolation or in conjunction with one or more other things.

NBN corporation has the meaning given in the *National Broadband Network Companies Act 2011*.

network-network interface means an interface provided by an access provider at a **point of interconnection** where the access seeker's telecommunications network can interface to the access provider's network.

node means a roadside cabinet, pillar, pit or distribution point, but does not include an exchange, that:

- (a) houses the equipment for the supply of services, including access multiplexers, and
- (b) enables the physical connection to the end-user premises using access lines.

point of interconnection is a physical point of interconnection which allows the interconnection of facilities in accordance with subsection 152AR(5) of the *Competition and Consumer Act 2010*.

public body means:

- (a) the Commonwealth, a State or a Territory; or
- (b) a municipal authority or other local governing body; or
- (c) a public authority that is constituted by or under a law of the Commonwealth, a State or a Territory.

superfast carriage service has the meaning given by section 142A of the *Telecommunications Act 1997*.

superfast telecommunications network means a telecommunications network, where:

- (a) the network enables end-users to download communications; and
- (b) the network is normally capable of enabling end-users to download communications with a data transfer rate of 25 megabits per second or more; and
- (c) the carriage service is supplied using a line to premises occupied or used by an end-user.

Note: The word “normally” is akin to “usually”; it recognises that circumstances may arise that temporarily displace usual data transfer rates.

telecommunications network has the meaning given by section 7 of the *Telecommunications Act 1997*.