I, HELEN LLOYD COONAN, Minister for Communications, Information Technology and the Arts, make the following Determination under subclause 50A(1) of Schedule 1 to the Telecommunications Act 1997.

Dated 21 December 2005

HELEN COONAN
Minister for Communications, Information Technology and the Arts

1 Name of Determination

This Determination is the Telecommunications (Operational Separation – Designated Services) Determination (No. 1) 2005.

2 Commencement

This Determination commences on 1 January 2006.

3 Definitions

In this Determination:

ACCC declaration means a declaration made by the ACCC under section 152AL of the Trade Practices Act 1974 as in force from time to time.


active declared service means a service within the meaning of section 152AR of the Trade Practices Act 1974.

boundary of a telecommunications network means the point ascertained in accordance with section 22 of the Act.
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communications wire means a copper-based wire forming part of a public switched telephone network.

point of interconnection means a physical point of connection between Telstra’s network and a wholesale customer’s network agreed by Telstra and the wholesale customer and which is associated (but not necessarily co-located) with one or more exchanges on Telstra’s network and the wholesale customer’s network.

public switched telephone network means a telephone network accessible by the public providing switching and transmission facilities utilising analogue and digital technologies.

Note Definitions
A number of expressions used in this Determination are defined in section 7 of the Act or in clause 50 of Schedule 1 to the Act, including:

- ACCC
- carriage service
- eligible service
- retail business unit
- supply
- Telstra.

By virtue of paragraph 13(1)(b) of the Legislative Instruments Act 2003, those expressions have the same meaning in this Determination as they do in the Act.

4 Designated services

(1) For the purposes of subclause 50A(1) of Schedule 1 to the Act, the active declared services specified in the Schedule and the eligible service specified in clause 5 are determined as designated services.

(2) For the avoidance of doubt, for the purposes of subclause 4(1) the active declared services specified in the Schedule include any eligible services with similar characteristics, howsoever described, supplied by Telstra to a retail business unit and whether or not those services are supplied with another eligible service.

5 Designated service – Wholesale ADSL Layer 2

(1) For the purposes of subclause 50A(1) of Schedule 1 to the Act, Wholesale ADSL Layer 2 is determined as a designated service.
(2) For the purpose of this Determination, Wholesale ADSL Layer 2 is a carriage service that:

(a) uses asymmetric digital subscriber line access technology to transmit data from the boundary of a telecommunications network at an end-user’s premises to an exchange (where the data is transmitted to and from the boundary of a telecommunications network at an end-user’s premises by means of a communications wire at a minimum upstream peak speed of 64kbps and a minimum downstream peak speed of 256 kbps); and

(b) uses layer 2 tunnelling protocol over a transport layer to aggregate data traffic at an exchange at which a point of interconnection is located.
Schedule – Active declared services determined as designated services

1. The Domestic PSTN Originating Access Service as described in the ACCC declaration of that name.

2. The Domestic PSTN Terminating Access Service as described in the ACCC declaration of that name.

3. The Unconditioned Local Loop Service as described in the ACCC declaration of that name.

4. The Local Carriage Service as described in the ACCC declaration of that name.

5. The Line Sharing Service as described in the ACCC declaration of that name.

6. The Domestic Transmission Capacity Service as described in the ACCC declaration of that name.