

COMMONWEALTH OF AUSTRALIA

Telecommunications Act 1997

DETERMINATION UNDER SUBSECTION 23(2), No. 1 of 1998

I, RICHARD KENNETH ROBERT ALSTON, Minister for Communications, the Information Economy and the Arts, under subsection 23(2) of the *Telecommunications Act 1997* ('the Act'), determine that for the purposes of paragraph 23(1)(n) of the Act, a person's immediate circle includes the following persons:

- (1) if the person is engaged in a specified joint venture with another person –
 - (a) that other person; and
 - (b) any other person who, because of section 23 of the Act or this determination, is part of that other person's immediate circle;

where the person mentioned in paragraphs (a) and (b) is being supplied with carriage services for purposes of, or incidental to, the activities of the specified joint venture; and

- (2) if the person has engaged another person as a specified contractor –
 - (a) that other person; and
 - (b) any person who, because of section 23 of the Act or this determination, is part of that other person's immediate circle;

where the person mentioned in paragraphs (a) and (b) is being supplied with carriage services for purposes of, or incidental to, work covered by the contract between the person and the specified contractor.

For the purposes of this determination:

Specified joint venture means an association of two or more persons, natural or corporate, who agree by contract to engage in a common undertaking for profit by combining their respective resources, where the following activities are not the common undertaking, and are no more than incidental to the common undertaking:

- (a) the supply of carriage services; and
- (b) the supply of a content service using a carriage service.

Specified contractor means a contractor engaged under a contract to a person where the following activities are not the subject of the contract and are no more than incidental to the contract:

- (a) the supply of carriage services; and
- (b) the supply of a content service using a carriage service.

Dated 21 August 1998

RICHARD ALSTON
Minister for Communications,
the Information Economy and the Arts