



# **Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 2018)**

*Telecommunications Act 1997*

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I, MITCH FIFIELD, Minister for Communications, make the following declaration.

Dated 15 June 2018

MITCH FIFIELD  
Minister for Communications

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## **1 Name**

This instrument is the *Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 2018)*.

## **2 Commencement**

This instrument commences on the day after it is registered.

## **3 Authority**

This instrument is made under subsection 63(5) of the *Telecommunications Act 1997*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### *Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997*

#### **1 Subclause 11(1)**

Omit “, on a monthly basis,”.

#### **2 Subclause 11(1)**

Omit all the words after “in respect of”, substitute:

active services of the following kinds:

- (a) standard active services;
- (b) active services supplied to in train order premises;
- (c) active services supplied to MDU common areas;
- (d) active services that are Eligible Special Services of the kind mentioned in subparagraph (b)(i) of the definition of that expression;
- (e) active services that are Eligible Special Services of the kind mentioned in subparagraph (b)(ii) of the definition of that expression;
- (f) active services that are Eligible Special Services of the kind mentioned in subparagraph (b)(iii) of the definition of that expression;
- (g) any other kind of active service (that is not mentioned above) that the licensee, at its discretion, has notified NBN Co in writing is to be a kind of active service;

in each case, in respect of each Report Date for that kind of active service, for use or disclosure by NBN Co for the Permitted Purposes.

#### **3 At the end of subparagraph 11(2)(a)(iii)**

Add “(including any matter that this clause provides may be dealt with by way of written notice given by the licensee to NBN Co)”.

#### **4 Paragraph 11(6)(b)**

Repeal the paragraph, substitute:

- (b) for the purpose of identifying premises with active services that have not yet migrated to the NBN Co fixed-line network by comparing the Eligible Premises contained in Specified Premises Location Information with NBN Co records of:
  - (i) the premises in respect of which NBN Co has received a serviceable order for the provision to a retail service provider of an NBN Service but which are not yet NBN Connected;
  - (ii) premises which are not NBN Serviceable;

#### **5 Subparagraph 11(6)(d)(ii)**

Repeal the subparagraph, substitute:

- (ii) to identify premises where any of the following:

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- (A) monitored or non-monitored medical alarm or pendant;
  - (B) elevator phone;
  - (C) monitored or non-monitored fire alarm;
  - (D) monitored or non-monitored security alarm;
  - (E) TTY devices (hearing impaired);
  - (F) EFTPOS machine;
  - (G) automated teller machine;
  - (H) fax machine;
  - (I) similar device or service to those listed above;
- (other than a device or service that is being supplied using a special service or special service input) is used and which may cease to function if a Copper Service to that premises is disconnected; or

## **6 Before paragraph 11(7)(a)**

Insert:

- (aa) for any direct marketing or communications to a person in respect of disconnection of an Eligible Special Service provided to that person at premises using Specified Premises Location Information provided in respect of the Eligible Special Service before the date that is 18 months before the Special Service Disconnection Date for the SS Class in which that Eligible Special Service is included;

## **7 At the end of paragraph 11(7)(e)**

Add:

- or (iii) NBN Co matching Specified Premises Location Information of the kind mentioned at paragraph (f) of the definition of that expression in respect of an Eligible Premises against the Special Service Disconnection Date for an Eligible Special Service at that Eligible Premises in NBN Co's marketing campaign databases for the purposes of undertaking the activities described in paragraph (6)(d);
- or
- (iv) as expressly provided for in paragraph (6)(b);

## **8 Paragraph 11(7)(f)**

Repeal the paragraph, substitute:

- (f) to compare or match with any other information provided by the licensee to NBN Co, whether or not in connection with the licensee's obligations under the Definitive Agreements, except for any of the following:
  - (i) NBN Co comparing the Specified Premises Location Information of the kind mentioned at paragraph (e) of the definition of that expression with information in NBN Co's medical alarm register, fire alarm register or the lift alarm register;
  - (ii) NBN Co matching the Specified Premises Location Information against any of the following kinds of information in NBN Co's marketing campaign databases, for the purposes of undertaking the activities described in paragraph (6)(d) only:

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- (A) for each region, NBN Co's list of retail service providers which are offering NBN based services in that particular region;
  - (B) NBN Co's lists of excluded premises or SAMs placed on hold due to a lack of capacity or other operational reasons;
  - (C) the list of premises in respect of which an order for an NBN Service has been made but the premises are not yet NBN Connected;
  - (D) NBN Co information or information obtained from the licensee stating whether a premises is classified as business or residential and related profile information for those premises;
- (iii) NBN Co matching Specified Premises Location Information of the kind mentioned at paragraph (f) of the definition of that expression in respect of an Eligible Premises against the Special Service Disconnection Date for an Eligible Special Service at that Eligible Premises in NBN Co's marketing campaign databases for the purposes of undertaking the activities described in paragraph (6)(d);
  - (iv) NBN Co comparing or matching Specified Premises Location Information provided by the licensee to NBN Co in an order for wholesale NBN Services only, for the purpose mentioned at paragraph (6)(b); or

**9 Sub-subparagraph 11(7)(g)(i)(A)**

Omit "the commencement of the Amending Declaration (or the date that a legally binding agreement of the type referred to in subclause 11(2) is entered into where that is later)", substitute "25 August 2015,".

**10 Sub-subparagraph 11(7)(g)(i)(A)**

Omit "the Amending Declaration comes into effect", substitute "22 August 2015".

**11 Subclause 11(8)**

Insert:

*access technology* has the same meaning as in the *Telecommunications (Migration Plan Principles) Determination 2015*.

**12 Subclause 11(8) (paragraph (a) of the definition of *active service*)**

Omit "as at that Report Date".

**13 Subclause 11(8) (paragraph (c) of the definition of *active service*)**

Omit "as at that Report Date,".

**14 Subclause 11(8) (definition of *Amending Declaration*)**

Omit "2015", substitute "2018".

**15 Subclause 11(8)**

Insert:

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***Changed Technology Extension Date***, for a special service or special service input, means the date by which the service or input is required to be disconnected, where the date was determined:

- (a) as a result of either of the following:
  - (i) NBN Co having notified the licensee after the date that is 6 months before the disconnection date for the rollout region in which the premises is located of a change in access technology that NBN Co uses, or proposes to use, to make that premises NBN Serviceable;
  - (ii) NBN Co having first notified the licensee after the date that is 6 months before the disconnection date for the rollout region in which the premises is located of the access technology that NBN Co uses, or proposes to use, to make that premises NBN Serviceable; and
- (b) in accordance with provisions of the migration plan of the kind referred to in subsection 18(6) of the *Telecommunications (Migration Plan Principles) Determination 2015*.

## **16 Subclause 11(8) (definition of *Eligible Premises*)**

Repeal the definition, substitute:

***Eligible Premises*** means, in respect of a Report Date for a kind of active service mentioned in paragraphs 11(1)(a) to (g), a premises that, as at that Report Date:

- (a) is in the fixed footprint list for a rollout region; and
- (b) to the extent the Report Date is for a kind of active service that is an Eligible Special Service—is a premises in relation to which NBN Co has notified the licensee of the access technology that NBN Co has used, or proposes to use, to make the premises NBN Serviceable; and
- (c) that the licensee expects will be required to be disconnected in relation to an active service of that kind.

## **17 Subclause 11(8)**

Insert:

***Eligible Special Service*** means a special service or special service input that:

- (a) is in an SS Class for which a Special Service Disconnection Date has been determined in accordance with a white paper covering that SS Class; and
- (b) the licensee expects will be required to be disconnected:
  - (i) by no later than the date that is 25 working days after the Special Services Disconnection Date for the SS Class; or
  - (ii) in accordance with provisions of the migration plan of the kind referred to in subsection 18(6) of the *Telecommunications (Migration Plan Principles) Determination 2015* that relate to Changed Technology Extension Dates; or
  - (iii) if the service or input is supplied to a premises that is not an in train order premises—following the disconnection date for the rollout region of the premises to which the service or input is supplied, in accordance with provisions of the migration plan of the kind referred to in paragraphs 12(6)(b) or (d) of the *Telecommunications (Migration Plan Principles) Determination 2015*.

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**migration plan** means the final migration plan in force at the commencement of the Amending Declaration, including as varied from time to time in accordance with section 577BF of the Act.

**MDU common area** has the same meaning as in the *Telecommunications (Migration Plan Principles) Determination 2015*.

**NBN Serviceable** has the same meaning as in the *Telecommunications (Migration Plan Principles) Determination 2015*.

**premises** has the same meaning as in the *Telecommunications (Migration Plan Principles) Determination 2015*.

## **18 Subclause 11(8) (definition of *region ready for service date*)**

Repeal the definition.

## **19 Subclause 11(8) (definition of *Report Date*)**

Repeal the definition, substitute:

### ***Report Date:***

- (a) for standard active services and Eligible Special Services covered by subparagraph (b)(iii) of the definition of that expression—means each of the following dates that occurs in relation to a rollout region at any time during the period from and including the date on which the Amending Declaration commenced to the Rollout Completion Date:
  - (i) each date that is 12, 9, 6, 5, 4, 3, 2 or 1 calendar months before the disconnection date for the rollout region;
  - (ii) the disconnection date for the rollout region;
  - (iii) the date that is 25 working days after the disconnection date for the rollout region; and
- (b) for active services supplied to an in train order premises—means each date that is 60 or 120 working days after the disconnection date for a rollout region; and
- (c) for active services supplied to an MDU common area—means each of the following dates that occurs in relation to a rollout region:
  - (i) each 31 May and 30 November that occurs after the disconnection date for the rollout region, but before the first date that occurs for the rollout region under subparagraph (iii);
  - (ii) the date that is the later to occur of the date that is 24 months after the Rollout Completion Date and the date that is 20 working days after the disconnection date for the rollout region;
  - (iii) each date that is 6, 5, 4, 3, 2 or 1 calendar months before the later date mentioned under subparagraph (ii) for the rollout region; and
- (d) for active services that are Eligible Special Services covered by subparagraph (b)(i) of the definition of that expression—means each date that is 24, 18, 12, 6, 5, 4, 3, 2 or 1 calendar months before the Special Service Disconnection Date for the SS Class of any of those active services; and
- (e) for active services that are Eligible Special Services covered by subparagraph (b)(ii) of the definition of that expression—means each date

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- that is 6, 5, 4, 3, 2 or 1 calendar months before the Changed Technology Extension Date for any of those active services; and
- (f) in any case—also includes any other date which the licensee (at its discretion) notifies NBN Co in writing will be a Report Date for a specified kind of active service.

## **20 Subclause 11(8)**

Insert:

***Special Service Disconnection Date***, in relation to an SS Class, means the disconnection date for that SS Class determined in accordance with provisions of the migration plan of the kind referred to in subsection 18(6) of the *Telecommunications (Migration Plan Principles) Determination 2015*.

***special service input*** has the same meaning as in the *Telecommunications (Migration Plan Principles) Determination 2015*.

## **21 Subclause 11(8) (definition of Specified Premises Location Information)**

Repeal the definition, substitute:

***Specified Premises Location Information***, in respect of a Report Date for a kind of active service mentioned in paragraphs 11(1)(a) to (g), for the active services of that kind that:

- (a) if covered by paragraph 11(1)(d)—are in an SS Class with a relevant Special Service Disconnection Date for that Report Date; or
- (b) if covered by paragraph 11(1)(e)—have a relevant Changed Technology Extension Date for that Report Date; or
- (c) if not covered by those paragraphs—are supplied to an Eligible Premises in a relevant rollout region for that Report Date; or
- (d) in any case—are services which the licensee (at its discretion) has otherwise notified NBN Co in writing will be covered by that Report Date;

means the following information:

- (e) the national broadband network location identification number for each Eligible Premises receiving an active service of that kind; and
- (f) for each of those active services that is an Eligible Special Service—the identity of the white paper for the SS Class in which the service is included that determined the Special Service Disconnection Date for that SS Class;

in each case, determined as at that Report Date where that information:

- (g) is within the licensee's control as at that Report Date; and
- (h) was given to the licensee by one of its wholesale customers, or derived from such information, and the wholesale customer has not consented to the licensee disclosing that information to NBN Co for the Permitted Purposes (or any one or more of the Permitted Purposes).

## **22 Subclause 11(8)**

Insert:

***SS Class*** means any class comprised of:

- 
- (a) all special services that are included in an SS Class (within the meaning of the migration plan) that relates to one of the services described in the column headed “Access Service” in Table 2 of Schedule 1 to the *Telecommunications (Migration Plan Principles) Determination 2015*; and
  - (b) all special service inputs that are used to supply any service that is equivalent to a special service mentioned in paragraph (a).

**standard active service** means an active service that is not:

- (a) supplied to an in train order premises; or
- (b) supplied to an MDU common area; or
- (c) a special service or special service input; or
- (d) an active service of a kind covered by paragraph 11(1)(g).

**white paper**, in relation to an SS Class, means a white paper that:

- (a) was published by NBN Co in accordance with the migration plan; and
- (b) has not been successfully disputed in accordance with the migration plan; and
- (c) has determined the Special Service Disconnection Date for that SS Class for the purposes of the migration plan.