



Telecommunications – NBN Instruments Omnibus Variation 2020 (No.1)

The Australian Communications and Media Authority makes the following instrument under subsections 99(1) and 125AA(1) of the *Telecommunications Act 1997*.

Dated: 13 November 2020

James Cameron
[signed]
Member

Cathy Rainsford
[signed]
~~Member~~/General Manager

Australian Communications and Media Authority

1 Name

This is the *Telecommunications – NBN Instruments Omnibus Variation 2020 (No.1)*.

2 Commencement

This instrument commences immediately after the commencement of the *Telecommunications Service Provider (NBN Service Migration) Determination Variation 2020 (No.1)* and the *Telecommunications (NBN Continuity of Service) Industry Standard Variation 2020 (No.1)*.

Note 1: The *Telecommunications Service Provider (NBN Service Migration) Determination Variation 2020 (No.1)* and the *Telecommunications (NBN Continuity of Service) Industry Standard Variation 2020 (No.1)* commence on 14 December 2020.

Note 2: The Federal Register of Legislation may be accessed free of charge at www.legislation.gov.au.

3 Authority

This instrument is made under subsections 99(1) and 125AA(1) of the *Telecommunications Act 1997*.

Note: The *Telecommunications (NBN Consumer Experience Industry Standard) Direction 2017* was given to the ACMA by the Minister under subsection 125AA(4) of the Act.

The power to make an industry standard determined under subsection 125AA(1) includes the power to vary that standard in a like manner: see subsection 33(3) of the *Acts Interpretation Act 1901* and subsection 5(4) of the *Telecommunications (NBN Consumer Experience Industry Standard) Direction 2017*.

The power to make a service provider determination under subsection 99(1) includes the power to vary that determination in a like manner: see subsection 33(3) of the *Acts Interpretation Act 1901*.

4 Variation - *Telecommunications Service Provider (NBN Service Migration) Determination 2018*

The instrument that is specified in Schedule 1 is varied as set out in the item in that Schedule.

5 Variations - *Telecommunications (NBN Continuity of Service) Industry Standard 2018*

The instrument that is specified in Schedule 2 is varied as set out in the items in that Schedule.

Schedule 1—Variation

(section 4)

Telecommunications Service Provider (NBN Service Migration) Determination 2018 [F2018L01052]

[1] Section 5 (definition of *alternative arrangement*)

Omit “legacy”, substitute “interim”

Schedule 2—Variations

(section 5)

Telecommunications (NBN Continuity of Service) Industry Standard 2018 [F2018L00815]

[1] Section 5 (definition of *consumer*)

Omit “\$20,000, or if the contract was entered into on or after 1 January 2020, no greater than”.

[2] Paragraph 11(1)(c)

Repeal the paragraph, substitute:

- (c) the following circumstances exist:
 - (i) the migration at the consumer’s premises has not been attempted and is not likely to be attempted within three working days; and
 - (ii) the consumer’s legacy service has been disconnected by the legacy CSP in circumstances other than those set out in subsection 7(3),

[3] Subsection 11(2) (note)

Omit “or (b)”, substitute “, (b) or (c)”

[4] Subsection 14(1)

Omit “or (b)”, substitute “, (b) or (c)”

[5] Subsection 14(2)

Omit “or (b)”, substitute “, (b) or (c)”

[6] Subsection 14(4)

Omit “or (b)”, substitute “, (b) or (c)”