



Telecommunications (Deemed Functional Separation Undertaking) Amendment Determination 2021 (No. 1)

The Australian Competition and Consumer Commission makes the following amendment under subsection 151A(13) of the *Telecommunications Act 1997*.

Dated: 1 March, 2021

[signed]

Delia Ann Rickard
Deputy Chair
Australian Competition and Consumer Commission

Australian Competition and Consumer Commission

Section 1

1 Name

This is the *Telecommunications (Deemed Functional Separation Undertaking) Amendment Determination 2021 (No. 1)*.

2 Commencement

This instrument commences at the start of the day after the day it is registered on the Federal Register of Legislation.

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

3 Authority

This instrument is made under subsection 151A(13) of the *Telecommunications Act 1997*.

4 Amendment

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

Schedule 1—Amendment

(section 4)

Telecommunications (Deemed Functional Separation Undertaking) Determination 2020 (F2020L01320)

1 Section 9

Repeal the section, substitute:

9 Determination of kinds of information

- (1) Subsections (2) and (3) set out the kinds of information that are determined, pursuant to subsection 151A(13) of the Act, to be specified information for the purpose of subsections 7(10) and 7(11).
- (2) Information provided to the corporation's retail business unit by a carrier or carriage service provider that constitutes:
 - (a) terms and conditions relating to price or a method of ascertaining price in respect of the provision of a local access line service on a wholesale basis;
 - (b) other terms and conditions relating to the provision of a local access line service on a wholesale basis; or
 - (c) current or proposed network coverage information including maps and network ownership information relating to the provision of a local access line service on a wholesale basis;where that information is disclosed by the corporation's retail business unit to the corporation's wholesale business unit for the purpose of obtaining an equivalent offer in respect of the provision of a local access line service on a wholesale basis.
- (3) Information provided to the corporation's retail business unit by a carrier or carriage service provider that constitutes:
 - (a) practices, procedures or other guidance relating to the maintenance and continuity of business operations in emergency scenarios;
 - (b) a request to access the infrastructure of the corporation's wholesale business unit for the purpose of maintaining network resilience or the continuity of business operations; or
 - (c) practices, procedures or other guidance relating to compliance with relevant regulatory obligations.