



**Commonwealth
of Australia**

Gazette

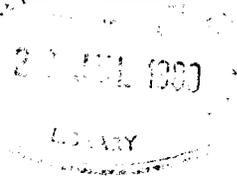
No. P 22, Monday, 17 July 1989

Published by the Australian Government Publishing Service, Canberra

PERIODIC

TELECOMMUNICATIONS ACT 1989

NOTICE UNDER SECTION 109



On 30 June 1989, AUSTEL determined that the standards specified in the notice published below are technical standards under section 106 of the Act.

Copies of each of the standards may be bought from Telecom Regulatory Directorate, 13th Floor, 500 Collins Street, Melbourne, telephone (03) 606 5698 or AUSTEL - 3A Queens Road, Melbourne 3004, P O Box 7372, St Kilda Road, Melbourne, Victoria 3004, telephone (03) 828 7300.

Interested persons are invited to make representations to AUSTEL concerning these standards, and in particular whether the standards should remain the same, should be varied (and if so in what respects) or should be revoked.

Representations concerning these standards should be made to AUSTEL at the above address not later than 17 January 1990.

TELECOMMUNICATIONS ACT 1989**SECTIONS 106 AND 109****DETERMINATION OF TECHNICAL STANDARDS
(AUSTEL NO. 5 OF 1989)**

Pursuant to section 109 (1) of the Telecommunications Act 1989, AUSTEL determines that the standards specified in the Schedule to this determination are technical standards under section 106 of the Act.

SCHEDULE

The following Regulatory Specifications issued by Telecom -

NO	TITLE	DATE
1	Electrical Safety Requirements for Customer Premises Equipment: Issue 4	June 1989
2	Interworking and Non-interference Requirements for Customer Premises Equipment Attached to the Public Switched Telephone Network: Issue 5	June 1989
3	General Requirements for Customer Switching Systems Attached to the Public Switched Telephone Network: Issue 4	June 1989
4	Voice Frequency Performance Requirements for Customer Premises Equipment: Issue 4	June 1989
5	Cellular Mobile Telephone System Air Interface Compatibility: Issue 1	June 1989
6	General Requirements for Customer Premises Equipment Attached to the Non-Switched Public Network: Issue 3	June 1989
7	General Requirements for Customer Equipment Attached to the Public Telex Network: Issue 1	June 1989
8	Requirements for Authorised Cabling Products	June 1989
9	Installation Requirements for Customer Premises Cabling (Wiring Rules): Issue 4	June 1989
10	General Premises Cablers Registration and Inspection Requirements: Issue 2	April 1989
11	Requirements for Domestic Premises Cablers: Issue 1	November 1988

- | | | |
|----|--|-----------|
| 12 | General Requirements for Interconnection of Private Networks with the Public Switched Telephone Network: Issue 1 | June 1989 |
| 13 | General Requirements for Customer Equipment Attached to ISDN Basic Access | May 1989 |
| 14 | General Requirements for Customer Equipment Attached to ISDN Primary Rate Access | May 1989 |
| 15 | General Requirements for Analogue Video Equipment Attached to the Public Network: Issue 1 | June 1989 |
| 16 | General Requirements for Customer Premises Equipment Attached to the 2 Mbit/s (G.703) Leased Line Service: Issue 1 | June 1989 |

DATED this 30th day of June 1989

Sgd: ROBIN C DAVEY
CHAIRMAN

Sgd: MERVYN A KEEHN
MEMBER

AUSTEL

TELECOMMUNICATIONS ACT 1989
PRIVATE NETWORK SERVICES CLASS LICENCE
(AUSTEL No 4 of 1989)

Unless otherwise specified -

- a reference to the Act is a reference to the Telecommunications Act 1989;
- a reference to a section is a reference to a section in the Act;
- a reference to the May 1988 Statement is a reference to "Australian telecommunications services: a new framework" being a Statement by the Minister for Transport and Communications, 25 May 1989, AGPS (ISBN 0 644 08049 3); and
- expressions used in this licence have the same meaning as in the Act.

CONTENTS

THE PRIVATE NETWORK SERVICES CLASS LICENCE

COMMON INTEREST

PRE-EXISTING PRIVATE NETWORK SERVICES

EXAMPLES OF COMMON INTEREST

THE PRIVATE NETWORK SERVICES CLASS LICENCE

This licence is issued by AUSTEL under section 75 of the Act.

2. Pursuant to this licence any person may supply a private network service -
- (a) In accordance with the private network service licensing principles stated in section 72 of the Act, namely -
 - (i) private network services are not to be supplied in a way that would permit a person (other than a carrier) to sell, or otherwise dispose of, capacity of private networks to third parties; and
 - (ii) private network services are not to be supplied in a way that would result in a person engaging in conduct that would involve an infringement of an exclusive right that a carrier has under Part 3 of the Act.
 - (b) Subject to the condition that the private network service is not supplied for illegal purposes [section 75 (2) (b)];
 - (c) Subject to the condition that the supply of the private network service does not involve the improper use of a telecommunications network [section 75 (2) (c)].
 - (d) Subject to the condition that the supply of the service does not involve the carriage of a communication for a person other than the person supplying the private network service or for the persons all of whom have a common interest for the purposes of the service.
 - (e) Subject to the condition that any communication which originates within the public telecommunications network and which is carried on the private network service shall not be returned to a public telecommunications network as a single transaction.
 - (f) Subject to the condition that so far as the private network service is supplied by radiocommunication, the connection of the private network service to the public telecommunications network is ancillary only to the private network service and not its sole or principal feature.
 - (g) Subject to the condition that any customer equipment or customer cabling that will be used in the supply of the private network service will comply with technical standards determined by AUSTEL under Division 2 of Part 5 of the Act [section 75 (3) (c)].

PRE-EXISTING PRIVATE NETWORK SERVICES

3. Where, immediately before 1 July 1989, a person was supplying a private network service -
 - (a) that was connected to a telecommunications network operated by a carrier; and
 - (b) in respect of the supply of which the person had obtained the carrier's approval;

the service shall (subject to what is said in paragraph 4 below), be taken to be supplied under this licence by force of the Act [section 104 (1)].

4. If, at any time after 1 July 1989, a person supplies a pre-existing private network service in a way that is not in accordance with an approval given by the carrier, the protection given to the pre-existing private network service cease to apply from that time [section 104 (2)].

COMMON INTEREST

5. The May 1988 Statement concluded that AUSTEL should review present arrangements for joint use of private networks by closed user groups and report to the Government [paragraph 6.46 of the May 1988 Statement].
6. The Second Reading Speech on the Telecommunications Bill 1989 confirmed that the Minister for Telecommunications and Aviation Support would be seeking from AUSTEL a report on the appropriateness of the current policy on the joint use of private networks by "common interest" groups [Second Reading Speech, House of Representatives, Hansard, 13 April 1989].
7. Pending receipt of that report, the Minister has given to AUSTEL the attached direction under section 73 (2) of the Act relating to the circumstances under which persons are to be taken to have a common interest.

EXAMPLES OF COMMON INTEREST

8. The examples of common interests listed in paragraph 11 below are not exhaustive.
9. That a common interest is not listed does not mean that persons shall not be taken to have a common interest for the purposes of the Act.
10. Advice on whether a particular common interest will be taken to be a common interest for the purposes of the Act may be sought from AUSTEL.

11. Particular examples of common interests that may be taken to be a common interest for the purposes of the Act are -
- (a) persons who share each others' branch organisations as agencies for their several businesses and who require a private network for management and transaction accounting on a daily basis;
 - (b) persons who are media organisations and have a common interest in syndicating news items among members;
 - (c) agencies of a government with a common interest in the administration of its policy or legislation;
 - (d) persons carrying on business who are co-tenants in a building.

NETWORK FACILITIES MANAGERS

12. Nothing in this licence precludes a facilities manager from operating a private network service on behalf of an individual, company or persons who are, by virtue of the attached direction by the Minister, to be taken to have a common interest.

DATED this 30th day of June 1989

Sgd: ROBIN C. DAVEY
CHARIMAN

Sgd: MERVYN A. KEEHN
MEMBER

AUSTEL

ATTACHMENT TO CLASS LICENCE
(See paragraph 7 of the Licence)

COMMONWEALTH OF AUSTRALIA

TELECOMMUNICATIONS ACT 1989

DIRECTION UNDER SUBSECTION 73 (2)

I, ROSLYN JOAN KELLY, Minister of State for Telecommunications and Aviation Support, under subsection 73 (2) of the *Telecommunications Act 1989*, hereby give to AUSTEL the following directions:

- (a) persons shall be taken to have a common interest where they:
 - (i) have a common business or other interest; and
 - (ii) their primary business or other interest is not the operation of a telecommunications network or service; and
 - (iii) the operation of a telecommunications network or a service is ancillary to their primary business or other interest; and
- (b) for the purposes of paragraph (a), the relationship between a company and its subsidiaries constitutes a common interest; and
- (c) for the purposes of paragraph (a), the mere relationship between a company and its shareholders does not constitute a common interest; and
- (d) in ascertaining whether persons are to be taken as having a common interest, AUSTEL is to have regard to:
 - (i) the objects of Part 4 of the *Telecommunications Act 1989* set out in section 70 of the Act; and
 - (ii) the private network service licensing principles set out in section 72 of that Act.

DATED this twenty sixth day of June 1989.

(Signed)

R. Kelly

**MINISTER OF STATE FOR TELECOMMUNICATIONS AND AVIATION
SUPPORT**

TELECOMMUNICATIONS ACT 1989

VALUE ADDED SERVICES CLASS LICENCE

(AUSTEL No 2 of 1989)

Unless otherwise specified -

- a reference to the Act is a reference to the Telecommunications Act 1989;
- a reference to a section is a reference to a section in the Act;
- a reference to the May 1988 Statement is a reference to "Australian telecommunications services : a new framework" being a Statement by the Minister for Transport and Communications, 25 May 1988, AGPS (ISBN 0 644 08049 3)
- expressions used in this licence have the same meaning as in the Act

CONTENTS

THE VALUE ADDED SERVICES CLASS LICENCE

ADDITIONAL CONDITION APPLYING TO A CARRIER

PRE-EXISTING VALUE ADDED SERVICES

EXAMPLES OF VALUE ADDED SERVICES THAT ARE PERMITTED TO BE SUPPLIED UNDER THE LICENCE

THE VALUE ADDED SERVICES CLASS LICENCE

This licence is issued by AUSTEL under section 75 of the Act.

2. Pursuant to this licence a person may supply a value added service -
- (a) In accordance with the value added service class licence principle stated in the Act, namely, that value added services are not to be supplied in a way that would result in a person engaging in conduct that would involve an infringement of an exclusive right that a carrier has under Part 3 of the Act [section 71].
 - (b) Subject to the condition that the value added service is not supplied for illegal purposes [section 75 (2) (b)].
 - (c) Subject to the condition that the supply of the service does not involve the improper use of a telecommunications network [section 75 (2) (c)].
 - (d) Subject to the condition that any of the following, which may be alone or in combination a part of a service, are incidental only to the service and not its sole or principal feature -
 - (i) the resale of a reserved service or line acquired from a carrier;
 - (ii) the carriage of another person's traffic from one place to another;
 - (iii) a transmission format conversion, for example, of analogue signals to digital signals, or of signal bandwidth;
 - (iv) a signalling protocol conversion, for example, the addition or modification of signalling information to simply enable customer equipment to be connected to the public telecommunications network or communications to be differently routed or multiply addressed; or
 - (v) acting upon a communication to delay its transmission for a period of less than 30 seconds without first terminating the transmission.
 - (e) Subject to the condition that any customer equipment or customer cabling used in the supply of the value added service will comply with technical standards determined by AUSTEL under Division 2 of Part 5 of the Act [section 75 (3) (c)].

ADDITIONAL CONDITION APPLYING TO A CARRIER

3. To permit and safeguard a fair and efficient market in the supply of value added services and to ensure that the supply of value added services is open to full competition, a carrier shall not use its exclusive right to supply reserved facilities and services in a way that gives it an unfair competitive advantage in the supply of value added services [section 70 (a) (ii) and (c)].

PRE-EXISTING VALUE ADDED SERVICES

4. Where, immediately before 1 July 1989, a person was supplying a value added service -
 - (a) that was connected to a telecommunications network operated by a carrier; and
 - (b) in respect of the supply of which the person had obtained the carrier's approval;

the service shall, (subject to what is said in paragraph 5 below) by force of the Act, be taken to be supplied under this class licence [section 104 (1)].

5. If, at any time after 1 July 1989, a person supplies a pre-existing value added service in a way that is not in accordance with an approval given by the carrier, the protection given to the pre-existing value added service ceases to apply from that time [section 104 (2)].

EXAMPLES OF VALUE ADDED SERVICES THAT ARE PERMITTED TO BE SUPPLIED UNDER THE LICENCE

6. The supply of value added services is open to competition [section 52 (4)]. A particular value added service may combine a number of the elements listed in paragraph 10 below as examples of the type of value added services permitted to be supplied under the licence; and new types may emerge. In view of the rapid evolution of the value added service market, AUSTEL has deliberately refrained from adopting any definitive typology which may constrain the scope for development of new value added service types [cf paragraph 4.8 of the May 1988 Statement].
7. The examples of value added services listed in paragraph 10 below permitted to be supplied under this licence are not exhaustive.
8. That a service is not listed does not mean it may not be supplied under the licence (provided that it is supplied in accordance with the value added service licensing principle and subject to the conditions set out above).
9. Advice on whether a particular value added service may be supplied under this licence may be sought from AUSTEL.

Particular Value Added Services that are permitted to be supplied under the Licence

10. Particular examples of value added services that are permitted to be supplied under this licence include -
- (a) database or computer bureau services including -
 - (i) business management
 - (ii) decision support systems
 - (iii) inventory management
 - (iv) accounts receivable
 - (v) creditor management
 - (vi) general ledger
 - (vii) stock control
 - (viii) financial modelling
 - (ix) executive information systems
 - (x) payroll services
 - (xi) human resource management
 - (xii) legal information services
 - (xiii) retail services
 - (b) videotex services
 - (c) message/voice store and forward and message/voice store and retrieval services
 - (d) gateway services in conjunction with another service or other services;
 - (e) music distribution services
 - (f) security and alarm services
 - (g) manual intervention services
 - (h) electronic directory information services
 - (i) electronic mail services
 - (j) audio and video conference services
 - (k) computer conference services
 - (l) electronic data interchange services
 - (m) commercial radio paging services
 - (n) bureau facsimile or telex services
 - (o) bulletin board services

- (p) voice information services
- (q) network management or facilities management services
- (r) electronic funds transfer services including payment and settlement functions
- (s) electronic funds transfer point of sale services
- (t) network access security services
- (u) billing services in conjunction with another service or other services
- (v) character mode translation services in conjunction with another service or other services
- (w) character switched network services
- (x) voice services involving -
 - (i) data input by voice to computer;
 - (ii) automatic voice recognition; or
 - (iii) voice output from a computer by digitised or synthesised speech
- (y) X.PC services in conjunction with another service or services
- (z) any combination of the above services

DATED this 30th day of June 1989

Sgd: ROBIN C. DAVEY
CHAIRMAN

Sgd: MERVYN A. KEEHN
MEMBER

AUSTEL

"Copies of these documents and associated Guides may be obtained from AUSTEL, PO Box 272, World Trade Centre, Melbourne, Vic. 3005, or by telephoning (03) 611 3941."