

CONSULTATION DRAFT

NOTE: This draft declaration is provided for the purposes of consultation only.
The final terms of the declaration may vary from the text of this draft declaration.

Commonwealth of Australia

Telecommunications Act 1997

**Telecommunications (Low-impact Facilities)
Determination 1997 (Amendment No. 2 of 2015)**

I, MALCOLM BLIGH TURNBULL, Minister for Communications, make the following Determination under subclause 6(3) of Schedule 3 to the *Telecommunications Act 1997* and subsection 33(3) of the *Acts Interpretation Act 1901*.

[NOT FOR SIGNATURE]

Dated 2015.

MALCOLM BLIGH TURNBULL
Minister for Communications

1 Name of Determination

This Determination is the *Telecommunications (Low-impact Facilities) Determination 1997 (Amendment No. 2 of 2015)*.

2 Commencement

This Determination commences on the day after it is registered on the Federal Register of Legislative Instruments.

3 Variation

The *Telecommunications (Low-impact Facilities) Determination 1997* is amended as set out in the Schedule to this Determination.

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4 Expiry

This Determination expires on the day after it commences as if it had been repealed by another legislative instrument.

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Schedule Amendments

(Section 3 and Schedule)

[1] Section 1.3, after the definition of *Aboriginal person*

Insert

access terminal means a connector device that allows a line link to be connected to a drop cable.

[2] Section 1.3, after the definition of *Act*

Insert

amplifier means an enclosure (and any associated devices) which is used to amplify a signal along a telecommunications cable (whether such a cable is deployed overhead or underground).

[3] Section 1.3, definition of *building connection equipment*

Omit

[4] Section 1.3, definition of *Designated Installation Period*

Omit, and insert

drop cable means a cable (whether deployed overhead or underground) from an access terminal, optical node or splice enclosure to any of the following:

- (a) a premises connection device;
- (b) a network termination device; or
- (c) a point of connection situated at an end user's premises.

[5] Section 1.3, definition of *HFC Trial Region*

Omit, and insert

external building connection equipment means a facility which is:

- (a) installed or attached to a multi-unit building; and
- (b) used (or intended to be used at some future time) in the supply of carriage services to end users that are, or are to be, located in any of the following:
 - (i) the building to which the facility is installed or attached; or
 - (ii) nearby and related buildings.

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[6] Section 1.3, definition of *IEEE 1222-2011 Standard*

Omit

[7] Section 1.3, after the note accompanying the definition of *installation*

Insert

internal building connection equipment means a facility which is:

- (a) installed in a multi-unit building; and
- (b) used (or intended to be used at some future time) in the supply of carriage services to end users that are, or are to be, located in any of the following:
 - (i) the building in which the facility is installed; or
 - (ii) nearby and related buildings.

[8] Section 1.3, definition of *network termination unit*

Omit, and insert

network termination device means a device which establishes a demarcation point between the carrier's telecommunications network and customer cabling or customer equipment.

[9] Section 1.3, definition of *optical fibre access terminal*

Omit

[10] Section 1.3, definition of *optical fibre drop cable*

Omit and substitute

optical node means an enclosure or device in which a telecommunications cable is connected:

- (a) with one or more drop cables; or
- (b) to an access terminal.

[11] Section 1.3, definition of *optical fibre splice enclosure*

Omit

[12] Section 1.3, definition of *optical fibre termination box (Type A)*

Omit

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[13] Section 1.3, definition of *optical fibre termination box (Type B)*

Omit

[14] Section 1.3, definition of *power supply*

Omit and substitute

power supply means a device that connects a network termination device, optical node or amplifier to a source or supply of electrical power.

premises connection device means an enclosure (and any associated devices) which is used to terminate a drop cable (whether such a cable is deployed overhead or underground) for the transition of that cable to another facility or in-building cabling.

[15] Section 1.3, after definition of *significant environmental disturbance*

Insert

splice enclosure means a device that is spliced to a drop cable or other line link, or otherwise connected to an access terminal

[16] Section 1.3, after the note accompanying the definition of *tower*

Insert

underground network equipment means a device that is:

- (a) located underground in a pit or conduit; and
- (b) part of a network for the high speed carriage of communications.

[17] Column 2, Item 8 of Part 3 of the Schedule

Omit

Building connection equipment:

- (a) the substantive volume of which is not more than 0.59 cubic metres; and
- (b) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis; and
- (c) that is installed at any time during the Designated Installation Period.

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Insert

External building connection equipment:

- (a) the substantive volume of which is not more than 0.59 cubic metres;
and
- (b) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.

[18] Column 2, Item 9 of Part 3 of the Schedule

Omit

In-building network equipment:

- (a) the substantive volume of which is not more than 0.59 cubic metres;
and
- (b) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis; and
- (c) that is installed at any time during the Designated Installation Period.

Insert

Internal building connection equipment:

- (a) the substantive volume of which is not more than 1.3 cubic metres; and
- (b) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.

[19] After Item 9 of Part 3 of the Schedule

Insert

10	In-building network equipment:	Residential
	(a) the substantive volume of which is not more than 1.3 cubic metres; and	Commercial
		Industrial
		Rural
	(b) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	

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[20] Part 4 of the Schedule, heading

Omit the heading, and substitute

Part 4 Underground facilities (for fixed-line networks)

[21] Item 4, Part 4 of the Schedule

Omit the item, and substitute

4	Underground network equipment: (a) the substantive volume of which is not more than 0.23 cubic metres; and (b) that is, or is to be, part of a national network, used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	Residential Commercial Industrial Rural
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[22] Items 5 and 6, Part 4 of the Schedule

Omit the items

[23] Part 4A of the Schedule

Omit the Part, and substitute

Part 4A Above ground facilities (for fixed-line networks)

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	A single line link or a bundle of line links: (a) suspended above the surface of: (i) land (other than submerged land); or (ii) a river, lake, tidal inlet, bay, estuary, harbour or other body of water; or (b) protruding from the surface of land (other than submerged land); and (c) the maximum external cross-section of any part is: (i) in the case of a single line link—[48] millimetres; (ii) in the case of a bundle of line links—[48] millimetres;	Residential Commercial Industrial Rural

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Column 1 Item no.	Column 2 Facility	Column 3 Areas
	<ul style="list-style-type: none"> (d) deployed on, or attached to, a public utility structure, building or other structure; and (e) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis. 	
2	<p>Optical node:</p> <ul style="list-style-type: none"> (a) suspended above the surface of: <ul style="list-style-type: none"> (i) land (other than submerged land); or (ii) a river, lake, tidal inlet, bay, estuary, harbour or other body of water; and (b) either: <ul style="list-style-type: none"> (i) forming part of (or integrated with) a cable; or (ii) clamped to, strung from, or otherwise affixed to a cable; or (iii) mounted on a public utility structure, building or other structure; (c) the substantive volume of which is not more than 0.21 cubic metres; and (d) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis. 	<p>Residential Commercial Industrial Rural</p>
3	<p>Splice enclosure:</p> <ul style="list-style-type: none"> (a) suspended above the surface of: <ul style="list-style-type: none"> (i) land (other than submerged land); or (ii) a river, lake, tidal inlet, bay, estuary, harbour or other body of water; and (b) either: <ul style="list-style-type: none"> (i) forming part of (or integrated with) a cable; or (ii) clamped to, strung from, or otherwise mounted on a public utility structure, building or other structure; 	<p>Residential Commercial Industrial Rural</p>

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Column 1 Item no.	Column 2 Facility	Column 3 Areas
	(c) the substantive volume of which is not more than 0.046 cubic metres; and	
	(d) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	
4	Access terminal:	Residential
	(a) suspended above the surface of:	Commercial
	(i) land (other than submerged land); or	Industrial
	(ii) a river, lake, tidal inlet, bay, estuary, harbour or other body of water; and	Rural
	(b) either:	
	(i) clamped to, strung from or otherwise affixed to a cable; or	
	(ii) clamped to, strung from, or otherwise mounted on a public utility structure, building or structure;	
	(c) the substantive volume of which is not more than 0.035 cubic metres; and	
	(d) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	
5	A single drop cable or a bundle of drop cables:	Residential
	(a) either:	Commercial
	(i) suspended above the surface of:	Industrial
	A. land (other than submerged land); or	Rural
	B. a river, lake, tidal inlet, bay, estuary, harbour or other body of water; or	
	(ii) protruding from the surface of land (other than submerged land); and	
	(b) either:	
	(i) clamped to an electrical drop cable or other cable; or	

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Column 1 Item no.	Column 2 Facility	Column 3 Areas
	<ul style="list-style-type: none"> (ii) strung from a public utility structure, building or other structure; and (c) attached to a building or other structure for the purposes of a subscriber connection; (d) the maximum external cross-section of any part is: <ul style="list-style-type: none"> (i) in the case where a single drop cable is attached to a single-unit building—13 millimetres; or (ii) in the case where a bundle of drop cables is attached to a single-unit building—13 millimetres; or (iii) in the case where a single drop cable is attached to a multi-unit building—30 millimetres; or (iv) in the case where a bundle of drop cables is attached to a multi-unit building—30 millimetres; and (f) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis. 	
6	Premises connection device: <ul style="list-style-type: none"> (a) attached to a building or other structure for the purposes of a subscriber connection; (b) the substantive volume of which is not more than 0.04 cubic metres; and (c) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis. 	Residential Commercial Industrial Rural

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Column 1 Item no.	Column 2 Facility	Column 3 Areas
7	Network termination device: (a) attached to a building or other structure for the purposes of a subscriber connection; (b) the substantive volume of which is not more than 0.02 cubic metres; and (c) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	Residential Commercial Industrial Rural
8	Power supply: (a) attached, clamped, strung from, or otherwise mounted, to a public utility structure, building or other structure for the purposes of powering network equipment and/or a subscriber connection; (b) the substantive volume of which is not more than: (i) 0.005 cubic metres – where connected to a network termination device; (ii) 0.15 cubic metres – where connected to an optical node or amplifier; and (c) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	Residential Commercial Industrial Rural
9	Amplifier: (a) suspended above the surface of: (i) land (other than submerged land); or (ii) a river, lake, tidal inlet, bay, estuary, harbour or other body of water; and (b) either: (i) clamped to, strung from or otherwise affixed to a cable; or (ii) clamped to, strung from, or otherwise mounted on a public utility structure, building or structure; (c) the substantive volume of which is not more than 0.02 cubic metres; and	Residential Commercial Industrial Rural

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	(d) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	
10	Auxiliary network equipment: (a) which is used to: (i) connect, isolate, or split a cable; or (ii) inject power into cable; or (iii) balance the distribution of power and radio frequency budget of a telecommunications network; or (iv) actively manage the operational elements of a telecommunications network; and (b) either: (i) clamped to, strung from or otherwise affixed to a cable; or (ii) clamped to, strung from, or otherwise mounted on a public utility structure, building or structure; (c) the substantive volume of which is not more than 0.002 cubic metres; and (d) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	Residential Commercial Industrial Rural

[24] Part 4B of the Schedule

Omit the Part