

EXPOSURE DRAFT



EXPOSURE DRAFT (July 2015)

Telecommunications Amendment Regulation 2015 (No. 1)

Select Legislative Instrument No. , 2015

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),
Governor-General of the Commonwealth of Australia, acting with the
advice of the Federal Executive Council, make the following regulation.

Dated 2015

Peter Cosgrove
Governor-General

By His Excellency's Command

Malcolm Turnbull [DRAFT ONLY—NOT FOR SIGNATURE]
Minister for Communications

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1 Name

This is the *Telecommunications Amendment Regulation 2015 (No. 1)*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Schedule 1—Amendments

Telecommunications Regulations 2001

1 Section 4.1 (heading)

Repeal the heading, substitute:

4.1 Communications Alliance—application of s 115

2 Subregulation 4.1(1)

Omit “Australian Communications Industry Forum”, substitute “Communications Alliance”.

3 At the end of subregulation 4.1(2)

Add:

Note: The *Trade Practices Act 1974* was renamed as the *Competition and Consumer Act 2010* by the *Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010*.

4 At the end of Part 4

Add:

4.2 Industry codes and industry standards—next-generation broadband services and interference between certain services

- (1) The rule in subsection 115(1) of the Act does not apply to an industry code or an industry standard to the extent to which compliance with the code or standard is likely to have the indirect effect of requiring customer equipment, customer cabling, a telecommunications network or a facility to have particular design features that relate to:
 - (a) interference caused to a next-generation broadband service by a system providing a carriage service over a twisted pair cable; or
 - (b) interference caused to a legacy service by a system providing a carriage service over a twisted pair cable, if the legacy service is supplied using only facilities that were installed and in operation at the time the system began to be operated

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Amendments **Schedule 1**

(including such facilities as later changed, by repair, replacement or maintenance, in a way that does not substantially alter the original character of the facilities); or

- (c) the health and safety of a person operating or working on customer equipment, customer cabling, a telecommunications network or a facility that incorporates, or is used with, a next-generation broadband service; or
- (d) the integrity of customer equipment, customer cabling, a telecommunications network or a facility that incorporates, or is used with, a next-generation broadband service.

Note: For paragraph (a), an industry code or industry standard may, for example, have the indirect effect of requiring a facility to have particular design features that relate to interference between competing next-generation broadband services that use the same cable bundle.

- (2) The rule in subsection 115(1) of the Act does not apply to an industry code or an industry standard to the extent to which compliance with the code or standard is likely to have the direct or indirect effect of requiring customer equipment, customer cabling, a telecommunications network or a facility to meet performance requirements that relate to:

- (a) interference caused to a next-generation broadband service by a system providing a carriage service over a twisted pair cable; or
- (b) interference caused to a legacy service by a system providing a carriage service over a twisted pair cable, if the legacy service is supplied using only facilities that were installed and in operation at the time the system began to be operated (including such facilities as later changed, by repair, replacement or maintenance, in a way that does not substantially alter the original character of the facilities); or
- (c) the health and safety of a person operating or working on customer equipment, customer cabling, a telecommunications network or a facility that incorporates, or is used with, a next-generation broadband service; or
- (d) the integrity of customer equipment, customer cabling, a telecommunications network or a facility that incorporates, or is used with, a next-generation broadband service.

Note: For paragraph (a), an industry code or industry standard may, for example, have the direct or indirect effect of requiring a facility to meet performance requirements that relate to interference between

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Schedule 1 Amendments

competing next-generation broadband services that use the same cable bundle.

- (3) A *legacy service* is one of the following services:
- (a) PSTN (public switched telephone network);
 - (b) ADSL (asymmetric digital subscriber line);
 - (c) ADSL2;
 - (d) ADSL2+;
 - (e) SHDSL (single pair high-speed digital subscriber line);
 - (f) ISDN (integrated services digital network);
 - (g) another service covered by the Communications Alliance Industry Code C559:2012 “Unconditioned Local Loop Service (ULLS) Network Deployment”, as registered by the ACMA on 16 May 2012.
- (4) A *next-generation broadband service* is one of the following services:
- (a) VDSL (very high-speed digital subscriber line);
 - (b) VDSL2;
 - (c) VDSL2 with vectoring;
 - (d) G.fast;
 - (e) a service that uses a successor technology to any other next-generation broadband service.