

Explanatory Note

Issued by the Authority of the Minister for Broadband,
Communications and the Digital Economy

Telecommunications Act 1997

*Telecommunications (Network Exemption—Specified TransACT Networks) Instrument 2012
(Amendment No. 1 of 2012)*

Purpose

The purpose of this Instrument is to amend the Telecommunications (Network Exemption—Specified TransACT Networks) Instrument 2012 (the Original Instrument) to clarify its operation.

This Instrument is not a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (see subsections 141A(6) and 144(6) of the Act).

Background

On 10 April 2012, the Minister for Broadband, Communications and the Digital Economy made the Telecommunications (Network Exemption—Specified TransACT Networks) Instrument 2012 which has the purpose of exempting from the requirements of sections 141 and 143 of the Telecommunications Act certain fibre networks which TransACT Capital Communications Pty Ltd (TransACT) has been contracted to construct.

Details

This Instrument makes a minor amendment to the Original Instrument to correct a reference at clause 3(d) of the Original Instrument- see item 1 of the Schedule.

As originally drafted, clause 3(d) specified four service speed combinations for the TransACT FTTP Layer 3 Wholesale Interconnection Service, a wholesale service that, as a condition of the exemption, TransACT is required to offer over the networks exempted under the Original Instrument. In the Original Instrument, clause 3(d)(iii) referred to a service with a download transmission speed of 60 Mbps and an upload transmission speed of 15 Mbps.

The inclusion of this service speed requirement as described in clause 3(d)(iii) was not intended. This instrument therefore corrects this drafting by omitting clause 3(d)(iii).

This amendment will make clear that the TransACT FTTP Layer 3 Wholesale Interconnection Service is only intended to offer three service speeds combinations: 10/2, 30/10, 100/20 Mbps (download/upload) respectively.