



A Code of Access to Telecommunications Transmission Towers, Sites of Towers and Underground Facilities Amendment 2020 (No. 1)

The Australian Competition and Consumer Commission makes the following instrument under subclause 37(1) of Schedule 1 to the *Telecommunications Act 1997*.

Dated: 5 June 2020

Rodney Graham Sims
Chair
Australian Competition and Consumer Commission

Australian Competition and Consumer Commission

Section 1

1 Name

This is the *A Code of Access to Telecommunications Transmission Towers, Sites of Towers and Underground Facilities Amendment 2020 (No. 1)*.

2 Commencement

This instrument commences at the start of the day after 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 subclause 37(1) of Schedule 1 to the *Telecommunications Act 1997*.

4 Amendments

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

Schedule 1—Amendments

A Code of Access to Telecommunications Transmission Towers, Sites of Towers and Underground Facilities [F2005B01098]

1 Paragraph 2.3(3)(ii)

After “queuing policy.”, insert “Subject to sub-clauses (7) and (8), this includes a requirement that a Facilities Access Application must be removed from the queue for a Tower and/or Tower Site after 24 months from the date that application was accepted, if the Carrier has not commenced ordering and/or installing Equipment on or in that Tower and/or Tower Site. The Carrier may then lodge a new Facilities Access Application.”

2 After sub-clause 2.3(6)

Insert:

(7) Paragraph 2.3(3)(ii) does not apply to Facilities Access Applications submitted before the commencement of the *A Code of Access to Telecommunications Transmission Towers, Sites of Towers and Underground Facilities Amendment 2020 (No. 1)*.

(8) In circumstances where:

- (i) a Facilities Access Application from a Carrier the period ending six months after the commencement of the *A Code of Access to Telecommunications Transmission Towers, Sites of Towers and Underground Facilities Amendment 2020 (No. 1)*; and
- (ii) the Carrier has not, within 30 months of that Facilities Access Application being accepted, commenced ordering and/or installing Equipment on or in that Tower and/or Tower Site to which that Facilities Access Application relates;

the Facilities Access Application must be removed from the queue.

3 Sub-clause 3.2(1)

After “the type and location of Eligible Facilities”, insert “and any plans to establish new Towers or Tower Sites”.

4 Clause 9 of Schedule A1

Repeal the clause, substitute:

9. Completion inspection

- (1) Unless Carriers otherwise agree, upon completion of installation work by the Second Carrier, there must be a joint on-site inspection by the First Carrier and Second Carrier to ensure that Make Ready Work and installation work have been satisfactorily completed and to agree whether facilities access and installed Equipment are in accordance with the details of the approved Facilities Access Application.

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- (2) Unless Carriers otherwise agree, within 20 Business Days of completion of installation work by the Second Carrier, the Second Carrier must provide written notification to the First Carrier that the installation work is complete.

5 Clause 1.4 of Schedule A2

Repeal the clause, substitute:

1.4 Completion inspection

- (1) Unless otherwise agreed, upon completion of installation work by the Second Carrier, there must be a joint on-site inspection by the First Carrier and Second Carrier to ensure that Make Ready Work and installation work have been satisfactorily completed and to agree whether facilities access and installed Equipment are in accordance with the details of the approved Facilities Access Application. The scope of the completion inspection must be agreed between the Carriers.
- (2) Unless Carriers otherwise agree, within 20 Business Days of completion of installation work by the Second Carrier, the Second Carrier must provide written notification to the First Carrier that the installation work is complete.

6 After sub-clause 2.4(2) of Schedule A2

Insert:

- (3) Unless Carriers otherwise agree, within 20 Business Days of completion of installation work by the Second Carrier, the Second Carrier must provide written notification to the First Carrier that the installation work is complete.

7 Clause 9 of Schedule B1

Repeal the clause, substitute:

9. Completion inspection

- (1) Unless Carriers otherwise agree, upon completion of installation work by the Second Carrier, there must be a joint on-site inspection by the First Carrier and Second Carrier to ensure that Make Ready Work and installation work have been satisfactorily completed and to agree whether space accessed and installed Equipment are in accordance with the details of the approved Facilities Access Application. The scope of the completion inspection must be agreed to by the Carriers.
- (2) Unless Carriers otherwise agree, within 20 Business Days of completion of installation work by the Second Carrier, the Second Carrier must provide written notification to the First Carrier that the installation work is complete.

8 Clause 4 of Schedule B2

Repeal the clause, substitute:

4. Completion inspection

- (1) Unless Carriers otherwise agree, upon completion of installation work by the Second Carrier, there must be a joint on-site inspection by the First Carrier and Second Carrier to ensure that Make Ready Work and installation work have been satisfactorily completed and to agree whether space accessed is in accordance with an approved Facilities Access Application. The scope of the completion inspection must be agreed to by the Carriers.
- (2) Unless Carriers otherwise agree, within 20 Business Days of completion of installation work by the Second Carrier, the Second Carrier must provide written notification to the First Carrier that the installation work is complete.