



Telecommunications (Permitted Information Sharing for Joint Functional Separation Undertakings) Determination 2020

The Australian Competition and Consumer Commission makes this Determination under subsection 151C(15) of the *Telecommunications Act 1997*.

Dated: 16 December 2020

A handwritten signature in black ink, which appears to read 'S Ridgeway'.

Stephen Ridgeway
Commissioner
Australian Competition and Consumer Commission

1 Name

This is the *Telecommunications (Permitted Information Sharing for Joint Functional Separation Undertakings) Determination 2020*.

2 Commencement

This Determination 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 Determination is made under subsection 151C(15) of the *Telecommunications Act 1997*.

4 Definitions

In this Determination, unless the contrary intention appears:

Act means the *Telecommunications Act 1997*.

carriage service provider has the meaning given by section 7 of the Act.

carrier has the meaning given by section 7 of the Act.

joint functional separation undertaking means an undertaking under section 151C of the Act.

local access line service has the meaning given by section 142A of the Act.

retailer has the meaning given by section 142A of the Act.

wholesaler has the meaning given by section 142A of the Act.

5 References to other instruments

In this Determination, unless the contrary intention appears:

- (a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and
- (b) a reference to any other kind of instrument or writing is a reference to that other instrument or writing as in force or in existence from time to time.

Note 1: For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

Note 3: For paragraph (b), see subsection 589(2) of the Act.

6 Determination of kinds of information

- (1) Subsections (2) and (3) set out the kinds of information that are determined, pursuant to subsection 151C(15) of the Act, to be specified information for the purpose of paragraphs 151C(2)(o) and (p) of the Act.

- (2) Information provided to a retailer by a carrier or carriage service provider (other than a wholesaler) that constitutes:
- (a) terms and conditions relating to price or a method of ascertaining price in respect of the provision of a local access line service on a wholesale basis;
 - (b) other terms and conditions relating to the provision of a local access line service on a wholesale basis; or
 - (c) current or proposed network coverage information including maps and network ownership information relating to the provision of a local access line service on a wholesale basis;

where that information is disclosed by the retailer to a wholesaler bound by the same joint functional separation undertaking for the purpose of obtaining an equivalent offer from that wholesaler in respect of the provision of a local access line service on a wholesale basis.

- (3) Information provided to a retailer by a carrier or carriage service provider (other than a wholesaler) that constitutes:
- (a) practices, procedures or other guidance relating to the maintenance and continuity of business operations in emergency scenarios;
 - (b) a request to access the infrastructure of a wholesaler for the purpose of maintaining network resilience or the continuity of business operations; or
 - (c) practices, procedures or other guidance relating to compliance with relevant regulatory obligations.