

# **nbn Special Access Undertaking Variation 2022 – Supplementary Supporting submission: categorisation of Variation clauses**

May 2022





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# 1 Introduction

**nbn** lodged a variation to its Special Access Undertaking (**SAU**) with the ACCC on 29 March 2022 (the **Variation**).

**nbn**'s submission in support of the Variation (**Submission**) noted that **nbn** would set out in a supplementary submission **nbn**'s view on how particular clauses in the Variation are categorised for the purposes of sections 152CBA and 152CBD of the *Competition and Consumer Act 2010* (Cth) (**CCA**). This document sets out that information, together with background information on the relevant categories.

This document should be read with the Submission, particularly chapter 9 which focuses on the extent to which the Variation satisfies the relevant statutory criteria. The table at section 9.2 describes each of the proposed changes that make up **nbn**'s Variation and the benefits of each change, including how they contribute to the LTIE and why the change is reasonable.

Throughout this submission, capitalised terms have the same meaning as in the Submission and otherwise as in the Dictionary set out in Attachment C to the main body of the Variation.

## 2 Background – statutory assessment

### 2.1 Overview of the relevant statutory test

As noted in the Submission, the ACCC must assess an SAU variation against specific statutory criteria.<sup>1</sup> Broadly, to accept the Variation, the ACCC must be satisfied that:

1. the terms and conditions specified in the Variation relating to compliance with the Category B Standard Access Obligations (**SAOs**) are consistent with those obligations and are reasonable;
2. conduct specified in the Variation in relation to access to **nbn**'s services will promote the long-term interests of end-users (**LTIE**), and that the related terms and conditions are reasonable;
3. conduct specified in the Variation relating to certain additional matters (such as developing new eligible services) will promote the LTIE; and
4. the Variation is consistent with any Ministerial pricing determination.

Further, the ACCC cannot reject the Variation for particular reasons related to fixed principles terms and conditions.<sup>2</sup>

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<sup>1</sup> CCA, ss 152CBG(4), 152CBD(2). See chapter 22 of the Submission for further details on the relevant statutory test.

<sup>2</sup> CCA, s 152CBAA(6).



## 3 Background – previous ACCC approach

### 3.1 Terms and conditions in relation to compliance with Category B SAOs

In the Final 2013 Decision,<sup>3</sup> the ACCC categorised certain SAU clauses about the following matters as terms and conditions relating to compliance with the Category B SAOs:

- terms and conditions of supply of product components;
- the commitment to supply NBN offers;
- prices and charges;
- the methodology for the calculation of the RAB;
- conditions for including capital expenditure into the RAB under Module 1;
- the calculation of the ABBRR;
- the operation of the ICRA;
- the operation of the ‘building block revenue period’ and the related revenue cap; and
- the calculation of inflation and real values.

Table 4A below sets out **nbn**’s view on the new or amended Variation clauses which fall under this category, informed by the approach taken by the ACCC in the Final 2013 Decision.<sup>4</sup> The ACCC must not accept an SAU variation unless it is satisfied that the terms and conditions relating to compliance with the Category B SAOs are consistent with those obligations and are reasonable.

### 3.2 Conduct relating to access

In the Final 2013 Decision,<sup>5</sup> the ACCC categorised certain SAU clauses about the following matters as conduct and terms and conditions upon which **nbn** will engage in conduct relating to access under s 152CBA(3B) of the CCA:

- the production and maintenance of SFAAs;
- the development of SFAAs;
- dispute management;
- the replacement module process;
- developing and maintaining procurement rules in the Initial Regulatory Period;
- issuing certain notices to access seekers and the ACCC prior to the end of the ICRA period;

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<sup>3</sup> 2013 Final Decision, p. 52.

<sup>4</sup> In addition, **nbn**’s view is informed by the approach taken by the ACCC in its draft decision of April 2017 regarding **nbn**’s proposed SAU variation of May 2016 (regarding expanding the SAU to cover additional network technologies) (**2017 Draft Decision**) and the ACCC’s final decision of April 2021 to accept **nbn**’s proposed SAU variation of May 2019 (regarding the extension of certain non-price terms) (**2019 Final Decision**).

<sup>5</sup> 2013 Final Decision, p. 53.



- submitting particular regulatory information to the ACCC;
- issuing Tax Change Events Proposals;
- giving the ACCC a Price Review Notice and a Price Review Proposal; and
- the withdrawal of a product.

Table 4B below sets out **nbn**'s view on the new or amended Variation clauses which fall under this category, informed by the approach taken by the ACCC in the Final 2013 Decision.<sup>6</sup> The ACCC must not accept an SAU variation unless it is satisfied that the specified conduct in relation to access under s 152CBA(3B) of the CCA will promote the LTIE, and that the related terms and conditions are reasonable.

### 3.3 Conduct relating to additional activities

In the Final 2013 Decision,<sup>7</sup> the ACCC categorised certain SAU clauses about the following matters to be conduct under subsection 152CBA(3C):

- activities relating to the network design rules, permitted variations and network changes;
- the POI and rollout provisions; and
- the product development provisions.

Table 4C below sets out **nbn**'s view on the new or amended Variation clauses which fall under this category, informed by the approach taken by ACCC in the Final 2013 Decision.<sup>8</sup> The ACCC must not accept an SAU variation unless it is satisfied that any specified conduct in relation to the additional specified activities will promote the LTIE.

### 3.4 ACCC functions and powers

An SAU may provide for the ACCC to perform functions or exercise powers in relation to the SAU.<sup>9</sup>

In the Final 2013 Decision, the ACCC considered whether the functions and powers conferred on the ACCC under the SAU would promote the LTIE and whether the conditions and processes for performing those functions or exercising the powers were reasonable.

Table 4D below identifies the new or amended Variation clauses which provide for the ACCC to perform functions or exercise powers in relation to the SAU, informed by the approach taken by ACCC in the Final 2013 Decision.

### 3.5 Other provisions in the SAU

In the Final 2013 Decision, the ACCC noted that the SAU contained other provisions which set out the structure and other general matters of the SAU, relating to:

- the SAU term and the withdrawal, variation and extension of the SAU;

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<sup>6</sup> In addition, **nbn**'s view is informed by the approach taken by the ACCC in the 2017 Draft Decision and the 2019 Final Decision.

<sup>7</sup> 2013 Final Decision, p. 54.

<sup>8</sup> In addition, **nbn**'s view is informed by the approach taken by the ACCC in the 2017 Draft Decision and the 2019 Final Decision.

<sup>9</sup> CCA, s152CBA(10A).



- the duration of each Schedule and the description of each Schedule;
- the modular structure of the SAU;
- definitions and interpretations;
- descriptions of services covered by the SAU and their implementation as products to be supplied under the SAU;
- services declared by the ACCC; and
- fixed principles terms and conditions.

Table 4E below identifies such 'other' new or amended provisions in the Variation, informed by the approach taken by ACCC in the Final 2013 Decision.



## 4 Categorisation of new or amended clauses in the Variation

The tables in this section 4 set out **nbn**'s view on how certain clauses in the Variation are categorised for the purposes of sections 152CBA and 152CBD of the CCA.

As outlined in **nbn**'s Initial Submission, **nbn** considers that the task of the ACCC under section 152CBG is to assess the variation to, rather than the existing provisions of, the SAU against the criteria in section 152CBD (as they apply to variations).<sup>10</sup> Accordingly, the tables in this section 4 reflect **nbn**'s view only on the categorisation of those clauses of the Variation which are new, or which comprise a variation to existing provisions of the SAU.

For clarity, where an SAU clause includes both new or amended provisions and (unchanged) existing provisions, a reference to that clause in this section 4 is intended as a reference only to those new or amended provisions.<sup>11</sup> The unchanged existing provisions of the SAU were categorised by the ACCC in the 2013 Final Decision, and are described in section 5 for completeness only.

**Table 4A: terms and conditions relating to compliance with the Category B SAOs**

Description	SAU Reference
<b>Terms and conditions relating to compliance with the Category B SAOs</b>	
Terms and conditions of supply of product components, including provisions regarding the co-existence period, network activity and interference mitigation	Schedule 1A, clauses 1A.4.3 – 1A.4.6 Schedule 2A, clauses 2A.4 – 2A.5
Provisions regarding the commitment to supply NBN offers	Schedule 1C, clauses 1C.1.2, 1C.2 Schedule 2B, clauses 2B.1.2(a), 2B.1.4(a), (b) and (d)
Provisions regarding prices and charges	Schedule 1C, clauses 1C.1.3(a), 1C.1.4(a), (c), (d), 1C.1.5, 1C.3, 1C.4, 1C.5.3(b)(i), Annexures 3 – 6 Schedule 2B, clauses 2B.1.3(b), 2B.1.5, 2B.1.6(c), 2B.2.2 – 2B.2.4, 2B.2.6(b)(i), 2B.2.9, 2B.2.10 and 2B.4(j) Schedule 3B, clause 3B.1
Provisions regarding calculation of the RAB and Core Services RAB Portion	Schedule 2C, clauses 2C.9.3, 2C.9.4(b) – 2C.9.6, 2C.9.9 – 2C.9.10, 2C.9.12
Provisions regarding calculation of the ABBRR and Core Services ABBRR	Schedule 2C, clauses 2C.2.2 – 2C.2.7, 2C.3.1(a) – (c), (e), 2C.6 – 2C.8, 2C.16

<sup>10</sup> Submission, p.203.

<sup>11</sup> For example, a reference to Attachment C of the Variation (Dictionary) in this section 4 is only intended to capture **nbn**'s view on the categorisation of the new or amended definitions and rules of interpretation in Attachment C. For clarity, this section may, but does not always, include references to provisions of the SAU which are proposed to be deleted in the Variation. Where a deleted provision is not referenced, the operation of that provision is redundant, or the provision has otherwise been replaced with a new provision which is listed below.

**Table 4A: terms and conditions relating to compliance with the Category B SAOs**

Description	SAU Reference
<b>Terms and conditions relating to compliance with the Category B SAOs</b>	
	Schedule 3C, clauses 3C.1 – 3C.3, Attachment A (LTRCM Proposal)
Provisions regarding the operation and calculation of the ICRA and (in Module 2) operation of the Core Services Revenue Cap	Schedule 1E, clause 1E.5 Schedule 2C, clauses 2C.4, 2C.5
Provisions regarding the calculation of inflation and real values	Schedule 1E, clause 1E.8.4(c) Schedule 2C, clause 2C.1.5
Provisions regarding cost allocation between Core Regulated Services and Competitive Services for calculating the RAB, Core Services RAB Portion, ABBRR and Core Services ABBRR	Schedule 2C, clauses 2C.10.1, 10.2(a),(b), 2C.10.3, 2C.10.4(a)
Provisions regarding prices and charges in the context of Price Review Arrangements	Schedule 2E, clause 2E.2.7(c)
Provisions regarding the effect of Cost Pass-Through Events	Schedule 2C, clauses 2C.11 – 2C.12, 2C.13.5(e), 2C.14(b), 2C.15

**Table 4B: conduct in relation to access and related terms and conditions**

Description	SAU Reference
<b>Conduct in relation to access and related terms and conditions</b>	
Provisions regarding the Replacement Module process	Main Body, clauses 4.6(e), 4.7 – 4.9
Provisions regarding transition to a weighted average price cap	Main Body, clauses 4.13(d), (e)
Provisions regarding <b>nbn</b> providing copies of Government Policy Project Notices to the ACCC and notifying the ACCC of updates or withdrawals of such notices	Main Body, clause 4.14
Provisions regarding the maximum term of published SFAAs	Schedule 2F, clause 2F.1 Schedule 3A, clause 3A.2
Provision regarding <b>nbn</b> providing certain information to Customers and the ACCC	Schedule 1C, clause 1C.1.4(b) Schedule 2B, clause 2B.1.4(c)



**Table 4B: conduct in relation to access and related terms and conditions**

Description	SAU Reference
<b>Conduct in relation to access and related terms and conditions</b>	
regarding the supply of Flat-Rate Offers and Bundled Offers	
Provisions regarding publication of Tariff List	Schedule 2B, clauses 2B.1.6(a), (b)
Provisions regarding <b>nbn</b> choosing to increase CVC TC-4 capacity included in Bundled Offers	Schedule 2B, clause 2B.2.5
Provisions regarding discounting restrictions	Schedule 2B, clause 2B.2.9
Provisions regarding change of NBN Offer type (change of pricing construct of an offer)	Schedule 2B, clauses 2B.4(a), (g) – (i)
Provisions regarding Price Review Arrangements	Schedule 2E, clause 2E.2.7(a)
Provisions regarding utilisation management and network performance reporting	Schedule 1H, clauses 1H.5, 1H.6 Schedule 3D, clauses 3D.1, 3D.2
Provisions regarding dispute management	Schedule 1H, clause 1H.7.1(a) Schedule 1H, Annexure 1, clauses 1.1(a) – (b), (f), 1.3(c), 2.1(b), 3.2, 5.3, 8(a), 8(c), 9, Appendix 1 Schedule 3D, clause 3D.3
Provisions regarding cost allocation procedures and principles between Core Regulated Services and Competitive Services for calculation of the RAB, Core Services RAB Portion, ABBRR and Core Services ABBRR	Schedule 2C, clauses 2C.10.2(c) – (e), 2C.10.4(b), (c), 2C.10.5(a) – (c)
Provisions regarding Cost Pass-Through Event Applications	Schedule 2C, clauses 2C.13.1 – 2C.13.3(a), (c), 2C.13.6(b), 2C.14(a)
Provisions regarding transparency and compliance reporting related to the First Regulatory Cycle	Schedule 3C, clauses 3C.4.2, 3C.4.3
Provisions regarding establishment and operation of a Low-Income Forum	Schedule 3E, clause 3E.2

**Table 4C: conduct in relation to additional activities**

Description	SAU Reference
<b>Conduct in relation to additional activities</b>	
Provisions regarding network and POI rollout progress information, and regarding closure, relocation and new POIs	Schedule 2G, clause 2G.1
Provisions regarding product development	Schedule 1I, clauses 1I.1.3, and Annexure 1, clause 4.3 and 10.1 Schedule 2D, clauses 2D.1.3 and 2D.5(a) Schedule 3E, clause 3E.1

**Table 4D: ACCC functions and powers**

Description	SAU Reference
<b>ACCC functions and powers</b>	
Provisions regarding ACCC functions and powers regarding the Replacement Module process	Main Body, clauses 4.5(d), 4.10(b)-(d), (i), (j), 4.11, 4.12
Provisions regarding transition to a weighted average price cap	Main Body, clause 4.13(a) – (c)
Provisions regarding ACCC issuing LTRCM Determinations under Module 1	Schedule 1E, clause 1E.1.2
Provisions regarding ACCC request of certain regulatory information under Module 1	Schedule 1F, clause 1F.1.6
Provisions regarding ACCC functions and powers regarding Price Review Arrangements	Schedule 2E, clauses 2E.2.7(a), 2E.2.8(a), (d)
Provisions regarding ACCC functions and powers regarding dispute resolution	Schedule 1H, Annexure 1, clauses 1.1(c)-(d), 8(b), (c)
Provisions regarding ACCC objections to changes of NBN Offer type (changes of pricing construct of an offer)	Schedule 2B, clauses 2B.4(b) – (f)
Provisions regarding treatment of confidential information provided to the ACCC	Schedule 2C, clause 2C.1.3 Schedule 3C, clause 3C.4.4

**Table 4D: ACCC functions and powers**

Description	SAU Reference
<b>ACCC functions and powers</b>	
Provisions regarding ACCC publication of certain information regarding adjustments to the ABBRR and other regulatory values	Schedule 2C, clauses 2C.3.1(b), (e)
Provisions regarding ACCC determination of values for the RAB roll forward (ex post capex review) and related values for the ABBRR and Core Services ABBRR	Schedule 2C, clauses 2C.9.7 – 2C.9.8
Provisions regarding ACCC role in categorisation of services as Core Regulated Services or Competitive Services and consequent cost allocation	Schedule 2C, clauses 2C.10.4(d), (e), 2C.10.5(d), (e)
Provisions regarding ACCC functions and powers regarding Cost Pass-Through Event Applications	Schedule 2C, clauses 2C.13.3(b), 2C.13.4 – 2C.13.5(d), (f), 2C.13.6(a), (c)
Provisions regarding ACCC requests for information regarding pricing in the First Regulatory Cycle	Schedule 3C, clause 3C.4.3

**Table 4E: other provisions of the SAU**

Description	SAU Reference
<b>Other provisions of the SAU</b>	
Background clauses	Main Body, Background
Descriptions of services covered by the SAU and their implementation as products to be supplied under the SAU	Main Body, Attachments A, D Schedule 1A, clauses 1A.3.1 – 1A.3.2, 1A.3.4 – 1A.3.5 and 1A.6.2
Provisions regarding the SAU term	Main Body, clause 3.3
Provisions regarding the modular structure of the SAU	Main Body, clauses 4.1, 4.3 – 4.4
Provision regarding fixed principles terms and conditions	Main Body, clauses 5.2 – 5.3
Definitions and interpretation	Main Body, Attachment C



**Table 4E: other provisions of the SAU**

Description	SAU Reference
<b>Other provisions of the SAU</b>	
	Schedule 2C, clause 2C.1.4
Recitals as to service standards	Schedule 1C, clause 1C.1.8 Schedule 2B, clause 2B.1.7
Provisions regarding the duration of each Schedule (or clause, where relevant) and the description of each Schedule (or clause, where relevant)	Various



## 5 Categorisation of unchanged clauses in the Variation

The tables in this section 5 set out **nbn**'s view on how clauses in the Variation which have not been amended from the SAU currently in force are categorised for the purposes of sections 152CBA and 152CBD of the CCA. **nbn**'s view has been informed by the categorisation adopted by the ACCC in its 2013 Final Decision and, as described in section 4 above, is provided for completeness only.

**Table 5A: Unchanged terms and conditions relating to compliance with the Category B SAOs**

Description	SAU Reference
<b>Terms and conditions relating to compliance with the Category B SAOs</b>	
Terms and conditions of supply of product components, including provisions regarding the co-existence period, network activity and interference mitigation	Schedule 1A, clauses 1A.4.1, 1A.4.2 Schedule 2A, clause 2A.3
Provisions regarding the commitment to supply NBN offers	Schedule 1C, clauses 1C.1.2, 1C.2 Schedule 2B, clause 2B.1.2(b)
Provisions regarding prices and charges	Schedule 1C, clauses 1C.1.3(b), 1C.1.6 – 1C.1.7, 1C.3, 1C.4, 1C.5.1 – 1C.5.3(a), 1C.5.3(b)(ii), 1C.5.4 – 1C.5.6, Annexures 1 – 2 Schedule 2B, clauses 2B.1.3(a), 2B.2.1, 2B.2.6(a), 2B.2.6(b)(ii), 2B.2.7, 2B.2.8, 2B.3 and 2B.4(j)
Provisions regarding calculation of the RAB	Schedule 1D, clauses 1D.2.1 – 1D.2.4(a) Schedule 2C, clause 2C.9.1 – 2C.9.2, 2C.9.4(a), 2C.9.11
Provision regarding inclusion of capex in the RAB under Module 1	Schedule 1D, clause 1D.3.1
Provisions regarding calculation of the ABBRR	Schedule 1E, clauses 1E.2.2, 1E.4, 1E.6, 1E.7.1, 1E.8.1 – 1E.8.3, 1E.8.5, 1E.9 Schedule 2C, clauses 2C.2.1, 2C.3.1(d),
Provisions regarding the operation and calculation of the ICRA	Schedule 1E, clauses 1E.2.1-1E.2.2, 1E.5
Provisions regarding the calculation of inflation and real values	Schedule 1E, clause 1E.8.4(a), (b) Schedule 2C, clause 2C.1.6
Provisions regarding prices and charges in the context of Tax Change Events under Module 1	Schedule 1G, clauses 1G.2.1, 1G.2.2(d), (e), 1G.2.6(b), 1G.2.6(c)

**Table 5A: Unchanged terms and conditions relating to compliance with the Category B SAOs**

Description	SAU Reference
<b>Terms and conditions relating to compliance with the Category B SAOs</b>	
Provisions regarding prices and charges in the context of Price Review Arrangements	Schedule 1G, clause 1G.3.7(c)

**Table 5B: conduct in relation to access and related terms and conditions**

Description	SAU Reference
<b>Conduct in relation to access and related terms and conditions</b>	
Provisions regarding the Replacement Module process	Main Body, clause 4.5(a) – (c), (e), 4.6(a), (d), 4.10(g)
Provisions regarding nbn publishing and maintaining SFAAs for the duration of the SAU term	Main Body, clause 6
Provisions regarding the maximum term of published SFAAs	Schedule 1B, clause 1B.2
Provisions regarding establishment and conduct of a multilateral SFAA forum	Schedule 1B, clause 1B.3
Provisions regarding developing and maintaining procurement rules under Module 1	Schedule 1D, clause 1D.5
Provisions regarding submitting certain regulatory information to the ACCC under Module 1	Schedule 1D, clause 1D.2.5 Schedule 1F, clauses 1F.1.2 – 1F.1.5, 1F.2.1, 1F.2.3(a), 1F.3(a)
Provisions regarding Tax Change Events under Module 1	Schedule 1G, clauses 1G.2.2(a) – (c), 1G.2.3(a), 1G.2.4, and 1G.2.7(b)
Provisions regarding Price Review Arrangements	Schedule 1G, clauses 1G.3.1 – 1G.3.2, 1G.3.3(b), 1G.3.4, 1G.3.7(a), (b) Schedule 2E, clauses 2E.2.1 – 2E.2.2, 2E.2.3(b), 2E.2.4, 2E.2.7(b)
Provisions regarding dispute management	Schedule 1H, clauses 1H.7.1(b) – (c), 1H.7.2 Schedule 1H, Annexure 1, 1.2, 1.3(a) – (b), 2.1(a), (c), (d), (f) – (h), 2.2(a), (b), (d), (e), 3.1(a), (b), (d) – (f), 4, 5.2(a) – (c), (g), 6(a), (b), (d)
Provisions regarding product withdrawal	Schedule 1I, clauses 1I.5.1 – 1I.5.2, 1I.5.3(f), (g), 1I.5.4

**Table 5B: conduct in relation to access and related terms and conditions**

Description	SAU Reference
<b>Conduct in relation to access and related terms and conditions</b>	
	Schedule 2D, clauses 2D.2, 2D.6.1, 2D.6.2, 2D.6.3(f), (g), 2D.6.4

**Table 5C: conduct in relation to additional activities**

Description	SAU Reference
<b>Conduct in relation to additional activities</b>	
Provisions regarding activities relating to the Network Design Rules, Permitted Variations and Network Changes	Schedule 1D, clauses 1D.7.1 – 1D.7.2, 1D.7.3(b), (c), 1D.7.4, 1D.8, 1D.9, 1D.10.1 – 1D.10.2(a), 1D.11, 1D.12
Provisions regarding network and POI rollout progress information, and regarding closure, relocation and new POIs	Schedule 1H, clauses 1H.2, 1H.3, 1H.4
Provisions regarding product development	Schedule 1I, clauses 1I.1.2, 1I.2-1I.4 and Annexure 1, clauses 1 – 4.2, 5 – 9 and 10.2 Schedule 2D, clauses 2D.1.2, 2D.1.3, 2D.3 – 2D.4, 2D.5(b) – (c)

**Table 5D: ACCC functions and powers**

Description	SAU Reference
<b>ACCC functions and powers</b>	
Provisions regarding ACCC functions and powers regarding the Replacement Module process	Main Body, clauses 4.6(b), (c), 4.10(a), (e), (f), (h)
Provisions regarding ACCC calculation of an ACIPA under Module 1	Schedule 1D, clause 1D.2.4(b), (c)
Provisions regarding ACCC determinations regarding capital expenditure under Module 1	Schedule 1D, clauses 1D.3.2, 1D.4, 1D.6 Schedule 1E, clauses 1E.7.2 – 1E.7.4
Provisions regarding ACCC assessments and determinations related to the Network Design Rules under Module 1	Schedule 1D, clauses 1D.7.3(a), 1D.7.4(e)(ii)

**Table 5D: ACCC functions and powers**

Description	SAU Reference
<b>ACCC functions and powers</b>	
Provisions regarding ACCC resolution of Network Change Disputes under Module 1	Schedule 1D, clauses 1D.10.2(b) and 1D.10.3 – 1D.10.5
Provisions regarding ACCC issuing LTRCM Determinations under Module 1	Schedule 1E, clauses 1E.1.2 and 1E.1.3
Provisions regarding ACCC request of certain regulatory information under Module 1	Schedule 1F, clauses 1F.2.2, 1F.2.3(b), 1F.3(b)
Provisions regarding ACCC functions and powers regarding Tax Change Events under Module 1	Schedule 1G, clauses 1G.2.3(b), 1G.2.5, 1G.2.6(a), (d), (e), 1G.2.7(a), (c)
Provisions regarding ACCC functions and powers regarding Price Review Arrangements	Schedule 1G, clauses 1G.3.1, 1G.3.3 – 1G.3.6, 1G.3.7(a), (b), 1G.3.8 Schedule 2E, clauses 2E.2.1, 2E.2.3 – 2E.2.6, 2E.2.7(b), 2E.2.8(b), (c)
Provisions regarding ACCC functions and powers regarding dispute resolution	Schedule 1H, Annexure 1, clauses 1.1(e), 2.1(e), 2.2(c), (d), 3.1(c) – (e), 5.2(d) – (f), 6(c), 7
Provisions regarding ACCC objections to product withdrawals	Schedule 1I, clauses 1I.5.3(a) – (e) Schedule 2D, clauses 2D.6.3(a) – (e)

**Table 5E: other provisions of the SAU**

Description	SAU Reference
<b>Other provisions of the SAU</b>	
Background clauses	Main Body, Background
Statement in relation to compliance for the purposes of s152CBA(3A)	Main Body, clause 1
Descriptions of services covered by the SAU and their implementation as products to be supplied under the SAU	Main Body, clause 2 and Attachments B, D Schedule 1A, clauses 1A.2, 1A.3.3, 1A.5, 1A.6.1 and 1A.7 Schedule 2A, clauses 2A.1.2 – 2A.1.4
Provisions regarding the SAU term	Main Body, clauses 3.1 – 3.2
Provisions regarding the modular structure of the SAU	Main Body, clause 4.2



**Table 5E: other provisions of the SAU**

Description	SAU Reference
<b>Other provisions of the SAU</b>	
Provision regarding fixed principles terms and conditions	Main Body, clause 5.1, 5.4
Provisions regarding the SAU term, withdrawal, variation and extension of the SAU	Main Body, clause 7
Definitions and interpretation	Main Body, Attachment C Schedule 1E, clause 1E.3
Provisions regarding services declared by the ACCC	Schedule 1A, clause 1A.8 Schedule 2A, clause 2A.2
Provisions regarding the duration of each Schedule (or clause, where relevant) and the description of each Schedule (or clause, where relevant)	Various