



Telecommunications (Deemed Functional Separation Undertaking) Amendment Determination 2024 (No. 1)

The Australian Competition and Consumer Commission makes the following amendment under subsection 151B(1) of the *Telecommunications Act 1997*.

Dated: 2 January 2024

Anna Brakey
Commissioner, Chair of the Communications Committee
Australian Competition and Consumer Commission

Australian Competition and Consumer Commission

1 Name

This is the *Telecommunications (Deemed Functional Separation Undertaking) Amendment Determination 2024 (No. 1)*.

2 Commencement

This instrument commences at the start of the day after the day 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 subsection 151B(1) of the *Telecommunications Act 1997*.

4 Amendment

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

Schedule 1—Amendments

Telecommunications (Deemed Functional Separation Undertaking) Determination 2020 (F2021C00342)

1 After subsection 7(3)

Add:

(3A) The corporation will prepare the documentation referred to in subsection (7)(3) in a manner that allows the price related terms and conditions on which the corporation's wholesale business unit supplies local access line services to the corporation's retail business unit to be directly compared with the price related terms on which the corporation's retail business unit supplies its customers when using the local access line services, including by:

- (a) preparing a table of price related terms in the same form as the corporation's retail business unit's published table of retail pricing offers and specifying all tariffs, including monthly charge, set up fee, early termination charge and minimum cost, along with any data/usage terms and conditions, such as included usage amount and method to calculate any excess usage charge; and
- (b) listing each short-term and long-term discount, credit or rebate arrangement that the corporation's wholesale business unit has offered to the corporation's retail business unit, and specifying the name of the arrangement, relevant amounts, qualifying conditions and offer period.

(3B) The corporation will promptly update the documentation referred to in subsection (7)(3) each time that there is:

- (a) any change in the price related terms and conditions that the corporation's wholesale business unit offers to the corporation's retail business unit, including a change to its short-term or long-term discount, credit or rebate arrangements offered to one or more sites; or
- (b) any change in the price related terms and conditions that the corporation's retail business unit offers to its customers, including a change to its short-term or long-term discount, credit or rebate arrangements offered to one or more sites.

2 After subsection 7(6)

Add:

(6A) For the avoidance of doubt, the published terms and conditions relating to price or a method of ascertaining price referred to in subsection 7(6) will include all short-term or long-term discounts, credits or rebates that apply to the corporation's wholesale business unit's offers to supply local access line services.

(6B) The corporation will promptly update its published terms and conditions each time that there is any change in the price related terms and conditions, or other terms and conditions, that the corporation's wholesale business unit offers either to the corporation's retail business unit or wholesale customers, including any change to its short-term or long-term discount, credit or rebate arrangements.

(6C) The corporation will ensure that wholesale customers are promptly notified in writing each time that the corporation updates its published terms and conditions.

3 After subsection 7(12)

Add:

(12A) For the avoidance of doubt, the corporation will ensure that the customer interface referred to in subsection 7(12):

- (a) provides the same functionality to its wholesale customers and the corporation's retail business unit in respect of local access line services; and
- (b) provides wholesale customers and the corporation's retail business unit with access to the same set of local access line services.

4 After subsection 7(14)

Add:

(14A) In each of the written reports referred to in subsection 7(14), the corporation will include a copy of:

- (a) each document setting out the terms and conditions on which the corporation's wholesale business unit supplied local access line services to the corporation's retail business unit as referred to in subsection 7(3); and
- (b) each published wholesale standard form of agreement as referred to in subsection 7(6) in effect during the reporting period.