

COMPETITION AND CONSUMER ACT 2010

Declaration under section 152AL(3)

1. The Australian Competition and Consumer Commission (Commission) declares pursuant to section 152AL(3) of the *Competition and Consumer Act 2010* (Act) that the wholesale asymmetric digital subscriber line service (Wholesale ADSL Service) is a “declared service” for the purposes of Part XIC of the Act.
2. This declaration takes effect on 14 February 2012 and expires on 13 February 2017.
3. The Wholesale ADSL Service is described in Annexure 1 to this instrument.



Michael Theodore Schaper
Acting Chairman

Dated: 14 February 2012

Annexure 1: Service description for the Wholesale ADSL Service

The wholesale asymmetric digital subscriber line service (Wholesale ADSL Service) is an internet-grade, best efforts point to point service for the carriage of communications in digital form between a **point of interconnection** and an **end-user network boundary** that:

- (a) is supplied by means of **Asymmetric Digital Subscriber Line (ADSL)** technology over a twisted metallic pair that runs from the end-user network boundary to the nearest upstream exchange or RIM or CMUX; and
- (b) uses a static **Layer 2** tunnelling protocol (L2TP) over a transport layer to aggregate communications to the point of interconnection.

Definitions

Where words or phrases used in this declaration are defined in the *Competition and Consumer Act 2010* or the *Telecommunications Act 1997*, they have the meaning given in the relevant Act.

In this Annexure:

Asymmetric Digital Subscriber Line technology or **ADSL** means the protocols, recommendations and standards set out in the ITU-TG.992 Recommendations.

Layer 2 has the same meaning as in the Open System Interconnection (OSI) Reference Model for data exchange.

a **point of interconnection** means an interface that is:

- (a) a physical point of interconnection which allows the interconnection of facilities in accordance with subsection 152AR(5) of the *Competition and Consumer Act 2010*; and
- (b) located in the same state/territory that the access provider associates with the exchange service area in which the **end-user network boundary** is located.

an **end-user network boundary** means the boundary point of the telecommunications network that is:

- (i) associated with the end-user premise; and
- (ii) ascertained in accordance with section 22 of the *Telecommunications Act*.