



Superfast broadband network class exemption notice

Persons electing to be bound by the ***Telecommunications (Superfast Broadband Network Class Exemption) Determination 2020*** should fill out this notice and return it to the ACCC. Once completed, details will be placed on the ACCC's public register.

The superfast broadband network class exemption

The ACCC has made the *Telecommunications (Superfast Broadband Network Class Exemption) Determination 2020* (the Determination), which exempts a particular class of persons from the separation requirements set out in sections 142C and 143 of the *Telecommunications Act 1997* (Telecommunications Act) that would otherwise apply.

Persons within the class specified in the Determination can elect to be bound by the conditions and limitations set out in the Determination rather than be subject to the separation requirements set out in sections 142C and 143, by giving written notice of their election to the ACCC in the form prescribed below.

The Determination provides that the exemption is limited to persons, or associated groups, who have a maximum of 2,000 fixed-line residential customers, or if a higher number (not exceeding 12,000 fixed-line residential customers) is specified in the regulations, that higher number.

The class exemption will cease to apply once the specified customer threshold is exceeded. In those circumstances, affected persons will then be required to operate either on a functionally separated basis in a form approved by the ACCC, or on a wholesale-only basis.

The Determination includes a number of other conditions and limitations. These include:

- a requirement to offer the Local Bitstream Access Service (LBAS) or the Superfast Broadband Access Service (SBAS) on a non-discriminatory basis
- an obligation on persons who have elected to be bound by the Determination to:
 - report to the ACCC on the number of fixed-line residential customers they have as at June 30 each year; and
 - notify the ACCC in writing within 14 days if the threshold number of fixed-line residential customers is exceeded.

Key points for lodging your notice

This notice is for the purpose of persons electing to be bound by the *Telecommunications (Superfast Broadband Network Class Exemption) Determination 2020* (the Determination).

The Determination sets out a number of conditions and limitations that you should make yourself aware of before electing to be bound by its terms.

More detailed information is available in the [Determination](#) and associated [explanatory statement](#). We encourage you to consult this information prior to lodging this notice. If you have any questions, you should contact the ACCC at telcoseparationrules@accc.gov.au

Should you elect to be bound by the Determination, pursuant to section 143D of the Telecommunications Act, we will publish your name on the [ACCC's website](#), but we will not publish your contact details. This provides transparency about the persons that have elected to be bound by the class exemption.

Please email the notice to telcoseparationrules@accc.gov.au

We will provide you with an e-mail acknowledging receipt of your notice.

