

## TRADE PRACTICES ACT 1974

### Declaration under section 152AL(3)

The Australian Competition and Consumer Commission declares pursuant to section 152AL(3) of the *Trade Practices Act 1974* (the Act) that the Domestic Transmission Capacity Service is a “declared service” for the purposes of Part XIC of the Act.

The Domestic Transmission Capacity Service is described in Annexure 1.

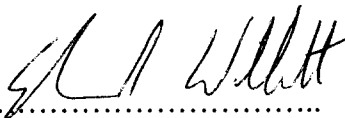
This declaration takes effect on 1 April 2004 and expires on 31 March 2009.

Note: The previous declaration of a Domestic Transmission Capacity Service expired on 31 March 2004.




.....

Graeme Julian Samuel  
Chairman



.....

Edward Campbell Willett  
Commissioner



.....

Jennifer Mary McNeill  
Commissioner

For the Australian Competition and Consumer Commission

DATED: 1 April 2004



# Annexure 1

The Domestic Transmission Capacity Service is a service for the carriage of certain communications from one transmission point to another transmission point via network interfaces at a designated rate on a permanent basis by means of guided and/or unguided electromagnetic energy, except communications between:

- a) one customer transmission point and another customer transmission point;
- b) a transmission point in an exempt capital city and a transmission point in another exempt capital city;
- c) a transmission point in Sydney and a transmission point in any of the following regional centres; Albury, Lismore, Newcastle, Grafton, Wollongong, Taree and Dubbo;
- d) a transmission point in Melbourne and a transmission point in any of the following regional centres; Ballarat, Bendigo, Geelong and Shepparton.
- e) a transmission point in Brisbane and a transmission point in any of the following regional centres; Toowoomba and Gold Coast;
- f) a transmission point in Adelaide and a transmission point in Murray Bridge; and,
- g) one access seeker network location and another access seeker network location.

## Definitions

Where words or phrases used in this Annexure are defined in the *Trade Practices Act 1974* or the *Telecommunications Act 1997*, they have the meaning as given in the relevant Act.

In this Annexure:

an ***access seeker network location*** is a point in a network operated by a service provider that is not a point of interconnection or a customer transmission point;

an ***exempt capital city*** means Adelaide, Brisbane, Canberra, Melbourne, Perth or Sydney;

a ***customer transmission point*** is a point located at customer equipment at a service provider's customer's premises in Australia (and for the avoidance of doubt, a customer in this context may be another service provider);

a ***designated rate*** is a transmission rate of 2.048 Megabits per second, 4.096 Megabits per second, 6.144 Megabits per second, 8.192 Megabits per second, 34 to 45 Megabits per second, 140/155 Megabits per second (or higher orders);

a ***point of interconnection*** is a physical point of connection in Australia between a network operated by a carrier or a carriage service provider and another network operated by a service provider; and,

—

—

a ***transmission point*** is any of the following:

- a) a point of interconnection;
- b) a customer transmission point; or,
- c) an access seeker network location.

