



Australian  
Competition &  
Consumer  
Commission

## COMPETITION AND CONSUMER ACT 2010

### Declaration under subsection 152AL(3)

1. The Australian Competition and Consumer Commission declares pursuant to subsection 152AL(3) of the *Competition and Consumer Act 2010* (the Act) that the local bitstream access service (LBAS) is a 'declared service' for the purposes of Part XIC of the Act.
2. This declaration takes effect on the date that subsection 152AL(3C) of the Act commences. This declaration, pursuant to subsection 152ALA(5A), does not expire.
3. The LBAS is described in Annexure 1 to this instrument.

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Rodney Graham Sims  
Chairman

Dated: 24/2/12

## Annexure 1 – Service description

The local bitstream access service is a point to point service for the carriage of communications in digital form between a **network-network interface** and a **user-network interface** supplied using a **designated superfast telecommunications network** that is:

- (a) a **Layer 2 bitstream service**; and
- (b) a **superfast carriage service**.

This declaration does not apply to services supplied, or capable of being supplied:

- (a) using a specified network; or
- (b) using a specified local access line; or
- (c) by a specified owner of a local access line;

where that network, local access line or owner is the subject of a Ministerial exemption under section 141A or statutory exemption under subsection 141B(3) or 141B(4) of the *Telecommunications Act* and any conditions that apply to the exemption are satisfied.

### 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.

**Layer 2 bitstream service** has the meaning given in section 152AC of the *Competition and Consumer Act 2010*

**designated superfast telecommunications network** has the meaning given in subsection 152AGA of the *Competition and Consumer Act 2010*

a **network-network interface** means an interface provided by an access provider at a **point of interconnection** where the access seeker's telecommunications network can interface to the access provider's **designated superfast telecommunications network**

a **point of interconnection** is a physical point of interconnection which allows the interconnection of facilities in accordance with subsection 152AR(5) of the *Competition and Consumer Act 2010*

**superfast carriage service** has the meaning given in section 152AC of the *Competition and Consumer Act 2010*

a **user-network interface** means an interface located at a physically defined end-user's premises where the access provider's **designated superfast telecommunications network** is present to an end-user