

TRADE PRACTICES ACT 1974

Variation of Determination made under subsection 152AS(1) by the Australian Competition and Consumer Commission

Variation of Class exemption from standard access obligations in respect of LCS

1. Title

This Determination may be cited as Class Exemption (Variation) Determination No. 2 of 2009.

2. Commencement

This Determination comes into effect on the date this Determination is made.

3. Variation

Class Exemption Determination No. 1 of 2008 is hereby varied as set out below.

- (1) Paragraph 2(2) is deleted and the following paragraph is substituted in its place:

“This Determination will expire

(a) five years after 24 August 2009; or

(b) upon revocation of either the LCS Declaration, or the ULLS Declaration, whichever first occurs.”

- (2) In respect of paragraph 3(2), the definition of *Attachment A ESAs* is deleted and the following definition for *Exemption ESA List* is inserted:

“*Exemption ESA List* means the list of Exemption ESAs published by the Commission on its website pursuant to paragraph 6.1(b) of the Australian Competition Tribunal’s 2009 LCS Individual Exemption Order dated 24 August 2009.”

- (3) Paragraph 6 is deleted and the following paragraphs are substituted in its place:

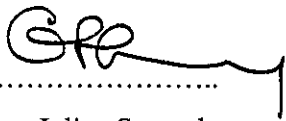
“Exemption

6. Subject to paragraph 7, each member of the Specified Class of Carrier and each member of the Specified Class of Carriage Service Provider is exempt from the Standard Access Obligations in respect of the supply of LCS within those ESAs included in the list of Exemption ESAs

published by the Commission on its website pursuant to paragraph 6.1(b) of the Australian Competition Tribunal's 2009 LCS Individual Exemption Order dated 24 August 2009.

7. The Exemption does not have effect with respect to a particular ESA until 6 months after the publication date of the Exemption ESA List on which that ESA first appears.”

(4) Attachment A is deleted.



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Graeme Julian Samuel

Chairman

Australian Competition and Consumer Commission

Dated this 18 day of November 2009