



Audit of Telecommunications Infrastructure Assets – Record keeping Rules

Competition and Consumer Act 2010

The AUSTRALIAN COMPETITION AND CONSUMER COMMISSION amends these Rules under subsection 151BU(1) of the *Competition and Consumer Act 2010* as set out in the attachment.

These amendments commence on the date this amendment instrument is signed.

Dated 19 May 2022

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Australian Competition and Consumer Commission

Audit of Telecommunications Infrastructure Assets

Record Keeping Rules

Section 151BU

Competition and Consumer Act 2010

Australian Competition and Consumer Commission

1 Name of Rules

These Rules are the *Audit of Telecommunications Infrastructure Assets - Record Keeping Rules*.

2 Commencement

These Rules replace the *Audit of Telecommunications Infrastructure Assets - Record Keeping Rules* made in May 2020 (the 2020 Rules).

For the avoidance of doubt, these Rules will apply to record-keeping and reporting for the 1 January 2023 reference date and all subsequent reference dates.

3 Interpretation

(1) In these Rules:

ACCC means the Australian Competition and Consumer Commission.

Act means the *Competition and Consumer Act 2010*.

CAN means the Customer Access Network and is that part of the telecommunications network that allows end-users to connect to the local switch, base station, node or exchange.

Consolidated information report means an information report that includes infrastructure records of all subsidiaries and/or related entities of the record-keeper.

Copper means twisted pairs of copper line.

Core network means that part of the network that is not the CAN.

Distribution point unit (DPU) means an NBN Co owned device located in an underground pit, or mounted on a pole close to the end-user premise.

End-user means a consumer of communications carriage services and other services supplied using communications carriage services.

ESA means the geographical area of copper wire served by one local telephone exchange.

Fibre (point to multipoint) means a shared optical fibre service from the core network to the end-user.

Fibre (point to point) means a dedicated optical fibre service from the core network to the end-user.

Fibre to the building (FTTB) means a combination of optical fibre used to connect a multi-tenant site's communications room with an access network whether that be fibre, copper or wireless. It has the capability of delivering a superfast broadband service.

FTTB equipment means the main equipment usually installed in the

communications room (e.g. MDF room) of a multi dwelling unit or multi premise site.

Fibre to the curb (FTTC) means a combination of optical fibre and copper used in the CAN to connect the end-user to the core network. Optical fibre is delivered to an underground pit or pole locations where it then connects with a DPU. Copper is then used to deliver services from the DPU to the end-user. It has the capability of delivering a superfast broadband service.

Fibre to the premises (FTTP) means optical fibre used in the CAN to connect the end-user to the core network. It has the capability of delivering a superfast broadband service.

Fibre to the node (FTTN) means a combination of optical fibre and copper is used in the CAN to connect the end-user to the core network. It has the capability of delivering a superfast broadband service.

GDA94 means Geocentric Datum of Australia 1994.

Geographic extent means the physical location of infrastructure and includes the geographic boundaries normally associated with that infrastructure (such as ESA or SAM boundaries) as well as the predicted propagation of wireless infrastructure.

HFC means Hybrid Fibre-Coaxial and is a combination of optical fibre and coaxial cable used in the CAN to connect the end-user to the core network.

Microwave radio means a microwave electromagnetic signal.

Mobile site means the site where mobile infrastructure (such as base stations, towers etc.) is located.

Fixed wireless site means the site (such as towers or other facilities) where fixed wireless infrastructure is located.

Optical fibre means a glass or plastic fibre designed to guide light along its length.

Radio (fixed) means the CAN that is provided by means of air interface using point-to-point or point-to-multipoint topology.

Radio (mobile) means the CAN that is provided by means of air interface using a cellular topology which offers roaming from interconnected geographic regions of service.

Record-keeper is a carrier or carriage service provider listed as a record-keeper in Schedule 1, and includes any of its subsidiaries and related entities listed in Schedule 1.

RFNSA is the Radio Frequency National Site Archive, a repository of information on mobile network infrastructure managed by the Australian Mobile Telecommunications Association (AMTA)

RFNSA ID is a unique numerical identifier for each mobile site set by RFNSA based on the site's physical location.

Rules means the *Audit of Telecommunications Infrastructure Assets - Record Keeping Rules*.

Serving Area Module (SAM) means a geographical region which includes premises served by the NBN Co Network.

TAB vector format means the MapInfo proprietary format that contains a spatial representation of data using points, lines, and polygons.

- (2) Unless the contrary intention appears, an expression used in these Rules that is also used in the Act has the same meaning in these Rules.

4 Application

These Rules apply to the record-keepers listed in Part 1 of Schedule 1.

A record-keeper listed in Part 1 of Schedule 1 may perform its obligations under this record-keeping rule as if it, together with any subsidiaries or related entities listed in Part 1 of Schedule 1, were a single entity.

5 CANs

- (1) A record-keeper who is listed in Part 1 of Schedule 1 must supply the information specified in subrule 5(2).
- (2) For each CAN owned and operated by a record-keeper, the record-keeper must specify:
- (a) whether any access media of the types listed in Part 2 of Schedule 1 is deployed on the network; and
 - (b) if so, the geographic extent of each access medium deployed, including where relevant:
 - i. for radio (mobile) – the site’s RFNSA identification, the location of mobile sites, the technology type and frequency band/s of the radiofrequency spectrum used at each mobile site in accordance with the template at Appendix 1;
 - ii. for radio (mobile) – the geographic coverage by technology type and frequency band/s;
 - iii. for radio (fixed) – the location of fixed wireless sites, the technology type and frequency band/s of the radiofrequency spectrum used at each fixed wireless site;
 - iv. for radio (fixed) – the geographic coverage by technology type;
 - v. for FTTB – the location of FTTB equipment; and
 - vi. for FTTP, FTTN, FTTB, FTTC, HFC – the geographic boundary of CAN modules (for NBN Co services this will include each SAM boundary).
 - (c) for radio (mobile) – whether the construction of each mobile site was funded under a co-contribution program (whether under federal, state or local government) and if so, details of the relevant program, and round (if relevant) in accordance with the template at Appendix 1.

- (3) For the purposes of sub-rule 5(2) (c) above, the record-keeper is only required to identify the relevant co-contribution programs for sites that received funding on and after 18 May 2020, unless the co-contribution program is the Federal Government's Mobile Black Spot Program, for which the record-keeper is required to identify the sites that received funding on and after 1 January 2015.

Note: For the purposes of subrule 5(2) (b) a record-keeper is required to provide this information in accordance with rule 7.

6 Core Network

- (1) A record-keeper who is listed in Part 1 of Schedule 1 must supply the information specified in subrules 6(2), 6(3), and 6(4)
- (2) For each core network owned and operated by a record-keeper, the record-keeper must specify the geographic extent of any:
 - (a) optical fibre core network;
 - (b) microwave radio core network; and
 - (c) other core network.
- (4) The record-keeper must separately identify core network that it leases to third parties.
- (5) The record-keeper must separately identify core network that it operates on behalf of third parties.

Note: For the purposes of this rule a record-keeper is required to provide this information in accordance with rule 7.

7 Format

For the purposes of subrule 5(2) and rule 6, information provided to the ACCC by a record-keeper must be:

- (a) in a TAB vector format using the GDA94 coordinate system; or
- (b) in such other format as the ACCC agrees in writing or notifies on its website,
- (c) a consolidated information report of subsidiaries and/or related entities.

8 Reporting requirements

- (1) Subject to Rule 9, a record-keeper is required to record and produce a report on the information specified in subrules 5(2), 6(2), 6(3) and 6(4) as at 31 January of each year.
- (2) Subject to Rule 9, a record-keeper must provide the ACCC with a report containing the information specified in subrule 8(1) on or before 1 March of each year.

- (3) The report containing the information specified in subrule 8(1) must be provided to the ACCC by email or by another mode of delivery approved in writing by the ACCC. Reports provided by email must be sent to both of the following addresses:
 - (a) rkrinbox@acc.gov.au
 - (b) irdadmin@acc.gov.au

9 Variation of the reporting requirements for the 2020 report

- (1) For the 2020 reporting year, a Group B record keeper must prepare a report containing the information specified in Rule 5 and Rule 6 as at 30 June 2020 and provide it to the ACCC on or before 31 July 2020.
- (2) For the reporting year 2020, a record keeper must provide to the ACCC a report containing the information required under Sub-rule 5 (2) (c) as at 30 June 2020 and provide it on or before 31 July 2020.

Note 1: Under section 151BX of the Act a person who contravenes a record-keeping rule may be subject to pecuniary penalties.

Note 2: Subsection 36(2) of the *Acts Interpretation Act 1901* (Cth) provides that where the last day of any period prescribed falls on a Saturday, on a Sunday or on a day which is a public holiday in which the thing is to be done, the thing may be done on the first day following which is not a Saturday, a Sunday or a public holiday.

Schedule 1 Record-keeping requirements for CANs and Core Networks

Part 1 List of record-keepers

Group A

Record-keeper/ACN	Subsidiaries and/or related entities
AARNet Pty Ltd 084 540 518	
Basslink Telecoms Pty Ltd 129 550 563	
Digital Distribution Australia Pty Ltd 093 095 419	
Ergon Energy Telecommunications 106 459 465	
Macquarie Telecom Pty Ltd 082 930 916	
NBN Co Limited 136 533 741	
OptiComm Co Pty Ltd 117 414 776	
Queensland Rail Limited 132 181 090	
Rail Corporation New South Wales ABN 59 325 778 353	
SA Power Networks ABN 13 332 330 749	
SingTel Optus Pty Limited 052 833 208	Optus Networks Pty Ltd Optus Mobile Pty Ltd Uecomm Pty Ltd
Spirit Telecom Ltd 089 224 402	
Superloop Limited ABN 96 169 263 094	Big Air Group Limited
Tasmanian Networks Pty Ltd ABN 24 167 357 299	
Telstra Corporation Limited 051 775 556	
TPG Telecom Limited 096 304 620	AAPT Limited Adam Internet Pty Ltd

	Agile Pty Ltd iiNet Limited Soul Pattison Telecommunications Pty Ltd TPG Corporation Limited TransACT Capital Communications Pty Ltd
TransGrid ABN 19 622 755 774	
Verizon Australia Pty Ltd 081 001 194	
Victorian Rail Track Corporation ABN 55 047 316 805	
Vocus Group Limited 084 115 499	Amcom Pty Ltd NextGen Networks Vocus Fibre Pty Ltd

Group B

Queensland Capacity Network Pty Ltd 633 081 517	
Pivotal Group Pty Limited 102 274 322	
Uniti Group Limited 158 957 889	LBN Co Pty Ltd, OPENetworks Pty Ltd

Part 2**Types of access media deployed**

Copper

Fibre (point to multipoint)

Fibre (point to point)

Fibre to the building (FTTB)

Fibre to the curb (FTTC)

Fibre to the Node (FTTN)

Fibre to the premises (FTTP)

HFC

Radio (fixed)

Radio (mobile)

Other

Input template

RFNSA ID	Latitude	Longitude	Technology/Frequency Band (e.g. LTE700)	Co-funded?	Co-contribution program
Unique identification number			Y or N (Add one column for each active Technology/freq. band)	Y or N	Identify the funding program that co-contributed to the site cost (including any applicable round) or leave blank (e.g. Federal Government Mobile Black Spot Program Round 1)