

# Technology, Communications & Commercial

Australia



## Legal Alert



November 2013

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## Telecommunications Regulatory Update November 2013

The ACCC accepts varied Special Access Undertaking for consultation

In our [October alert](#) we reported that the ACCC had sought variations to NBN Co's Special Access Undertaking (SAU). The ACCC has now accepted the SAU, which incorporates all of the changes in the ACCC's notice to vary, having published the varied SAU for consultation during November.

For more information, please see the ACCC [media release](#).

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### NBN Co to pilot test fibre-to-the-building technologies

NBN Co has issued expressions of interest to ISPs to participate in a pilot program under which fibre-to-the-building will be delivered to up to ten office complexes and apartment blocks across the country through a telecommunications box. The box will be connected to the existing in-building wiring, enabling ISPs to deliver very fast broadband to each individual apartment and office. The data acquired under the pilot program will be used to develop future technologies and services.

For more information, see the NBN Co [media release](#).

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### The ACCC not to oppose acquisition of TransACT's fibre to the premises network

The ACCC has announced its decision not to oppose NBN Co's proposed acquisition of TransACT Capital Communications Pty Ltd's (TransACT) fibre to the premises (FTTP) network. The decision was based on the ACCC's informal consultation with interested parties, and its ultimate conclusion that it was "highly unlikely that NBN Co would overbuild the TransACT FTTP network in the absence of the proposed acquisition". It concluded that the proposed acquisition represents a bare transfer of assets and market share from TransACT to NBN Co, and was unlikely to

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substantially lessen competition.

For more information, please see the [ACCC media release](#).

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## The ACMA Consultation Paper on backup power supply for NBN Services

Follow us on:



The ACMA has released a new Consultation Paper: Implementation of consumer safeguards for optional backup power supply arrangements, which invites comments on options to achieve the government's objective for implementing effective optional backup power supply arrangements for NBN or NBN equivalent networks. The three options discussed in the Paper are:

1. the ACMA takes no regulatory action;
2. industry develops a guideline and/or code (industry's preferred option); and
3. the ACMA develops a service provider determination (a draft is provided for comment).

The ACMA's preferred option is Option 3.

For more information, please see the [ACMA media release](#).

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## Federal Court imposes penalties on Excite Mobile

In our [April alert](#) we reported that the Federal Court had found that Excite Mobile and two of its directors had engaged in false and misleading and unconscionable conduct in relation to selling mobile phone services and debt collecting activities.

The Federal Court has now ordered Excite Mobile and the directors involved to pay penalties of \$455,000, \$55,000 and \$45,000 respectively.

For more information, please see the [ACCC media release](#).

Please click on the link for a copy of the [judgment](#).

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## Comment sought on registration period on the Do Not Call Register

The Department of Communications has issued a discussion paper seeking comment on the optimal period of registration for telephone or fax numbers listed on the Do Not Call Register. The registration period is now set at eight years, having been extended three times since the Register was established. Comment is sought on four options:

1. reduce the period of registration to three years (the original

- registration period);
2. retain the current eight year registration period;
  3. extend the registration period to indefinite; or
  4. remove the need to register.

Submissions are due by 31 January 2014.

For more information, and a copy of the discussion paper, please see the Department's [media release](#).

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