

Reference Interconnection Offer Rule, 2012

1. Name of rule

- (1) This rule is the *Reference Interconnection Offer Rule, 2012*.

2. Preliminary

- (1) This Rule is made by NICTA pursuant to its powers and responsibilities under sections 218 and 141 of the *National Information and Communications Technology Act 2009*.

3. Interpretation

- (1) In this Rule, unless the contrary intention appears:
 - “Act” means the *National Information and Communications Technology Act, 2009* and includes any regulation made under that Act;
 - “access provider” has the meaning given to it by section 136 of the Act;
 - “access seeker” has the meaning given to it by section 125 of the Act;
 - “RIO” means a reference interconnection offer as described in section 141 of the Act.
- (2) Each of the following terms used in this Rule has the meaning given to it in section 4 of the Act:
 - access;
 - declared service;
 - NICTA;
 - price;
 - wholesale service.

4. Rules

- (1) A RIO may relate to one or more declared services.
- (2) If an access provider supplies multiple declared services and intends for more than one of those declared services to be covered by a RIO, it will prepare and submit to NICTA a single RIO document (“a consolidated RIO”) that covers all of the declared services that the access provider wishes to be covered by a RIO.
- (3) A consolidated RIO may specify different terms and conditions, including different types of terms, for the different services covered by the consolidated RIO.

- (4) If NICTA has previously accepted a RIO submitted by an access provider, and that access provider wishes to have one or more additional declared services covered by a RIO, then the access provider must prepare and submit a variation to the existing RIO that expands its scope to cover the additional declared service or services in the manner that the access provider desires.
- (5) A consolidated RIO may, at the discretion of the access provider, specify terms and conditions that relate to the supply of a wholesale service that is not a declared service.
- (6) If an access provider intends for a RIO to cover standard non-price terms and conditions for the supply of one or more declared services, then the RIO shall:
 - (a) be presented in a form that will enable the terms, if accepted by an access seeker, to be incorporated without the need for further negotiation as terms in a contract for supply of the declared service between the parties; and
 - (b) address the following aspects to the extent that they are relevant to the access provider's supply of the declared service:
 - (i) the procedures that will apply to the handling of requests from access seekers for the supply of a declared service or for changes to the existing supply of declared service;
 - (ii) ordering and provisioning processes;
 - (iii) traffic management principles and processes;
 - (iv) any relevant technical and standardisation matters;
 - (v) billing processes and procedures;
 - (vi) fault detection, handling and rectification processes and procedures;
 - (vii) matters relating to network protection and system safety;
 - (viii) dispute resolution processes and procedures;
 - (ix) points of interconnection;
 - (x) interconnection testing procedures and timeframes;
 - (xi) contact details for relevant personnel; and
 - (xii) any relevant forms or templates.
- (7) The aspects of the supply of a declared service listed in clause 4(6)(b) may be addressed in any combination of:
 - (a) general terms and conditions that apply to all declared services; and
 - (b) specific terms and conditions that apply to particular declared services or to declared services of a particular type.
- (8) If a RIO does not address one or more of the aspects of the supply of a declared service listed in clause 4(6)(b) on the grounds that such is not relevant to the access provider's supply of the declared service, NICTA may request the access provider to explain its reasoning in writing pursuant to subsection 142(2) of the Act.

- (9) If an access provider intends for a RIO to cover standard prices (with price related terms) for the supply of one or more declared services, then the RIO shall:
- (a) be presented in the form of a schedule;
 - (b) list all of the applicable wholesale prices and charges for the supply of each of the declared services for which the access provider wishes to specify standard prices; and
 - (c) set out all applicable price-related terms and any other relevant pricing information.