Guidance for Statutory Infrastructure Providers (SIPs)

AUGUST 2024

Canberra
Level 3
40 Cameron Avenue
Belconnen ACT

PO Box 78
Belconnen ACT 2616

T +61 2 6219 5555
F +61 2 6219 5353

Melbourne
Level 32
Melbourne Central Tower
360 Elizabeth Street
Melbourne VIC

PO Box 13112
Law Courts
Melbourne VIC 8010

T +61 3 9963 6800
F +61 3 9963 6899

Sydney
Level 5
The Bay Centre
65 Pirrama Road
Pyrmont NSW

PO Box Q500
Queen Victoria Building
NSW 1230

T +61 2 9334 7700
F +61 2 9334 7799

Contents

1. Introduction

The [Statutory Infrastructure Provider (SIP) regime](#) is established under Part 19 of the [Telecommunications Act 1997](#) (the Act) to ensure that all premises in Australia have access to baseline broadband services that also support voice communications.

Under the regime, carriers that enter into contracts with developers to install telecommunications network infrastructure in real estate development or redevelopment project areas will be SIPs for those areas.

Carriage service providers (CSPs) that contract with developers to service new developments using private networks, will be the SIP for these areas.

Compliance with the SIP regime is a condition of a carrier licence and a service provider rule.

1.1 The ACMA's role

The [Australian Communications and Media Authority](#) (the ACMA) is responsible for establishing and maintaining the SIP register, and for monitoring and enforcing compliance with the SIP regime. The ACMA may also conduct audits to determine compliance with the SIP obligations. If a SIP does not meet its obligations, we have a range of enforcement mechanisms available, including formal warnings, infringement notices and remedial directions.

The [SIP register](#) is an online public register of SIPs and their service areas. The register contains notices that are given by carriers and CSPs.

We publish data provided by SIPs on [data.gov.au](#), the central source of Australian open government data. The data.gov.au platform enables project and service area data to be easily downloaded or reused by SIPs, retail service providers or other users.

1.2 Summary of SIP obligations under Part 19 of the Act

SIPs must comply with a number of obligations under Part 19 of the Act, including to:
- connect premises and supply eligible services on reasonable request by a CSP, so that the CSP can supply services to end-users
- meet minimum download and upload speeds of 25/5 megabits per second
- give notices to the ACMA after signing a contract with a developer giving details about the project area of the development (known as an anticipatory notice)
- on completion of the installation of infrastructure or once the CSP is ready to supply services, declare that the area is now a 'provisional nominated service area' and give a copy of the declaration to the ACMA
- apply to the ACMA to vary an anticipatory notice or nominated service area when a correction or change is required
- have a website and publish on the website its nominated service area declarations and standard offers for connecting premises and supplying wholesale services
- notify the Secretary of the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department), the ACMA and its

customers, if they are no longer able to meet their SIP obligations for a particular service area

- comply with any standards, rules or benchmarks made by the minister (none have been made as yet).

1.3 ACMA guidance for SIPs

This guide has been developed to help non-NBN carriers and CSPs that are (or will be) SIPs to comply with their SIP obligations. It provides guidance on:

- general obligations under Part 19
- obligations to notify the ACMA
- how to notify the ACMA.

More information about the SIP regime is available on the [ACMA's website](#).

Please contact the National Interests Section at sip@acma.gov.au if you have any specific queries or require assistance.

2. Guidance on general obligations under Part 19

2.1 Declaring your nominated service area

2.1.1 If you are a carrier: Under subsection 360H(2)(d) of the Act, you are required to declare, by written instrument, that the whole or part of the project area is a nominated service area, **within 10 days after completing the installation of the infrastructure**.

2.1.2 If you are a carriage service provider: Under subsection 360HB(2)(g) of the Act, you are required to declare, by written instrument, that the whole or part of the project area is a nominated service area, **within 20 days after commencing to use the infrastructure**.

2.2 Publishing declarations on your website

Under sections 360H and/or 360HB of the Act, you are required to publish on your website any declarations that you have made to the ACMA. This will include both the PDF/Word written declaration and the associated MapInfo TAB vector file.

2.3 Publishing terms and conditions on your website

Under sections 360W and 360X of the Act, you are required to publish on your website the wholesale terms and conditions under which you offer to connect premises to your telecommunications network and supply services to CSPs, so that they can provide services to end-users.

These terms and conditions *must include* the:

- price or a methodology for ascertaining the price of the connection and supply of services to a CSP
- maximum period within which you will connect a premises and begin to supply a service following a request from a CSP
- maximum period within which you will rectify a fault or service difficulty
- other terms and conditions relating to the connection and supply of services to a CSP.

The requirement to publish information means that the information *must be publicly available* on your website. A CSP should not need to take additional steps to lodge an enquiry via an online portal or contact you by telephone or email to obtain this information.

2.4 Notifying your customers

If you are no longer able to fulfill your SIP obligations in a particular service area, you are required under subparagraph 360R(2)(a)(iii) of the Act to notify the ACMA, the Department and your customers.

You must use this **ACMA approved form** to notify the ACMA and the Department.

To notify your customers, you must provide each customer with the following information in writing (for example, by email):

- the likely date that you will cease providing services for the service area
- the name and address for the relevant service area
- the name and contact details for the carrier/CSP that is willing to become the SIP for the service area (if known)
- if your customers are CSPs, you must advise them of the obligation to notify end-users if there is likely to be a change or disruption to their services.

2.5 Obligations on CSPs to notify end-users

If a CSP receives a written notice from you under subsection 360R(2) or (3) that you plan to cease operations in a service area, and this is likely to result in a change or disruption to services provided by the CSP, section 360RA (2) requires the **CSP to give written notice of this matter to each end-user at premises in the service area within 5 business days after receiving the notice**.

3. Obligations to notify the ACMA

3.1 Who needs to notify the ACMA?

The SIP regime will apply to a carrier or CSP that has contracted with developers to service new real estate developments and redevelopment project areas.

3.2 What notifications are required?

You are required to notify the ACMA under Part 19 of the Act, in the following circumstances:

3.2.1 Anticipatory notices: Sections 360HA and 360HC

If you enter a contract to service a new development or redevelopment project area, you must give an anticipatory notice to the ACMA. These notices let retail service providers and customers know about the project areas that are under construction.

3.2.2 Nominated service area declarations: Sections 360H and 360HB

Once a project development is completed, you must declare the area a *provisional nominated service area* and a give a copy of the declaration to the ACMA.

Declarations let retail service providers and their customers know that the network installation has been completed and the area is now a nominated service area.

3.2.3 Variations to notices or declarations: Sections 360H(14), 360HA(5), 360HB(17) and 360HC(3)

When you need to make changes or corrections to a notice or declaration you have previously given to the ACMA, you must apply to the ACMA for a variation.

The change or correction might relate to a:
- contract date
- contract cancellation
- expected completion date
- network Infrastructure type
- project area's location/address
- project area's coordinates (MapInfo TAB vector file).

3.2.4 Exit notices: Section 360R

If you become aware that you can no longer fulfil your obligations to connect premises and supply services to a service area, you must notify the ACMA, the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) and your customers.

These notices must be submitted well in advance of when you plan to cease operations to give sufficient time for NBN Co (as the SIP of last resort) or another carrier/CSP to make the necessary preparations to be the SIP for the area.

3.3 How to notify the ACMA

To notify the ACMA you need to send an email addressed to: The Manager, National Interests Section at sip@acma.gov.au including all the relevant information required under Part 19 of the Act.

Your email should include 3 attachments:

1. Details of the notification/application you are providing as specified in 4.1 Information to be included in your notification/application

2. Example forms for an anticipatory notice, nominated service area declaration and application to vary a notice/declaration are provided in Appendix D

3. Area data files:

    a) project area data in MapInfo TAB vector format in a Zip file, and

    b) combined project and service area data in a MapInfo TAB vector in a Zip file.

4. Instructions for preparing your notification email

4.1 Information to be included in your notification/application

The information that needs to be included in your email when giving a notification/application to the ACMA is set out in the table below. Some requirements and timeframes will differ depending on whether you are a carrier or CSP. Please read these instructions carefully.

Type of notification	When do you need to notify the ACMA?	What do you need to give?
Anticipatory Notice – carrier	Within 20 business days after signing the contract with the developer	**For carriers** (section 360HA): A written notice in PDF/word format, containing the following information: • a statement that you have entered into a contract • date the contract was signed • name and address of the project area • description of the kind of telecommunications network infrastructure (e.g., FTTP, FTTN, Fixed wireless etc) • an estimate of the likely completion date for the installation
Anticipatory Notice – CSP	Within 20 business days after signing the contract with the developer or after the date the facility began to be installed	**For CSPs** (section 360HC): A written notice in PDF/word format, containing the following information: • date the contract was signed or the date the facility began to be installed (if the CSP did not enter into a contract with the developer but has control of the facility concerned) • name and address of the project area • a description of facility • an estimate of when the CSP is likely to start using the facility to supply services
Nominated Service area Declaration – carrier	Within 10 business days after making a declaration you must give the ACMA a copy of the declaration	**For carriers** (section 360H): A written declaration in PDF/word format, containing the following information: • statement that the project area is a *provisional nominated service area* for the purposes of Part 19 of the Act

Type of notification	When do you need to notify the ACMA?	What do you need to give?
		• reference to the previous anticipatory notice associated with the declaration (date notice was given to ACMA and identifier, if any)
Nominated Service area Declaration – CSP	Within 10 business days after making a declaration you must give the ACMA a copy of the declaration	**For CSPs** (Section 360HB): A written declaration in PDF/word format, containing the following information: • statement that the project area is a *provisional nominated service area* for the purposes of Part 19 of the Act • reference to previous anticipatory notice associated with the declaration (date notice was given to ACMA and identifier, if any)
Application to vary a notice or declaration	When a SIP becomes aware that the notice or declaration needs to be changed	Subsections 360H(14); 360HA(5); 360HB(17) and 360HC(3) A variation application • detailing the variation required • referencing the previous notice or declaration associated with the variation
Varied notice or declaration	Within 10 business days of a variation being approved by the ACMA	Subsections 360H(17A); 360ZHA(9); 360HB(21) and 360HC(7) A copy of the varied notice or declaration (unless the ACMA approves the draft varied notice or declaration without change and advises that no further copy is required)
Exit notice under section 360R	If reasonably practicable, at least 12 months before you can no longer fulfil your SIPs obligation, OR no later than 10 business days after you can no longer fulfil your obligations	Email sip@acma.gov.au for further guidance

4.2 Preparing your area data

Section 360LA of the Act requires all SIP project and service areas to be described in the MapInfo TAB vector format using the GDA94 coordinate system. This format is a proprietary geospatial data format which enables the area data to be visually displayed and mapped.

When preparing your anticipatory notices, nominated service area declarations or varied notices, you will need to create 2 MapInfo TAB vector files:

1. a MapInfo TAB vector file for the relevant project or nominated service area and
2. a separate MapInfo TAB vector file that is a <u>combined area file</u>.

The combined area file must include all the project areas covered by current anticipatory notices and all nominated service areas. This file needs to be updated each time a new anticipatory notice or declaration of nominated service area is given to the ACMA.

If you do not have access to the MapInfo TAB vector software, you can use simple online tools to format your data and create a MapInfo TAB vector file.

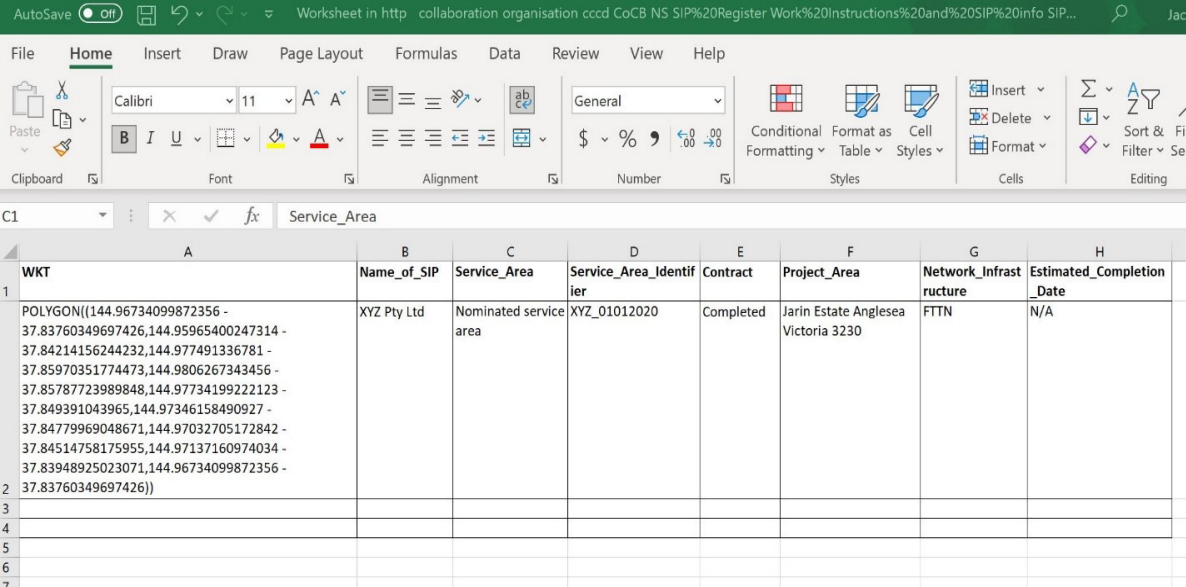**Guidance on creating and naming MapInfo TAB vector files is provided in appendices A, B and C.**

Appendix A: Creating and naming MapInfo TAB vector files

Follow the instructions below to create a MapInfo TAB vector file using an excel spreadsheet and online conversion tools.

A.1 Preparing the geographic coordinates for your area

a. Prepare the coordinates for the area specified in your notice/declaration. You can obtain accurate coordinates from the developer of the project area. If this information isn't readily available, you can use a free online tool such as: https://clydedacruz.github.io/openstreetmap-wkt-playground/ to generate the coordinates. This tool enables you to generate a string of polygon coordinates in the *Well Known Text* (WKT) format.

b. If you are using the WKT tool, you first need to clear the coordinates by clicking *Clear Map*, then zoom into your project or service area and draw a new shape/polygon and the WKT for the area will be displayed. You can also test your WKT by copying it into the textbox and clicking *Plot Shape* to see it overlayed on Google Maps.

c. Once you have generated your WKT coordinates for an area you will need to copy and paste them into an excel spreadsheet.

d. When setting up your excel spreadsheet, you must name the first column heading 'WKT' and paste the coordinates in the cell below. This is usually in the format of *POLYGON((string of coordinates with the area boundary))*.

e. Note: the first and last coordinates should be the same to depict a closed shape **or** polygon.

f. You must title the other spreadsheet columns using the *field column titles* set out in **Appendix B** and shown in the example below.

Example excel spreadsheet

A sample Excel spreadsheet is available on the ACMA website alongside this document.

A.2 Converting an excel spreadsheet into MapInfo TAB vector format

Once you are satisfied that the excel spreadsheet is formatted correctly and contains the required information, you need to use a suitable geographic conversion tool to convert the spreadsheet into MapInfo TAB vector files (for example, MyGeodata Converter Online GIS/CAD Data Converter).

If you are using the MyGeodata converter, make sure that you:

- Upload the excel spreadsheet that has been formatted as set out in the example spreadsheet above
- Specify/select the correct input and output formats as **input – Excel and output – MapInfo TAB vector**
- Ensure the following parameters are selected:
  - Coordinate systems: GDA94
  - Input data – excel spreadsheet
  - Output data – MapInfo file
  - Advanced parameters – Native TAB format

- Visually check the conversion by selecting '***Show in a map'* blue button**
- If the polygon looks correct, select the *'convert now'* **green button** to convert the data into a MapInfo TAB vector file that can be downloaded.

A.3 MapInfo TAB vector files must be compressed

Make sure that the MapInfo file for your area is compressed into a **single ZIP file**.

If the size of your MapInfo TAB vector files is very large and difficult to send by email, please email us at sip@acma.gov.au to arrange an alternative.

A.4 Naming your MapInfo TAB vector files

Your MapInfo ZIP file should be named as follows:

- carrier/CSP name
- service area identifier
- type of notice, either anticipatory/ declaration/variation or exit notice.

Please use an underscore to denote spaces between words.

For example, XYZ Pty Ltd's filename would be:

```
xyz_pty_ltd_##01012020_anticipatory_notice.zip or
xyz_pty_ltd_##01012020_declaration.zip
```

ZIP file names for combined project and service areas

For files containing the combined project and service area information, the ZIP file should be named as follows:

```
xyz_pty_ltd_combined_areas.zip
```

Appendix B: Area description fields

You must use the table below to set up your area data for an anticipatory notice or a nominated service area declaration. This ensures that all the MapInfo TAB vector files the ACMA receives are consistent and compatible. Please complete all description fields in accordance with the table below. Example text is shown in **red**; new requirements are <mark>highlighted</mark>.

Note: it is important to include this information accurately, as it affects what information is displayed on the SIP map

Column	Field title	Type	Description/Example for <u>anticipatory notices</u>	Description/Example for <u>nominated service area declarations</u>
1	Name_of_SIP	Character	The name of the carrier/CSP: **XYZ Pty Ltd**	The name of the carrier/CSP: **XYZ Pty Ltd**
2	Service_Area	Character	Consistent with sections 360HA and 360HC, the area referred to in an anticipatory notice must be described as: **Anticipatory notice**	The kind of service area must be a nominated service area as listed under section 360(C) of the Act: **Nominated service area**
3	Service_ Area _Identifier	Character	Although not required under the Act, a unique number or character set that identifies a project area may assist retail service providers and other SIPs to identify the upcoming service area. The project area identifier could be any relevant integer or character combination: **XYZ_01012020**	Although not required under the Act, a unique number or character set that identifies a service area may assist retail service providers and other SIPs to identify the relevant service area. The service area identifier could be any relevant integer or character combination: **XYZ_01012020**
4	Contract and date contract signed	Character	An anticipatory notice must state that the carrier/CSP has entered into a contract with a developer for either a real estate development project or a building redevelopment project and when the contract was signed.	For service area declarations include the following text: **Completed**

Column	Field title	Type	Description/Example for <u>anticipatory notices</u>	Description/Example for <u>nominated service area declarations</u>
			<mark>If you are a CSP you will need to specify either the date the facility began to be installed or the contract date.</mark> You must include **one** option: **XYZ Pty Ltd has entered into a real estate development/building re-development project contract on DD/MM/YYYY** **OR** <mark>**XYZ Pty Ltd has commenced installation of a facility in a real estate development/redevelopment project area on DD/MM/YYYY**</mark>	
5	Project_Area	Character	The project area should specify the name or address of the project, including, suburb, state and postcode. **Jarin Estate** **Anglesea** **Victoria** **3230**	The project area should specify the name or address of the project, including, suburb, state and postcode. **Jarin Estate** **Anglesea** **Victoria** **3230**
6	Network_ Infrastructure	Character	An anticipatory notice must specify the type of telecommunications network infrastructure or type of facility that is to be installed. You must specify **one** of the following options: **Copper**; **Fixed wireless**; **FTTB (vectored or non-vectored) FTTC; FTTN; FTTP; HFC; Satellite**	For consistency and to assist users, a service area declaration may also specify the type of telecommunications network infrastructure or type of facility that has been installed. You can specify **one** of the following options: **Copper**; **Fixed wireless**; **FTTB (vectored or non-vectored) FTTC; FTTN; FTTP; HFC; Satellite**

Column	Field title	Type	Description/Example for <u>anticipatory notices</u>	Description/Example for <u>nominated service area declarations</u>
7	Estimated_Completion_Date	Date	An anticipatory notice must specify the likely completion date for the installation of the infrastructure. ==If you are a CSP you may need to specify the estimated date when you will start using the facility to supply services.== The date must be described in the following day/month/year format: **DD/MM/YYYY**	For service area declarations include the following text: **N/A**

Appendix C: MapInfo TAB vector file specifications

MapInfo TAB vector format is a geospatial data format used for geographic information systems (GIS). It was developed as a proprietary file format for MapInfo Professional software. However, other GIS software suites can read and interpret the MapInfo TAB vector file format. A non-exhaustive list of GIS software applications is provided below:

- QGIS (Quantum GIS) – open-source software
- ArcGIS (ESRI) – proprietary software
- MapInfo Pro (Desktop GIS) – proprietary software
- Global Mapper (Blue Marble) – proprietary software.

C.1 MapInfo TAB vector file components

A MapInfo TAB vector file is made up of 4 key components:

1. The table structure in the American Standard Code for Information Interchange (ASCII) format (*.TAB) is the main file for a MapInfo table. The *.TAB file is the link between all other files and holds information about the type of data file.

2. The attribute data (*.DAT) is stored in binary format. This and the *TAB file support a 'browser' view of the tabular data, a view comparable to a spreadsheet.

3. Map objects are stored in binary format and represented in a (*.MAP) file.

4. Graphic data is linked to database information in a file (*.ID) that contains a 4-byte integer index into the (*.MAP) file for each feature. All 4 components are needed to register and display your data in map format.

A fifth file, (*.IND) is present if any fields are indexed and serves as an index to the MapInfo tabular (*.DAT) file. This can be included but is not required.

The table below sets out the component MapInfo TAB vector files required to be provided to the ACMA.

File type	Description	Required
<FILENAME>.TAB	This file describes the structure of your table. It is a small text file describing the format of the file containing your data	Yes
<FILENAME>.DAT	This file contains your tabular attribute data	Yes
<FILENAME>.MAP	Once you assign X and Y coordinates to your data, the *.MAP file contains and describes the graphic object	Yes
<FILENAME>.ID	This file is a cross reference file that links the data with the objects	Yes
<FILENAME>.IND	Your table will also include an index file. The index file allows you to search for map attributes	Optional

IMPORTANT NOTE: Although index files are not mandatory components of MapInfo TAB vector files, we recommend that you index all attributes in your MapInfo table to improve the speed of attribute searches.

C.2 Geocentric Datum of Australia 94

Subsection 360LA of the Act requires that project and service areas be described in the MapInfo TAB vector file format using the Geocentric Datum of Australia 1994 (GDA94) coordinate reference system. More information about the GDA94 specification can be found on the ICSM webpage.

Appendix D: Sample emails

D.1 Sample email: Anticipatory notice from Telco Pty Ltd

1 July 2023

SIP: Anticipatory Notice

To the Manager, National Interests Section

In accordance with requirements under section 360HA of Part 19 of the *Telecommunications Act 1997*, **Telco Pty Ltd (ACN 111 222 333)** hereby gives notice that it has entered into a contract for the provision of telecommunications network infrastructure in the real estate development described below and in the attached MapInfo TAB vector file set.

Project area identifier	Contract date	Name and address of project area	Type of network	Estimated completion date
Rockdale250623	25/06/2023	The Close - 604 Princes Hwy, Rockdale NSW 2216, Australia	FTTP	01/12/2023

Kind regards

Managing Director
[Name, title and signature of authorised representative]

D.2 Sample email: Nominated service area declaration from Telco Pty Ltd

10 December 2023

SIP: Nominated Service Area Declaration

To the Manager, National Interest Section

In accordance with requirements under section 360H of Part 19 of the *Telecommunications Act 1997*, **Sample Telco Pty Ltd (ACN 111 222 333)** declares that the real estate re-development project area described below and in the attached MapInfo TAB vector file set are *provisional nominated service areas* for the purposes of Part 19.

Anticipatory notice reference	Service area identifier	Name and address of the nominated service area	Contract	Network install	Estimated completion date
Submitted on 1 July 2023 or ACMA reference no	Rockdale250623	The Close - 602 Princes Hwy, Rockdale NSW 2216, Australia	Completed	FTTP	N/A

Kind regards

Managing Director
[Name, title and signature of authorised representative]

D.3 Sample email: Application to vary a notice/declaration for Telco Pty Ltd

10 July 2024

SIP: Application to vary a nominated service area declaration

To the Manager, National Interests Section

In accordance with subsection 360H(16) of Part 19 of the *Telecommunications Act 1997*, **Telco Pty Ltd (ACN 111 222 333)** is applying to vary the nominated service area declaration given to the ACMA on 10 December 2023.

The address and coordinates for the service area specified in the declaration are incorrect and need to be amended as described below. A copy of the draft varied declaration and revised MapInfo TAB vector file is attached for your reference.

Anticipatory notice reference	Service area identifier	Nominated service area	Type of network	Estimated completion date
Insert link from data.gov.au and/or ACMA reference no	Rockdale250623	The Close - 602 Princes Hwy, Rockdale NSW 2216, Australia	FTTP	December 2023
Change/s required	N/A	600 Princess Rockdale NSW 2216, Australia	N/A	N/A
Reason for change	The address and associated coordinates for the service area are incorrect.			

Kind regards

Managing Director
[Name, title and signature of authorised representative]