

Independent Telecommunications Adjudicator



Independent Telecommunications Adjudicator (ITA)

Under the SSU, a wholesale customer can elect to have a dispute heard by the ITA (**ITA Process**). A customer does this by executing a deed with Telstra which sets out the terms on which the dispute will be heard and determined by the ITA.

The ITA has power to resolve escalated non-price Equivalence Complaints under the SSU in circumstances described below. He or she can also provide independent expert technical advice to the ACCC, including by responding to matters referred to the ITA by the ACCC or a dispute or complaint by a wholesale customer under the Migration Plan.

If a wholesale customer requests, the ACCC can act as an alternative adjudicator to the ITA in resolving escalated Equivalence Complaints.

A wholesale customer may only refer an Equivalence Complaint to the ITA if the following applies:

- (a) The Equivalence Complaint has previously been referred to Telstra for investigation under the Accelerated Investigation Process and Telstra did not accept the Equivalence Complaint under the Accelerated Investigation Process;
- (b) The Equivalence Complaint was referred to Telstra for investigation under the Accelerated Investigation Process and:
 - (i) in relation to that Equivalence Complaint, the wholesale customer receives a Rectification Plan or an amended Rectification Plan; and
 - (ii) The wholesale customer has notified Telstra that it rejects the Rectification Plan or an amended Rectification Plan within 5 business days after its receipt;
- (c) There has been a material failure by Telstra to comply with an accepted Rectification Plan, including any material failure to meet a timeframe set out in that Rectification Plan; or
- (d) Telstra has notified that wholesale customer of proposed amendment(s) to an accepted Rectification Plan and the wholesale customer rejects those proposed amendment(s) within 5 business days of the date it received the proposed amendment(s).

Wholesale customers may also refer certain disputes to the ITA under the Migration Plan.

Wholesale customers may withdraw from the ITA Process at any time by providing written notice to Telstra, any other parties to that ITA dispute and the Adjudicator of that ITA dispute.

Telstra must cooperate with the Adjudicator by providing information or assistance as requested by the Adjudicator. All information provided will be considered confidential information.

Defined terms in this document take their meaning from the SSU.