



## Telecommunications (Declaration of TSO Instrument) Order 2011

Rt Hon Dame Sian Elias, Administrator of the Government

### Order in Council

At Wellington this 29th day of August 2011

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to sections 70(2) and 76(1)(a) of the Telecommunications Act 2001, Her Excellency the Administrator of the Government makes the following order acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Communications and Information Technology made in accordance with section 70(2) and (3) of that Act; and
- (c) on the recommendation of the Minister for Communications and Information Technology made in accordance with section 76(1)(a) and (2)(a) of that Act.

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## **Order**

### **1 Title**

This order is the Telecommunications (Declaration of TSO Instrument) Order 2011.

### **2 Commencement**

This order comes into force on 1 October 2011.

### **3 Declaration of TSO instrument**

The Telecommunications Service Obligations (TSO) Deed for Telecommunications Relay Services (TRS) between Her Majesty the Queen and Sprint International New Zealand dated 7 July 2011 is declared to be a TSO instrument under the Telecommunications Act 2001 (the **Act**).

### **4 Revocation and saving**

- (1) The Telecommunications (Declaration of TSO Instrument) Order 2004 (SR 2004/239) is revoked.
- (2) Despite subclause (1), the Telecommunications (Declaration of TSO Instrument) Order 2004 continues to apply, as if it had not been revoked, for the purposes of—
  - (a) determining in accordance with the Act the amounts payable under the Act to the TSO provider in respect of the TSO instrument declared by that order for the financial year ending 30 June 2011 and the 3-month period ending 30 September 2011; and
  - (b) liability for any amounts determined to be payable.

Rebecca Kitteridge,  
Clerk of the Executive Council.

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## Explanatory note

*This note is not part of the order, but is intended to indicate its general effect.*

This order, which comes into force on 1 October 2011, declares a deed entered into by Sprint International New Zealand on 7 July 2011 (entitled the Telecommunications Service Obligations (TSO) Deed for Telecommunications Relay Services (TRS)) to be a TSO instrument under section 70 of the Telecommunications Act 2001.

The order revokes and replaces the Telecommunications (Declaration of TSO Instrument Order) 2004, which declared a deed entered into by Sprint International New Zealand on 9 July 2004 to be a TSO instrument.

The effect of the order is that—

- telecommunications relay services will continue to be made available so that people who are deaf, deaf-blind, hearing-impaired, or speech-impaired can communicate with other telephone users. Sprint International New Zealand, as the telecommunications service obligation provider under the TSO instrument declared by the order, must comply with the terms of the instrument:
- the deed dated 9 July 2004 must continue to be treated as if it were still a TSO instrument for the purposes of determining the amounts payable to Sprint International New Zealand in respect of that instrument up to and including 30 September 2011 and liability for payment of those amounts under the Telecommunications Act 2001.

The TSO instrument can be viewed on the Internet sites of the Commerce Commission and the Ministry of Economic Development.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 1 September 2011.

This order is administered by the Ministry of Economic Development.

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