

DICTIONARY OF TERMS

WHAT DO TERMS IN THE AGREEMENT MEAN?

DEFINITIONS

3G/HSPA	means WCDMA/UMTS (Wideband Code Division Multiple Access/Universal Mobile Telecommunications System) which operates to transmit voice and data services at 2100MHz and 900MHz frequency depending on your location within a 3G/HSPA coverage area, provided you have a 3G/HSPA compatible device (such as a handset or modem).
3G/HSPA network	means the Optus 3G network, used to transmit 3G services (including HSPA services).
acceptable use policy	Is the policy that outlines what ONE deems as acceptable usage of the service provided.
access fee	means the fixed payment for access to the service payable on a regular basis (usually monthly). The access fee is payable regardless of the actual usage of the service. A minimum monthly spend or commitment charge and minimum monthly service charge are also access fees.
account	means the postpaid account that we open in your name once we have accepted your application and you have given us any valid user information we ask for.
account allowance	This is the maximum usage spend that is permitted on the account before the service is restricted.
additional service features	are the additional features you may obtain with the service. Descriptions of, and the terms and conditions associated with, each additional service feature available with the service are set out in the pricing tables and plan descriptions. The additional service features may be added or removed from time to time.
agreement	means the terms and conditions on which we supply the service to you.
appendices	means the appendices containing information relevant to the service.
application	means the part of the agreement which is the written or verbal application you complete to request that we supply the service to you. An application can be for a new service, or can be for an upgrade of an existing service.
authorized contact	means another person nominated and authorised by you to receive access to and operate your account on your behalf in accordance with the agreement
broadband	is a data transmission rate that is significantly faster than standard dial-up modem transmissions. Broadband can carry voice, video and data (including Internet) traffic.
cancel the service	means that the service is cancelled and the agreement is terminated.
cancel the service for convenience	means to cancel the service in circumstances where you have not breached the agreement and there is no other event which triggers the right to cancel the service.

cancellation date	(a) the date 30 days after you notify us that you wish to cancel the service, unless we agree otherwise, (b) the date at least 30 days after we notify you that we will be cancelling the service, or (c) as otherwise set out in the agreement.
cancellation fee	means the cancellation fee or termination charge (or early termination fee and may include the premature evacuation fee) which you may be charged on cancellation of the service. Unless otherwise indicated in the service description, any cancellation fee payable is set out in the pricing tables or relevant advertising material.
carriage service provider	See the Interpretation Section, below.
carrier	See the Interpretation Section, below.
chargeable calling time	means that part of each call's duration for which you are charged. The chargeable calling time commences when the call is answered and finishes when the circuit established for the call is released at the local exchange or other network facility which connects you, or the other exchange or network facility at which call duration is measured.
churn	means to change from having a service supplied by one carrier or carriage service provider to having the service supplied by another carrier or carriage service provider.
CLI	stands for Calling Line Identification. This is a telephone network signalling capacity that generates data, at the time a telephone call is established, that identifies the calling party telephone number/s (i.e. the billing telephone number and in some instances also other numbers, such as an extension number in an office).
CND	stands for Calling Number Display. This facility is a CLI based service that displays or presents the caller's telephone number to the recipient of the call (i.e. to the called party).
commitment charge	See minimum monthly spend
connection fee	means the connection fee (if any) set out in the pricing table.
consequential loss	means any loss of revenue or profits, loss of anticipated savings, loss of data, loss of value of equipment, any penalties or fines imposed by a regulator and any loss that is an indirect loss.
consumer	means a person who acquires and uses the service for personal, domestic or household use only.
content	means: (a) all forms of information, including text, pictures, animations, video, sound recordings, software, separately or combined, and (b) any content service, sent and received across a network. For the avoidance of doubt, content includes, but is not limited to, SMS and MMS.
credit rating	means information about your credit worthiness, credit standing, credit history or credit capacity that credit providers are entitled to give to each other under the Privacy Act 1998 (Cth).
data allowance	means the amount of maximum data usage that can be used in a given billing month as set out in your pricing plan.

data usage	means the amount of data that you have uploaded and downloaded (or downloaded only, depending on your rate plan – see pricing tables for details) in a given billing month. Data usage is billed in MB.
download	means to move data from our network to your home modem, USB modem or connected device.
early termination fee	See cancellation fee.
Electronic messaging	includes all forms of electronic communications to other individuals including e-mail, instant messaging, web to SMS, Internet chat and online forums.
end user	means any person: (a) to whom you ask us to supply the service directly, (b) to whom you resupply the service, or allow to distribute the service, (c) who you allow to use the service, or (d) to whom you supply any goods or services which use or rely on the service.
equipment charges	means any payment for equipment obtained from us including, for example, mobile phones or modems and includes the cost of any software or licences supplied to operate in conjunction with that equipment.
equipment owned by us	means any equipment we, or our personnel, may provide to you to use in connection with the service
equipment term	means the period of time you have to pay us the equipment charges for any mobile phone or other equipment you purchase from us under the equipment payment plan.
excluded event	means: (a) a breach of the agreement by you, (b) a negligent or fraudulent act or omission by you or any of your personnel, or (c) a failure of any of your equipment.
Fair use policy	Is the policy that states the level of use that is deemed reasonable on the service
fixed-length agreement	means an agreement that has a minimum term, during which time neither you nor we are free to change the terms of the agreement or to cancel the service, other than as specifically provided for in the agreement. A fixed-length agreement does not include a month-to-month agreement.
flagfall	means a connection charge or an initial charge per call
general terms	means the part of the agreement entitled 'general terms'.
GPRS	means general packet radio service.
GPRS network	means Optus' GPRS network used to transmit data services.
GSM network	means the Optus mobile GSM (global system for mobile) network which is the digital mobile network used to transmit voice and data services.
HSPA	means High-Speed Packet Access, which is a 3G mobile telephone protocol which provide for UMTS based networks to increase their data transfer speeds and capacity
IMEI blocking	allows us to block your mobile phone or modem if your device is lost or stolen.
insolvency event	means: (a) bankruptcy proceedings are commenced against you, or you are

	<p>declared bankrupt,</p> <p>(b) any step is taken to enter into any scheme of arrangement between you and your creditors,</p> <p>(c) any step is taken by a mortgagee to enter into possession or dispose of the whole or any part of your assets or business,</p> <p>(d) any step is taken to appoint a receiver, a receiver and manager, a trustee in bankruptcy, a liquidator, a provisional liquidator, an administrator or other like person to you or to the whole or any part of your assets or business,</p> <p>(e) you suspend payment of your debts generally, or</p> <p>(f) you are, or become, unable to pay your debts when they are due or you are, or are presumed to be, insolvent for the purposes of any provision of the Corporations Act 2001 (Cth).</p>
Included Value	The calls, texts and data that are included in your minimum spend agreement.
intellectual property rights	means any intellectual or industrial property rights (including any registered or unregistered trademarks, patents, designs, or copyright).
International roaming	means the ability to use the network of overseas mobile carriers when travelling overseas, also known as International Roaming.
intervening event	is an event outside your or our reasonable control which interferes with the operation of the network we use to supply the service and results in ongoing disruption to the service. An intervening event includes the following events where those events are outside of your or our reasonable control: failure of any electrical power supply, failure of air-conditioning or humidity control, electromagnetic interference, fire, storm, flood, earthquake, accident, war, the change or introduction of any law or regulation (including the Telecommunications Legislation) or an act or omission of any third party or any failure of any equipment owned or operated by any third party (including any regulator, any supplier or any of their personnel).
LAN	stands for Local Area Network and is a network of connected computers that are in a limited geographic area.
local call	means a call made to an access line (that is, calls not made to a mobile phone) where the call is made to a number in the same local area.
loss	means any loss, cost, liability or damage, including reasonable legal costs.
maximum cancellation fee	is the cancellation fee (or termination fee, and may include a premature evacuation fee) set out in each pricing tables
minimum monthly service charge	See minimum monthly spend
minimum monthly spend	means the fixed payment for access to the service payable on a regular basis (usually monthly). The minimum spend is payable regardless of the actual usage of the service. A minimum spend, monthly plan charge or minimum monthly spend or charge are also access fees.
minimum spend	See minimum monthly spend
minimum system requirements	means the minimum computer hardware and operating systems software required for connection and customer support for the One Broadband services.
minimum term	means the period of time for which you have agreed to receive the service under a fixed-length agreement. The minimum term begins on the service

	start date and runs for the period of time stated on the application, unless otherwise set out in the agreement. For a non fixed-length agreement, there is no minimum term.
mobile phone	includes, without limitation, a mobile phone, a voice and data handset and a data only handset.
modem	means a compatible modem, including a USB modem or a standard or wireless modem.
network	means any interconnected telecommunications equipment, facilities, or cabling.
notice in writing	means giving notice to you in person, sending it to you by mail or to your email address, if you have selected email as your preferred communication method all notices in writing will be sent to your chosen contact email address.
non fixed-length agreement	means an agreement that does not have a minimum term, or a fixed-length agreement where the minimum term has expired. A non fixed-length agreement includes a month-to-month agreement.
online forum	means a forum accessible on the Internet that is generally devoted to the discussion of a specific topic area and includes (but is not limited to) newsgroups, message boards, chat rooms or mailing lists.
Numbering regulations	means ACMA's Numbering Plan and Telecommunications Numbering Plan Number Declarations
Optus	means Optus Mobile Pty Limited (ABN 65 054 365 696).
our network	means the Optus digital GSM cellular mobile network and/or GPRS network and/or 3G/HSPA network (as the case may be), which is the network used to supply the service to you.
peer to peer	is peer to peer architecture, (abbreviated as P2P) means a type of network in which each workstation has equivalent capabilities and responsibilities. Generally, peer to peer networks are used for sharing files between 2 or more workstations over an IP network.
personal information	means information about you from which your identity is apparent or can reasonably be ascertained. Personal information includes your name, address and other details, and your personal or commercial credit rating.
personnel	of a person means that person's employees, agents, contractors or other representatives and, in the case of us, includes the employees, agents, contractors or other representatives of any ONE group company.
Phone Number	means the phone number you choose or we select and issue to you in accordance with the Numbering Regulations.
premises	means locations: (a) at which we supply the service, and/or (b) to which we need to have access to supply the service.
pricing table	means the part of the agreement entitled 'pricing table', which sets out details of our standard rate plan, pricing and charges for the service.
primary e-mail address	means the e-mail address you select with your service as your username for your chosen ONE service. The primary email address may receive communications related to the service from time to time.
Priority Assistance	means the provision of the highest level of service practically available at that time supplied to Provisional Priority Customers and Priority Customers in relation to new connections, fault repairs and service reliability of the standard telephone service at the Provisional Priority Customer's or Priority Customer's place of residence. (We do not offer this service)

port	means to transfer your phone number from one carrier or carriage service provider to another carrier or carriage service provider in conjunction with your service. Porting is also referred to as transferring.
regulator	means the Australian Communications and Media Authority, the Australian Competition and Consumer Commission, the Australian Communications Industry Forum Limited, the Telecommunications Industry Ombudsman or any other relevant government or statutory body or authority.
restricted access system	means a 'restricted access system' as referred to on the Australian Communications and Media Authority website at www.acma.gov.au .
service	means the service, with the features requested in the application as described in the service description, and any related goods (including equipment) and ancillary services which we supply to you in connection with that service.
service start date	for the service means the date on which we start supplying that service to you and not the date that you start using the service, unless otherwise specified in the service description.
SIM card	is the subscriber identity module (SIM) card. It is inserted into the mobile phone or modem and is programmed to allow you access to our service.
spam	means unsolicited commercial electronic messages, or the sending of such messages, that do not include accurate sender information and do not contain an unsubscribe facility, as defined in the Spam Act 2003 (Cth).
special	means a special promotion or offer made by us in connection with the service.
Standard Telephone Service	has the meaning given by section 6 of the Telecommunications (Consumer Protection and Service Standards) Act 1999 (Cth), but does not include: (a) a Public Mobile Telephone Service; or (b) a service supplied to a business premises not used as or attached to a place of residence.
supplier	means any supplier of goods or services (including interconnection services) which are used directly or indirectly by us to supply the service to you. Where a supplier supplies goods or services to you directly, that supplier is not acting in its capacity as supplier, but rather is a third party providing services directly to you.
transfer	means to transfer or port your phone number from one carrier or carriage service provider to another carrier or carriage service provider in conjunction with your service. Transferring is also referred to as porting.
USB modem	means a USB modem that sends and receives data, such as Internet traffic, by making a wireless connection to a mobile network to provide Internet access.
unsuccessful call	means a call which is not successfully connected to a called number (including a number to which a called number diverts), including where: (a) the called number is engaged, disconnected or out of order, (b) the called number cannot be accessed using the service, or (c) there are network or other service failures that have caused temporary interruptions to the service. For the avoidance of doubt, unsuccessful calls do not include, without limitation, SMS and MMS.
unusually high	means high out of pattern usage of the service on a short term basis or a sustained high usage which exceeds the general average usage of

use	customers on a similar pricing plan or who have accepted a similar special.
upload	means to move data from your home modem or USB modem or connected device to our network.
value added service features	are the additional features you may obtain with the service. Descriptions of the value added service features available with the service and the associated fees are described on the plan
One Mobile network	means the Optus network which is used to supply the service and which we resupply to you, as set out in the service description.
warranty period	means the period, starting from the date of delivery to you, during which hardware purchased by you from us will be repaired or replaced at no charge.
we	means One Mobile (and us and ours is to be construed accordingly).
X18+ rated	means material rated X18+ in accordance with the provisions of the Classification (Publications, Films and Computer Games) Act 1995 which includes (but is not limited to) material containing real depictions of actual sexual activity.
you	means the person who fills out the application (and your and yours is to be construed accordingly). Only one person may fill out the application.

INTERPRETATION

- (a) The following words have the same means in the agreement as they have in the Telecommunications Legislation:
 - (i) carriage service,
 - (ii) carriage service provider,
 - (iii) carrier,
 - (iv) content service, and
 - (v) facility.
- (b) A term which is defined in any part of the agreement has the same meaning in every other part of the agreement.
- (c) The singular includes the plural and vice versa.
- (d) Different grammatical forms of the same word(s) have the same meaning.
- (e) Examples or words of inclusion are illustrative only and do not limit what else might be included.
- (f) A reference to a statute, ordinance, code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them.
- (g) A reference to A\$, \$A, dollar or \$ is to Australian currency, unless otherwise stated.