



Telecommunications (Carrier Licence Charges) Act 1997

Act No. 49 of 1997 as amended

This compilation was prepared on 1 July 2005
taking into account amendments up to Act No. 46 of 2005

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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An Act to impose charges in relation to carrier licences under the *Telecommunications Act 1997*

Part 1—Introduction

1 Short title *[see Note 1]*

This Act may be cited as the *Telecommunications (Carrier Licence Charges) Act 1997*.

2 Commencement *[see Note 1]*

- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (2) If the day on which this Act receives the Royal Assent is a later day than 5 June 1997, this Act is taken to have commenced on 5 June 1997.

3 Act to bind Crown

This Act binds the Crown in right of each of the States, of the Australian Capital Territory, of the Northern Territory and of Norfolk Island.

4 Extension to eligible Territories

This Act extends to each eligible Territory.

5 Interpretation

In this Act:

ACCC means the Australian Competition and Consumer Commission.

ACMA means the Australian Communications and Media Authority.

carrier has the same meaning as in the *Telecommunications Act 1997*.

Section 5

carrier licence has the same meaning as in the
Telecommunications Act 1997.

eligible Territory has the same meaning as in the
Telecommunications Act 1997.

Part 2—Application charge

6 Definition of *charge*

In this Part:

charge means charge imposed by this Part.

7 Imposition of charge

Charge is imposed on an application for a carrier licence.

8 By whom charge payable

Charge imposed on an application for a carrier licence is payable by the applicant.

9 Amount of charge

- (1) The amount of charge imposed on an application for a carrier licence is the amount ascertained in accordance with a written determination made by the ACMA.
- (2) A determination under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

10 Maximum charge

The amount of charge imposed on an application for a carrier licence must not exceed \$100,000.

Part 3—Annual charge

11 Definition of *charge*

In this Part:

charge means charge imposed by this Part.

12 Imposition of charge

Charge is imposed on a carrier licence that is in force at the beginning of a financial year, where the financial year begins on or after 1 July 1998.

13 By whom charge payable

Charge imposed on a carrier licence is payable by the holder of the licence.

14 Amount of charge

- (1) The amount of charge imposed on a carrier licence is the amount ascertained in accordance with a written determination made by the ACMA.
- (2) A determination under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

15 Limit on total of charges [see Note 2]

- (1) The total of the charges that are imposed on carrier licences in force at the beginning of a financial year must not exceed the sum of:
 - (a) the amount determined, by a written instrument made by the ACMA, to be the proportion of the ACMA's costs for the immediately preceding financial year that is attributable to the ACMA's telecommunications functions and powers; and
 - (b) the amount determined, by a written instrument made by the ACCC, to be the proportion of the ACCC's costs for the

- immediately preceding financial year that is attributable to the ACCC's telecommunications functions and powers; and
- (c) the amount determined, by a written instrument made by the ACMA, to be the proportion of the Commonwealth's contribution to the budget of the International Telecommunication Union for the calendar year in which the beginning of the financial year occurs that is to be recovered from carriers; and
 - (d) the amount determined, in a written instrument made by the Minister, to be the estimated total amount of grants likely to be made during the financial year under section 593 of the *Telecommunications Act 1997*; and
 - (e) the amount determined by the Industry Minister, by written instrument, to be the proportion of the Commonwealth's costs for the immediately preceding financial year that is attributable to the administration of Part 2 of Schedule 1 to the *Telecommunications Act 1997*.
- (2) An instrument under subsection (1) must be notified in the *Gazette* before the day on which the charges referred to in subsection (1) become due for payment.
 - (3) An instrument under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.
 - (4) In this section:

ACCC's telecommunications functions and powers has the same meaning as in the *Telecommunications Act 1997*.

ACMA's telecommunications functions has the same meaning as in the *Telecommunications Act 1997*.

ACMA's telecommunications powers has the same meaning as in the *Telecommunications Act 1997*.

cost:

- (a) in relation to the ACMA, means an amount that, in accordance with accrual-based accounting principles, is treated as a cost of the ACMA; and
- (b) in relation to the ACCC, means an amount that, in accordance with accrual-based accounting principles, is treated as a cost of the ACCC.

Section 15

Industry Minister means the Minister for Industry, Science and Tourism.

Table of Acts**Notes to the *Telecommunications (Carrier Licence Charges) Act 1997*****Note 1**

The *Telecommunications (Carrier Licence Charges) Act 1997* as shown in this compilation comprises Act No. 49, 1997 amended as indicated in the Tables below.

For all relevant information pertaining to application, saving or transitional provisions *see* Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Telecommunications (Carrier Licence Charges) Act 1997</i>	49, 1997	22 Apr 1997	22 Apr 1997	
<i>Telecommunications (Carrier Licence Charges) Amendment Act 1998</i>	68, 1998	30 June 1998	30 June 1998	—
<i>Telecommunications (Carrier Licence Charges) Amendment Act 2005</i>	46, 2005	1 Apr 2005	Schedules 1 and 2: 1 July 2005 (see s. 2(1)) Remainder: Royal Assent	Sch. 2

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part 1	
S. 5	am. No. 46, 2005
Part 2	
S. 9	am. No. 46, 2005
Part 3	
S. 14	am. No. 46, 2005
S. 15	am. No. 68, 1998; No. 46, 2005
Part 4	rep. No. 46, 2005
S. 16	rep. No. 46, 2005

Note 2

Note 2

Section 15(4)—Schedule 1 (item 2) of the *Telecommunications (Carrier Licence Charges) Amendment Act 1998* provides as follows:

Schedule 1

2 Subsection 15(4) (at the end of the definition of costs)

Add:

; and (c) in relation to the Commonwealth, means an amount that, in accordance with accrual-based accounting principles, is treated as a cost of the Commonwealth.

The proposed amendment was misdescribed and is not incorporated in this compilation.

Table A

Table A

Application, saving or transitional provisions

Telecommunications (Carrier Licence Charges) Amendment Act 2005
(No. 46, 2005)

Schedule 2

1 Definitions

In this Schedule:

Imposition Act means the *Telecommunications (Carrier Licence Charges) Act 1997*.

transition time means the commencement of this Schedule.

2 Continued effect of amount determinations

A determination made by the ACA under subsection 9(1) or 14(1), or paragraph 15(1)(a) or (c), of the Imposition Act that was in force immediately before the transition time has effect on and after the transition time as if it had been made by the ACMA under that subsection or paragraph as amended by Schedule 1 to this Act.

3 ACMA's costs include ACA's costs

- (1) For the purpose of paragraph 15(1)(a) of the Imposition Act as amended by this Schedule, a reference to the ACMA's costs for a financial year includes a reference to the ACA's costs for that financial year.
- (2) The ACA's costs for a financial year are to be determined as if the amendments made by Schedule 1 to this Act to the definition of ***cost*** in subsection 15(4) of the Imposition Act had not been made.