



Telecommunications (Carrier Licence Charges) Act 1997

No. 49, 1997

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

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No. 49, 1997

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

[Assented to 22 April 1997]

The Parliament of Australia enacts:

Part 1—Introduction

1 Short title

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

Section 2

2 Commencement

- (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:

ACA means the Australian Communications Authority.

ACCC means the Australian Competition and Consumer Commission.

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

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 ACA.
- (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 ACA.
- (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

- (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:

Section 15

- (a) the amount determined, by a written instrument made by the ACA, to be the proportion of the ACA's costs for the immediately preceding financial year that is attributable to the ACA'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 ACA, 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*.
- (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:

ACA's telecommunications functions has the same meaning as in the *Australian Communications Authority Act 1997*.

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

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

Section 15

cost:

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

Part 4—Transitional

16 Exercise of powers by AUSTEL before 1 July 1997—application charge

- (1) Before 1 July 1997, Part 2 has effect as if a reference in that Part to the ACA were a reference to AUSTEL.
- (2) Anything done by AUSTEL under Part 2 before 1 July 1997 has effect, on and after 1 July 1997, as if it had been done by the ACA.
- (3) In this section:

AUSTEL means the Australian Telecommunications Authority.

*[Minister's second reading speech made in—
House of Representatives on 5 December 1996
Senate on 25 February 1997]*

(174/96)

Section 16

I HEREBY CERTIFY that the above is a fair print of the Telecommunications (Carrier Licence Charges) Bill 1997 which originated in the House of Representatives as the Telecommunications (Carrier Licence Charges) Bill 1996 and has been finally passed by the Senate and the House of Representatives.

Clerk of the House of Representatives

IN THE NAME OF HER MAJESTY, I assent to this Act.

Governor-General
1997