



# **Telecommunications (Carrier Licence Charges) Act 1997**

**No. 49, 1997**

## **Compilation No. 10**

<b>Compilation date:</b>	19 June 2018
<b>Includes amendments up to:</b>	Act No. 41, 2018
<b>Registered:</b>	19 June 2018

Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *Telecommunications (Carrier Licence Charges) Act 1997* that shows the text of the law as amended and in force on 19 June 2018 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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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**

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

### **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 and of the Northern Territory.

### **4 Extension to eligible Territories**

- (1) This Act extends to each eligible Territory.
- (2) The operation of this Act in relation to Norfolk Island is not affected by the amendments made by Division 1 of Part 1 of Schedule 5 to the *Territories Legislation Amendment Act 2016*.

### **5 Interpretation**

In this Act:

Section 5

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**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*.

**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 legislative instrument.

### **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 legislative instrument.

### 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:
  - (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
  - (ca) the amount determined, by a written instrument made by the ACMA, to be the sum of the amounts paid under section 136C of the *Telecommunications Act 1997* during the immediately preceding financial year; 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) is a legislative instrument.
- (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*, but does not include functions conferred on the ACMA by or under:

- (a) the *Do Not Call Register Act 2006*; or
- (b) the *Telecommunications Act 1997* to the extent to which that Act relates to the *Do Not Call Register Act 2006*; or
- (c) Part 6 of the *Telecommunications Act 1997* to the extent to which that Part relates to telemarketing activities (within the meaning of that Part).

***ACMA's telecommunications powers*** has the same meaning as in the *Telecommunications Act 1997*, but does not include powers conferred on the ACMA by or under:

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Section 15

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- (a) the *Do Not Call Register Act 2006*; or
- (b) the *Telecommunications Act 1997* to the extent to which that Act relates to the *Do Not Call Register Act 2006*; or
- (c) Part 6 of the *Telecommunications Act 1997* to the extent to which that Part relates to telemarketing activities (within the meaning of that Part).

**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.

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

## Endnotes

### Endnote 1—About the endnotes

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be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

**Endnote 2—Abbreviation key**

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnotes

### Endnote 3—Legislation history

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### Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Telecommunications (Carrier Licence Charges) Act 1997	49, 1997	22 Apr 1997	22 Apr 1997 (s 2(1))	
Telecommunications (Carrier Licence Charges) Amendment Act 1998	68, 1998	30 June 1998	30 June 1998 (s 2)	—
<b>as amended by</b>				
Telecommunications (Carrier Licence Charges) Amendment (Industry Plans and Consumer Codes) Act 2005	116, 2005	23 Sept 2005	Sch 2: 30 June 1998 (s 2(1) item 3)	—
Telecommunications (Carrier Licence Charges) Amendment Act 2005	46, 2005	1 Apr 2005	Sch 1 and 2: 1 July 2005 (s 2(1) item 2)	Sch 2
Telecommunications (Carrier Licence Charges) Amendment (Industry Plans and Consumer Codes) Act 2005	116, 2005	23 Sept 2005	Sch 1: 24 Sept 2005 (s 2(1) item 2)	Sch 1 (item 10)
Do Not Call Register (Consequential Amendments) Act 2006	89, 2006	30 June 2006	Sch 1 (items 72, 73): 31 May 2007 (s 2(1) item 3)	—

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 621): 5 Mar 2016 (s 2(1) item 2)	—
Territories Legislation Amendment Act 2016	33, 2016	23 Mar 2016	Sch 5 (items 88, 89): 1 July 2016 (s 2(1) item 7)	—
Statute Update (Autumn 2018) Act 2018	41, 2018	22 May 2018	Sch 4 (item 18): 19 June 2018 (s 2(1) item 4)	—

## Endnotes

### Endnote 4—Amendment history

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#### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
<b>Part 1</b>	
s 3 .....	am No 41, 2018
s 4 .....	am No 33, 2016
s 5 .....	am No 46, 2005
<b>Part 2</b>	
s 9 .....	am No 46, 2005; No 116, 2005; No 126, 2015
<b>Part 3</b>	
s 14 .....	am No 46, 2005; No 116, 2005; No 126, 2015
s 15 .....	am No 68, 1998 (as am by No 116, 2005); No 46, 2005; No 116, 2005; No 89, 2006; No 126, 2015
Part 4 .....	rep No 46, 2005
s 16 .....	rep No 46, 2005

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