EXPLANATORY STATEMENT

CARRIER LICENCE CONDITIONS (TELSRA CORPORATION LIMITED) DECLARATION 1997 (AMENDMENT NO. 2 OF 1999)

Telecommunications Act 1997

Issued by the Authority of the Minister for Communications, Information Technology and the Arts

Government Policy

It is Government policy that there be a short public interest extension for those analogue AMPS base stations that are scheduled to close on 31 December 1999.

Regulatory Framework

Subsection 63(3) of the Telecommunications Act 1997 (the Act) provides that the Minister may, by written instrument, provide that specified conditions will be imposed on a carrier licence which may be granted to a specified person for a specified period. This enables conditions to be imposed on a particular licence which has been applied for, prior to its grant and which will come into force upon that grant. The original Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997, which the accompanying Declaration is amending, was made under subsection 63(3).

Subsection 63(5) of the Act provides that the Minister may, by written instrument, vary such licence conditions.

Telstra is currently subject to the Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997, published in the Gazette on 30 June 1997. It was amended by the Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 1998) which was published in the Gazette on 4 March 1998, and further amended by Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 1999) which was published in the Gazette on 24 February 1999.

Section 361 of the Act requires that on or after 1 January 2000 a person must not install or operate an analogue AMPS network.

Paragraph 362(1)(c) of the Act permits a person to install or operate an analogue AMPS network in a particular area on or after 1 January 2000 where the Minister and the ‘eligible mobile carriers’ agree in writing. The eligible mobile carriers are Telstra, Cable & Wireless Optus (CWO) and Vodafone Pacific Pty Ltd (Vodafone).

Agreement signed 29 August 1998

The Government, Telstra, CWO and Vodafone are party to an agreement dated 29 August 1998 (the Agreement) on the terms and conditions that allow Telstra to continue to operate its analogue AMPS network in particular areas for a certain period
of time reasonably required by Telstra to deploy an 800 MHz digital cellular network to replace the AMPS network.

Variation to the Agreement

The Agreement has now been varied, on the grounds of public interest, to include minor variations to the closure provisions. It has been agreed that, for those AMPS base stations that were to close at midnight 31 December 1999, Telstra may:

- permit calls already in progress at midnight 31 December 1999 to continue until terminated by the network user or until the end of the next 24 hours, whichever is earlier;
- provide an emergency call service in relation to a call to an emergency service number initiated between 1 January 2000 and midnight 7 January 2000; and
- present a recorded voice announcement (RVA) alerting network users, who seek to initiate any other call between 1 January 2000 and midnight 7 January 2000, of the closure of the base station.

Declaration

The purpose of the accompanying Declaration is to give effect to the variation described above.

Details of the accompanying Declaration are as follows:

Clause 1. Commencement

Clause 1 provides for the accompanying Declaration to commence on gazettal.

Clause 2. Variation

Clause 2 states that the Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 is to be varied as set out in the accompanying Declaration.

Clause 3. Definitions (amendments to clause 3)

The definitions inserted in clause 3 of the Declaration by clauses 3.1 and 3.2 of the amending Declaration are used in new subclause 15(13), which is inserted by clause 4.3 of the amending Declaration.

Clause 3.3 of the amending Declaration corrects a typographical error in an existing definition.

Clause 4. Replacement of AMPS network (amendments to clause 15)

The amendments made to clause 15 of the Declaration by clauses 4.1 and 4.2 of the amending Declaration are consequential on new subclause 15(13), inserted by clause 4.3 of the amending Declaration.
Clause 4.3 of the amending Declaration inserts new subclause 15(13) to give effect to the Agreement described above. This allows Telstra to continue to operate an AMPS base station that is scheduled for closure on 31 December 1999 under certain conditions, and for limited period of time, as described above.

**Clause 5. AMPS network closed announcement (new Schedule 1)**

Clause 5 inserts new Schedule 1, which sets out the wording for the RVA described above.