

Commonwealth of Australia

*Telecommunications Act 1997*

**Telecommunications (Carrier Licence Exemption)  
Determination 2011 (No. 1)**

I, STEPHEN MICHAEL CONROY, Minister for Broadband, Communications and the Digital Economy, make the following Determination under paragraph 51(1)(c) of the *Telecommunications Act 1997*.

Dated 19 December 2011

STEPHEN CONROY

Minister for Broadband, Communications and the Digital Economy

**1 Name of Determination**

This Determination is the *Telecommunications (Carrier Licence Exemption) Determination 2011 (No. 1)*.

**2 Commencement**

This Determination commences on the day after it is registered on the Federal Register of Legislative Instruments.

**3 Definitions**

In this Determination:

*Act* means the *Telecommunications Act 1997*.

*Designated Wireless Train Network* means a network unit that is a designated radiocommunications facility:

(a) comprising:

(i) a base station attached to, or on part of a train (where such a train is owned or operated by Queensland Rail); and

(ii) other related radiocommunication infrastructure; and

(b) situated in the State of Queensland.

***Permitted Wireless Services*** means a wireless carriage service that is wholly or principally used (or for use) by end-users situated in part of a train owned or operated by Queensland Rail.

***Queensland Rail*** means Queensland Rail Limited (ACN 132 181 090), a corporation constituted pursuant to the *Corporations Act 2001* (Cth), and declared to be a government owned corporation pursuant to the *Government Owned Corporations Act 1993* (Qld).

***Queensland Rail Related Body Corporate*** means a body corporate that is related to Queensland Rail in any of the ways specified in section 50 of the *Corporations Act 2001* (Cth).

*Note:* Several other words and expressions used in this Instrument have the meaning given by section 7 of the Act (see subsection 13(1) of the *Legislative Instruments Act 2003* (Cth)). For example:

- carriage service;
- designated radiocommunications facility;
- network unit; and
- radiocommunication.

## **4 Exemption**

(a) Section 42 of the Act does not, subject to the requirements in paragraph 4(b), apply in relation to the use by Queensland Rail or any Queensland Rail Related Body Corporate of the Designated Wireless Train Network for the supply of Permitted Wireless Services.

(b) Paragraph 4(a) applies only to the provision of Permitted Wireless Services where the services are:

- (i) supplied at no additional cost to the end-users; and
- (ii) incidental or ancillary to the transportation of passengers by trains owned or operated by Queensland Rail or a Queensland Rail Related Body Corporate.

## **5 Cessation**

(a) This Determination ceases to have effect on 31 December 2021.