



# **Telecommunications (Carrier Licence Exemption—Use for specified Queensland rail and electricity services) Determination 2021**

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I, Paul Fletcher, Minister for Communications, Urban Infrastructure, Cities and the Arts, make the following instrument.

Dated 21 June 2021.

PAUL FLETCHER  
Minister for Communications, Urban Infrastructure, Cities and the Arts

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## Part 1—Preliminary

### 1 Name

This instrument is the *Telecommunications (Carrier Licence Exemption—Use for specified Queensland rail and electricity services) Determination 2021*.

### 2 Commencement

This instrument commences on the day it is registered.

### 3 Authority

This instrument is made under paragraph 51(1)(c) of the *Telecommunications Act 1997*.

### 4 Repeal of this instrument

This instrument is repealed on 1 July 2023.

### 5 Definitions

Note: A number of expressions used in this instrument are defined in section 7 of the Act, including the following:

- (a) ACMA; and
- (b) carriage service.

In this instrument:

**Act** means the *Telecommunications Act 1997 (Cth)*.

**Aurizon** means Aurizon Holdings Limited (ACN 146 335 622), a corporation constituted pursuant to the Corporations Act.

**Corporations Act** means the *Corporations Act 2001 (Cth)*.

**Designated Communications Infrastructure** means the telecommunications infrastructure situated in the State of Queensland, and owned by:

- (a) Aurizon; or
- (b) QTH; or
- (c) Queensland Rail; or
- (d) a related body corporate of an entity referred to in paragraph (a), (b), or (c) above.

**Permitted Electricity-related Services** means any carriage service that is provided to Powerlink necessary or desirable for managing the generation, transmission, distribution or supply of electricity or the charging for the supply of electricity.

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***Permitted Rail-related Services*** means any carriage service that is provided to:

- (a) Aurizon; or
- (b) Queensland Rail; or
- (c) a related body corporate of an entity referred to in paragraph (a) or (b) above;

necessary or desirable for the workings of train services.

***Powerlink*** means the Queensland Electricity Transmission Corporation Limited (ACN 078 849 233), 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), trading as Powerlink Queensland.

***Powerlink Communications Infrastructure*** means the telecommunications infrastructure situated in the State of Queensland, and owned by Powerlink.

***QTH*** means Queensland Treasury Holdings Pty Ltd (ACN 011 027 295), a corporation constituted pursuant to the Corporations Act.

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

***related body corporate*** has the meaning given to it by the Corporations Act.

***report date*** means 30 May of a calendar year.

## 6 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Part 2—Exemptions and conditions

### 7 Exemption—Designated Communications Infrastructure

Subject to the conditions set out in subsection 9(1) of this instrument, section 42 of the Act does not apply in relation to the use of Designated Communications Infrastructure by:

- (a) Aurizon; or
- (b) Queensland Rail; or
- (c) a related body corporate of an entity referred to in paragraph (a) or (b) above;

for the supply of Permitted Electricity-related Services.

### 8 Exemption—Powerlink Communications Infrastructure

Subject to the conditions set out in subsection 9(2) of this instrument, section 42 of the Act does not apply in relation to the use of Powerlink Communications Infrastructure by Powerlink for the supply of Permitted Rail- related Services.

### 9 Conditions

(1) For the purposes of section 7 of this instrument, the following conditions are specified:

- (a) Aurizon must provide to the ACMA within 30 days after the end of each report date during which this instrument is in force, a written report setting out the following:
  - (i) the locations of Designated Communications Infrastructure and technology type(s) of such infrastructure at each location as at the applicable report date;
  - (ii) the legal name and associated identifier (such as an ABN or ACN) of each user of the Designated Communications Infrastructure as at the applicable report date.

(2) For the purposes of section 8 of this instrument, the following conditions are specified:

- (a) Powerlink must provide to the ACMA within 30 days after the end of each report date during which this instrument is in force, a written report setting out the following:
  - (i) the locations of the Powerlink Communications Infrastructure and technology type(s) of such infrastructure at each location as at the applicable report date; and

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- (ii) the legal name and associated identifier (such as an ABN or ACN) of each user of the Powerlink Communications Infrastructure as at the applicable report date.



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## **Schedule 1—Repeals**

### ***Telecommunications (Carrier Licence Exemption) Determination 2012 (No. 1)***

#### **1 The whole of the instrument**

Repeal the instrument